

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

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Division of Agricultural Environmental Services

RULE CHAPTER NO.: RULE CHAPTER TITLE:  
5E-14 Entomology – Pest Control  
Regulations

RULE NO.: RULE TITLE:  
5E-14.149 Enforcement and Penalties

PURPOSE AND EFFECT: The purpose of this rule amendment is to provide information useful to consumers on the identity of persons who have been charged with violations of Chapter 482, F.S., and Chapter 5E-14, Florida Administrative Code.

SUBJECT AREA TO BE ADDRESSED: The publication of the quarterly list of violators of Chapter 482, F.S., and Chapter 5E-14, F.A.C.

SPECIFIC AUTHORITY: 482.051, 482.163, 482.165 FS.

LAW IMPLEMENTED: 482.161, 482.163, 482.165 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 IS: Mr. Steven Dwinell, Assistant Director, Division of Agricultural Environmental Services, 3125 Conner Blvd., Tallahassee, Florida 32399-1650, telephone (850)488-7447

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5E-14.149 Enforcement and Penalties.

(1) through (10) No change.

(11) Quarterly List. All disciplinary actions taken by the department pursuant to Chapter 482, Florida Statutes or the rules adopted pursuant to it, shall be published in the next available quarterly list published as required in Section 482.161(9), F.S., and on the Department’s website and shall include the identity of each individual or entity against which disciplinary action was taken, and a brief description of the offense and the disciplinary action, whether it was a warning letter, fine, probation, suspension or revocation. If the violator is other than a business licensee, the registered name of the business licensee that employed the violator at the time of the violation and the county or city in which the violator’s business address is located will be listed. If the violator operated an unlicensed pest control business the name of the unlicensed business will also be listed.

Specific Authority 482.051, 570.07(23) FS. Law Implemented 482.161, 482.163, 482.165, 570.07(36) FS. History–New 6-22-06, Amended \_\_\_\_\_.

### BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

### DEPARTMENT OF MANAGEMENT SERVICES

#### Personnel Management System

RULE CHAPTER NO.: RULE CHAPTER TITLE:  
60L-39 Florida State Employees Charitable Campaign

RULE NOS.: RULE TITLES:  
60L-39.001 Scope and Purpose  
60L-39.002 General Requirements  
60L-39.003 Statewide Steering Committee  
60L-39.004 Eligibility Criteria for Participation by Charitable Organizations  
60L-39.005 Application Procedures  
60L-39.006 Duties and Responsibilities of the Fiscal Agent  
60L-39.007 Appeals

PURPOSE AND EFFECT: To consider amendments to the Rules listed above, in light of appeals from the current campaign cycle and in light of recent legislation.

SUBJECT AREA TO BE ADDRESSED: Scope and Purpose of Chapter 60L-39, F.A.C., General Requirements, Statewide Steering Committee, Eligibility Criteria for Participation by Charitable Organizations, Application Procedures, Duties and Responsibilities of Fiscal Agent and Appeals.

SPECIFIC AUTHORITY: 110.181(3)(a) FS.

LAW IMPLEMENTED: 110.181 FS.

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

DATE AND DATE: August 3, 2006, 2:00 p.m.

PLACE: Room 101, 4050 Esplanade Way, Tallahassee, Florida 32399-0950

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should advise the Department at least 2 calendar days before the workshop, by contacting Marta McPherson: (850)488-2707.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Kuczanski, Chairman, Florida State Employees Charitable Campaign, Department of Management Services, 4050 Esplanade Way, Suite 280, Tallahassee, Florida 32399-0950; (850)413-7448, [John.Kuczanski@MyFlorida.Com](mailto:John.Kuczanski@MyFlorida.Com)

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE NOS.:	RULE TITLES:
61D-14.076	Electronic Card System
61D-14.077	Procedures for Electronic Fund Transfers
61D-14.078	Patron Slot Machine Gaming Accounts

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rules will be to implement and interpret Florida Statutes that relate to rules regulating the conduct of slot machine operations at pari-mutuel racing facilities.

**SUBJECT AREA TO BE ADDRESSED:** The subject areas to be addressed in these rules are: electronic player cards, procedures for electronic fund and wire transfers, and patron accounts.

**SPECIFIC AUTHORITY:** 551.103(1), 551.122 FS.

**LAW IMPLEMENTED:** 551.103(1)(d), (e) FS.

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

**DATE AND TIME:** August 3, 2006, 10:00 a.m. – 4:00 p.m.  
**PLACE:** Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035.

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 Mary Polombo at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling (800)955-8770 (Voice) or (800)955-8771 (TDD).

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation**

RULE NOS.:	RULE TITLES:
65C-20.008	Application
65C-20.009	Staffing Requirements
65C-20.010	Health Related Requirements
65C-20.011	Health Records
65C-20.012	Enforcement
65C-20.013	Large Family Child Care Homes (LFCC)

**PURPOSE AND EFFECT:** The proposed amendments by the Child Care Program Office (CCPO) of the Florida Department of Children and Families (DCF) to Chapter 65C-20, F.A.C., are necessary for the uniform and proper administration and enforcement of State of Florida child care training and licensure policies and procedures.

The granting of rule writing authority to the CCPO of all Child Development Associate Equivalency (CDAE) programs by the legislature in 2004 as well as the statewide Voluntary Pre-Kindergarten (VPK) initiative in 2005, warrant the amendments to the rule in the area of child care personnel training in order to provide clarification and unwavering guidance to the public on the "staff credential" policy required by the State in large family child care homes.

The rule amendments in the area of child care licensing are necessary for the clarification of policies and procedures relating to child safety and health issues and to preserve the public welfare generally.

**SUBJECT AREA TO BE ADDRESSED:** Child Care Standards.

**SPECIFIC AUTHORITY:** 402.302, 402.305 FS.

**LAW IMPLEMENTED:** 402.302, 402.305 FS.

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

**DATE AND TIME:** August 7, 2006, 9:00 a.m.  
**PLACE:** Room 361A, Bldg. 6, 3rd Floor, Department of Children and Families, 1317 Winewood Blvd., Tallahassee, Florida 32399-0700

**DATE AND TIME:** August 7, 2006, 9:00 a.m.  
**PLACE:** Room 123, Department of Children and Families, 2295 Victoria Ave., Fort Myers, FL 33901

**DATE AND TIME:** August 7, 2006, 9:00 a.m.  
**PLACE:** Room 148, 1st Floor, Department of Children and Families, 210 N. Palmetto Ave., Daytona Beach, FL 32114

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Carrie Pafford, Government Operations Consultant II, 1317 Winewood Blvd., Building 6, Room 388, Tallahassee, FL 32399, (850)488-4900

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65C-20.008 Application.

(1) Application for a license or for renewal of a license to operate a family day care home ~~must shall~~ be made on CF-FSP Form 5133, ~~April Feb. 20064~~, Application for a License to Operate a Family Day Care Home, which is incorporated ~~herein~~ by reference. ~~CF-FSP Form 5133 may can~~ be obtained from the licensing authority or ~~on by going to~~ the Department of Children and Family Services' website at ~~www.myflorida.com/childcare/information~~.

~~(2) For the purpose of issuing a license, any out-of-state criminal offense, which if committed in Florida, would constitute a disqualifying felony offense, shall be treated as a disqualifying felony offense for screening purposes under this rule.~~

~~(2)(3) A completed CF-FSP Form 5133 application for renewal of an annual license must be submitted to the licensing authority at least 45 days prior to the expiration date of the current license to ensure that a lapse of licensure does not occur. The renewal application and required forms may be obtained from the licensing authority.~~

~~(3)(4) A submitted CF-FSP Form 5133 application will not be considered complete until the licensing authority receives proof of background screening clearance on the operator/applicant of the family day care home and the operator/applicant provides proof to the licensing authority, that the screening materials have been submitted on all other household members who are subject to background screening. A screening conducted under this rule is valid for five (5) years, at which time a statewide re-screening must be conducted. The 5 year re-screening must include, at a minimum, statewide criminal records checks through the Florida Department of Law Enforcement and a local criminal records check. In addition, the operator/applicant must be re-screened following a break in operation of the family day care home which exceeds 90 days. A person in this category must undergo the same level of screening which was required at the time of initial operation of the family day care home. If operator/applicant takes a leave of absence, such as maternity leave, extended sick leave, etc., re-screening is not required unless the 5 year re-screening has come due during the leave of absence. An employment history check for the previous two years at a minimum, which must include at least the last three jobs, is also required as part of background screening. An employment history check conducted under this rule, shall include not only confirmation of employment dates from previous job(s), but may also include position held and job performance. Additionally, an Affidavit of Good Moral Character, CF FSP 1649, Aug. 04, which is incorporated by reference, must be completed annually for all operators/applicants. CF FSP 1649 may be obtained from the~~

~~licensing authority or by accessing the Department of Children and Family Services' website at www.myflorida.com/childcare/information.~~

~~(a) An employment history check is required as part of background screening, must include the previous two (2) years and must be maintained in the department's licensing file.~~

~~1. An employment history check conducted under this rule shall include the applicant's position description, confirmation of employment dates from previous job(s), and level of job performance.~~

~~2. CF-FSP Form 1649, September 2005, An Affidavit of Good Moral Character, which is incorporated by reference, must be completed for all operators/applicants and all adult household members annually or in accordance with local licensing agency compliance and must be maintained in the department's licensing file. CF-FSP 1649 may be obtained from the licensing authority or on the Department of Children and Family Services' website at www.myflorida.com/childcare.~~

~~3. For the purpose of issuing a license, any out-of-state criminal offense, which if committed in Florida would constitute a disqualifying felony offense, shall be treated as a disqualifying felony offense for screening purposes under this rule.~~

~~4. A screening conducted under this rule is valid for five (5) years, at which time a five (5) year re-screen must be conducted.~~

~~a. The five (5) year re-screen is required for the operator/applicant and all other household members, including juveniles and substitutes, and must be maintained in the department's licensing file.~~

~~b. The five (5) year re-screen must include, at a minimum, statewide criminal records checks through the Florida Department of Law Enforcement and a local criminal records check.~~

~~c. An operator/applicant must be re-screened following a break in operation of the family day care home that exceeds 90 days. A person in this category must undergo the same level of screening that was required at the time of initial operation of the family day care home. If operator/applicant takes a leave of absence, such as maternity leave, extended sick leave, etc., re-screening is not required unless the five (5) year re-screen has come due during the leave of absence.~~

~~Specific Authority 402.313 FS. Law Implemented 402.313 FS. History—New 7-2-98, Amended 7-13-03, 9-12-04,\_\_\_\_\_.~~

65C-20.009 Staffing Requirements.

(1) Definitions.

(a) "Active" refers to the status of a candidate's awarded credential or certification in which requirements have been successfully met.

(b) "Early Childhood Education" refers to coursework, certification, a credential or degree that specializes in children ages birth through eight (8).

(c) "Florida Child Care Professional Credential (FCCPC)," pursuant to Section 402.305(3)(b), F.S., is a department approved training program that consists of a minimum of 120 hours of early childhood instruction, 480 contact hours with children ages birth through eight (8) and at least two (2) methods of formal assessment that offers two (2) areas of certification; "Birth Through Five (formerly the department approved CDA Equivalency training programs)" and "School-Age (formerly the Florida School-Age Certification)." A list of approved and recognized FCCPC programs may be obtained on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

(d) "National Early Childhood Credential (NECC)" pursuant to Section 402.305(3)(c), F.S., is an early childhood credential approved by the department and recognized by licensing authorities in at least five (5) states that incorporates 120 hours of early childhood instruction, 480 contact hours with children ages birth through eight (8) and includes at least two (2) methods of formal assessment. This includes the Child Development Associate (CDA) credential issued by the Council for Professional Recognition in Washington, DC. A list of approved and recognized NECC programs may be obtained on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

(e) "Training Transcript" is the electronic documentation of statutorily mandated training and staff credential qualifications for child care personnel. Training transcripts may be obtained on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

(f) "Weighted score" means a scaled score, rather than a percentage score, based on the difficulty of the exam and determined by competency exam professionals in consultation with subject matter experts.

(2)(4) Personnel.

(a) Operator. The family day care home license shall be issued in the name of the operator who must be at least 18 years of age and a resident of the family home. In the event of rental or leased property, the operator shall be the individual who occupies the residence. The operator of a family day care home may not work outside of the home during the hours when the family day care home is operating. ~~In the event of rental or leased property the operator shall be the individual who occupies the residence.~~

(b) Substitutes. There shall be a written plan to provide at least one (1) other competent adult, who must be at least 18 years of age, to be available as a substitute for the operator on a temporary or emergency basis. This plan shall include the name, address and telephone number of the designated substitute. Substitutes may not work over 40 hours per month

on average during a 12 ~~twelve~~ month period in any single home for which they have been identified as the designated substitute.

(c) No person shall be an operator, substitute or employee in a family day care home while using, or who is under the influence of narcotics, alcohol, or other drugs that, which impair an individual's their ability to provide supervision and safe child care, shall be an operator or substitute.

(3)(2) Staff Training.

(a) Prior to licensure and prior to caring for children, all family day care home operators and substitutes who work 40 hours or more per month on average during a 12 month period must: successfully complete the Department of Children and Family Services' 30-clock-hour Family Child Care Home training, as evidenced by passage of a competency based examination with a score of seventy (70) or better. Competency examinations will be offered by the Department of Children and Family Services or its designated representative. Prior to attending the training, Family Day Care Home operators have one opportunity, if they choose, to exempt from the Department of Children and Family Services' 30-clock-hour Family Child Care Home training module by successfully completing competency examinations with a score of seventy (70) or better. All family day care home operators who have successfully completed the mandatory 30-clock-hour Family Child Care Home training prior to the availability of the competency examinations will not be required to complete the competency based testing.

1. Successfully complete the Department of Children and Family Services' 30 clock-hour Family Child Care Home training, as evidenced by successful completion of a competency based examination(s) offered by the Department of Children and Family Services or its designated representative with a weighted score of 70 or better. Family day care home operators who successfully completed the mandatory 30 clock-hour Family Child Care Home training prior to January 1, 2004 are not required to fulfill the competency examination requirement. Beginning July 1, 2006, the 30 clock-hour Family Child Care Home training will be replaced by five (5) individual training courses which total 30 clock-hours of training: Family Child Care Home Rules and Regulations; Health, Safety and Nutrition; Identifying and Reporting Child Abuse and Neglect; Child Growth and Development; and Behavioral Observation and Screening.

a. Child care personnel have one (1) opportunity, if they choose, to exempt from one (1) or more of the department's Introductory Child Care Training courses prior to attending training by successful completion of corresponding competency examinations with a weighted score of 70 or better.

b. Beginning July 1, 2006 the Department of Children and Family Services or its designated representative shall exempt individuals from the Health, Safety, and Nutrition; Child

Growth and Development; and Behavioral Observation and Screening courses who meet one (1) of the following educational qualifications:

(I) Associate's degree or higher with six (6) college credit hours in early childhood education/child growth and development or degree in elementary education with certification to teach any age birth through 6th grade; or

(II) An active National Early Childhood Credential (NECC) or an active Birth Through Five Florida Child Care Professional Credential (FCCPC).

c. The Family Child Care Home training completed successfully after July 1, 2004 will be documented on the child care training transcript only. Training completed successfully prior to July 1, 2004 will be documented either on CF-FSP Form 5267, April 2006, Child Care Training Course Completion Certificate, which is incorporated by reference, or on the Department of Children and Family Services' child care training transcript.

2. Complete a single course of training in early literacy and language development of children ages birth through five (5) that is a minimum of five (5) clock-hours or .5 CEUs. Proof of completion will be documented on the certificate of course completion, classroom transcript, or diploma. In order to meet this requirement, individuals must complete one (1) of the following:

a. One (1) of the department's online literacy courses available on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare); or

b. One (1) of the department's approved literacy training courses. A list of these courses may be obtained from the licensing authority or on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare) (no additional courses will be approved by the department); or

c. One (1) college level early literacy course (for credit or non-credit) if taken within the last five (5) years.

3. Certificate(s) of course completion for infant and child cardiopulmonary resuscitation (CPR) procedures and first aid training, which must be current and valid at all times. Certificates of course completion are valid based on the time frames established by each first aid and CPR training program, not to exceed three (3) years. Online CPR courses are not acceptable to meet this standard. CPR training must be completed by classroom instruction.

(b) In addition to the training above, all family day care homes licensed on or before December 31, 2004, shall complete 5 clock hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age, as documented on the certificate of course completion, classroom transcript, or diploma; by June 30, 2005. Family Day Care Homes licensed on or after January 1, 2005, prior to licensure, must complete 5-clock hours or .5 continuing education unit (CEU) of training in early literacy and language development of children

from birth to 5 years of age. In order to meet this requirement, family day care home operators must select a training course from the Department of Children and Family Services' list of approved literacy training programs, which may be accessed by going to [www.myflorida.com/childcare/training](http://www.myflorida.com/childcare/training), or by contacting the licensing authority. Literacy training that was taken between July 1, 1999 and July 1, 2004 will be accepted by the licensing authority until January 1, 2005, if it meets all the required components stated above.

(e) Documentation. Training transcripts are updated upon the successful completion of training, as evidenced by the passage of a competency examination. The 30-clock-hour Family Child Care Home training successfully completed after July 1, 2004 will be documented on the child care training transcript only. Training successfully completed prior to July 1, 2004 may be documented either on CF-FSP Form 5267, May 2003, or the Department of Children and Family Services' child care training transcript.

(d) Family day care home substitutes who work 40 hours or more a month on average during a 12-month period must successfully complete the 30-clock-hour Family Child Care Home training, prior to caring for children, as evidenced by passage of a competency based examination with a score of seventy (70) or better, documented on the Department of Children and Family Services' CF-FSP Form 5267, May 2003, or the Department of Children and Family Services' child care training transcript. All family day care home substitutes who have completed the 30-clock-hour Family Child Care Home training prior to the availability of the competency examination will not be required to complete the competency based testing. Prior to attending the training, Family Day Care Home substitutes have one opportunity, if they choose, to exempt from the Department of Children and Family Services' 30-clock hour Family Child Care Home training by successfully completing competency examinations with a score of seventy (70) or better. Competency examinations will be offered by the Department of Children and Family Services or its designated representative. In addition to the 30-clock hour Family Child Care Home training, all substitutes hired on or before December 31, 2004, who work 40 hours or more a month on average during a 12-month period, shall complete 5-clock hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age, as documented on the certificate of course completion, classroom transcript, or diploma; by June 30, 2005. Substitutes hired on or after January 1, 2005, prior to caring for children, must complete 5-clock hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age. In order to meet this requirement, substitutes must select a course from the Department of Children and Family Services' list of approved literacy training programs, which may be accessed by going to [www.myflorida.com/childcare/training](http://www.myflorida.com/childcare/training) or by contacting the

licensing authority. Literacy training that was taken between July 1, 1999 and July 1, 2004 will be accepted by the licensing authority until January 1, 2005, if it meets all the required components stated above.

~~(b)(e)~~ Family day care home substitutes who work less than 40 hours a month on average during a 12 month period shall complete the Department of Children and Family Services' three (3)-clock-hour Fundamentals of Child Care training prior to caring for children, as documented on the Department of Children and Family Services' CF-FSP Form 5267, ~~May 2003~~, and the Department of Children and Family Services' child care training transcript. ~~Family day care substitutes who have successfully completed the 30 clock-hour Family Child Care Home training will not be required to complete the 3 clock-hour Fundamentals of Child Care training.~~

1.(f) The operator of the family day care home must sign a statement attesting to the number of hours that the substitute works in the operator's home. The statement must be placed in the substitute's file.

2. Family day care substitutes who have successfully completed the 30 clock-hour Family Child Care Home training are not required to complete the three (3) clock-hour Fundamentals of Child Care training.

~~(g) Prior to licensure, family day care home operators must have a valid certificate of course completion for infant and child cardiopulmonary resuscitation procedures and first aid training. The substitute, prior to caring for children in the family day care home, must have a valid and current certificate of course completion for infant and child cardiopulmonary resuscitation procedures and first aid training. Certificates of course completion are valid based on the time frames established by each first aid and CPR training program, not to exceed three years. On-line CPR courses are not acceptable to meet this standard. CPR training must be done by classroom instruction.~~

(4)(3) Annual In-Service Training.

(a) All family day care home operators; must complete a minimum of 10 clock-hours or (1) CEU of in-service training ~~or 1 CEU~~, annually during the operator's 12 month licensing period state's fiscal year beginning July 1 and ending June 30.

(b) The annual 10 clock-hours or one (1) CEU of in-service training concentrating on children ages birth through 12 years or 1 CEU, must be completed in one (1) or more of the following areas (college level courses will be accepted):

1. through 2. No change.
3. First Aid (~~this training~~ may only be taken to meet the in-service requirement once every three (3) years);
4. through 22. No change.

(c) Documentation of the in-service training requirement must be recorded on CF-FSP Form 5268A, April Feb. 200604, Child Care In-Service Training Record, which is incorporated ~~herein~~ by reference, and maintained at the family day care

home. CF-FSP Form 5268A may be obtained from the licensing authority or on by going to the Department of Children and Family Services' website at www.myflorida.com/childcare/training. A new in-service training record is required each licensing fiscal year. ~~In addition to maintaining the training record for the current fiscal year, the in-service training records for the previous two (2) licensing fiscal years must also be maintained at the family day care home for review by the licensing authority~~ College level courses that cover the topics above may also be counted to meet the annual in-service training requirement.

(5)(4) Supervision.

(a) At all times, which includes when the children are napping or sleeping, the operator shall remain responsible for the supervision of the children in care and capable of responding to the emergencies and the needs of the children. While children are napping or sleeping in bedrooms, the bedroom doors must remain open. During the daytime hours of operation, children shall have adult supervision, which means watching and directing children's activities; both indoors and outdoors; and responding to each child's needs.

(b) A child who has been placed in an isolation area due to illness as stated in paragraph 65C-20.010(4)(b), F.A.C., must be within sight and hearing of the operator.

(c) Children must be attended at all times when being diapered or when changing clothes.

Specific Authority 402.313 FS. Law Implemented 402.313 FS. History--New 7-2-98, Amended 5-21-00, 7-13-03, 9-12-04, \_\_\_\_\_.

65C-20.010 Health Related Requirements.

(1) General Requirements.

(a) Animals, pets or fowl must have current immunizations, if immunizations are available for the type of animal, pet or fowl; and be free from of disease. Custodial pParents or legal guardian must be informed in writing of all animals on the premises of the home. Such information may be provided by way of a parent flier, a notification statement, or a statement included in the child's enrollment form.

(b) All areas and surfaces accessible to children shall be free from of toxic substances and hazardous materials. All potentially harmful items including cleaning supplies, flammable products, poisonous, ~~and~~ toxic, and hazardous materials must be labeled. These items, as well as knives, ~~and~~ sharp tools and other potentially dangerous hazards, shall be stored separately and locked or out of a child's reach in locations inaccessible to the children in care.

(c) All family day care home operators shall inform custodial parents or legal guardian in writing if someone living in the home smokes. Pursuant to Chapter 386, Florida Statutes, while children are in care, smoking is prohibited within the family day care home, on all outdoor play areas and in vehicles when transporting children.

(d) At all times when children are in care, all firearms and weapons, as defined in Section Chapter 790.001, F.S., shall be stored in a location inaccessible to children and in accordance with Section 790.174, F.S.

(e) Play areas shall be clean; and free from ~~of~~ litter, nails, glass and other hazards.

(f) Family day care homes caring only for infants under 12 months of age; shall not be required to have an outdoor play area; however, infants in care shall be provided opportunities for outdoor time each day that weather permits. For all other family day care homes, including those providing evening care, the outdoor space shall be fenced; a minimum of four (4) feet in height; if the family day care home property borders any of the following:

1. No change.
2. Road or street open to travel by the public, divided by a median;
3. Road or street open to travel by the public where the posted or unposted speed limit is equal to or greater than 25 miles per hour; by municipal or county ordinance, pursuant to Section ~~§~~ 316.189, F.S.

4. No change.

(g) All in-ground swimming pools and above-ground swimming pools; more than one (1) foot deep; shall have either a fence or barrier on all four (4) sides, at a minimum of four (4) feet in height, separating the home from the swimming pool; or a pool alarm that is operable at all times when children are in care. The fence or barrier shall may not have any gaps or openings that would ~~we~~ allow a young child to crawl under, squeeze through, or climb over the barrier. All spas and hot tubs must meet the same barrier requirements for in-ground and above-ground swimming pools, or instead, spas and hot tubs may be covered with a safety cover, as defined in Section 515.25(1), F.S., that complies with ASTM F1346-91 (Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Hot Tubs, and Spas) at all times when children are in care. The exterior wall of the home with an, ~~if it has~~ ingress and egress; does not constitute a fence or barrier. All doors or gates in the fence or barrier shall be locked at all times when children are in care and when the pool is not being used by the children in care. In addition to the fence, barrier or pool alarm, the family day care home operator shall ensure that all exterior doors leading to the pool, spa, or hot tub area remain locked at all times while children are in care. Barriers may be temporary in nature, but must be sturdy and meet all the above requirements and be in place during all times when children are in care. The wall of an above-ground swimming pool may be used as its barrier; however, such structure must be at least four (4) feet in height. In addition, any ladder or steps that are the means of access to an above-ground pool must be removed at all times while children are in care and when the pool is not being used by the children in care.

(h)~~(e)~~ If a family day care home uses a swimming pool, it shall be maintained by using chlorine or other suitable chemicals. If the family day care home uses a swimming pool that, ~~which~~ exceeds three (3) feet in depth at the family day care home site, one (1) person who has completed a basic water safety course such as ~~one~~ offered by the American Red Cross, YMCA or other organization, must be present when children have access to the swimming area. If the family day care home uses swimming pools not at the ~~site of the~~ family day care home site; or takes the children to water areas such as a beach or lake for swimming activities, the family day care home operator must provide one (1) person with a certified lifeguard certificate or equivalent; who must be present when children are in the swimming area, unless a certified lifeguard is on duty.

(i)~~(h)~~ A family day care home must include a designated area where each child can sit quietly or lie down to rest or nap.

(j)~~(i)~~ Each child in care must be provided safe and sanitary bedding to be used when napping. Bedding means a cot, bed, crib, mattress, playpen or floor mat. Air mattresses and foam mattresses may not be used for napping. Mats must be at least one (1) inch thick and covered with an impermeable surface.

(k)~~(j)~~ Children one (1) year of age or older may nap or sleep on beds used by the family provided individual linens are provided for each child. Each child shall have a separate bed, cot, crib, playpen, mattress or floor mat, except that two (2) sibling preschool children may share a double bed. Sleeping refers to the normal night time sleep cycle and ~~When children remain overnight~~, playpens, air mattresses, foam mattresses, and mats may not be used for care when children are sleeping are not acceptable and. The operator must prepare a written plan outlining the sleeping arrangements of the children in care to be provided to the licensing counselor upon request. If the children are sleeping overnight, the operator must ensure accepted bedtime routines, such as brushing teeth and face and hand washing. Toothbrushes, towels and wash cloths may not be shared.

(l)~~(k)~~ Children up to one (1) year of age must be in their own crib, portacrib or playpen with sides. When napping or sleeping, young infants that are not capable of rolling over on their own shall be positioned on their back and on a firm surface to reduce the risk of Sudden Infant Death Syndrome (SIDS), unless an alternative position is authorized in writing by a physician. The documentation shall be maintained in the child's record.

(m)~~(l)~~ A minimum distance of ~~eighteen~~(18) inches must be maintained between individual napping spaces. Napping spaces shall not be designated in kitchens, bathrooms, utility rooms, or garages. If separate rooms are used for napping, the doors to each room shall remain open to allow the operator to respond to emergencies and needs of the children.

~~(n)(m)~~ Potable drinking water shall be available to children of all ages at all times. ~~If disposable cups are used, they must be discarded after each use.~~

(o) Single service paper or plastic plates, utensils, and cups shall not be reused. Plates, utensils, cups, bottles and sippy cups provided by the family day care home that are not disposable shall be washed, rinsed and sanitized between uses. All bottles and sippy cups brought from home shall be individually labeled with the child's first and last name and returned to the custodial parent or legal guardian daily.

~~(p)(n)~~ Rodents and vermin shall be exterminated. Pest control shall not take place while rooms are occupied by children.

~~(q)(o)~~ All parts of the home, both indoors and outdoors, including the furnishings, equipment, and plumbing shall be kept clean and sanitary, free ~~from~~ of hazards, in an orderly condition and in good repair at all times. The family day care home shall have an operable smoke detector and fire extinguisher with a current certificate, at least one (1) operable corded telephone, and lighting that allows for safe movement and egress for children in care. At all times and appropriate for the activity, lighting in family day care homes must be sufficient enough to allow the operator to visually observe and supervise children in care. The home must have proper ventilation, and the temperature must be maintained between 65 and 82 degrees Fahrenheit.

~~(r)(p)~~ If the operator chooses to supply food, the operator shall provide nutritious meals and snacks of a quantity and quality to meet the daily nutritional needs of the children. The USDA My Food Guide Pyramid for Young Children, April March 2005 1999, which is incorporated by reference, shall be used to determine what food groups to serve at each meal or snack and the serving size of the selected foods for children ~~one year of ages two~~ (2) and older. The ~~fats and sweets categories~~ "oils" and "discretionary calories" may ~~within the USDA Food Guide Pyramid for Young Children cannot be considered~~ counted as a food groups. Copies of the USDA My Food Guide Pyramid for Young Children may be obtained from the licensing authority, the local county health department or from the USDA website at www.mypyramid.gov, district child care licensing office or local licensing agency. Using the USDA My Food Guide Pyramid for Young Children, breakfast shall consist of at least three (3) different food groups; lunch and dinner shall consist of at least four (4) different food groups and snacks shall consist of at least two (2) different food groups. If a special diet is required for a child by a physician, a copy of the physician's order, a copy of the diet and a sample meal plan for the special diet ~~appropriate documentation~~ shall be maintained in the child's file for as long as the child is in care to include the physician's order, a copy of a diet and sample meal plan for the special diet. If the

custodial parent or legal guardian notifies the family day care home of any known food allergies, written documentation must be maintained in the child's file.

(2) Hygiene and Sanitation.

(a) Operators, substitutes, and children shall wash their hands with soap and running water, ~~drying~~ drying thoroughly, and following personal hygiene procedures for themselves, or while ~~when~~ assisting others, and immediately after outdoor play.

(b) Soiled items shall immediately be placed in plastic lined, securely covered containers that ~~which~~ are not accessible to children. The container shall be emptied, cleaned and disinfected daily. Children's wet or soiled clothing and crib sheets shall be changed promptly.

(c) No change.

(d) Each child shall have his own individually labeled towel and wash cloth. If disposable towels are used, they shall be discarded after each use.

(e) When children in diapers are in care, there shall be a diaper changing area with an impermeable surface that ~~which~~ is cleaned with a sanitizing solution after each use. The diaper changing area shall ~~not~~ be located separate from the food preparation, service and feeding area. In addition, items unrelated to diaper changing shall not be stored in the diaper changing area not shall they be placed on the diaper changing table in or near the food service area. Children must be attended at all times when being diapered or when changing clothes.

(3) First Aid Kit and Emergency Procedures.

(a) At least one (1) first aid kit ~~containing materials to administer first aid~~ must be maintained on the premises of the family day care home at all times and on activities away from the home. The first aid kit shall be accessible to the operator and kept out of the reach of children. The kit must be clearly labeled "First Aid" and must, at a minimum, include:

1. through 11. No change.

(b) Emergency Procedures and Notification.

1. Emergency telephone numbers, including ambulance, fire, police, poison control center, Florida Abuse Hotline, the county public health unit, and the address of and directions to the home, including major intersections and local landmarks, must be posted on or near all telephones and shall be used to protect the health, safety and well-being of any child in care. To meet the immediate needs of the child, family day care home operators shall call 911 or other emergency numbers in the event of an emergency.

2. Custodial parents or legal guardian's shall be notified immediately in the event of any serious illness, accident, injury or emergency to their child and their specific instructions regarding action to be taken under such circumstances shall be obtained and followed. If the custodial parent or legal guardian cannot be reached, the family day care home operator will contact those persons designated by the custodial parent or



legal guardian to be contacted under these circumstances, and shall follow the written instructions provided by the custodial parent or legal guardian.

3. All accidents, incidents, and observed health related signs and symptoms which occur at a family day care home must be documented on the day they occur and shared with the custodial parent or legal guardian on the day they occur. Documentation shall include the name of the affected party, date and time of occurrence, description of occurrence, actions taken, and signature of operator and custodial parent or legal guardian. This documentation must be shared with the custodial parent or legal guardian on the date of occurrence. Records of accidents, incidents, and observed health related signs and symptoms must be maintained for one (1) year.

4. Fire drills shall be conducted monthly and shall be conducted at various times when children are in care. A written record shall be maintained showing the date, time, number of children in attendance and time taken to evacuate the home. This record shall be maintained for six (6) months.

5. After a fire or natural disaster, the operator must notify the licensing agency, within 24 hours, as to their status of operation in order for the department or local licensing agency to ensure health standards are met for continued operation as a family day care home.

(4) Communicable Disease Control.

(a) Children in care shall be observed on a daily basis for signs of communicable disease. Signs and symptoms of a suspected communicable disease include the following:

1. Severe coughing, causing the child to become red or blue in the face or to make a whooping sound;
2. Difficult or rapid breathing;
3. Stiff neck;
4. Diarrhea (more than one abnormally loose stool within a 24 hour period);
5. Temperature of 101 degrees Fahrenheit or higher when in conjunction with any other signs of illness;
6. Conjunctivitis (pink eye);
7. Exposed, open skin lesions;
8. Unusually dark urine and/or gray or white stool;
9. Yellowish skin or eyes; or
10. Any other unusual sign or symptom of illness.

(b) The family day care home shall have an designated isolation area for a child who becomes ill. The child's condition shall be closely observed. Any child who is suspected of having a communicable disease or who has a fever, of 101 degrees Fahrenheit or higher, in conjunction with any of the other signs of or develops other signs and symptoms listed in paragraph 65C-20.010(4)(a), F.A.C., which include any of the following: diarrhea, rash, pink eye, vomiting, or skin infection, shall be placed in the isolation area. Linens and disposables shall be changed after each use. The condition shall be reported to the custodial parent or legal guardian and

the child shall be removed from the family day care home. Such children shall not return to the home without medical authorization, or until the signs and symptoms of the disease are no longer present.

(c) A child ~~identified as having~~ who head lice ~~shall~~ will not be permitted to return until treatment has occurred. Verification of treatment may include a product box, box top, empty bottle, or signed statement by a custodial parent or legal guardian; that treatment has occurred.

(d) An operator or household member who develops signs and symptoms of a communicable disease or who has a ~~which include any of the following:~~ fever (of 101 degrees Fahrenheit or higher); in conjunction with any of the ~~other following~~ signs and symptoms listed in paragraph 65C-20.010(4)(a), F.A.C.; ~~diarrhea, rash, pink eye, or skin infection~~ shall leave the areas of the home occupied by the children and shall not return without medical authorization, or until the signs and symptoms are no longer present. If it is the operator who is ill, the substitute must assume the operator's responsibilities.

(5) Medication. Family day care homes are not required to give medication; however, if they choose to do so, the following shall apply:

(a) The family day care home must have written authorization from the custodial parent or legal guardian to dispense prescription and non-prescription medications. This authorization must be dated and signed by the custodial parent or legal guardian and contain the child's name; the name of the medication to be dispensed; and date, time and amount of dosage to be given. This record shall be initialed or signed by the family day care home personnel who gave the medication.

(b) Any known allergies to medication or special restrictions must also be documented, maintained in the child's file, and posted with stored medication.

(c) ~~(\*)~~ Prescription and non-prescription medication brought to the family day care home by the custodial parent or legal guardian must be in the original container. Prescription medication must have a ~~the~~ label stating the name of the physician, child's name, name of the medication, and medication directions. All prescription and non-prescription medication shall be dispensed according to written directions on the prescription label or printed manufacturer's label. ~~For the purposes of dispensing non-prescription medication that is not brought in by the parent, in the event of an emergency, non-prescription medication can only be dispensed if the home has written authorization from the parent or legal guardian to do so. Any medication dispensed under these conditions must be documented in the child's file and the parent or legal guardian must be notified on the day of occurrence. If the parent or legal guardian notifies the family day care home of any known allergies to medication, written documentation must be maintained in the child's file.~~

(d) In the event of an emergency, non-prescription medication that is not brought in by the custodial parent or legal guardian can only be dispensed if the family day care home has written authorization from the custodial parent or legal guardian to do so.

(e) Any medication dispensed under these conditions must be documented in the child's file and the custodial parent or legal guardian must be notified on the day of occurrence.

(f) The family day care home must maintain a record for each child receiving medications that documents the full name of the child, the name of medication, the date and time the medication was dispensed, the amount and dosage, and the name of the person who dispensed the medication. The record shall be maintained for a minimum of four (4) months after the last day the child received the dosage. All medicine must have child resistant caps and shall be stored separately and locked or out of a child's reach.

(g) Medication which has expired or is no longer being administered shall be returned to the custodial parent or legal guardian or discarded if the child is no longer enrolled in care at the family day care home.

(b) All medicines shall be kept out of the reach of children and must have child resistant caps.

(e) Medication which has expired or is no longer being administered shall be returned to the custodial parent or legal guardian.

(d) A written record documenting the child's name, the name of the medication, date, time and amount of dosage to be given, and the signature of the custodial parent or legal guardian shall be maintained by the family child care provider. This record shall be initialed or signed by the adult who gave the medication.

(e) This record shall be maintained for six months.

Specific Authority 402.313 FS. Law Implemented 402.313 FS. History—New 7-2-98, Amended 1-4-01, 7-13-03, 9-12-04,

65C-20.011 Health Records.

(1) Children's Health Requirements Immunizations. The family day care home provider is responsible for obtaining, from the parent or legal guardian, a current and a completed DH Form 680, Florida Certification of Immunization, Part A 1, B, and or C, (July), or, DH Form 681, Religious Exemption from Immunization (May 1999), for each child in care, within 30 days of enrollment, and maintaining a current copy at the family day care home, which are incorporated by reference in subsection 64D-3.011(9), F.A.C. DH Forms 680 and 681 can be obtained from the local county health department. The DH Form 680, Florida Certification of Immunization Parts A 1, Certification of Immunization for K-12 Excluding 7th Grade Requirements or Part B, Temporary Medical Exemption, shall be signed by a physician or authorized personnel licensed under the provisions of Chapter

458, 459, or 460, Florida Statutes and shall document vaccination for the prevention of diphtheria, pertussis, tetanus, poliomyelitis, rubeola, rubella, mumps, Haemophilus influenza type B (HIB), and effective July 1, 2001, completion of varicella vaccination. The DH Form 680, Florida Certification of Immunization Part C, Permanent Medical Exemptions, shall be dated and signed by a physician licensed under the provisions of Chapter 458 or 459, Florida Statutes.

(a) The family day care home provider is responsible for obtaining, for each child in care, a current, complete and properly executed Florida Certification of Immunization form, Parts A-1, B, and or C, or the Religious Exemption from Immunization form, as referenced in Rule 64D-3.011, F.A.C., from the custodial parent or legal guardian. Immunizations received out-of-state are acceptable; however, immunizations must be documented on the Florida Certification of Immunization form and must be signed by a physician practicing in the State of Florida. Specific immunization requirements are included and detailed in the most current edition of the "Immunization Guidelines – Florida Schools, Child Care Facilities and Family Day Care Homes" as referenced in Rule 64D-3.011, F.A.C.

(b) The family day care home provider is responsible for obtaining, for each child in care, a current, complete and properly executed Student Health Examination form, as referenced in Rule 6A-6.024, F.A.C. or a signed statement by an authorized professional that indicates the results of the components of the form are included in the health examination from the custodial parent or legal guardian, within 30 days of enrollment. The Student Health Examination shall be completed by a person given statutory authority to perform health examinations.

(c) The Student Health Examination form or signed statement is valid for two (2) years from the date the physical was performed and must be on file as long as the child is in care.

(d) School-aged children attending public or nonpublic schools are not required to have student health examination and immunization records on file at the family day care home as such records are on file at the school where the child is enrolled.

(e) If the custodial parents or legal guardians need assistance concerning these requirements, the family day care home shall refer them to the Department of Health or to the child's physician.

(f) Medical records in this section are the property of the custodial parent or legal guardian and must be returned when the child is no longer in care. The medical records are transferable if the child is placed in a different family day care home.

(2) Children's Student Health Examination.

~~(a) The family day care home provider is responsible for obtaining from the parent or legal guardian, a current and completed DH Form 3040, (June 02), Student Health Examination, for each child in care, within 30 days of enrollment, and maintaining a current copy at the family day care home. DH Form 3040, which is incorporated by reference, can be obtained from the local county health department. The student health examination shall be completed by a person given statutory authority to perform health examinations. Certification that a health examination has been completed may be documented on the State of Florida, Department of Health, DH Form 3040, June 02, OR a signed statement by an authorized professional that indicates the results of the components included in the health examination.~~

~~(b) This Student Health Examination is valid for two (2) years from the date the physical was performed.~~

~~(3) Immunization and Health Records.~~

~~(a) Copies of required records are acceptable for documentation. Original documents are the property of the party providing the information.~~

~~(b) School-age children in kindergarten through grade 5, attending public or nonpublic schools are not required to have student health examination (DH Form 3040) and immunization records (DH 680 or 681) on file at the family day care home as such records are on file at the school where the child is enrolled.~~

~~(2)(4) Enrollment and Medical Authorization.~~

~~(a) The operator shall obtain enrollment information from the child's custodial parent or legal guardian, prior to accepting the child into care. This information shall be documented on CF-FSP Form 5219, June 2005 Dec. 02, Child Care Application for Enrollment, which is incorporated by reference, or an equivalent that contains all the information required by the department's form. CF-FSP Form 5219 may can be obtained from the local Department of Children and Family Services district service center or the local licensing agency, and is incorporated by reference, or an equivalent that contains all the information required by the department's form.~~

~~(b) Enrollment information shall be kept current and on file for each child in care.~~

~~(c) There shall be signed statements from the custodial parents or legal guardian that the family day care home has provided them with the following information:~~

~~1. The Department of Children and Family Services family day care home brochure, CF/PI 175-28, July 2005, Selecting A Family Day Care Home Provider, which is incorporated by reference. This brochure may be obtained from the licensing authority or on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).~~

~~2. Local licensing agencies may use an equivalent brochure approved by the Department of Children and Family Services, containing all the information required by the department.~~

Specific Authority 402.313 FS. Law Implemented 402.313 FS. History--New 7-2-98, Amended 5-21-00, 7-13-03, 9-12-04, \_\_\_\_\_.

65C-20.012 Enforcement.

(1) No change.

(2) The operation of a family day care home is prohibited unless registered; or licensed, as required by county ordinance or resolution. The department or local licensing agency shall have the authority to seek an injunction in the circuit court where the home is located to stop the continued operation of a family day care home ~~that which~~ is not licensed or registered. For licensed family day care homes, the department or local licensing agency shall also have the authority to seek an injunction in the circuit court where the home is located to stop the continued operation if the family day care home is in violation of the minimum standards. Pursuant to Section 120.60(6), F.S., an emergency suspension order may also be used to stop the continued operation if the family day care home poses immediate serious danger to the public health, safety, or welfare of the children who are enrolled.

(3) The family day care operator must allow access to the entire premises of the family day care home to inspect for compliance with family day care home minimum standards. Access to the family day care home also includes access by the parent, legal guardian, and/or custodian, to their child(ren) while in care.

(4) Child Safety. Pursuant to Section 402.301, F.S., acts or omissions that meet the definition of child abuse or neglect constitute a violation of the standards in Section 402.301-.309, F.S.

Specific Authority 402.313 FS. Law Implemented 402.313, 402.319(5) FS. History--New 7-2-98, Amended 7-13-03, 9-12-04, \_\_\_\_\_.

65C-20.013 Large Family Child Care Homes (LFCCH).

(1) Large Family Child Care Homes. A Large Family Child Care Home is defined by Section 402.3131, F.S., and for the purpose of this rule, as a home which must have been licensed in the State of Florida as and met all the requirements of a family day care home for two (2) consecutive years. Large family child care homes must meet and comply with all standards of this rule at all times unless there are insufficient numbers of children in care to meet the definition of a large family child care home, in which case an additional employee is not required. Large family child care homes shall meet all of the requirements in Rules 65C-20.008-65C-20.012, F.A.C., in addition to the requirements listed below.

(2) Definitions.

(a) "Full Time Employee" means one (1) additional staff person at least 18 years of age, who is on the premises of a home operating as a large family child care home.

(b) "Hours of Operation" means the hours of the day or night that a large family child care home has enough children in care to meet the definition of a large family child care home.

~~(e) "Large Family Child Care Home," is defined by s. 402.3131, F.S., and for the purpose of this rule means a home which must have been licensed in the State of Florida as a family day care home for two consecutive years, with an operator who has had a child development associate credential or its equivalent for 1 year, and meet all the requirements of this rule. Large family child care homes must meet and comply with all standards of this rule at all times unless there are insufficient numbers of children in care to meet the definition of a large family child care home, in which case an additional employee is not required.~~

~~(c)(d) "Operator" means the occupant and licensee of the large family child care home who is at least 21 years of age and responsible for the overall operation of the home.~~

~~(d)(e) "Substitute" means a competent adult, at least 18 years of age, who is available to substitute for the operator or employee on a temporary or emergency basis.~~

(3) Application and License.

(a) Application for a license or for renewal of a license to operate a large family child care home ~~must shall~~ be made on CF-FSP Form 5238, ~~April 2006 Feb. 2004~~, Application for a License to Operate a Large Family Child Care Home, which is incorporated ~~herein~~ by reference. ~~CF-FSP Form 5238 may and can~~ be obtained ~~from the licensing authority or on at~~ the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare) ~~local district service center or the local licensing agency~~. A license to operate a Large Family Child Care Home may be used to operate a Family Day Care Home; when the number of children in care meets the definition of a Family Day Care Home. A license to operate a Family Day Care Home cannot be used to operate a Large Family Child Care Home.

(b) The large family child care home license shall be issued in the name of the operator, who must be at least 21 years of age and the resident of the large family child care home. In the event of rental or leased property, the operator shall be the individual who occupies the residence.

~~(c)(b) A copy of the annual license shall be posted in a conspicuous location within the large family child care home.~~

(4) LFCCH Personnel.

~~(a) The large family child care home license shall be issued in the name of the operator who must be at least 21 years of age and the occupant of the large family child care home. In the event of rental or leased property the operator shall be the individual who occupies the residence.~~

~~(a)(b) The operator of the large family child care home may not work outside of the home during hours when the large family child care home is in operation.~~

~~(b)(e) No person shall be an operator, substitute, or employee while using, or who is under the influence of, narcotics, alcohol, or other drugs that, which impair an individual's their ability to provide supervision and safe child care, shall be an operator, substitute, or employee.~~

(c) Large family child care homes must have one (1) person on the premises during all hours of operation who has a valid and current certificate(s) of course completion for infant and child cardiopulmonary resuscitation (CPR) procedures and first aid training.

~~(5) LFCCH Staff Training.~~

(a) Definitions.

1. "Active" refers to the status of a candidate's awarded credential or certification in which requirements have been successfully met.

2. "Begin training for child care personnel" refers to a candidate's commencement of at least one (1) of the child care training courses listed in Section 402.305(2)(d), F.S. This may be accomplished by classroom attendance, acquiring an educational exemption from training, beginning a department approved online child care training course, or by completion of a department approved competency examination within the first 90 days of employment in the child care industry. The large family child care home is responsible for obtaining documentation from child care personnel.

3. "Early Childhood Education" refers to coursework, certification, a credential or degree that specializes in children ages birth through eight (8).

4. "Expired" refers to the status of a candidate's awarded credential or certification that is not eligible for renewal.

5. "Florida Child Care Professional Credential (FCCPC)," pursuant to Section 402.305(3)(b), F.S., is a department approved training program that consists of a minimum of 120 hours of early childhood instruction, 480 contact hours with children ages birth through eight (8) and at least two (2) methods of formal assessment that offers two (2) areas of certification; "Birth Through Five (formerly the department approved CDA Equivalency training programs)" and "School-Age (formerly the Florida School-Age Certification)." A list of approved and recognized FCCPC programs may be obtained on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

6. "Florida Department of Education Child Care Apprenticeship Certificate (CCAC)" is a department approved child care credential that consists of a minimum of 120 hours of early childhood instruction and 480 contact hours with children ages birth through eight (8) and meets or exceeds the requirements outlined in Section 402.305(3)(c), F.S. A list of approved and recognized DOE programs may be obtained on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

7. “Florida Department of Education Early Childhood Professional Certificate (ECPC)” is a department approved child care credential that consists of a minimum of 120 hours of early childhood instruction and 480 contact hours with children ages birth through eight (8) and meets or exceeds the requirements outlined in Section 402.305(3)(c), F.S. A list of approved and recognized DOE programs may be obtained on the Department of Children and Family Services’ website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

8. “Florida Department of Education School-Age Professional Certificate (SAPC)” is a department approved child care credential that consists of a minimum of 120 hours of early childhood instruction and 480 contact hours with school-age children and meets or exceeds the requirements outlined in Section 402.305(3)(c), F.S. A list of approved and recognized DOE programs may be obtained on the Department of Children and Family Services’ website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

9. “Inactive” refers to the status of a candidate’s awarded credential or certification that remains eligible for renewal.

10. “National Early Childhood Credential (NECC)” pursuant to Section 402.305(3)(c), F.S., is an early childhood credential approved by the department and recognized by licensing authorities in at least five (5) states that incorporates 120 hours of early childhood instruction, 480 contact hours with children ages birth through eight (8) and includes at least two (2) methods of formal assessment. This includes the Child Development Associate (CDA) credential issued by the Council for Professional Recognition in Washington, DC. A list of approved and recognized NECC programs may be obtained on the Department of Children and Family Services’ website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

11. “Training Transcript” is the electronic documentation of statutorily mandated training and staff credential qualifications for child care personnel. Training transcripts may be obtained on the Department of Children and Family Services’ website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

12. “Weighted score” means a scaled score, rather than a percentage score, based on the difficulty of the exam and determined by competency exam professionals in consultation with subject matter experts.

(b)(a) Large Family Child Care Home Operators. In addition to the successful completion of the 30 clock hour Family Child Care Home training requirements identified in paragraph 65C-20.009(2)(b), F.A.C., large family child care home operators must:

1. Possess one (1) of the following credentials for a minimum of one (1) year:

a. An active National Early Childhood Credential (NECC); an active Birth Through Five or School-Age Florida Child Care Professional Credential (FCCPC) (formerly known as the Child Development Associate Equivalency); an active Florida Department of Education Child Care Apprenticeship

Certificate (CCAC), Early Childhood Professional Certificate (ECPC) or School-Age Professional Certificate (SAPC); or meet the formal educational qualification requirement outlined on CF-FSP Form 5211, April 2006, Staff Credential Application, which is incorporated by reference. An Employment History Recognition Exemption will not be accepted to meet the minimum staff credential requirements for Large Family Child Care Home.

b. An Employment History Recognition Exemption and a School-Age FCCPC will not be accepted to meet the minimum staff credential requirements for Voluntary Pre-Kindergarten (VPK).

c. Credential Renewal Requirements.

(I) A National Early Childhood Credential must be renewed through the agency that awarded the credential. Prior to December 31, 2008, a National Early Childhood Credential may comply with the Birth Through Five Florida Child Care Professional Credential renewal process referenced in sub-subparagraph 65C-20.013(5)(b)1.b.2., F.A.C., if the credential was issued prior to December 31, 2003.

(II) To maintain an active Birth Through Five FCCPC, every five (5) years a candidate must renew their Birth Through Five FCCPC by completing CF-FSP Form 5273, April 2006, Birth Through Five Florida Child Care Professional Credential Renewal Application, which is incorporated by reference. CF-FSP Form 5273 may be obtained on the Department of Children and Family Service’s website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

(A) A Birth Through Five FCCPC Renewal will be documented on CF-FSP Form 5270. Renewal applications will be submitted by the candidate no earlier than one (1) year prior to the end of the active date of the Birth Through Five FCCPC.

(B) Individuals with a Birth Through Five FCCPC issued before December 31, 2003 will renew the credential by submitting a completed CF-FSP 5273 with the required documentation by December 31, 2008. A Birth Through Five FCCPC issued after December 31, 2003 will have a renewal date of five (5) years from the date of issuance.

(C) An individual with an inactive Birth Through Five FCCPC will submit a renewal application for a period of up to three (3) years after the end of the Birth Through Five FCCPC active period. The application will be reviewed and, if approved, a certificate will be issued with a renewal date of five (5) years from the date the completed CF-FSP Form 5273 is processed.

(D) For purposes of participation in the Voluntary Pre-Kindergarten (VPK) Program, an individual must ensure an active credential by July 1, 2006.

(III) To maintain an active School-Age FCCPC, every five (5) years a candidate must renew their School-Age FCCPC by completing CF-FSP Form 5307, April 2006, the School-Age Florida Child Care Professional Credential Renewal

Application, which is incorporated by reference. CF-FSP Form 5307 may be obtained on the Department of Children and Family Service's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare). A School-Age FCCPC will not be accepted to meet the minimum staff credential requirements for Voluntary Pre-Kindergarten (VPK).

(A) A School-Age FCCPC renewal will be documented on CF-FSP Form 5270. Renewal applications shall be submitted no earlier than one (1) year prior to the end of the active date of the School-Age FCCPC.

(B) An individual with an inactive School-Age FCCPC shall submit a renewal application for the period of up to three (3) years from the end of the School-Age FCCPC active period. The application will be reviewed and, if approved, a certificate will be issued with a renewal date of five (5) years from the date the completed CF-FSP Form 5270 is processed.

(IV) To maintain an active Florida Department of Education Child Care Apprenticeship Certificate (CCAC) or Early Childhood Professional Certificate (ECPC), every five (5) years a candidate must renew their CCAC or ECPC by completing CF-FSP Form 5309, April 2006. Florida Department of Education Child Care Apprenticeship Certificate (CCAC) and Early Childhood Professional Certificate (ECPC) Renewal Application, which is incorporated by reference. To maintain an active Florida Department of Education School-Age Professional Certificate (SAPC), every five (5) years a candidate must renew their SAPC by completing CF-FSP Form 5308, April 2006. Florida Department of Education School-Age Professional Certificate (SAPC) Renewal Application, which is incorporated by reference. CF-FSP Forms 5308 and 5309 may be obtained on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

(A) A Florida Department of Education CCAC, ECPC or SAPC renewal will be documented on CF-FSP Form 5310, April 2006. Certificate for Florida Department of Education Child Care Apprenticeship Certificate (CCAC)/Early Childhood Professional Certificate (ECPC)/School-Age Professional Certificate (SAPC) Program Renewal, which is incorporated by reference. CF-FSP Forms 5308 and 5309, as applicable, for renewal will be submitted by the candidate no earlier than one (1) year prior to the end of the active period of the Florida Department of Education CCAC, ECPC, or SAPC.

(B) An individual with an inactive Florida Department of Education CCAC, ECPC, or SAPC may submit CF-FSP Form 5308 or 5309 for a period of up to three (3) years from the end of the Florida Department of Education CCAC, ECPC, or SAPC active period. CF-FSP Form 5308 or 5309, as applicable, will be reviewed and, if approved, a CF-FSP Form 5310 will be issued with a renewal date of five (5) years from the date the completed CF-FSP Form 5308 or 5309 is processed.

(IV) A staff credential awarded for formal educational qualifications does not need to be renewed to remain active.

2. Within six (6) months of licensure, successfully complete 10 clock-hours of specialized training from the Department of Children and Family Services' Part II specialized training courses as evidenced by successful completion of a competency examination with a weighted score of 70 or better. These courses include:

- a. Infant and Toddler Appropriate Practices (10 hours),
- b. Preschool Appropriate Practices (10 hours),
- c. School-Age Appropriate Practices (10 hours),
- d. Special Needs Appropriate Practices (10 hours),
- e. Basic Guidance and Discipline (5 hours online),
- f. Computer Technology for Child Care Professionals (5 hours online),
- g. Early Literacy for Children Ages Birth Through Three (5 hours online),
- h. Early Childhood Computer Learning Centers (5 hours online), or
- i. Emergent Literacy for Voluntary Pre-Kindergarten (VPK) Instructors (5 hours online),
- j. Child care personnel have one (1) opportunity, if they choose, to exempt from one (1) or more of the department's Introductory Child Care Training courses prior to attending training by successful completion of corresponding competency examinations with a weighted score of 70 or better. Exemption examinations are not available for the department's online Part II specialized training courses.

k. The Department of Children and Family Services or its designated representative shall exempt individuals with a:

(I) B.A., B.S., or advanced degree in Early Childhood Education or Preschool Education from the Infant and Toddler Appropriate Practices course and Preschool Appropriate Practices course.

(II) B.A., B.S., or advanced degree in Elementary Education from the School-Age Appropriate Practices course.

(III) B.A., B.S., or advanced degree in Exceptional Student Education from the Special Needs Appropriate Practices course.

(c) Substitutes. Prior to taking care of children, substitutes for the operator of large family child care home and substitutes for the large family child care home employee who work 40 hours or more per month on average during a 12 month period shall be at least 18 years of age and must:

1. Successfully complete the Department of Children and Family Services' 30 clock-hour Family Child Care Home training, as evidenced by successful completion of a competency based examination(s) offered by the Department of Children and Family Services or its designated representative with a weighted score of 70 or better. Individuals who have successfully completed the mandatory 30 clock-hour Family Child Care Home training prior to

January 1, 2004 are not required to fulfill the competency examination requirement. Beginning July 1, 2006, the 30 clock-hour Family Child Care Home training will be replaced by five (5) individual training courses which total 30 clock-hours of training: Family Child Care Home Rules and Regulations; Health, Safety and Nutrition; Identifying and Reporting Child Abuse and Neglect; Child Growth and Development; and Behavioral Observation and Screening. Completion of the 30 clock-hour Family Child Care Home training shall be documented on the Department of Children and Family Services CF-FSP Form 5267 or the Department of Children and Family Services child care training transcript.

a. Child care personnel have one (1) opportunity, if they choose, to exempt from one (1) or more of the department's Introductory Child Care Training courses prior to attending training by successful completion of corresponding competency examinations with a weighted score of 70 or better.

b. Beginning July 1, 2006 the Department of Children and Family Services or its designated representative shall exempt individuals from the Health, Safety, and Nutrition; Child Growth and Development; and Behavioral Observation and Screening courses who meet one (1) of the following educational qualifications:

(I) Associate's degree or higher with six (6) college credit hours in early childhood education/child growth and development or degree in elementary education with certification to teach any age birth through 6th grade; or

(II) An active National Early Childhood or an active Birth Through Five Florida Child Care Professional Credential.

2. Complete a single course of training in early literacy and language development of children ages birth through five (5) that is a minimum of five (5) clock-hours or .5 CEUs. Proof of completion will be documented on the certificate of course completion, classroom transcript, or diploma. In order to meet this requirement, substitutes for the operator of a large family child care home and substitutes for the large family child care home employee who work 40 hours or more per month on average during a 12 month period must complete one (1) of the following:

a. One (1) of the department's online literacy courses available on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare); or

b. One (1) of the department's approved literacy training courses. A list of these courses may be obtained from the licensing authority on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare) (no additional courses will be approved by the department); or

c. One (1) college level early literacy course (for credit or non-credit) if taken within the last five (5) years.

(d) Employees in a large family child care home. Employees in a large family child care home shall be at least 18 years of age and must:

1. Within 90 days of employment in the child care industry, begin the Department of Children and Family Services' 30 clock-hour Family Child Care Home training. The training shall be successfully completed within 12 months from the date on which the training began, as evidenced by the successful completion of a competency examination offered by the Department of Children and Family Services or its designated representative with a weighted score of 70 or better, and may not exceed 15 months from the date of employment in the child care industry. All individuals who have successfully completed the mandatory 30 clock-hour Family Child Care Home training prior to January 1, 2004 are not required to fulfill the competency examination requirement. Beginning July 1, 2006, the 30 clock-hour Family Child Care Home training will be replaced by five (5) individual training courses which total 30 clock-hours of training: Family Child Care Home Rules and Regulations; Health, Safety and Nutrition; Identifying and Reporting Child Abuse and Neglect; Child Growth and Development; and Behavioral Observation and Screening.

a. Child care personnel have one (1) opportunity, if they choose, to exempt from one (1) or more of the department's Introductory Child Care Training courses prior to attending training by successful completion of corresponding competency examinations with a weighted score of 70 or better. The Family Child Care Home training must be documented on the Department of Children and Family Services CF-FSP Form 5267 or the Department of Children and Family Services child care training transcript.

b. Beginning July 1, 2006 the Department of Children and Family Services or its designated representative shall exempt individuals from the Health, Safety, and Nutrition; Child Growth and Development; and Behavioral Observation and Screening courses who meet one (1) of the following educational qualifications:

(I) Associate's degree or higher with six (6) college credit hours in early childhood education/child growth and development or degree in elementary education with certification to teach any age birth through 6th grade; or

(II) An active National Early Childhood Credential or an active Birth Through Five Florida Child Care Professional Credential.

2. Within 12 months of date of employment in the child care industry, complete a single course of training in early literacy and language development of children ages birth through five (5) that is a minimum of five (5) clock-hours or .5 CEUs. Proof of completion will be documented on the certificate of course completion, classroom transcript, or diploma. In order to meet this requirement, employees must complete one (1) of the following:

a. One (1) of the department's online literacy courses available on the Department of Children and Family Services website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare); or

b. One (1) of the department's approved literacy training courses. A list of these courses may be obtained from the licensing authority on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare) (no additional courses will be approved by the department); or

c. One (1) college level early literacy course (for credit or non-credit) if taken within the last five (5) years.

(e) Substitutes for an employee at a large family child care home. Prior to caring for children, substitutes for an employee at a large family child care home who work less than 40 hours a month on average during a 12 month period shall complete the department's three (3) clock-hour Fundamentals of Child Care Training. Large family child care substitutes who have successfully completed the 30 clock-hour Family Child Care Home training are not required to complete the three (3) clock-hour Fundamentals of Child Care training.

(f) Documentation of Training. Training completed successfully will be documented on the training transcript or on CF-FSP Form 5267.

~~(a) In addition to the successful completion of the 30 clock-hour Family Child Care Home training completed prior to caring for children, large family child care home operators must successfully complete training as evidenced by passage of a competency examination with a score of seventy (70) or better in 10 clock-hours of specialized training from the Department of Children and Family Services specialized training from the Department of Children and Family Services specialized training modules within six (6) months of licensure:~~

- ~~1. Infant and Toddler Appropriate Practices (10 hours);~~
- ~~2. Preschool Appropriate Practices (10 hours);~~
- ~~3. School Age Appropriate Practices for school age children (10 hours);~~
- ~~4. Special Needs Appropriate Practices (10 hours);~~
- ~~5. Basic Guidance and Discipline (5 hours web based);~~
- ~~6. Computer Technology for Child Care Professionals (5 hours web based); and~~
- ~~7. Early Literacy in the Child Care Environment (5 hours web based).~~

~~(b) Large family child care home operators shall complete 5 clock hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age by June 30, 2005, as documented on the certificate of course completion, classroom transcript, or diploma. Literacy training must be a single class or course that is no less than 5 hours in duration. In order to meet this requirement, large family child care home operators must select a training course from the Department of Children and Family Services' list of approved training programs, which can be accessed by going to the Department of Children and Family Services' website at [www.myflorida.com/childcare/training](http://www.myflorida.com/childcare/training), or by contacting the licensing authority. Literacy training that was taken between July 1, 1999 and July~~

~~1, 2004 will be accepted by the licensing authority until January 1, 2005, if it meets all the required components stated above.~~

~~(e) Training transcripts are updated upon the successful completion of training, as evidenced by the passage of a competency examination with a score of seventy (70) or better. Competency examinations will be offered by the Department of Children and Family Services or its designated representative. Prior to attending the training, Large Family Child Care Home operators have one opportunity, if they choose, to exempt from the 10 clock-hour specialized training modules by successfully completing competency examinations with a score of seventy (70) or better. The 10-hour specialized training must be documented on CF-FSP Form 5267, May 2003, or the Department of Children and Family Services' child care training transcript. Examination exemptions are not available for the Department of Children and Family Services' web-based Part II specialized training modules.~~

~~(d) Large family child care homes must have one person on the premises during all hours of operation who has a valid certificate of course completion for infant and child cardiopulmonary resuscitation procedures and first aid training.~~

~~(e) Employees in a large family child care home shall be at least 18 years of age and within 90 days of employment within the child care field, shall begin the 30 clock-hour Family Child Care Home training. Prior to attending the training, employees in a large family child care home have one opportunity, if they choose, to exempt from the 30 clock-hour Family Child Care Home training by successfully completing competency examinations with a score of seventy (70) or better. The training shall be successfully completed within one year of the date on which the training began, as evidenced by the passage of a competency examination with a score of seventy (70) or better. The Family Child Care Home training must be documented on the Department of Children and Family Services' CF-FSP Form 5267, May 2003, or the Department of Children and Family Services' child care training transcript. In addition to the 30 clock-hour Family Child Care Home training, all employees in a large family child care home, hired on or before December 31, 2004, shall complete 5 clock hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age, as documented on the certificate of course completion, classroom transcript, or diploma; by June 30, 2005. Employees hired on or after January 1, 2005, prior to caring for children, must complete 5 clock hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age. Literacy training must be a single class or course that is no less than five (5) hours in duration. In order to meet this requirement, employees must select a training course from the Department of Children and Family Services' list of approved~~



literacy training programs, which can be accessed by going to from the Department of Children and Family Services' website at [www.myflorida.com/childcare/training](http://www.myflorida.com/childcare/training), or by contacting the licensing authority. Literacy training that was taken between July 1, 1999 and July 1, 2004 will be accepted by the licensing authority until January 1, 2005, if it meets all the required components stated above.

(f) ~~Prior to taking care of children, substitutes for the operator of large family child care homes shall be at least 18 years of age and shall have successfully completed the 30 clock-hour Family Child Care Home training, as evidenced by the passage of a competency examination with a score of seventy (70) or better. Prior to attending the training, substitutes for the operator have one opportunity, if they choose, to exempt from the 30-clock-hour Family Child Care Home training by successfully completing competency examinations with a score of seventy (70) or better. Competency examinations will be offered by the Department of Children and Family Services or its designated representative. Completion of the 30-hour Family Child Care Home training shall be documented on the Department of Children and Family Services' CF-FSP Form 5267, May 2003, or the Department of Children and Family Services' child care training transcript. In addition to the 30-clock-hour Family Child Care Home training, prior to caring for children, all substitutes for the operator of the large family child care home, hired on or before December 31, 2004, shall complete 5 clock hours or .5 continuing unit (CEU) of training in early literacy and language development of children from birth to 5 years of age, as documented on the certificate of course completion, classroom transcript, or diploma; by June 30, 2005. Substitutes for the operator hired on or after January 1, 2005, prior to caring for children, must complete 5 clock hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age. Literacy training must be a single class or course that is no less than 5 hours in duration. In order to meet this requirement, substitutes must select a training course from the Department of Children and Family Services' list of approved literacy training programs, which may be accessed by going to the Department of Children and Family Services' website at [www.myflorida.com/childcare/training](http://www.myflorida.com/childcare/training), or by contacting the licensing authority. Literacy training that was taken between July 1, 1999 and July 1, 2004 will be accepted by the licensing authority until January 1, 2005, if it meets all the required components stated above.~~

(g) ~~Prior to caring for children, substitutes for an employee at a large family child care home who work less than 40 hours a month on average during a 12-month period, shall complete the department's 3-clock-hour Fundamentals of Child Care Training.~~

~~(h) Prior to taking care of children, substitutes for an employee at a large family child care home who work more than 40 hours a month on average during a 12-month period, shall successfully complete the 30-clock-hour Family Child Care Home training, as demonstrated through passage of a competency examination with a score of seventy (70) or better, documented on the form or transcript referenced above. Prior to attending the training, substitutes for an employee at a large family child care home who work more than 40 hours a month on average during a 12-month period have one opportunity, if they choose, to exempt from the 30-clock-hour Family Child Care Home training by successfully completing competency examinations with a score of seventy (70) or better. All large family child care home substitutes who have completed the 30-clock-hour Family Child Care Home training prior to the availability of the competency examination will not be required to complete the competency based testing. In addition to the 30-clock-hour Family Child Care Home training, prior to caring for children, all substitutes for an employee of a large family child care home, hired on or before December 31, 2004, shall complete 5 clock hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age, as documented on the certificate of course completion, classroom transcript, or diploma; by June 30, 2005. Substitutes for the employee; hired on or after January 1, 2005, prior to caring for children, must complete 5 clock hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age. In order to meet this requirement, substitutes for the employee must select a training course from the Department of Children and Family Services' list of approved literacy training programs, which can be accessed by going to the Department of Children and Family Services' website at [www.myflorida.com/childcare/training](http://www.myflorida.com/childcare/training), or by contacting the licensing authority. Literacy training that was taken between July 1, 1999 and July 1, 2004 will be accepted by the licensing authority until January 1, 2005, if it meets all the required components stated above.~~

(6) Annual In-Service Training.

(a) All large family child care home operators and employees, must complete a minimum of 10 clock-hours or one (1) CEU of in-service training ~~or 1 CEU~~, annually during the operator state's 12 month licensing period fiscal year beginning July 1 and ending June 30.

(b) The annual 10-clock-hours or one (1) CEU of in-service training concentrating on children ages birth through 12 ~~or 1 CEU~~, must be completed in one (1) or more of the following areas (college level courses will be accepted):

1. through 2. No change.
3. First Aid (this training may only be taken to meet the in-service requirement once every three (3) years);
4. through 22. No change.

(c) Documentation of the in-service training requirement must be recorded on CF-FSP Form 5268A, ~~Feb. 04, Child Care In-Service Training Record, which is incorporated by reference,~~ and maintained at the large family child care home. CF-FSP Form 5268A may be obtained from the licensing authority or on by going to the Department of Children and Family Services' website at www.myflorida.com/childcare/training. A new in-service training record is required each licensing fiscal year. ~~In addition to maintaining the training record for the current fiscal year, The~~ in-service training records for the previous two (2) licensing fiscal years must also be maintained at the large family child day care home for review by the licensing authority. ~~College level courses that cover the topics above may also be counted to meet the annual in-service training requirement.~~

(7) LFCCH Supervision.

(a) In a large family child care home, direct supervision must be maintained at all times during the hours of operation. Direct supervision means watching and directing children's activities within the area designated as usable indoor floor space or outdoor play space and responding to each child's need. While children are napping or sleeping in bedrooms, the bedroom doors must remain open.

(b) Additional Supervision Requirements.

1. In addition to the number of staff required to meet staff-to-child ratios, if there are more than six (6) preschoolers participating on field trips away from the large family child care home, there must be one (1) additional adult present, per each six (6) preschoolers, or any fraction thereof, to provide direct supervision to the children. Where some children remain in the home, the adult supervision as required in Section 402.302(8), F.S., shall be maintained. At no time shall the total number of children exceed the capacity as defined in Section s. 402.3131, F.S.

2. If a large family child care home uses a swimming pool that which exceeds three (3) feet in depth or uses beach or lake areas for water activities, the large family child care home must provide one (1) person with a certified lifeguard certificate or equivalent, unless a certified lifeguard is on duty and present when children are in the swimming area.

(8) Transportation.

(a) When any vehicle is regularly used by a large family child care home to provide transportation, the driver shall have a current Florida driver's license in accordance with Section ss- 322.01- 322.70, Florida Statutes.

(b) through (f) No change.

1. Driver's Log. A log shall be maintained for all children being transported in the vehicle. The log shall be retained for a minimum of six (6) months. The log shall include each child's name, date, time of departure and time of arrival, signature of driver and signature of second staff member to verify driver's log and the fact that all children have left the vehicle.

2. No change.

a. ~~M~~mark each child off the log as the child departs the vehicle,

b. Conduct a physical inspection and visual sweep of the vehicle to ensure that no child is left in the vehicle, and

c. Sign, date and record the driver's log immediately, verifying that all children were ~~all~~ accounted for and that the visual sweep was conducted.

3. Upon arrival at the destination, a second staff member shall:

a. Conduct a physical inspection and visual sweep of the vehicle to ensure that no child is left in the vehicle, and

b. Sign, date and record the driver's log immediately, verifying that all children were accounted for and that the driver's log is complete.

(f) No change.

(9) Planned and Unplanned Activities.

(a) Each age group or class must have a written and followed plan of scheduled activities posted in a conspicuous location place accessible to the custodial parents or legal guardian. The written plan must meet the needs of the children being served and include scheduled activities that which:

1. Promote emotional, social, intellectual and physical growth;:-

2. Include quiet and active play, both indoors and outdoors;:-and

3. No change.

(b) A permission and transportation release form signed by the custodial parent or legal guardian of the children in care must be on file for planned and unplanned activities.

1. A telephone or other means of instant communication shall be available to the operator, employee or other adult responsible for children during all field trips. Cellular phones, two-way radio devices, citizen band radios, and other means of instant communication are acceptable.

2. Emergency medical forms signed by the custodial parent or legal guardian and emergency contact numbers must accompany the children on all field trips.

(10) Child Discipline.

(a) Large family child care homes shall adopt a discipline policy consistent with Section s- 402.305(12), F.S.

(b) All child care personnel ~~of the large family child care home must shall~~ comply with the large family child care home's' written disciplinary policy. Such policies shall include standards that prohibit children from being subjected to discipline which is severe, humiliating, frightening, or associated with food, rest, or toileting. Spanking or any other form of physical punishment is prohibited by all child care personnel.

(c) No change.

(11) LFCCH General Requirements.

(a) Fire Safety. Large family child care homes shall conform to state standards adopted by the State Fire Marshal, Chapter 69A-36, Florida Administrative Code, Uniform Fire Safety Standards for Child Care Facilities and shall be inspected annually.

(b) No change.

1. A large family child care home must have 35 square feet of usable indoor floor space per child ~~that which~~ does not include bedrooms unless it can be demonstrated that these bedrooms are used as multipurpose activity rooms.

2. Usable indoor floor space refers to that space available for indoor play and activities. Usable indoor floor space is calculated by measuring at floor level from interior walls and by deleting space for stairways, toilets and bath facilities, permanent fixtures and non-movable furniture. Kitchens, offices, laundry rooms, storage areas, hallways, and other areas not used in normal day-to-day operations are not included when calculating usable indoor floor space.

3. Shelves or storage for toys and other materials shall be considered as usable indoor floor space if accessible to children.

4. No change.

5. Large family child care homes shall make available toys, equipment and furnishings suitable to each child's age and development and of a quantity suitable for each child to be involved in activities.

6. No change.

(c) No change.

1. At all large family child care homes, the outdoor play space shall maintain safe and adequate ~~be fenced, or walls,~~ a minimum of four (4) feet in height. Fencing, including gates, must be continuous and shall not have gaps that would allow children to exit the outdoor play area. The base of the fence must remain at ground level, free from erosion or buildup, to prevent inside or outside access by children or animals.

2. All large family child care homes must have a minimum of 270 square feet of usable outdoor play space located on their property and which is exclusively used for the children attending or residing at the large family child care home. Large family child care homes caring only for infants under 12 months of age; shall not be required to have an outdoor play space; however, infants in care shall be provided opportunities for outdoor time each day that weather permits.

3. No change.

4. All playground equipment shall be securely anchored, unless portable or stationary by design, in good repair, maintained in safe condition, and placed to ensure safe usage by the children. Maintenance shall include checks, at least every other month, of all supports, above and below the ground, all connectors, and moving parts.

5. Permanent or stationary playground equipment must have a ground cover or other protective surface under the equipment ~~that which~~ provides resilience and is maintained to reduce the incidence of injuries to children in the event of falls.

6. All equipment, fences, and objects on the large family child care home's premises shall be free from ~~of~~ sharp, broken and jagged edges and properly placed to prevent overcrowding or safety hazards in any one (1) area.

7. No change.

(d) No change.

1. The operator shall prepare an emergency evacuation plan including a diagram of safe routes by which the operator, employee and children may exit each area of the home in the event of fire or other emergency requiring evacuation. This plan shall be posted or shared with the employees, custodial and parents, and/or legal guardians.

2. ~~In addition to conducting fire drills as specified in 65C-20.010(3)(b)4., F.A.C.,~~ The large family child care home shall maintain and retain a written ~~the fire drill~~ record of monthly fire drills as specified in subparagraph 65C-20.010(3)(b)4., F.A.C. on the premises for twelve months.

(12) LFCCH Enforcement. ~~Pursuant to Section 402.3131, F.S., the department or local licensing agency shall deny, suspend, revoke a license, or impose an administrative fine for the violation of any provision of ss. 402.301-.319, F.S., or rules adopted thereunder.~~

(a) No change.

(b) Child Safety. Pursuant to Section 402.301, F.S., acts or omissions that meet the definition of child abuse or neglect constitute a violation of the standards in Section 402.301-.309, F.S.

Specific Authority 402.3131 FS. Law Implemented 402.302, 402.305, 402.3131 FS. History--New 5-21-00, Amended 1-4-01, 7-13-03, 9-12-04,\_\_\_\_\_.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation**

RULE NOS.:	RULE TITLES:
65C-22.001	General Information
65C-22.002	Physical Environment
65C-22.003	Training
65C-22.004	Health Related Requirements
65C-22.005	Food and Nutrition
65C-22.006	Record Keeping
65C-22.007	Evening Child Care
65C-22.008	School-Age Child Care

PURPOSE AND EFFECT: The proposed amendments by the Child Care Program Office (CCPO) of the Florida Department of Children and Families (DCF) to Chapter 65C-22, F.A.C., are necessary for the uniform and proper administration and enforcement of State of Florida child care training and licensure policies and procedures.

The granting of rule writing authority to the CCPO of all Child Development Associate Equivalency (CDAE) programs by the legislature in 2004 as well as the statewide Voluntary Pre-Kindergarten (VPK) initiative in 2005, warrant the amendments to the rule in the area of child care personnel training in order to provide clarification and unwavering guidance to the public on the “staff credential” policy required by the State in child care facilities.

The rule amendments in the area of child care licensing are necessary for the clarification of policies and procedures relating to child safety and health and sanitation issues and to preserve the public welfare generally.

SUBJECT AREA TO BE ADDRESSED: Child Care Standards.

SPECIFIC AUTHORITY: 402.302, 402.305 FS.

LAW IMPLEMENTED: 402.302, 402.305 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, THE FOLLOWING HEARINGS WILL BE HELD AT THE DATE, TIME AND PLACES SHOWN BELOW (IF NOT REQUESTED, THESE HEARINGS WILL NOT BE HELD):

DATE AND TIME: August 7, 2006, 9:00 a.m.

PLACE: Room 361A, Bldg. 6, 3rd Floor, Department of Children and Families, 1317 Winewood Blvd., Tallahassee, Florida 32399-0700

DATE AND TIME: August 7, 2006, 9:00 a.m.

PLACE: Room 123, Department of Children and Families, 2295 Victoria Ave., Fort Myers, FL 33901

DATE AND TIME: August 7, 2006, 9:00 a.m.

PLACE: Room 148, 1st Floor, Department of Children and Families, 210 N. Palmetto Ave., Daytona Beach, FL 32114

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Carrie Pafford, Government Operations Consultant II, 1317 Winewood Blvd., Building 6, Room 388, Tallahassee, FL 32399, (850)488-4900

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65C-22.001 General Information.

(1) Application.

(a) Application for a license or for renewal of a license to operate a child care facility must be made on CF-FSP Form 5017, ~~April Feb.~~ 2006~~4~~, Application for a License to Operate a Child Care Facility, which is incorporated by reference. ~~CF-FSP Form 5017 An application~~ may be obtained from the licensing authority or on by going to the Department of Children and Family Services’ website at [www.myflorida.com/childcare/information](http://www.myflorida.com/childcare/information).

(b) Each completed CF-FSP Form 5017 application must be submitted with the licensure fee.

(c) The completed CF-FSP Form 5017 application must be signed by the individual owner, or prospective owner, or the designated representative of a partnership, association, or corporation.

(d) For the purpose of issuing a license, any out-of-state criminal offense, which if committed in Florida, would constitute a disqualifying felony offense, shall be treated as a disqualifying felony offense for screening purposes under this rule.

(e) A completed CF-FSP Form 5017 application for renewal of an annual license must be submitted to the licensing authority at least 45 days prior to the expiration date of the current license to ensure that a lapse of licensure does not occur. ~~The renewal application and required forms may be obtained from the licensing authority.~~

(f) In order to ~~be classified~~ operate as an urban child care facility, the ~~applicant child care facility~~ must obtain written provide documentation from the local governing body that confirms the geographical area has been declared urban. Urban child care facilities at the time of application that the outdoor play space requirement cannot be met, and must receive approval from the licensing authority and provide documentation at the time of application that the outdoor play space requirement cannot be met. An urban child care facility will not be approved if outdoor space is found by the licensing authority to be available.

(2) License.

(a) No change.

(b) At least one (1) week prior to changing ownership of a child care facility, in compliance with Section 402.305(18), F.S., ~~at least one week prior to changing ownership of a child care facility,~~ one (1) of the following methods of notification to custodial parents or legal guardians must be observed:

1. Posting a notice in a conspicuous location at the facility;

2. Incorporating information into any existing newsletter; ~~or~~

3. Individual letters; or fliers.

(3) Minimum Age Requirements.

No change.

(4) Ratios.

(a) The staff-to-children ratio, as established in Section 402.305(4), F.S., is based on primary responsibility for the direct supervision of children and applies at all times while children are in care.

(b) No change.

1. In groups of mixed age ranges, where children under one (1) year of age are included, one (1) staff member shall be responsible for no more than four (4) children of any age group, at all times.

2. In groups of mixed age ranges, where children one (1) year of age but under two (2) years of age are included, one (1) staff member shall be responsible for no more than six (6) children of any age group, at all times.

(c) For every 20 children, a child care facility must have one (1) credentialed staff member pursuant to Section 402.305(3), F.S.

(5) Supervision.

(a) Direct supervision means watching and directing children's activities within the same room or designated outdoor play area and responding to the needs of each child's ~~need~~. Child care personnel at a facility must be assigned to provide direct supervision to a specific group of children and be present with that group of children at all times. When caring for school-age children, child care personnel shall remain responsible for the supervision of the children in care, ~~and~~ capable of responding to emergencies; and are accountable for children at all times, ~~which~~ including when children are separated from their groups.

(b) During nap time, supervision means sufficient staff are in close proximity, within sight and hearing, of all the children. All other staff required to meet the ~~required~~ staff-to-children ratio shall be within the same building on the same floor and be readily accessible and available to be summoned to ensure the safety of the children. Nap time supervision, as described in this section, does not include supervision of children up to 24 months of age, who must be directly supervised at all times.

(c) No person shall be an operator, owner, or employee of a child care facility while using, or ~~who is~~ under the influence of, narcotics, alcohol, or other ~~impairing~~ drugs that impair an individual's, which affects their ability to provide supervision and safe child care, ~~shall be an operator, owner, or employee in a child care facility.~~

(d) No change.

1. In addition to the number of staff required to meet the staff-to-child ratio, for the purpose of safety, one (1) additional adult must be present on all field trips away from the child care facility, ~~for the purpose of safety,~~ to assist in providing direct supervision.

2. If a child care facility uses a swimming pool that ~~which~~ exceeds three (3) feet in depth or uses beach or lake areas for water activities, the child care facility must provide one (1) person with a certified lifeguard certificate or equivalent, unless a certified lifeguard is on duty and present when any children are in the swimming area. In situations where the child care facility provides a person with a certified lifeguard certificate or equivalent, that person can also serve as the additional adult to meet the requirement in subparagraph (d)1., above.

3. A telephone or other means of instant communication shall be available to staff responsible for children during all field trips. Cellular phones, two-way radio devices, citizen band radios, and other means of instant communication are acceptable.

(6) Transportation. For the purpose of this section, vehicles refer to those that are owned/operated or regularly used by the child care facility; and vehicles that provide transportation through a contract or agreement with an outside entity.

(a) When any vehicle is regularly used by a child care facility to provide transportation, the driver shall have a current Florida driver's license, ~~and~~ an annual physical examination which grants medical approval to drive, and valid certificate(s) of course completion for first aid training and infant and child cardiopulmonary resuscitation (CPR) procedures.

(b) All child care facilities must comply with the ~~inspection responsibilities and~~ insurance requirements found in Section 316.615(4), F.S.

(c) All vehicles regularly used to transport children shall be inspected annually; by a mechanic; to ensure proper working order. Documentation by the mechanic shall be maintained in the vehicle.

(d) through (e) No change.

(f) When transporting children, staff-to-child ratios must be maintained at all times. The driver may be included in the staff-to-child ratio. Prior to transporting children and upon the vehicle(s) arrival at its destination, the following shall be conducted by the driver(s) of the vehicle(s) used to transport the children:

1. Driver's Log. A log shall be maintained for all children being transported in the vehicle. The log shall be retained for a minimum of four (4) months. The log shall include each child's name, date, time of departure, ~~and~~ time of arrival, signature of driver and signature of second staff member to verify driver's log and the fact that all children have left the vehicle. ~~The log shall be retained for a minimum of four months.~~

2. Upon arrival at the destination, the driver of the vehicle shall:

a. Mark each child off the log as the children departs the vehicle,

b. No change.

c. Sign, date and record the driver's log immediately, verifying that all children were ~~all~~ accounted for and that the visual sweep was conducted.

3. Upon arrival at the destination, a second staff member shall:

a. No change.

b. Sign, date and record the driver's log immediately, verifying that all children were accounted for and that the drivers log is complete.

(7) Planned Activities.

(a) Each age group or class must have a written and followed plan of scheduled activities posted in a conspicuous location ~~place~~ accessible to ~~the~~ parents. The written plan must meet the needs of the children being served and include scheduled activities that ~~which~~:

1. Promote emotional, social, intellectual and physical growth;
2. Include quiet and active play, both indoors and outdoors; and;
3. No change.

(b) Parents must be advised in advance of each field trip activity. The date, time and location of the field trip must be posted in a conspicuous location at least two (2) working days prior to each field trip. Written parental permission must be obtained, ~~either~~ in the form of a general permission slip, ~~or prior to each field trip activity~~. If special circumstances arise where notification of an event cannot be posted for two (2) working days, ~~then~~ individual permission slips must be obtained from the custodial ~~each~~ parent or legal guardian. Documentation of parental permission for field trips shall be maintained for a minimum of four (4) months from the date of each field trip.

(8) Child Discipline.

(a) Verification that the child care facility has provided, in writing, the disciplinary policy ~~practices~~ used by the facility shall be documented on the enrollment form; with the signature of the custodial parent or legal guardian.

(b) All child care personnel ~~of the child care facility~~ must comply with the facility's written disciplinary policy ~~practices~~. Such policies shall include standards that prohibit children from being subjected to discipline which is severe, humiliating, frightening, or associated with food, rest, or toileting. Spanking or any other form of physical punishment is prohibited by all child care personnel.

(c) A copy of the facility's current written disciplinary policy ~~practices~~ must be available to the licensing authority to review for compliance with Section 402.305(12), F.S.

(9) Access. No change.

(10) Attendance. Daily attendance of children shall be taken and recorded by the child care facility personnel, documenting when each child enters and departs a child care facility or program. Such records shall be maintained for a minimum of four (4) months.

(11) Child Safety. Pursuant to Section 402.301, F.S., acts or omissions that meet the definition of child abuse or neglect provided in Chapter 39, F.S., constitute a violation of the standards in Section 402.301-309, F.S.

Specific Authority 402.281, 402.305 FS. Law Implemented 402.281, 402.305, 402.3055, 402.308 FS. History—New 6-1-97, Amended 3-17-99, 7-26-00, 1-4-01, 7-13-03, 9-12-04, \_\_\_\_\_.

65C-22.002 Physical Environment.

(1) General Requirements.

(a) All child care facilities must be clean, in good repair, and free from health and safety hazards, ~~clean~~, and ~~free~~ from vermin infestation. During the hours that the facility is in operation, no portion of the building shall be used for any activity which endangers the health and safety of ~~the~~ children.

(b) All areas and surfaces accessible to children shall be free from ~~of~~ toxic substances and hazardous materials.

(c) Animals must be properly immunized, free from ~~of~~ disease, and clean. Parents must be informed in writing of all animals on the premises. Such information may be provided by way of a conspicuously posted notice or bulletin, policy handbook, parent flier, or a statement included on the enrollment form.

(d) All potentially harmful items including cleaning supplies, flammable products, poisonous, toxic, and hazardous materials must be labeled. These items, as well as knives, ~~and~~ sharp tools and other potentially dangerous hazards, shall be stored in a locked container or a locked area that is inaccessible to children in locations inaccessible to the children in care.

(e) through (g) No change.

(h) Design and construction of a new child care facility or modifications to an existing facility; must meet the minimum requirements of the applicable local governing body.

(2) Rooms Occupied by Children.

(a) All rooms must have and maintain lighting the equivalent of 20 foot candles at three (3) feet from the floor to allow for supervision and for safe methods of entering and exiting each room. In reading, painting, and other close work areas, lighting must be equivalent to 50 foot candles on the work surface. At all times lighting must be sufficient to visually observe and supervise children, including during naptime.

(b) An inside temperature of 65° to 82° degrees Fahrenheit must be maintained at all times.

(c) through (d) No change.

(3) Indoor Floor Space.

(a) No change.

(b) Usable indoor floor space refers to that space available for indoor play, classroom, work area, or nap space. Usable indoor floor space, for the facility as a whole, is calculated by measuring at floor level from interior walls and by deleting space for stairways, toilets and bath facilities, permanent fixtures and non-movable furniture. Kitchens, offices, laundry rooms, storage areas, hallways, and other areas not used in normal day-to-day operations are not included when calculating usable indoor floor space.

(c) In addition to the total facility minimum square footage per child, each room that is routinely occupied by children must also have a minimum of 20 square feet or 35 square feet (whichever is applicable) per child at all times.

(d)(e) Shelves or storage for toys and other materials shall be considered as usable indoor floor space if accessible to children.

~~(e)(4)~~ Where infants are in care, they shall have open indoor floor space outside of cribs and playpens. The space used for play may be interchangeable with space used for cribs and play pens.

(4) Outdoor Play Area.

(a) There shall be a minimum of ~~forty-five (45)~~ square feet of usable, safe and sanitary outdoor play area per child, one (1) year of age and older. A minimum outside play area shall be provided for one-half (1/2) of this identified population.

(b) The outdoor play area shall be calculated at the rate of ~~forty-five (45)~~ square feet per child in any group using the play area at one (1) time.

(c) The outdoor play area shall be clean, free ~~from~~ of litter, nails, glass and other hazards.

1. through 2. No change.

(d) No change.

(e) The outdoor play area shall have and maintain safe and adequate fencing or walls a minimum of four (4) feet in height. Fencing, including gates, must be continuous and shall not have gaps that would allow children to exit the outdoor play area. The base of the fence must remain at ground level, ~~and be~~ free from erosion or build-up, to prevent inside or outside access by children or animals.

(f) through (g) No change.

(h) For the purposes of child care facilities who are providing care to school-age children, a fence is not required if all the following conditions are met:

1. The children using the outdoor play area are in five-year-old kindergarten and grades one (1) or above;

2. In addition to the established staff-to-children ratios, for the purpose of safety, an additional staff member is present, during all times of outdoor activities, to assist in providing direct supervision;

3. The outdoor play area is bordered by a road or street open to travel by the public with a posted or unposted speed limit of no more than 25 miles per hour, or where the posted or unposted speed limit is no greater than 35 miles per hour and the playground is a minimum of 30 feet from the edge of the road; and

4. The licensing authority has provided written authorization to the program to operate without a fence.

(5) Napping and Sleeping Space. For the purposes of these standards, sleeping refers to the normal ~~overnight~~ time sleep cycle while napping refers to a brief period of rest during daylight or early evening hours.

(a) Each facility must include a designated area where each child can sit quietly ~~or and~~ lie down to rest or nap. When not in use, napping space and usable indoor floor space may be used interchangeably.

(b) Each child in care must be provided safe and sanitary bedding to be used when napping or sleeping. Bedding means a cot, bed, crib, playpen, mattress (excluding an air mattress or

a foam mattress) or floor mat. Floor mats must be at least one (1) inch thick and covered with an impermeable surface. Floor mats, foam mattresses, air mattresses, and playpens may not be used for care when children are sleeping. Bedding must be appropriate for the child's size. Bedding is not required for school-age children; however, the program or facility shall provide an area as described in paragraph 65C-22.002(5)(a), F.A.C., for those children choosing to rest.

(c) Linens, if used, must be laundered at least once each week and more often if soiled or dirty. Linens, if used for more than one (1) child shall be laundered between usage. Linens must be provided when children are sleeping and pillows and blankets must be available.

(d) No change.

(e) A minimum distance of ~~eighteen (18)~~ inches must be maintained around individual napping and sleeping spaces. Exit areas must remain clear in accordance with fire safety regulations.

(f) Children up to one (1) year of age must be in their own crib, portacrib or playpen with sides. Crib sides must be raised and secured while an infant is in the crib and bar spacings may not exceed two and three-eighths (2 3/8) inches. Cribs must meet the construction regulations as outlined in Title 16, Parts 1508 & 1509, Code of Federal Regulations. No double or multi-deck cribs, cots or beds may be used. When napping or sleeping, young infants that are not capable of rolling over on their own should be positioned on their back and on a firm surface to reduce the risk of Sudden Infant Death Syndrome (SIDS), unless an alternate position is authorized in writing by a physician. The documentation shall be maintained in the child's record. Crib sides must be raised and secured while an infant is in the crib. Cribs must meet the construction regulations as outlined in Title 16, Parts 1508 & 1509, Code of Federal Regulations.

(g) When napping or sleeping, young infants that are not capable of rolling over on their own should be positioned on their back and on a firm surface to reduce the risk of Sudden Infant Death Syndrome (SIDS) unless an alternate position is authorized in writing by a physician. The documentation shall be maintained in the child's record. No double or multi-deck cribs, cots or beds may be used.

(6) Toilet and Bath Facilities.

(a) Each child care facility shall provide and maintain toilet and bath facilities ~~that, which~~ are easily accessible and at a height usable by the children. Platforms are acceptable when safely constructed and easily cleaned and sanitized.

(b) For facilities having from one (1) to ~~15~~ fifteen children, there shall be one (1) toilet and one (1) wash basin. There shall be one (1) additional toilet and basin for every ~~30~~ thirty children thereafter. For design and construction of a new child care facility or modification to an existing facility, paragraph 65C-22.002(1)(~~h~~)(g), F.A.C., shall apply.

1. If only diapered infants are cared for in the facility, ~~then there need be only one (1) toilet plus two (2) basins per 30 for each thirty infants is required.~~

2. No change.

(c) through (d) No change.

(e) At least one (1) portable or permanent bath facility shall be provided and be available for bathing children.

(f) Running water, ~~soap, trash receptacles,~~ toilet paper, ~~and~~ disposable towels or hand drying machines that are properly installed and maintained, ~~soap and trash receptacles~~ shall be available and within reach of children using the toileting facility.

(g) No change.

(7) Fire Safety.

(a) No change.

(b) There shall be at least one (1) corded telephone in the child care facility ~~that which~~ is neither locked nor located at a pay station and is available to all staff during the hours of operation.

(c) Fire drills shall be conducted monthly at various times and shall be conducted when children are in care. A current attendance record must accompany staff out of the building during a drill or actual evacuation and be used to account for all children.

(d) The operator shall maintain a written record of monthly fire drills showing the date, number of children in attendance, and time taken to evacuate the premises. Each monthly record shall be maintained for a minimum of four (4) months from the date of the fire drill.

(8) Health and Sanitation.

(a) General Requirements.

1. No change.

2. ~~Following personal hygiene procedures for themselves or when assisting others, and immediately after outdoor play,~~ Employees, volunteers, and children shall wash their hands with soap and running water, drying thoroughly and follow personal hygiene procedures for themselves, or while assisting others, and immediately after outdoor play.

3. No change.

4. If ~~the~~ children are sleeping overnight in the facility, child care staff must ensure accepted bedtime routines are practiced, such as brushing teeth and face and hand washing. Toothbrushes, towels and wash cloths may not be shared.

(b) Diapering Requirements.

1. Hand washing facilities ~~that which~~ include a basin with running water, ~~soap, trash receptacle, and~~ disposable towels or hand drying machines that are properly installed and maintained, ~~soap, and trash receptacle~~ shall be provided maintained in the infant room or in an adjoining room which opens into the room where infants or children with special needs in diapers are in care. Hands shall be washed and dried

thoroughly after each diapering or toileting procedure. Handwashing sinks shall not be used for food service preparation or food clean up.

2. When children in diapers are in care, there shall be a diaper changing area with an impermeable surface ~~that which~~ is cleaned with a sanitizing solution after each use. Children must be attended at all times when being diapered or when changing clothes.

3. ~~The d~~Diaper changing area shall be located in a separate area from the feeding or food preparation, service and feeding area. In addition, items unrelated to diaper changing shall not be stored in the diaper changing area nor shall they be placed on the diaper changing table.

4. There shall be a supply of clean diapers, clothing and linens at all times. When diapers, clothing or linens that are in use become soiled or wet, they shall be changed immediately or removed and properly disposed of, ~~which shall be changed or removed promptly when soiled or wet.~~

5. Soiled disposable diapers shall be disposed of in a plastic lined, securely covered container ~~that, which~~ is not accessible to children. The container shall be emptied and sanitized, at least, daily.

6. Soiled cloth diapers shall be emptied of feces in the toilet and placed in a securely covered container ~~that which~~ is not accessible to children. The container shall be emptied and sanitized, at least, daily.

(9) Equipment and Furnishings.

(a) Indoor Equipment.

1. through 2. No change.

(b) Outdoor Equipment.

1. A child care facility shall provide and maintain equipment and play activities suitable to each child's age and development.

2. All playground equipment shall be securely anchored, unless portable or stationary by design, in good repair, maintained in safe condition, and placed to ensure safe usage by the children. Maintenance shall include checks, at least every other month, of all supports; above and below the ground; and all connectors; and moving parts.

3. Permanent or stationary playground equipment must have a ground cover or other protective surface under the equipment ~~that which~~ provides resilience and is maintained to reduce the incidence of injuries to children in the event of falls.

4. All equipment, fences, and objects on the facility's premises shall be free from ~~of~~ sharp, broken and jagged edges and properly placed to prevent overcrowding or safety hazards in any one (1) area.

5. No change.

Specific Authority ~~402.301, 402.305 FS. Law Implemented 402.301, 402.305 FS. History--New 6-1-97, Amended 7-2-98, 3-17-99, 7-13-03, 9-12-04, 6-30-05,~~ \_\_\_\_\_.



65C-22.003 Training.

(1) Definitions.

(a) “Active” refers to the status of a candidate’s awarded credential or certification in which requirements have been successfully met. “CDA” Child Development Associate is a national credential, recognized throughout the United States and the world, issued by the Council for Early Childhood Professional Recognition in Washington, DC.

(b) “Before-school and after-school site” refers to a program, regardless of location, that provides child care for children who are at least five (5) years old and are enrolled in and attend a kindergarten program or grades one (1) and above during a school district’s calendar year. This is limited to programs that provide care only before and after the recognized hours of a district’s school day and on teacher planning days, holidays, and intercessions that occur during the school district’s official calendar year. “State Approved CDA Equivalency” is a training program that has been approved by the Department of Children and Family Services as meeting or exceeding the criteria established for an equivalency program.

(c) “Begin training for child care personnel” refers to a candidate’s commencement of at least one (1) of the child care training courses listed in Section 402.305(2)(d), F.S. This may be accomplished by classroom attendance, acquiring an educational exemption from training, beginning a department-approved online child care training course, or by completion of a department-approved competency examination within the first 90 days of employment in the child care industry. The child care facility is responsible for obtaining documentation from child care personnel.

~~(d)(e) “Director,” pursuant to for the purpose of this section and consistent with the statutory definition of “operator,” in Section 402.302(11), F.S., is refers to the onsite administrator or individual of a child care facility who has the primary responsibility for the day-to-day operation, supervision and administration of a the child care facility.~~

~~(e)(d) “Director Credential” is means a department-approved comprehensive credentialing program that consistsing of two levels of education and experiential requirements as referenced outlined in paragraph subsection 65C-22.003(8)(a), F.A.C.~~

~~(e) “Before school and after school sites” for the purposes of this section means, programs, no matter their location, providing child care for children who are five years old and above, when they are enrolled in and attending a kindergarten program or grades one and above, during the school district’s ealendar year. This is limited to programs providing care before and after the school day, only, teacher planning days, holidays, and intercessions that occur during the school district’s official calendar year.~~

~~(f) “Begin training for child care personnel” means to commence coursework by attendance, by educational exemption, or by completing a competency examination for~~

~~one of the statutorily mandated child care training modules. The begin date for training is the initial date an individual commences training in the child care field.~~

~~(f) Early childhood education” refers to coursework, certification, a credential or degree that specializes in children ages birth through eight (8).~~

~~(g) “Expired” refers to the status of a candidate’s awarded credential or certification that is not eligible for renewal.~~

~~(h) “Florida Child Care Professional Credential (FCCPC),” pursuant to Section 402.305(3)(b), F.S., is a department-approved training program that consists of a minimum of 120 hours of early childhood instruction, 480 contact hours with children ages birth through eight (8) and at least two (2) methods of formal assessment that offers two (2) areas of certification; “Birth Through Five (formerly the department approved CDA Equivalency training programs)” and “School-Age (formerly the Florida School-Age Certification).” A list of approved and recognized FCCPC programs may be obtained on the Department of Children and Family Services’ website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).~~

~~(i) “Florida Department of Education Child Care Apprenticeship Certificate (CCAC)” is a department approved child care credential that consists of a minimum of 120 hours of early childhood instruction and 480 contact hours with children ages birth through eight (8) and meets or exceeds the requirements outlined in Section 402.305(3)(c), F.S. A list of approved and recognized DOE programs may be obtained on the Department of Children and Family Services’ website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).~~

~~(j) “Florida Department of Education Early Childhood Professional Certificate (ECPC)” is a department approved child care credential that consists of a minimum of 120 hours of early childhood instruction and 480 contact hours with children ages birth through eight (8) and meets or exceeds the requirements outlined in Section 402.305(3)(c), F.S. A list of approved and recognized DOE programs may be obtained on the Department of Children and Family Services’ website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).~~

~~(k) “Florida Department of Education School-Age Professional Certificate (SAPC)” is a department approved child care credential that consists of a minimum of 120 hours of early childhood instruction and 480 contact hours with school-age children and meets or exceeds the requirements outlined in Section 402.305(3)(c), F.S. A list of approved and recognized DOE programs may be obtained on the Department of Children and Family Services’ website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).~~

~~(l) “Inactive” refers to the status of a candidate’s awarded credential or certification that remains eligible for renewal.~~

~~(m) “National Early Childhood Credential (NECC)” pursuant to Section 402.305(3)(c), F.S., is an early childhood credential approved by the department and recognized by licensing authorities in at least five (5) states that incorporates~~

120 hours of early childhood instruction, 480 contact hours with children ages birth through eight (8) and includes at least two (2) methods of formal assessment. This includes the Child Development Associate (CDA) credential issued by the Council for Professional Recognition in Washington, DC. A list of approved and recognized NECC programs may be obtained on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

~~(n)(g)~~ "Training Transcript" is the official electronic documentation of for statutorily mandated training and staff credentialing qualifications requirements for of all child care personnel. Training transcripts ~~may~~ can be obtained on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare), downloaded and printed by the individual if desired or will be issued to the individual if requested.

(o) "Weighted score" means a scaled score, rather than a percentage score, based on the difficulty of the exam and determined by competency exam professionals in consultation with subject matter experts.

(2) Training Requirements.

(a) Child care personnel hired on or after October 1, 1992 must successfully complete the Department of Children and Family Services' 40 hour Introductory Child Care Training, as evidenced by successful completion of competency based examinations offered by the Department of Children and Family Services or its designated representative with a weighted score of 70 or better. Child care personnel who successfully completed the mandatory 40 hour Introductory Child Care Training prior to January 1, 2004 are not required to fulfill the competency examination requirement.

1. All child care personnel must complete training within 12 months from the date training begins and may not exceed 15 months from the date of employment in the child care industry.

~~2.(a)~~ The 40 hour Introductory Child Care Training requirement is divided into two (2) parts. Part I is comprised of 30 hours of training ~~that~~, consisting of the Department of Children and Family Services' training courses modules, developed by the department, identified below:

- ~~a.1.~~ Child Care Facility State & Local Rules and Regulations;
- ~~b.2.~~ Health, Safety, and Nutrition;
- ~~c.3.~~ Identifying and Reporting Child Abuse and Neglect;
- ~~d.4.~~ Child Growth and Development; and
- ~~e.5.~~ Behavioral Observation and Screening.

~~3.(b)~~ Part II is comprised of 10 hours of training ~~that~~, consisting of a selection from the Department of Children and Family Services' specialized training courses modules, developed by the department, identified below:

- ~~a.1.~~ Infant and Toddler Appropriate Practices (10 hours);
- ~~b.2.~~ Preschool Appropriate Practices (10 hours);

- ~~c.3.~~ School-Age Appropriate Practices (10 hours);
- ~~d.4.~~ Special Needs Appropriate Practices (10 hours);
- ~~e.5.~~ Basic Guidance and Discipline (5 hours online web based);
- ~~f.6.~~ Computer Technology for Child Care Professionals (5 hours online web based); ~~and~~
- ~~g.7.~~ Early Literacy for Children Age Birth to Three (5 hours online web based);
- ~~h.~~ Early Childhood Computer Learning Centers (5 hours online), or
- ~~i.~~ Emergent Literacy for Voluntary Pre-Kindergarten (VPK) Instructors (5 hours online).

~~(c) Child care personnel hired on or after October 1, 1992, must successfully complete Part I and Part II of the Department of Children and Family Services' 40 hour Introductory Child Care Training requirement. Successful completion of the 40 hour training requirement is evidenced by passage of competency examinations with a score of seventy (70) or better. Child care personnel who have completed the mandatory 40 hour Introductory Child Care Training prior to the availability of the competency examinations will not be required to complete the competency based testing.~~

~~(b)(d)~~ Pursuant to Section 402.305(2)(d)5., F.S., all child care personnel must complete a single course 5 clock hours or .5 continuing education units (CEU's) of training in early literacy and language development of children ages birth through to five (5) years of age. Literacy training must be a single class or course that is a minimum of no less than five (5) clock-hours or .5 CEUs in duration and focuses on early literacy and language development of children from birth to 5 years of age.

~~1. All child care personnel employed on or before December 31, 2004, shall complete 5 clock hours or .5 documented continuing education units (CEU) of training in early literacy and language development of children from birth to 5 years of age, as documented on the certificate of course completion, classroom transcript, or diploma; by June 30, 2005.~~

~~1.2:~~ All child care personnel must ~~hired on or after January 1, 2005, shall~~ complete early literacy training within 12 months of date of employment in the child care industry. Proof of completion will be documented on the certificate of course completion, classroom transcript, or diploma.

~~2.3:~~ In order to meet the literacy training ~~this~~ requirement, child care personnel must complete one (1) of the following:

a. One (1) of the department's online literacy courses available on the Department of Children and Family Services' website at [www.myflorida.com/childcare/training](http://www.myflorida.com/childcare/training); or

b. One (1) of the department's approved literacy training courses. A training course from the Department of Children and Family Services' list of these courses may approved literacy training programs, which can be obtained from accessed by contacting the licensing authority or on by going

~~to the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare) (/training. The Department of Children and Family Services will continue to approve literacy courses through May 31, 2005. After this date, no additional courses will be approved by the department) added to the list; or~~

c. One (1) college level early literacy course (for credit or non-credit) if taken (~~for credit or non-credit~~) within the last five (5) years.

4. Literacy training that was taken between July 1, 1999 and July 1, 2004, will be accepted by the licensing authority if it meets all the required components stated above.

~~(e) Training transcripts are updated upon the successful completion of training, as evidenced by the passage of a competency examination. Competency examinations will be offered by the Department of Children and Family Services or its designated representative.~~

~~1. The successful completion of Part I and Part II modules will be documented on either CF-FSP Form 5267, May 2003, or the Department of Children and Family Services' child care training transcript.~~

~~2. A copy of the certificate or training transcript must be included in the child care personnel record and maintained at each facility.~~

~~3. A copy of the certificate or training transcript for the director and owner must be included in the department's official licensing file.~~

(3) Exemptions from the Introductory Child Care Training.

(a) Competency Examination Exemptions. ~~Prior to attending the training,~~ Child care personnel have one (1) opportunity, if they choose, to exempt from one (1) or more any of the department's 40-hour Introductory Child Care Training ~~courses modules prior to attending training~~ by successfully completing of corresponding competency examinations with a weighted score of seventy (70) or better. ~~Examination Exemptions examinations~~ are not available for the ~~department's online of Children and Family Services' web-based Part II specialized training courses modules.~~

(b) Educational Exemptions.

1. The Department of Children and Family Services or its designated representative shall exempt child care personnel ~~with one of the following educational qualifications,~~ from the Health, Safety and Nutrition; Child Growth and Development; and Behavioral Observation and Screening courses who meet one (1) of the following educational qualifications Modules:

a. Associate's Two-year degree or higher with six (6) college credit hours in early childhood/child growth and development or degree in elementary education with certification to teach any age birth through 6th grade.

b. An active National Early Childhood Credential (NECC) or an active Birth Through Five Florida Child Care Professional Credential (FCCPC), Child Development Associate credential, state-approved Florida CDA Equivalency course.

2. The Department of Children and Family Services or its designated representative shall exempt child care personnel with a B.A., B.S. or advanced degree in Early Childhood Education or Preschool Education from the Infant and Toddler Appropriate Practices ~~course module~~ and Preschool Appropriate Practices ~~course module~~.

3. The Department of Children and Family Services or its designated representative shall exempt child care personnel with a B.A., B.S. or advanced degree in Elementary Education from the School-Age Appropriate Practices ~~course module~~.

4. The Department of Children and Family Services or its designated representative shall exempt child care personnel with a B.A., B.S. or advanced degree in Exceptional Student Education from the Special Needs Appropriate Practices ~~course module~~.

5. There are no educational exemptions from the Child Care Facility Rules and Regulations and the Identifying and Reporting Child Abuse and Neglect courses or from the department's online training courses.

(4) Documentation of Training. Training ~~successfully completed~~ successfully after July 1, 2004 will be documented on the ~~child care training transcript only. Training completed prior to July 1, 2004 may be documented either on the child care training transcript or on CF-FSP 5267, April 2006, Child Care Training Course Completion Certificate, which is incorporated by reference.~~

(a) A copy of the CF-FSP Form 5267 or training transcript must be included in each staff member's child care personnel record and maintained at each child care facility.

(b) A copy of the CF-FSP Form 5267 or training transcript for the director of a child care facility must be included in the department's official licensing file.

(5) Child Care Trainer Qualifications. ~~Qualified~~ Child care professionals approved to teach the Department of Children and Family Services' ~~Child Care Training courses modules~~ must meet, at a minimum, ~~must meet~~ the following qualifications:

(a) ~~Be At~~ at least 21 years of age old.

(b) Have cCompleted the department's six (6)clock-hour Train-the-Trainer course~~developed by the Department of Children and Family Services.~~

(c) Meet one (1) of the following educational and experiential credentials verified by the Department of Children and Family Services or its designated representative:

1. Four (4) year college degree or higher with six (6) college credit hours in early childhood education/child growth and development ~~and, plus~~, 480 hours experience in a child care setting serving children ages birth through eight (8) years of age or a professional educator teaching certificate.

2. Associate's ~~S. or A.A.~~ degree in Early Childhood Education or Child Development ~~and, plus~~ 480 hours experience in a child care setting serving children ages birth through eight (8) years of age.

3. Associate's degree with six (6) college credit hours in early childhood/child growth and development ~~and, plus~~ 960 hours experience in a child care setting serving children ages birth through eight (8) years of age.

4. Four (4) year college degree with a professional educator certificate and employed by a school district in the state of Florida to teach Early Childhood Education in the Family and Consumer Sciences Program.

~~5.(d)~~ Family child care trainers may meet the qualifications referenced listed above in paragraph 65C-22.003(5)(c), F.A.C., or the following qualifications: a high school diploma or GED, a National Early Childhood Credential CDA or a department state approved Birth Through Five FCCPC Florida CDA equivalent, and three (3) years of full-time experience in licensed family child care within the past five (5) years, ~~and completion of the 6 clock-hour Train the Trainer course developed by the department.~~

~~(d)(e)~~ The Department of Children and Family Services or its designated representative may require a trainer to attend a specific child care training course module prior to being approved.

(6) Annual In-~~S~~service Training.

(a) All child care facility personnel, must complete a minimum of 10 clock-hours or one (1) CEU of in-service training ~~or 1 CEU~~, annually during the state's fiscal year beginning July 1 and ending June 30.

(b) The annual 10 clock-hours or one (1) CEU of in-service training concentrating on children ages birth through 12 ~~or 1 CEU~~, must be completed in one (1) or more of the following areas (college level courses will be accepted):

1. Health and safety, including universal precautions;

2. No change.

3. First Aid ~~(this training)~~ may only be taken to meet the in-service requirement once every three (3) years);

4. through 13. No change.

14. Playground Safety in outdoor play;

15. through 19. No change.

20. Homework assistance for school-age care;

21. through 22. No change.

(c) Documentation of the in-service training requirement must be recorded on CF-FSP Form 5268, April 2006 Feb. 04, Child Care In-~~S~~service Training Record, which is incorporated by reference, and included in the child care facilities' personnel

records. CF-FSP 5268 may be obtained from the licensing authority or on by going to the Department of Children and Family Services' website at www.myflorida.com/childcare/training. A new in-service training record is required each fiscal year. ~~In addition to maintaining the training record for the current fiscal year, the in-service training records for the previous two (2) fiscal years must also be maintained at the child care facility for review by the licensing authority. College level courses that cover the topics above may also be counted to meet the annual in-service training requirement.~~

(7) Staff Credentials.

(a) Staff Credential Requirement. Pursuant to Section 402.305(3), F.S., a Every licensed child care facility must have one (1) credentialed staff member of its child care personnel for every 20 children, with one of the following qualifications:

1. A credentialed staff member is defined as a child care professional who has been issued a CF-FSP Form 5206, April 2006, Staff Credential Verification, which is incorporated by reference, by the department.

2. To apply for a CF-FSP Form 5206, a candidate must complete CF-FSP Form 5211, April 2006, Staff Credential Application, which is incorporated by reference, copies of which may be obtained on the Department of Children and Family Services' website at www.myflorida.com/childcare, and meet one (1) of the following six (6) qualifications as cited on CF-FSP Form 5211:

~~a.1.~~ An active National Early Childhood Development Associate (CDA) Credential (NECC).

~~b.2.~~ Formal Educational Qualifications. Procedures for individuals with an associate level (2 year) degree or higher seeking the credentialing requirement are outlined on CF-FSP Form 5211, April 05, Child Care Personnel Education/Employment History Verification Form, which is incorporated by reference. CF-FSP Form 5211 may be obtained on the Department of Children and Family Services' website at www.myflorida.com/childcare/training.

~~c.3.~~ An active Birth Through Five state approved Florida Child Care Professional CDA Equivalency (CDAE) Credential awarded by successful completion of a Birth Through Five FCCPC Training Program as documented on CF-FSP Form 5270, April 2006, Florida Child Care Professional Credential Certificate, which is incorporated by reference. A list of approved programs is maintained on the Department of Children and Family Service's website at www.myflorida.com/childcare.

~~d.~~ An active Florida Department of Education Child Care Apprenticeship Certificate (CCAC), Early Childhood Professional Certificate (ECPC) (formerly CDA Equivalent), or School-Age Professional Certificate (SAPC) (formerly School-Age Certification Training).

a. ~~Early Childhood Education Training Programs seeking equivalency to the CDA should submit a completed CF-FSP Form 5191, April 05, Application for Child Development Associate (CDA) Equivalency for Training Programs, which is incorporated by reference, to the Department of Children and Family Services for approval. CF-FSP Form 5191 may be obtained on the Department of Children and Family Services' website at [www.myflorida.com/childcare/training](http://www.myflorida.com/childcare/training).~~

b. ~~The criterion for programs wishing to be recognized as a state approved CDA Equivalency is determined by the Department of Children and Family Services and is outlined on the Application for Child Development Associate (CDA) Equivalency Training Programs, CF-FSP 5191.~~

c. ~~The Department of Children and Family Services will only approve CDA Equivalency programs that are accredited by one of the national or regional accreditation organizations recognized by the United States Department of Education or licensed by the Florida Commission for Independent Education.~~

#### 4. Employment History Recognition Exemption.

a. ~~In addition to the requirements and time frames established in statute (a person employed in a child care facility on July 1, 1995, who has a high school diploma or its equivalent and has at least 10 years of documented experience, as determined by the department, in child care between July 1, 1980 and July 1, 1995, or 10 years of teaching experience in early childhood education through grade 3 in a public or private school since July 1, 1980, meets the minimum staff credential requirement), employment history experience must include a minimum of 15 hours per week per year or 540 hours per year working with children in a licensed, registered or exempt child care program as defined in Section 402.301, F.S., or teaching experience in a public or private school.~~

b. ~~Documentation of employment history recognition must include notarized letters indicating previous employment or other forms of documentation such as W-2 forms, licensing records, or income tax return forms for each place of employment.~~

e. ~~5. An active Florida School-Age Florida Child Care Professional Credential Certification awarded by successful completion of a School-Age FCCPC Training Program as documented on CF-FSP Form 5270. A list of approved programs is maintained on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare). Graduates who successfully complete a school-age training program offered by a branch of the U.S. Military will be recognized as having met the School-Age FCCPC requirement. A School-Age FCCPC will not be accepted to meet the minimum staff credential requirements for Voluntary Pre-Kindergarten (VPK).~~

f. ~~Employment History Recognition Exemption. An Employment History Recognition Exemption will not be accepted to meet the minimum staff credential requirements~~

~~for Voluntary Pre-Kindergarten (VPK) or towards a Director Credential. Applications for Employment History Recognition Exemption will not be accepted after July 1, 2006.~~

a. ~~Training providers seeking to offer the Florida School Age Certification Training Program must utilize the Florida School Age Certification Training Program as approved by the Department of Children and Family Services and must apply for approval on CF-FSP Form 5257, April 05, Application to Provide the Florida School Age Certification Training Program, which is incorporated by reference. The application may be obtained on the Department of Children and Family Services' website at [www.myflorida.com/childcare/training](http://www.myflorida.com/childcare/training). Effective July 1, 2005, The Department of Children and Family Services will only approve Florida School Age Certification Training Programs that are accredited by one of the national or regional accreditation organizations recognized by the United States Department of Education or licensed by the Florida Commission for Independent Education.~~

b. ~~In order to receive the Florida School Age Certification, a candidate must have completed the Department of Children and Family Services, Florida School Age Certification Training Program, which consists of the following:~~

~~(I) A total of 120 hours of training consisting of successful completion of Part I of the training for School Age Child Care Personnel identified in paragraphs 65C-22.008(4)(a) and (b), F.A.C.; and a minimum of 80 clock hours of training using the Department of Children and Family Services approved curriculum, which focuses on the following six competency areas:~~

~~(A) Establishment and maintenance of a safe and healthy learning environment.~~

~~(B) The advancement of physical and intellectual competence.~~

~~(C) The support of social and emotional development and provision of positive guidance.~~

~~(D) The establishment of positive and productive relationships with families.~~

~~(E) Ensuring a well-run, purposeful program responsive to participant's needs.~~

~~(F) The maintenance of a commitment to professionalism.~~

~~(H) A portfolio containing an autobiographical statement, written examples demonstrating mastery of each of the school-age competency subject areas, and a collection of resource materials as identified in the Department of Children and Family Services, Florida School Age Certification Training Portfolio and Resource Materials Checklist, CF-FSP Form 5258, Oct. 01, which is incorporated by reference.~~

~~(III) Formal observation working with children in a school-age setting during the course of the program by a qualified observer.~~

~~(IV) 480 hours of direct contact with children in a school-age setting within the past five years.~~

~~e. Individuals who are enrolled in an existing school-age certification training program in Florida, prior to January 1, 2002, and who graduate from this training program by January 1, 2003, will be recognized as having met the Florida School Age Certification requirement.~~

~~d. Individuals who successfully complete a school-age training program offered by one of the branches of the U.S. Military will be recognized as having met the Florida School Age Certification requirement.~~

~~e. Early Childhood Education Training providers that offer the Florida School Age Certification Training Program must complete CF-FSP Form 5259, Oct. 01, Confirmation of Completion of the Florida School Age Certification Training Program, which is incorporated by reference, for each graduate. Training providers must submit the completed CF-FSP Form 5259 for each graduate, to the Department of Children and Family Services or its designated representative for processing upon completion of all components of the Florida School Age Certification Training Program.~~

~~f. The Department of Children and Family Services or its designated representative will update the child care training transcript to document the successful completion of the Florida School Age Certification Training Program.~~

~~g. To maintain a valid Florida School Age Certification, candidates must complete and document the satisfactory completion of 4.5 Continuing Education Units (CEUs) or one three-hour college credit course in any school-age child care curriculum area, every five years. Coursework completed to renew a State of Florida Teaching Certificate satisfies the coursework requirement for renewal of the Florida School Age Certification. This documentation must be submitted to the Department of Children and Family Services or its designated representative to verify completion of the required coursework. The Department of Children and Family Services or its designated representative will issue a new Florida School Age Certification Training Program Certificate upon verification of the documentation.~~

~~(b) Periods of Transition. Child care personnel meeting the staff credentialing requirement in subparagraph (a) 1.- 5. of this section, must work at the facility a minimum of 20 hours per week. Nap time and lunch times are excluded from this calculation. A credentialed staff person must be on-site on a full-time basis for those facilities that operate 20 hours or less per week.~~

~~(b)(e) Calculation of Number of Personnel Necessary. The required number of credentialed staff for a facility shall be calculated as follows:~~

~~1. Child care facilities with 19 or fewer less children or that which operate less than eight (8) hours per week are not subject to the staff credentialing requirement.~~

~~2. For every 20 children, a child care facility must have one (1) child care staff member personnel who meets the staff credentialing requirement. Based on this formula, child care~~

facilities with 20-39 children must have one (1) credentialed staff member, facilities with 40-59 children must have two (2) credentialed staff members, and so on. The licensing authority will calculate the number of credentialed personnel required based on daily attendance.

3. Child care personnel meeting the staff credential requirement in paragraph 65C-22.003(7)(a), F.A.C., must work at the facility a minimum of 20 hours per week. A credentialed staff person must be on-site during all operational hours for those facilities that operate 20 hours or less per week.

4. Nap time and lunch times are excluded from this calculation.

5.3. Volunteers who meet the credentialing requirement will be included in calculating the credentialing ratio.

6. Children who are five (5) years old and who are enrolled in and attend a kindergarten program or grades one (1) and above are excluded from the credentials ratio.

7. An individual with an expired or inactive credential is ineligible to be counted as a credentialed staff member pursuant to subparagraph 65C-22.003(7)(a)1., F.A.C., until the credential is renewed or the individual meets one (1) of the qualifications listed in paragraph 65C-22.003(7)(a), F.A.C.

~~4. The licensing authority will calculate the number of credentialed personnel required based on daily attendance.~~

(c)5- On-Site Documentation. A copy of the CF-FSP Form 5206 for each credentialed staff member must be maintained on-site at the child care facility, in the employee personnel file, for review by child care licensing staff. In addition to CF-FSP Form 5206, April 05, Child Care Personnel Professional Development Confirmation Form, child care facilities must maintain have available written documentation of credentialed personnel's work schedules. Examples of written documentation are employee time sheets, personnel work schedules, and employment records.

~~6. Children who are five years old and above, when they are enrolled in and attending a kindergarten program or grades one and above, are excluded from the calculation for purposes of determining the number of personnel necessary to meet the credentialing ratio.~~

(d) Staff Credential Renewal.

1. A National Early Childhood Credential must be renewed through the agency that awarded the credential. Prior to December 31, 2008, a National Early Childhood Credential may comply with the Birth Through Five Florida Child Care Professional Credential renewal process referenced in paragraph 65C-22.003(7)(d)3., F.A.C., if the credential was issued prior to December 31, 2003.

2. A staff credential awarded for formal education qualifications does not need to be renewed to remain active.

~~(d) CDA or CDAE Renewal. A CDA or CDAE must be renewed as specified in subparagraphs 1.- 6. below for the purpose of meeting the staff credentials requirement for every 20 children in care, as mandated in Section 402.305(3), F.S.~~

3.1. Florida CDAE Renewals: To maintain an active Birth Through Five FCCPC Florida CDAE, every five (5) years a candidate must renew their Birth Through Five FCCPC Florida CDAE by completing the Florida CDAE Renewal Application, CF-FSP 5273, April 2006~~05~~, Birth Through Five Florida Child Care Professional Credential Renewal Application, which is incorporated by reference, CF-FSP Form 5273 and may be obtained on the Department of Children and Family Services' website at [www.myflorida.com/childcare/training](http://www.myflorida.com/childcare/training). The Florida CDAE Renewal will be documented on CF-FSP 5270, April 05, Florida CDA Equivalency Certificate of Renewal, which is incorporated by reference. Renewal applications may be submitted no earlier than one year prior to the expiration date of the active CDAE certificate. The completed renewal application must be submitted to the Department of Children and Family Services and include documentation of the following criteria:

a. A Birth Through Five FCCPC renewal will be documented on CF-FSP Form 5270. Renewal applications may be submitted by the candidate no earlier than one (1) year prior to the end of the active period of the Birth Through Five FCCPC.

b. Individuals with a Birth Through Five FCCPC issued before December 31, 2003 may renew the credential by submitting a CF-FSP 5273 with the required documentation by December 31, 2008. A Birth Through Five FCCPC issued after December 31, 2003 will have a renewal date of five (5) years from the date of issuance.

c. An individual with an inactive Birth Through Five FCCPC may submit a renewal application for a period of up to three (3) years from the end of the Birth Through Five FCCPC active period. The application will be reviewed, and if approved, a certificate will be issued with a renewal date of five (5) years from the date the completed CF-FSP Form 5273 is processed.

d. For purposes of participation in the Voluntary Pre-Kindergarten (VPK) Program, child care personnel must ensure an active credential by July 1, 2006.

4. To maintain an active Florida Department of Education Child Care Apprenticeship Certificate (CCAC), Early Childhood Professional Certificate (ECPC), every five (5) years a candidate must renew their Florida Department of Education CCAC, ECPC by completing CF-FSP Form 5309, April 2006, Florida Department of Education Child Care Apprenticeship Certificate (CCAC) and Early Childhood Professional Certificate (ECPC) Renewal Application, which is incorporated by reference. To maintain an active Florida Department of Education School-Age Professional Certificate (SAPC), every five (5) years a candidate must renew their SAPC by completing CF-FSP Form 5308, April 2006, Florida Department of Education School-Age Professional Certificate (SAPC) Renewal Application, which is incorporated by

reference. CF-FSP Forms 5308 and 5309 may be obtained on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

a. A Florida Department of Education CCAC, ECPC or SAPC renewal will be documented on CF-FSP Form 5310, April 2006, Certificate for Florida Department of Education Child Care Apprenticeship Certificate (CCAC)/Early Childhood Professional Certificate (ECPC)/School-Age Professional Certificate (SAPC) Program Renewal, which is incorporated by reference. CF-FSP Forms 5308 and 5309, as applicable, may be submitted by the candidate no earlier than one (1) year prior to the end of the active period of the Florida Department of Education CCAC, ECPC or SAPC.

b. An individual with an inactive Florida Department of Education CCAC, ECPC or SAPC may submit a renewal application for a period of up to three (3) years from the end of the Florida Department of Education CCAC, ECPC or SAPC active period. CF-FSP Form 5308 or 5309, as applicable, will be reviewed and, if approved, a CF-FSP Form 5310 will be issued with a renewal date of five (5) years from the date the completed CF-FSP Form 5308 or 5309 is processed.

5. To maintain an active School-Age FCCPC, every five (5) years a candidate must renew their School-Age FCCPC by completing CF-FSP Form 5307, April 2006, the School-Age Florida Child Care Professional Credential Renewal Application, which is incorporated by reference. CF-FSP Form 5307 may be obtained on the Department of Children and Family Service's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

a. A School-Age FCCPC renewal will be documented on CF-FSP Form 5270. Renewal applications may be submitted no earlier than one (1) year prior to the end of the active date of the School-Age FCCPC.

b. An individual with an inactive School-Age FCCPC may submit a renewal application for a period of up to three (3) years from the end of the School-Age FCCPC active period. The application will be reviewed and, if approved, a certificate will be issued with a renewal date of five (5) years from the date the completed CF-FSP Form 5270 is processed.

6. A staff credential awarded for Employment History Recognition Exemption does not require renewal to remain active.

(e) Florida Child Care Professional Credential Training Program Providers.

1. Birth Through Five FCCPC Training Providers.

a. Training providers seeking to offer the Birth Through Five FCCPC training must utilize the criteria approved by the department referenced on CF-FSP Form 5191, April 2006, Birth Through Five Florida Child Care Professional Credential (FCCPC) Training Program Application, which is incorporated by reference. CF-FSP Form 5191 may be obtained on the Department of Children and Family Services' website at

www.myflorida.com/childcare. Training providers must submit a completed CF-FSP Form 5191 to the department for approval.

b. Training providers that offer the Birth Through Five FCCPC shall submit FCCPC training student completion documentation in the format referenced on CF-FSP Form 5191 to the department for issuance of the Birth Through Five FCCPC and to update the graduate's child care training transcript.

c. Training providers approved to offer the Birth Through Five FCCPC must annually complete, sign, date and submit the attestation page of CF-FSP 5191 to the Department of Children and Family Services for review and approval based on the provider's anniversary date listed on CF-FSP 5191.

## 2. School-Age FCCPC Training Providers.

a. Training providers seeking to offer the School-Age FCCPC training must utilize the criteria approved by the department referenced on CF-FSP Form 5257, April 2006, School-Age Florida Child Care Professional Credential (FCCPC) Training Program Application, which is incorporated by reference. CF-FSP Form 5257 may be obtained on the Department of Children and Family Services' website at www.myflorida.com/childcare. Training providers must submit a completed CF-FSP Form 5257 to the department for approval.

b. Training providers that offer the School-Age FCCPC training shall submit FCCPC training student completion documentation in the format referenced on CF-FSP Form 5191 to the department for issuance of the School-Age FCCPC and to update the graduate's child care training transcript.

a. Proof of a current First Aid Certificate;

b. Proof of 45 hours of professional education obtained within the past five years by meeting one of the following:

(I) At least 4.5 Continuing Education Units (CEUs);

(II) Three college credits in early childhood education/child development;

(III) Forty-five (45) clock hours of early childhood education/child development training completed at a Florida Career Education Center (public vocational or technical school), Florida Community Colleges, or an institution licensed by the Florida Commission for Independent Education.

(IV) Any combination of the professional education outlined in subparagraphs 65C-22.003(7)(d)1.b.(I)-(III), F.A.C., listed above.

e. Proof of recent (within current year) work experience with young children or families of young children (a minimum of 80 hours);

d. Proof of recent (within current year) membership in a national, state or local early childhood professional organization;

e. A letter of recommendation regarding competency in working with young children, provided by an Early Childhood Education Professional such as the Child Care Facility Director, Assistant Director, Observer, or Lead Teacher; and

f. Copy of a CDA or CDAE credential.

g. The fee for processing the Florida CDAE renewal application shall be \$25.00. Payment must be via a business check or a money order. No personal checks will be accepted.

2. Individuals with a Florida CDAE credential obtained before December 31, 2003 will have the opportunity to renew this credential by submitting a completed Florida CDAE Renewal Application, CF-FSP 5273, with the required documentation, by December 31, 2008. A Florida CDAE issued after December 31, 2003 will have a renewal date of 5 years from the date of issuance.

3. If a CDAE credential is not renewed prior to the expiration date, an individual with an expired CDAE credential may submit a renewal application for a period up to three (3) years after the CDAE credential expiration date. The application will be reviewed, and if approved, a certificate issued with a five year expiration date based on the date the completed renewal application is processed.

4. National CDA Renewals. To renew a National CDA, individuals may contact the Council for Early Childhood Professional Recognition, located in Washington, DC, at 1(800)424-4310, or follow the Florida CDAE renewal process outlined in subparagraphs 65C-22.003(7)(b)1-4, F.A.C.

5. An individual with an expired CDA or CDAE is ineligible to be counted as a credentialed staff person pursuant to paragraph 65C-22.003(7)(a), F.A.C., until the CDA or CDAE credential is renewed or the individual meets one of the other qualifications listed in subparagraph 65C-22.003(7)(a)1-4, F.A.C.

(c) Verification of Education and Employment History.

1. Child care personnel seeking satisfaction of the staff credentialing requirement, in subparagraphs 65C-20.003(7)(a)1-5. of this section, are responsible for completing and submitting to the Department of Children and Family Services or its designated representative CF-FSP Form 5211, April 05, Child Care Personnel Education and Employment History Verification Form, including education and employment history documentation.

2. Upon receipt and approval of the completed forms, the individual's training transcripts will be updated to reflect the staff credential verification. From the individual's child care training transcript, they may print CF-FSP Form 5206, Feb. 04, Child Care Personnel Professional Development Confirmation Form, which is incorporated by reference, for the individual's records. The individual may also request a copy of CF-FSP Form 5206, from the Department of Children and Family Services or its designated representative, for a nominal fee determined by the Department of Children and Family Services.



~~3. A copy of the Child Care Personnel Professional Development Confirmation Form must be maintained on site at the facility, in the employee personnel file, for review by child care licensing staff. The original is the property of the child care personnel.~~

(8) Director Credential.

(a) Director Credential Requirement. Pursuant to Section 402.305(2)(f), F.S., every child care facility director must have a credentialed director. An individual with an inactive Director Credential is ineligible to be the director of a child care facility. An applicant for the Director Credential or Advanced Director Credential must meet the requirements referenced in CF-FSP Form 5290, April 2006, Florida Child Care Director Credential Verification and Application, which is incorporated by reference. CF-FSP Form 5290 may be obtained on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare). All applications and documentation will be verified and the credential issued by the Department of Children and Family Services on CF-FSP Form 5252, April 2006, Florida Director Credential Certificate, incorporated by reference credential by January 1, 2004, which consists of the foundational level or the advanced level. As of January 1, 2004, every applicant for a license to operate a child care facility or a license for a change of ownership of a child care facility must document that the facility director has a director credential prior to issuance of the license to operate the facility.

~~1. Child care facility owners must notify the licensing authority within five (5) working days of when the facility loses a credentialed director or when there is a change of director. The licensing authority will then issue a provisional license for a period not to exceed six (6) months. The provisional license will have an effective date of the first day the facility was without a credentialed director.~~

~~1.2. An individual may not be the director of child care facilities that has an overlap in the hours of operation.~~

~~2.3. Each child care facility must have a credentialed director that is on-site a majority of hours per day that the facility is in operation.~~

3. Every applicant for a license to operate a child care facility or a license for a change of ownership of a child care facility must document that the facility director has an active Director Credential prior to issuance of the license.

4. Child care facility owners must notify the licensing authority within five (5) working days of when the facility loses a credentialed director or when there is a change of director. The licensing authority will then issue a provisional license for a period not to exceed six (6) months. The provisional license will have an effective date of the first day the facility was without a credentialed director.

5.4. CF-FSP Form 5252 The director credential must be posted in a conspicuous location at the facility.

(b) ~~As it relates to the director credential, the following exceptions to the Director Credential apply:~~

1. No change.

2. Pursuant to Section 402.305(1)(c), F.S., a credentialed director ~~holding a foundational or advanced level Florida director credential~~ may supervise multiple before-school and after-school sites as outlined in paragraph 65C-22.003(8)(c), F.A.C. within the same organization. As of January 1, 2004, every applicant for a license to operate a child care facility must document that the facility director has a director credential prior to issuance of the license to operate the facility.

(c) Director Credential Requirement for before-school and after-school sites.

1. A credentialed director may supervise multiple before-school and after-school sites for a single organization as follows:

a. Three (3) sites regardless of the number of children enrolled, or

b. More than three (3) sites if the combined total number of children enrolled at the sites does not exceed 350. In calculating the total number of children enrolled, the number of children in the before- and after-school program shall be calculated and viewed as separate programs.

c. In counties where the public school district has included four (4) year-old children in public before-school and after-school programs, the school district may participate in the multi-site supervision option. Public school districts which serve four (4) year old children in the before-school and after-school programs are required to have a credentialed staff person pursuant to the credentialing requirements in paragraphs 65C-22.003(7)(a), F.A.C., in order to accommodate the four (4) year-old children.

2. When a credentialed director is supervising multiple sites, the individual left in charge of the site during the director's absence must meet the following requirements:

a. At least 21 years of age;

b. Have completed the approved 40 clock-hour Introductory Child Care Training approved by the Department of Children and Family Services; and

c. Have completed the Department of Children and Family Services' Part II specialized training course, Special Needs Appropriate Practices, or completed a minimum of eight (8) hours of in-service training in serving children with disabilities; or

d. Have completed the Department of Children and Family Services' School-Age Appropriate Practices specialized training module.

(e) ~~The foundational level applicants must meet the following educational and experiential requirements:~~

~~1. High school diploma or GED; and~~

~~2. The Department of Children and Family Services' 30-clock hour Introductory Child Care Training (Part I); and~~

3. The Department of Children and Family Services' Special Needs Appropriate Practices module or a minimum of 8-hours of in-service training in serving children with disabilities; and

4. One of the following staff credentials: a Child Development Associate (CDA) Credential; a state approved Florida CDA Equivalency; the Florida School Age Certification; a formal education exemption qualification; or a documented employment history recognition exemption; and

5. One course in the curriculum content area "Overview of Child Care Center Management," which must be met by one approved three-hour college level course, offered for credit or 4.5 Continuing Education Units (CEUs) through continuing education or one approved Post Secondary Adult Vocational course offered through a vocational technical institution in Florida; and

6. One year experience on-site as a child care director. For those candidates who have met the educational requirements of this level but have not completed the one year experiential requirement a temporary credential will be granted.

(d) The advanced level applicants must meet the following educational and experiential requirements:

1. High school diploma or GED; and

2. The Department of Children and Family Services 30-clock-hour Introductory Child Care Training (Part I); and

3. The department's Special Needs Appropriate Practices module or a minimum of 8 hours in service training or course in serving children with disabilities; and

4. One of the following staff credentials: a Child Development Associate (CDA) Credential; a state approved Florida CDA Equivalency; the approved Florida School Age Certification; a formal education exemption qualification; or a documented employment history recognition exemption; and

5. Three approved courses in child care education program administration. The coursework requirement must be taken for college credit and must be from the following curriculum areas: Overview of Child Care Center Management, Child Care and Education Organizational Leadership and Management, Child Care and Education Financial and Legal Issues, Child Care and Education Programming; and

6. Two years of experience on-site as a child care director. For those candidates who have met all the educational requirements of this level but have not completed the two year experiential requirement a temporary credential will be granted.

(e) All applications and documentation will be verified and credentials issued by the Department of Children and Family Services.

(f) Exceptions: For the foundational level, Directors who have attained another state's approved Director Credential shall receive credit towards the, "Overview of Child Care Management", educational component of the credential. For

the advanced level credential only, an educational exception will be granted to individuals who meet subparagraphs 65C-22.003(8)(e)1-4. and 6., F.A.C., and any of the following:

1. An A.S. degree in child care center management, or

2. An A.S., B.A., B.S. or advanced degree in early childhood education/child development, family and consumer sciences (formerly home economics/child development), school-age child care or elementary education with at least three credit hours in child care management/administration, business administration or educational administration, or

3. A B.A., B.S. or advanced degree other than those degree areas in number 2. above, with three credit hours in early childhood/child development or school age child care and three credit hours in child care management/administration, business administration or educational administration, or

4. Five or more years of experience as an administrator or director in a licensed child care facility, or a facility that is legally exempt pursuant to Sections 402.3025 and 402.316, F.S., and with three college credit hours in early childhood/child development or school-age child care and three college credit hours in child care management/administration, business administration or educational administration. All coursework for this exception must have been completed within the last ten years.

(g) Testing. For the advanced level credential only, individuals who meet the requirements for the educational exception but do not have coursework in early childhood education or administration may opt to take a competency-based test to meet the three credit hour course requirement in early childhood education/child development or the three credit hour course requirement in administration, or both. This process will require the candidate to complete a written test, developed and approved by the Department of Children and Family Services with a minimum score of 70 percent.

(d)(4) Director Credential Renewal.

1. To maintain an active temporary Director Credential or Director Credential at either level, every 5 years, candidates must meet the requirements referenced on CF-FSP Form 5306, April 2006, Florida Director Credential Renewal Application, which is incorporated by reference. CF-FSP Form 5306 may be obtained on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare). have an active staff credential documented on CF-FSP 5206, Child Care Personnel Professional Development Confirmation Form, and 4.5 Continuing Education Units (CEUs), or three college credit hours in any one of the curriculum areas listed in subparagraph 65C-22.003(8)(e)5., F.A.C. Coursework must be in addition to the original coursework required for the credential. Coursework completed to renew a State of Florida Teaching Certificate also satisfies this coursework requirement

for renewal of a Director Credential. Candidates must also demonstrate professional contributions in the field through any one of the following:

- a. Serve as an officer or committee member in a professional organization related to the field of early childhood or school age programs;
- b. Make presentation or provide training in the field of early childhood or school age programs;
- c. Serve as a validator or advisor for a Florida-recognized accreditation program, as a CDA advisor, or as a school age certification representative for the Florida School Age Certification Training Program;
- d. Advocate for an issue in the field of early childhood or school age programs;
- e. Publish an item related to the field of early childhood or school age program;
- f. Document program improvements by completing a Florida-recognized accreditation program;
- g. Serve as a consultant or mentor to another early childhood or school age program;
- h. Participate in an educational research or innovation project related to early childhood or school age programs; or
- i. Participate in a creative activity, outside of the candidate's child care program, relating to the field of early childhood or school age programs.

2. A Director Credential issued prior to January 1, 2004, will have an initial renewal, as documented on CF-FSP Form 5252, is active for five (date of January 1, 2009, and every 5) years from the date of issuance thereafter. A Director Credential issued after January 1, 2004, will have an initial renewal date after 5 years and every 5 years thereafter. The completed renewal application, including all required documentation, must be submitted to the Department of Children and Family Services for review and issuance of a Director Credential Renewal Certificate no earlier than one (1) year prior to the end expiration date of the active period of the Director Credential. The Director Credential renewal date is will be determined by the end date of the active period Director Credential expiration date.

3. If a renewal application is received after the end of the active period for the Director Credential expiration date, the Director Credential Renewal Application will be reviewed, and, if approved, a certificate will be issued with a renewal date of five (5) years from the expiration date based on the date the completed renewal application was is processed.

4. An individual with an inactive Director Credential is ineligible to be the director of a child care facility.

(e)(+) Director Credential Training Providers Coursework Recognition and Approval.

1. The Department of Children and Family Services is responsible for reviewing existing and approving developing "Overview of Child Care Management" courses work, offered through vocational-technical schools, community colleges and

universities; to determine if the requirements for it meets the requirements for the Director Credential coursework are met. Vocational-technical schools, community colleges and universities shall submit CF/FSP Form 5247 for course review and approval, hereby incorporated by reference. Applications for new coursework will no longer be accepted by the department be reviewed and approved according to the guidelines found in "Florida Child Care and Education Program Director Credential, Curriculum Areas," hereby incorporated by reference, and copies of which can be obtained from the Department of Children and Family Services. A list of approved "Overview of Child Care Management" courses may must be obtained on maintained and will be available through the Department of Children and Family Services' website at www.myflorida.com/childcare.

2. All college level coursework pertaining to the following content areas will be accepted as approved coursework towards the Advanced Level Director Credential requirements:

- a. Child Care and Education Organizational Leadership and Management.
- b. Child Care and Education Financial and Legal Issues
- c. Child Care and Education Programming.
- (j) Before-school and after-school sites.

1. A director holding a foundational or advanced Director Credential may supervise multiple before-school and after-school sites for a single organization as follows:

- a. Three sites regardless of the number of children enrolled, or
- b. More than three sites if the combined total number of children enrolled at the sites does not exceed 350. In calculating the total number of children enrolled, the number of children in the before- and after-school program shall be calculated and viewed as separate programs.

e. In counties where the public school district has included 4-year-old children in public before-school and after-school programs, the school district may participate in the multi-site supervision option. Public school districts which serve 4-year-old children in the before-school and after-school programs are required to have a credentialed staff person pursuant to the credentialing requirements in paragraphs 65C-22.003(7)(a)1.-5., F.A.C., in order to accommodate the 4-year-old children.

2. When a credentialed director is supervising multiple sites, the person left in charge of the site during the director's absence must meet the following requirements:

- a. Be at least 21 years of age;
- b. Have completed the approved 40 clock hour Introductory Child Care Training (Parts I and II), approved by the Department of Children and Family Services; and

e. Have completed the Department of Children and Family Services basic training in serving children with special needs, by completing the Part II, specialized training module, Special

~~Needs Appropriate Practices, or through completion of a minimum of 8 hours of in-service training in serving children with disabilities; or~~

~~d. Have completed the Department of Children and Family Services School Age Appropriate Practices specialized training module.~~

Specific Authority 402.305 FS. Law Implemented 402.302, 402.305 FS. History—New 6-1-97, Amended 7-2-98, 3-17-99, 7-26-00, 10-10-01, 4-2-02, 7-13-03, 9-12-04, 6-30-05, \_\_\_\_\_.

65C-22.004 Health Related Requirements.

(1) Communicable Disease Control.

(a) Children in care shall be observed on a daily basis for signs of communicable disease. Any child, child care personnel or other person in the child care facility suspected of having a communicable disease shall be removed from the facility or placed in an isolation area until removed. Such person may not return without medical authorization; or until the signs and symptoms of the disease are no longer present. With a child, the condition shall be reported to the custodial parent or legal guardian. Signs and symptoms of a suspected communicable disease include the following:

1. Severe coughing, causing the child to become red or blue in the face or to make a whooping sound;;
2. Difficult or rapid breathing;;
3. Stiff neck;;
4. Diarrhea (more than one abnormally loose stool within a 24 hour period);;
5. Temperature of 101 degrees Fahrenheit or higher when in conjunction with any other signs of illness;;
6. Conjunctivitis (pink eye);;
7. Exposed, open skin lesions;;
8. Unusually dark urine and/or gray or white stool;;
9. Yellowish skin or eyes;;
10. No change.

(b) A child ~~identified who has~~ having head lice shall not be permitted to return until treatment has occurred. Verification of treatment may include a product box, box top, empty bottle, or signed statement by a parent that treatment has occurred.

(c) Isolation Area. Each facility shall have a designated isolation area for a child who becomes ill at the facility. Such space shall be adequately ventilated, heated, and equipped with a bed, mat, or cot and materials that can be sanitized easily. Linens and disposables shall be changed after each use ~~and until cleaned or disposed, the~~ used linens and disposables shall be kept in a closed container in the isolation area until cleaned or disposed of. The isolated child must be within sight and hearing of a staff person at all times. The child must be carefully observed for worsening conditions.

(d) Outbreaks. Operators are required to notify the local county health department immediately upon any suspected outbreak of communicable disease in accordance with Chapter 64D-3, F.A.C., Communicable Disease Control. A suspected

outbreak occurs when two (2) or more children or employees have the onset of similar signs or symptoms, as outlined in subparagraphs (1)(2)(a)1.-10., F.A.C., above, within a 72-hour period or when a case of a serious or reportable communicable disease is diagnosed or suspected on a child or employee.

(2) First Aid, Cardiopulmonary Resuscitation and Emergency Procedures.

(a) Each child care facility must have at least one (1) staff member with current and valid certificate(s) of course completion for first aid training and infant and child cardiopulmonary resuscitation (CPR) procedures. One (1) staff member satisfying these training requirements shall be present at all times that children are in the care of the facility, both on-site and on field trips. A field trip includes all activities away from the facility excluding regular transportation to and from the facility, i.e., pick-up and drop-off.

(b) Certificate(s) of course completion are valid based on the time frames established by each first aid and CPR training program, not to exceed three (3) years. On-line CPR courses are not acceptable to meet this standard. CPR training must be done by classroom instruction. Documentation that identifies staff members have met the first aid and infant and child cardiopulmonary resuscitation (CPR) training requirement shall be kept on file at the child care facility.

(c) At least one (1) first aid kit ~~containing materials to administer first aid~~ must be maintained on the premises of ~~the~~ all child care facilities at all times. A first aid kit must also accompany child care staff when children are participating on field trips. Each kit shall be in a closed container and labeled "First Aid." The kits shall be accessible to the child care staff at all times and kept out of the reach of children. Each kit must, at a minimum, include:

1. through 2. No change.
3. Disposable non-porous latex gloves,
4. through 11. No change.

(d) Emergency Procedures and Notification.

1. Emergency telephone numbers, including ambulance, fire, police, poison control center, Florida Abuse Hotline, the county public health unit, and the address of and directions to the facility, including major intersections and local landmarks, must be posted on or near all facility telephones and shall be used ~~as necessary~~ to protect the health, safety and well-being of any child in day care.

2. No change.

3. All accidents and incidents which occur at a facility or while a child is in the care of facility staff must be documented ~~and shared with the custodial parent or legal guardian~~ on the day they occur. This documentation must be shared with the custodial parent or legal guardian on the date of occurrence. Documentation shall include the name of the affected party, date and time of occurrence, description of occurrence, actions

taken and by whom, and appropriate signatures of facility staff and custodial parent or legal guardian and maintained for one (1) year.

4. After a fire or natural disaster, the operator must notify the licensing agency within 24 hours as to their status of operation in order for the licensing authority to ensure health standards are being met for continued operation.

5. The operator shall prepare an emergency evacuation plan including a diagram of safe routes by which the personnel and children may exit the facility in the event of fire or other emergency requiring evacuation of the facility and post a copy of the plan in each room of the facility.

(3) Medication. Child care facilities are not required to give medication; however, if a facility ~~they~~ chooses to do so, the following shall apply:

(a) The facility must have written authorization from the custodial parent or legal guardian to dispense prescription and non-prescription medications. This authorization must be dated and signed by the custodial parent or legal guardian and contain the child's name; the name of the medication to be dispensed; and date, time and amount of dosage to be given. This record shall be initialed or signed by the facility personnel who gave the medication.

b. Any known allergies to medication or special restrictions must also be documented, maintained in the child's file, shared with staff and posted with stored medication.

~~(c)(\*) Prescription and non-prescription medication brought to the child care facility by the custodial parent or legal guardian must be in the original container. Prescription medication must have a label stating the name of the physician, child's name, name of the medication, and medication directions. All prescription and non-prescription medication shall be dispensed according to written directions on the prescription label or printed manufacturer's label. For purposes of dispensing non-prescription medication that is not brought in by the parent, in the event of an emergency, non-prescription medication can only be dispensed if the facility has written authorization from the parent or legal guardian to do so. Any medication dispensed under these conditions must be documented in the child's file and the parent or legal guardian must be notified on the day of occurrence. If the parent or legal guardian notifies the child care facility of any known allergies to medication, written documentation must be maintained in the child's file. Special restrictions to medication must be shared with staff and must be posted with stored medication.~~

(d) In the event of an emergency, non-prescription medication that is not brought in by the custodial parent or legal guardian can be dispensed only if the facility has written authorization from the custodial parent or legal guardian to do so.

(e) Any medication dispensed under these conditions must be documented in the child's file and the custodial parent or legal guardian must be notified on the day of occurrence.

(f) The facility must maintain a record for each child receiving medications that documents the full name of the child, the name of medication, the date and time the medication was dispensed, the amount and dosage, and the name of the person who dispensed the medication. The record shall be maintained for a minimum of four (4) months after the last day the child received the dosage.

~~(g)(\*)~~ All medicines must have child resistant caps and shall be stored separately and locked or ~~placed~~ out of a child's reach.

~~(h)(e)~~ Medication which has expired or is no longer being administered shall be returned to the custodial parent or legal guardian or discarded if the child is no longer enrolled in care at the facility.

Specific Authority 402.302, 402.305 FS. Law Implemented 402.302, 402.305 FS. History—New 6-1-97, Amended 3-17-99, 7-26-00, 4-2-02, 7-13-03, 9-12-04, \_\_\_\_\_.

65C-22.005 Food and Nutrition.

(1) Nutrition.

(a) If a facility chooses to supply food, ~~it they~~ shall provide nutritious meals and snacks of a quantity and quality to meet the daily nutritional needs of the children. The USDA ~~My Food Guide Pyramid for Young Children, April 2005 March 1999,~~ which is incorporated by reference, shall be used to determine what food groups to serve at each meal or snack and the serving size of the selected foods for children ~~one year of~~ ages two (2) and older. The ~~fats and sweets categories~~ "oils" and "discretionary calories" ~~within the USDA Food Guide Pyramid for Young Children may cannot be considered~~ counted as a food groups. Copies of the USDA ~~My Food Guide Pyramid for Young Children~~ may be obtained from the licensing authority, ~~or the local county health department or~~ from the USDA website at [www.mypyramid.gov](http://www.mypyramid.gov). Using the USDA ~~My Food Guide Pyramid for Young Children,~~ breakfast shall consist of at least three (3) different food groups; lunch and dinner shall consist of at least four (4) different food groups and snacks shall consist of at least two (2) different food groups.

(b) No change.

(c) If a special diet is required for a child by a physician, a copy of the physician's order, a copy of the diet, and a sample meal plan for the special diet shall be maintained in the child's ~~facility~~ file. If the custodial parent or legal guardian notifies the child care facility of any known food allergies, written documentation must be maintained in the child's file for as long as the child is in care. Special food restrictions must be shared with staff and must be posted in a conspicuous location.

(d) Meal and snack menus shall be planned, written, and posted at the beginning of each week. Menus shall be dated and posted in the food service area and in a conspicuous place

accessible to parents. Any menu substitution shall be noted on the menu. Daily meal and snack menus shall be maintained for a minimum of one (1) month.

(2) Food Preparation Area. All licensed child care facilities approved by the Environmental Health Section; to prepare food shall have documentation on file from the Department of Health verifying the facility meets the applicable requirements as specified in Chapter 64E-11, F.A.C., Food Hygiene.

(3) Food Service.

(a) No change.

(b) Single service paper or plastic plates, utensils, and cups shall not be reused. Plates, utensils, cups, bottles, and sippy cups provided by the facility that are not disposable shall be washed, rinsed, and sanitized between uses.

(c)(b) There shall be no propped bottles. If a child cannot hold the bottle, then a staff person or volunteer must hold the bottle during feeding. There shall be no automatic feeding devices unless medically prescribed. Formula shall be refrigerated and handled in a sanitary manner at all times before and after use. All bottles and sippy cups brought from home shall be individually labeled with the child's first and last name and returned to the custodial parent or legal guardian daily.

(d)(e) Heated foods and bottles must be tested before feeding to ensure heat is evenly distributed and to prevent injury to children.

(e)(d) Facilities shall provide sufficient age appropriate seating so that children are seated at tables for meals.

(e) Single service paper or plastic plates, utensils, and cups shall not be reused.

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History--New 6-1-97, Amended 3-17-99, 7-26-00, 1-4-01, 7-13-03, 9-12-04,\_\_\_\_\_.

65C-22.006 Record Keeping.

(1) General Requirements.

(a) ~~All~~ Records required to document compliance with Section 402.305, F.S., and rules adopted thereunder, shall be maintained at the facility and available during the hours of operation for review by the licensing authority.

(b) A copy of all background screening documents for the director and owner must be included in the department's official licensing file.

(c)(b) Copies of required records are acceptable for documentation. Original documents are the property of the party providing the information.

(2) Children's Health Requirements.

(a) The child care facility is responsible for obtaining for each child in care a current, and completed and properly executed DH Form 3040, June 2002, Student Health Examination form as referenced in Section 6A-6.024, F.A.C., from the parent or legal guardian for each child in care, within

~~30 days of enrollment and maintaining a current copy on file while the child is enrolled at the facility. DH Form 3040, which is incorporated by reference, can be obtained from the local county health department. Certification that a health examination has been completed may be documented on the State of Florida, Department of Health, DH Form 3040, OR or a signed statement by authorized professionals that indicates the results of the components of the Student Health Examination form are included in the health examination. The Student Health Examination shall be completed by a person given statutory authority to perform health examinations.~~

(b) The Student Health Examination or the signed statement is valid for two (2) years from the date the physical was performed. An up-to-date version must be on file for as long as the child is enrolled at the facility.

(c) The child care facility, if responsible for obtaining for each child in care a current, and completed and properly executed DH Form 680, Florida Certification of Immunization form Part A-1, B, or C (July 2001); or the DH Form 681, Religious Exemption from Immunization form (May 1999), as promulgated by the Florida Department of Health, from the custodial parent or legal guardian, for each child in care, within 30 days of enrollment, and maintaining a current copy on file while the child is enrolled at the facility. DH forms 680 and 681, which are incorporated by reference in subsection 65D-3.011(9), F.A.C., can be obtained from the local county health department. The DH Form 680, Florida Certification of Immunization Parts A-1, Certificate of Immunization for K-12 Excluding 7th Grade Requirements or Part B Temporary Medical Exemption, shall be signed by a physician or authorized personnel licensed under the provisions of Chapter 458, 459, or 460, F.S., and shall document vaccination for the prevention of diphtheria, pertussis, tetanus, poliomyelitis, rubeola, rubella, mumps, and Haemophilus influenzae type B (HIB), and effective July 1, 2001, completion of the varicella vaccination. The DH Form 680, Florida Certification of Immunization Part C, Permanent Medical Exemption, shall be dated and signed by a physician licensed under the provisions of Chapter 458 or 459, F.S. Immunizations received out-of-state are acceptable, however, immunizations must be documented on the Florida Certification of Immunization form and must be DH Form 680 and signed by a practicing physician in the State of Florida. Specific immunization requirements are included and detailed in the most current edition of the "Immunization Guidelines-Florida Schools, Child Care Facilities and Family Day Care Homes" as promulgated by the Florida Department of Health.

(d) If the custodial parents or legal guardians fail to provide the documentation required in subparagraph (a) or (c) above within 30 days of enrollment, the facility shall not allow the child to remain in the program.

~~(e)~~(4) School-aged children attending public or non-public schools are not required to have student health examination and immunization records on file at the child care facility as such records are on file at the school where the child is enrolled.

(f) If the custodial parents or legal guardians need assistance concerning these requirements, the facility shall refer them to the Department of Health or to the child's physician.

(g)~~(e)~~ Medical records in this section are the property of the custodial parent or legal guardian and must be returned to them when the child withdraws from the facility. The medical records ~~and~~ are transferable if the child attends another facility.

~~(3) Medication Records.~~

~~(a) A written record documenting the child's name, the name of the medication, date, time and amount of dosage to be given, and signature of the custodial parent or legal guardian shall be maintained by the facility. This record shall be initialed or signed by the facility personnel who gave the medication.~~

~~(b) This record shall be maintained for a minimum of four months after the last day the child received the medication.~~

~~(3)~~(4) Enrollment Information. The facility operator shall obtain enrollment information from the child's custodial parent or legal guardian; prior to accepting a child in care. This information shall be documented on CF-FSP Form 5219, July 2005 Dec. 02, Child Care Application for Enrollment, which is incorporated by reference, or an equivalent form that contains all the information required by the Department of Children and Family Services on CF-FSP Form 5219. CF-FSP Form 5219 may be obtained from the licensing authority or on by going to the Department of Children and Family Services' website at www.myflorida.com/childcare/information.

(a) No change.

(b) The child shall not be released to any person other than the person(s) authorized; or in the manner authorized in writing; by the custodial parent or legal guardians.

(c) There shall be signed statements from the custodial parents or legal guardian that the child care facility has provided them with the following information ~~to parents~~:

1. The Department of Children and Family Services child care facility brochure, CF/PI 175-24, July 2005 March 2002, Know Your Child Care Facility Center, which is incorporated by reference. This brochure may be obtained from the licensing authority or on by going to the Department of Children and Family Services' website at www.myflorida.com/childcare/information. Local licensing agencies may use an equivalent brochure approved by the Department of Children and Family Services, ~~containing all the information required by the Department of Children and Family Services.~~

2. The child care facility's written disciplinary policy practices.

~~(4)~~(5) Personnel Records. Records shall be maintained and kept current on all child care personnel, as defined by Section 402.302(3), F.S., and household members if the facility is located in a private residence. These shall include:

(a) through (c) No change.

(d) Level 2 screening information documented on CF-FSP Form 5131, Feb. 2004, Background Screening and Personnel File Requirements, which is incorporated by reference. A screening conducted under this rule is valid for five (5) years, at which time a statewide re-screening must be conducted. ~~The 5-year re-screening must include, at a minimum, statewide criminal records checks through the Florida Department of Law Enforcement and a local criminal records check. In addition,~~ child care personnel must be re-screened following a break in employment in the child care industry which exceeds 90 days. A person in this category must undergo the same level of screening which was required upon initial employment. If child care personnel takes a leave of absence, such as maternity leave, extended sick leave, migrant child care programs, etc., re-screening is not required unless the five (5) year re-screening has come due during the leave of absence. ~~An employment history check for the previous two years at a minimum, which must include at least the last three jobs, is required as part of background screening. An employment history check conducted under this rule, shall include not only confirmation of employment dates from previous job(s), but may also include position held and job performance. Additionally, an Affidavit of Good Moral Character, CF-FSP 1649, Aug. 04, must be completed annually for all child care personnel. CF-FSP 1649 may be obtained from the licensing authority or by going to the Department of Children and Family Services' website at www.myflorida.com/childcare/information.~~

1. A person in this five (5) year re-screen category must undergo the same level of screening that was required upon initial employment and that must include, at a minimum:

a. Statewide criminal records checks through the Florida Department of Law Enforcement and a local criminal records check.

b. An employment history check that includes the previous two (2) years. An employment history check conducted under this rule shall include the applicant's position description, confirmation of employment dates from previous job(s), and level of job performance.

c. CF-FSP 1649, September 2005, An Affidavit of Good Moral Character, which is incorporated by reference, must be completed annually for all child care personnel. CF-FSP 1649 may be obtained from the licensing authority or on the Department of Children and Family Services' website at www.myflorida.com/childcare.

2. A copy of all background screening documents for the director and owner must be included in the department's official licensing file or in accordance with the appropriate local licensing agency requirements.

(e) Copies of training information and credentials as described in subsections 65C-22.003(4), (6) and (7), F.A.C., as applicable.

(f) Driver's license and driver physical examination documentation. A copy of the driver's license and the physician certification, or another form containing the same elements of the physician certification, granting medical approval to operate the vehicle and valid certificate(s) of course completion for first aid training and infant and child cardiopulmonary resuscitation (CPR) procedures must also be maintained in the driver's personnel file.

(5)(6) Summary of Other Records. In addition to the documentation outlined in subsections 65C-22.006(1)-(4), F.A.C., the following is a list of records that shall be maintained at the facility and that shall be available during the hours of operation for review by the licensing authority:

a. Driver's log. Must be retained for a minimum of four (4) months as referenced in subparagraph 65C-22.001(6)(f)1., F.A.C.

b. Documentation of parental permission for field trips. Must be retained for a minimum of four (4) months as referenced in paragraph 65C-22.001(7)(b), F.A.C.

c. Facility's written disciplinary policies as referenced in paragraph 65C-22.001(8)(c), F.A.C.

(d)(a) Daily attendance of children records. Must shall be taken and recorded by the child care facility personnel, documenting when each child enters and departs a child care facility or program. Such records shall be maintained for a minimum of four (4) months as referenced in subsection 65C-22.001(10), F.A.C.

(b) Record of accidents and incidents shall be documented daily and maintained for one year. Documentation shall include the name of the affected party, date and time of occurrence, description of occurrence, actions taken and by whom, and appropriate signatures of facility staff and custodial parent or legal guardian.

(e) The operator shall prepare an emergency evacuation plan including a diagram of safe routes by which the personnel and children may exit each area of the facility in the event of fire or other emergency requiring evacuation of the facility and post a copy of the plan in each room of the facility.

(c)(d) The operator shall maintain a written record of monthly fire drills. Must showing the date, number of children in attendance, and time taken to evacuate the premises. Each monthly record shall be maintained for a minimum of four (4) months as referenced in paragraph 65C-22.002(7)(d), F.A.C. from the date of the fire drill.

(f)(e) Documentation of that identified staff members that have met the first aid and infant and child cardiopulmonary resuscitation (CPR) training requirement as referenced in paragraph 65C-22.004(2)(b), F.A.C. shall be kept on file at the child care facility.

(f) Documentation of parental permission for field trips shall be maintained for a minimum of four months from the date of each field trip.

(g) Posted emergency telephone numbers and the address of and directions to the facility as referenced in subparagraph 65C-22.004(2)(d)1., F.A.C.

(h) Documentation of accidents/incidents. Must be maintained for one (1) year as referenced in subparagraph 65C-22.004(2)(d)3., F.A.C.

(i) Emergency evacuation plan as referenced in subparagraph 65C-22.004(2)(d)5., F.A.C.

(j) Record for each child receiving medication. Must be maintained for a minimum of four (4) months after the last day the child received the dosage as referenced in paragraph 65C-22.004(3)(f), F.A.C.

(k) Sample meal plan for special diet (if applicable). A copy of the physician's order, a copy of the diet, and a sample meal plan for the special diet must be maintained for as long as the child is in care as referenced in paragraph 65C-22.005(1)(c), F.A.C.

(l) Written documentation of known food allergies (if applicable). Must be maintained for as long as the child is in care as referenced in paragraph 65C-22.005(1)(c), F.A.C.

(m)(e) Daily meal and snack menus, including meal substitutions. Must shall be maintained for one (1) year as referenced in paragraph 65C-22.005(1)(d), F.A.C. a minimum of one month.

(h) Current specialized diet documentation shall be retained for each child requiring such specialized diet for as long as such child is in care.

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History—New 6-1-97, Amended 7-2-98, 3-17-99, 7-26-00, 1-4-01, 7-13-03, 9-12-04, \_\_\_\_\_.

65C-22.007 Evening Child Care.

(1) Hours of Care. Evening Child Care, as defined in Section 402.302(6), F.S., means child care provided during the evening hours and may encompass the hours of 6:00 p.m. to 7:00 a.m.

(2) Supervision. No change

(3) Exemptions. No change.

(a) No change.

(b) Child Development Associate or Ceredentialed staff, pursuant to 402.305(3), F.S., are is not required for Evening Child Care staff.

(c) No change.



Specific Authority 402.302, 402.305 FS. Law Implemented 402.302, 402.305 FS. History—New 7-2-98, Amended 9-12-04, \_\_\_\_\_.

65C-22.008 School-Age Child Care.

(1) Definitions.

(a) “School-Age Child” – means a child who is at least five (5) years of age by September 1st of the beginning of the school year and who is attending kindergarten through grade five (5).

(b) “School-Age Child Care Program” – means any licensed child care facility serving school-aged children as defined in paragraph 65C-22.008(1)(a), F.A.C., or any before and after school programs that are licensed as a child care facility defined in Section 402.302, F.S., and serve only school-aged children as defined in paragraph 65C-22.008(1)(a), F.A.C.

(c) “An After School Program Serving School Age Children” is not required to be licensed if the program meets one of the following criteria:

1. ~~Programs located on public/nonpublic school sites, operated and staffed directly by that school or through a written or formal agreement between the school and a provider to serve school age children attending the school. These programs exclusively serve those children who attend the public/nonpublic school during the school day. The program may extend to providing services before school, on teacher planning days, holidays, and intercessions that occur during the school district’s official calendar year. Pursuant to Section 402.305(5), F.S., programs operated in public school facilities, regardless of the operator, shall follow the standards set forth by the Florida Building Code State Requirements for Public Educational Facilities; or~~

2. ~~Programs that provide activities to all children, regardless of age, that are strictly instructional or tutorial/academic in nature. These programs cannot extend beyond the instructional, and tutorial/academic activities of that program and do not serve or prepare meals or snacks. However, the program may choose to provide drinks and snacks that do not require refrigeration or vending machine items that do not require refrigeration. Some examples of these programs include, but are not limited to computer class, ballet, karate, gymnastics, baseball, and other sports; or~~

3. ~~After school programs that meet all the following criteria:~~

a. ~~Operate for a period not to exceed a total of 4 hours in any one day; however, may extend to providing services before school, on teacher planning days, holidays, and intercessions that occur during the school district’s official calendar year; and~~

b. ~~Allow children to enter and leave the program at any time, without adult supervision; and~~

~~e. Do not provide any transportation, directly or through a contract or agreement with an outside entity, for the purpose of field trips, during the hours of operation; and~~

~~d. Do not serve or prepare any meals or snacks, however the program may choose to provide drinks and snacks that do not require refrigeration or vending machine items that do not require refrigeration; or~~

~~4. Programs providing after school care exclusively for children in grades 6 and above.~~

(2) Licensure Requirements.

~~(a) An after school program exempted under subparagraph 65C-22.008(2)(c)1. or 3., F.A.C., may become licensed if they choose to meet all of the applicable licensing standards in subsection 65C-22.008(3), F.A.C.~~

~~(a) A program that meets the definition of “An After School Program Serving School Age Children” is not required to be licensed.~~

~~(b) An after school program exempted under subparagraph 65C 22.008(1)(c)1. or 3., F.A.C., may become licensed if they choose to meet all of the applicable licensing standards in subsection 65C 22.008(3), F.A.C.~~

~~(b)(e) After school programs that choose to expand their program beyond the parameters in subparagraphs 65C-22.008(2)(+)(c)1. through 4., F.A.C. above, must be assessed to determine if licensure is required. Any of the after school programs accepting children under the age of the school-age child as defined in paragraph 65C-22.008(1)(a), F.A.C., above, must be licensed.~~

~~(c) An “After School Program” serving school-age children is not required to be licensed if the program meets one of the following criteria:~~

~~1. Program is located on public/nonpublic school sites, operated and staffed directly by that school or through a written or formal agreement between the school and a provider to serve school-age children attending the school. These programs exclusively serve those children who attend the public/nonpublic school during the school day. The program may extend to providing services before school, on teacher planning days, holidays, and intercessions that occur during the school district’s official calendar year. Pursuant to Section 402.305(5), F.S., programs operated in public school facilities, regardless of the operator, shall follow the standards set forth by the Florida Building Code State Requirements for Public Educational Facilities; or~~

~~2. Program provides activities that are strictly instructional or tutorial/academic in nature. These programs cannot extend beyond the instructional and tutorial/academic activities of that program and do not serve or prepare meals or snacks. However, the program may choose to provide drinks and snacks that do not require refrigeration or vending machine items that do not require refrigeration. Some examples of these programs include, but are not limited to, computer class; ballet; karate; gymnastics; baseball, and other sports; or~~

3. Program meets all of the following criteria:

a. Operate for a period not to exceed a total of four (4) hours in any one (1) day; however, may extend to providing services before school, on teacher planning days, holidays, and intercessions that occur during the school district's official calendar year; and

b. Allow children to enter and leave the program at any time, without adult supervision; and

c. Do not provide any transportation, directly or through a contract or agreement with an outside entity, for the purpose of field trips, during the hours of operation; and

d. Do not serve or prepare any meals or snacks, however the program may choose to provide drinks and snacks that do not require refrigeration or vending machine items that do not require refrigeration; or

4. Program provides after school care exclusively for children in grades six (6) and above.

(d) Application for licensure. Application for a license or for renewal of a license to operate a school-age child care program must be made on CF-FSP Form 5272, Feb. 2004. Application for a License to Operate a School-Age Child Care Program, which is incorporated by reference. CF-FSP Form 5272 may be obtained from the licensing authority or on the Department of Children and Family Services' website at www.myflorida.com/childcare.

1. Each completed CF-FSP Form 5272 must be submitted with the licensure fee.

2. The completed CF-FSP Form 5272 must be signed by the individual owner, or prospective owner, or the designated representative of a partnership, association, or corporation.

3. For the purpose of issuing a license, any out-of-state criminal offense, which if committed in Florida would constitute a disqualifying felony offense, shall be treated as a disqualifying felony offense for screening purposes under this rule.

4. A completed CF-FSP Form 5272 for renewal of an annual license must be submitted to the licensing authority at least 45 days prior to the expiration date of the current license to ensure that a lapse of licensure does not occur.

(e) License. A school-age child care license is issued in the name of the owner, partnership, association, or corporation, and must be posted in a conspicuous location where the school-age child care program is operating.

(3) School Age Child Care Standards. No change.

(a) Minimum Age Requirements. In the absence of the operator, there must be a staff person at least 21 years of age in charge of the school-age child care program and on the premises at all times. Application. Application must be made on CF-FSP Form 5272, Feb. 2004, Application for a License to Operate a School Age Child Care Program, which is incorporated by reference.

(b) License. A school-age child care license is issued in the name of the owner, partnership, association, or corporation, and must be posted in a conspicuous location where the school age child care program is operating.

(e) All provisions under subsections 65C-22.001(1)(b) through (e), (3), (5)(e) through (d), (6), (8), and (9), F.A.C.

(b)(4) Ratios. For children five (5) years of age and older, there must be one (1) child care personnel for every 25 children.

(c)(e) Supervision. When caring for school-age children, child care personnel shall remain responsible for the supervision of the children in care and capable of responding to emergencies, and are accountable for children at all times, which includes when children are separated from their groups. At all times lighting must be sufficient to visually observe and supervise children while in care.

1. No person shall be an operator, owner, or employee in a school-age child care program while using or under the influence of narcotics, alcohol, or other drugs that impair an individual's ability to provide supervision and safe child care.

2. In addition to the number of staff required to meet the staff-to-child ratio, for the purpose of safety, one (1) additional adult must be present on all field trips away from the school-age child care program to assist in providing direct supervision.

3. A telephone or other means of instant communication shall be available to staff responsible for children during all field trips. Cellular phones, two-way radio devices, citizen band radios, and other means of instant communication are acceptable.

4. If a school-age child care program uses a swimming pool that exceeds three (3) feet in depth or uses beach or lake areas for water activities, the school-age child care program must provide one (1) person with a certified lifeguard certificate or equivalent, unless a certified lifeguard is on duty and present when any children are in the swimming area. In situations where the school-age child care program provides a person with a certified lifeguard certificate or equivalent, that person can also serve as the additional adult to meet the requirement in subparagraph (c)2., above.

(d) Access. A school-age child care program must provide the custodial parent or legal guardian access, in person and by telephone, to the program during the program's normal hours of operation or during the time the child is in care.

(e) General Requirements.

1. All school-age child care program facilities must be clean, in good repair, and free from health and safety hazards and from vermin infestation. During the hours that the program is in operation, no portion of the building shall be used for any activity which endangers the health and safety of the children.

2. All areas and surfaces accessible to children shall be free from toxic substances and hazardous materials.

3. All potentially harmful items including cleaning supplies, flammable products, poisonous, toxic, and hazardous materials must be labeled. These items, as well as knives and sharp tools and other potentially dangerous hazards, shall be stored separately and locked and out of a child's reach.

4. No firearms or weapons, as defined in Section 790.001, F.S., shall be allowed within any building or conveyance, or upon any person located on the premises, excluding federal, state, or local Law Enforcement Officers.

5. No narcotics, alcohol, or other impairing drugs shall be present on the premises.

6. Animals must be properly immunized, free from disease, and clean. Parents must be informed in writing of all animals on the premises. Such information may be provided by way of a conspicuously posted notice or bulletin, policy handbook, parent flier, or a statement included on the enrollment form.

7. Pursuant to Chapter 386, F.S., smoking is prohibited within the school-age child care program, all outdoor play areas, and in vehicles when being used to transport children.

8. Design and construction of a new child care facility or modifications to an existing facility must meet the minimum requirements of the applicable local governing body.

(f) Rooms Occupied by Children.

1. An inside temperature of 65 to 82 degrees Fahrenheit must be maintained at all times.

2. All rooms shall be kept clean, adequately ventilated and in good repair. Cleaning shall not take place while rooms are occupied by children except for general clean-up activities which are a part of the daily routine.

3. Rodents and vermin shall be exterminated. Pest control shall not take place while rooms are occupied by children.

(g) Napping and Sleeping Space. For the purposes of this standard, sleeping refers to the normal night time sleep cycle while napping refers to a brief period of rest during daylight or early evening hours. Each school-age child care program must include a designated area where each child can sit quietly or lie down to rest or nap. When not in use, napping space and usable indoor floor space may be used interchangeably as described in paragraph 65C-22.008(3)(i), F.A.C.

(h) Toilet and Bath Facilities.

1. Each school-age child care program shall provide and maintain toilet and bath facilities that are easily accessible and at a height usable by the children. Platforms are acceptable when safely constructed and easily cleaned and sanitized.

2. For facilities having from one (1) to 15 children, there shall be at least one (1) toilet and one wash basin. There shall be one (1) additional toilet and basin for every 30 children thereafter. For design and construction of a new child care facility or modification to an existing facility, subparagraph 65C-22.008(3)(e)8., F.A.C., shall apply.

3. Toilet facilities shall not open directly into an area where food is prepared. A toilet facility may open directly into an area used by children where food is served.

4. Running water, soap, trash receptacles, toilet paper, and disposable towels or hand drying machines that are properly installed and maintained shall be available and within reach of children using the toileting facility.

5. Each basin and toilet must be maintained in good operating condition and sanitized as needed, at least once per day.

(f) All provisions under paragraphs 65C-22.002(1), (2)(b) through (d), (5)(a), (6)(a), (b), (c), (e), (f), and (g), F.A.C., are required of school age child care programs, except a bath facility.

(i)(g) Indoor Floor Space and Outdoor Play Area. School age child care programs must meet all provisions under paragraphs 65C-22.002(3)(a) through (c) and 65C-22.002(4)(a) through (c), F.A.C. However, the program may choose to request in writing, permission from the licensing authority, to operate under an exception to either usable indoor floor space as specified in subsection 65C-22.002(3), F.A.C., or outdoor play area as specified in subsection 65C-22.002(4), F.A.C. The written request must include an explanation of why the exception is necessary as well as an alternate plan to accommodate instances of inclement weather for those programs requesting an exception to the usable indoor floor space and a plan for inclusion of fine and gross motor skills opportunities for those programs requesting an exception to the outdoor play area.

1. A school-age child care program that held a valid license on October 1, 1992, must have a minimum of 20 square feet of usable indoor floor space for each child. A school-age child care program that did not hold a valid license on October 1, 1992, and seeks regulatory approval to operate as a school-age child care program, must have a minimum of 35 square feet of usable indoor floor space for each child.

2. Usable indoor floor space refers to that space available for indoor play, classroom, work area, or nap space. Usable indoor floor space is calculated by measuring at floor level from interior walls and by deleting space for stairways, toilets and bath facilities, permanent fixtures and non-movable furniture. Kitchens, offices, laundry rooms, storage areas, hallways, and other areas not used in normal day-to-day operations are not included when calculating usable indoor floor space.

3. In addition to the total facility minimum square footage per child, each room that is routinely occupied by children must have a minimum of 20 square feet or 35 square feet (whichever is applicable) per child at all times.

4. Shelves or storage for toys and other materials shall be considered as usable indoor floor space if accessible to children.

5. A school-age child care program may request in writing permission from the licensing authority to operate under an exception to usable indoor floor space as specified in paragraph 65C-22.008(3)(i), F.A.C. The written request must include an explanation of why the exception is necessary as well as an alternate plan to accommodate instances of inclement weather.

(j) Outdoor Play Area.

1. There shall be a minimum of 45 square feet of usable, safe and sanitary outdoor play area per child, one (1) year of age and older. A minimum outside play area shall be provided for one-half (1/2) of this identified population.

2. The outdoor play area shall be calculated at the rate of 45 square feet per child in any group using the play area at one (1) time.

3. The outdoor play area shall be clean and free from litter, nails, glass and other hazards.

4. The outdoor play area shall provide shade.

5. During outdoor play, personnel must situate themselves in the outdoor play area so that all children can be observed and direct supervision can be provided.

6. The facility's outdoor play area shall be fenced in accordance with accepted safety practices and local ordinances to prevent access by children to all water hazards within or adjacent to outdoor play areas, such as pools, ditches, retention and fish ponds.

7. The outdoor play area shall have and maintain safe and adequate fencing or walls a minimum of four (4) feet in height. Fencing, including gates, must be continuous and shall not have gaps that would allow children to exit the outdoor play area. The base of the fence must remain at ground level and be free from erosion or build-up to prevent inside or outside access by children or animals.

8. A school-age child care program may request in writing permission from the licensing authority to operate under an exception to outdoor floor space as specified in paragraph 65C-22.008(3)(j), F.A.C. The written request must include an explanation of why the exception is necessary as well as an alternate plan for inclusion of fine and gross motor skills opportunities. If not requesting an exemption to the outdoor play area, the school-age child care program may operate without a fence if all the following provisions are met:

a. The children using the outdoor play area are in five (5) year old kindergarten and grades one (1) or above;

b. In addition to the established staff-to-child ratios, for the purpose of safety, an additional staff member is present at all times during outdoor activities, to assist in providing direct supervision;

c. The outdoor play area is bordered by a road or street open to travel by the public with a posted or unposted speed limit of no more than 25 miles per hour, or where the posted or

unposted speed limit is no greater than 35 miles per hour and the playground is a minimum of 30 feet from the edge of the road; and

d. The licensing authority has provided written authorization to the program to operate without a fence.

(k) Health and Sanitation.

1. All buildings, when the windows or doors are open, must have and maintain screens to prevent entrance of any insect or rodent. Screens are not required for open air classrooms and picnic areas.

2. Employees, volunteers, and children shall wash their hands with soap and running water, dry thoroughly and follow personal hygiene procedures for themselves, or while assisting others, and immediately after outdoor play.

3. Safe drinking water shall be available to all children. If disposable cups are used, they must be discarded after each use.

4. School-age child care programs may seek an exemption to environmental health standards. The written exemption request, which must include a plan to ensure the health safety of children in care, must be made to the local Environmental Health Unit and, if granted, the exemption must be documented and maintained on file at the program.

(l) Equipment and Furnishings.

1. Indoor Equipment.

a. A school-age child care program shall make available toys, equipment and furnishings suitable to each child's age and development and of a quantity suitable for each child to be involved in activities.

b. Toys, equipment and furnishings must be safe and maintained in a sanitary condition.

2. Outdoor Equipment.

a. A school-age child care program shall provide and maintain equipment and play activities suitable to each child's age and development.

b. All playground equipment shall be securely anchored, unless portable or stationary by design, in good repair, maintained in safe condition, and placed to ensure safe usage by the children. Maintenance shall include checks, at least every other month, of all supports above and below the ground and all connectors and moving parts.

c. Permanent or stationary playground equipment must have a ground cover or other protective surface under the equipment that provides resilience and is maintained to reduce the incidence of injuries to children in the event of falls.

d. All equipment, fences, and objects on the program's premises shall be free from sharp, broken and jagged edges and shall be properly placed to prevent overcrowding or safety hazards in any one (1) area.

e. All equipment used in the outdoor play area shall be constructed and maintained to allow for water drainage and shall be maintained in a safe and sanitary condition.

(m) Health Related Requirements.1. Communicable Disease Control.

a. Children in care shall be observed on a daily basis for signs of communicable disease. Any child, child care personnel or other person in the school-age child care program suspected of having a communicable disease shall be removed from the program or placed in an isolation area until removed. Such person may not return without medical authorization, or until the signs and symptoms of the disease are no longer present. With a child, the condition shall be reported to the custodial parent or legal guardian. Signs and symptoms of a suspected communicable disease include the following:

(I) Severe coughing, causing the child to become red or blue in the face or to make a whooping sound;

(II) Difficult or rapid breathing;

(III) Stiff neck;

(IV) Diarrhea (more than one abnormally loose stool within a 24 hour period);

(V) Temperature of 101 degrees Fahrenheit or higher when in conjunction with any other signs of illness;

(VI) Conjunctivitis (pink eye);

(VII) Exposed, open skin lesions;

(VIII) Unusually dark urine and/or gray or white stool;

(IX) Yellowish skin or eyes; or

(X) Any other unusual sign or symptom of illness.

b. A child identified as having head lice shall not be permitted to return until treatment has occurred. Verification of treatment may include a product box, box top, empty bottle, or signed statement by a parent that treatment has occurred.

c. Isolation Area. Each school-age child care program shall have a designated isolation area for a child who becomes ill while in care of the program. Such space shall be adequately ventilated, heated, and equipped with a bed, mat, or cot and materials that can be sanitized easily. Linens and disposables shall be changed after each use and used linens and disposables shall be kept in a closed container in the isolation area until cleaned or disposed. The isolated child must be within sight and hearing of a staff person at all times. The child must be carefully observed for worsening conditions.

d. Outbreaks. Operators are required to notify the local county health department immediately upon any suspected outbreak of communicable disease in accordance with Chapter 64D-3, F.A.C., Communicable Disease Control. A suspected outbreak occurs when two (2) or more children or employees have the onset of similar signs or symptoms, as outlined in sub-subparagraphs 65C-22.008(3)(m)1.a., F.A.C., above, within a 72-hour period or when a case of a serious or reportable communicable disease is diagnosed or suspected on a child or employee.

2. First Aid, Cardiopulmonary Resuscitation and Emergency Procedures.

a. Each school-age child care program must have at least one (1) staff member with current and valid certificate(s) of course completion for first aid training and child cardiopulmonary resuscitation (CPR) procedures. One (1) staff member satisfying these training requirements shall be present at all times that children are in the care of the program, both on-site and on field trips. A field trip includes all activities away from the program excluding regular transportation to and from the program, i.e., pick-up and drop-off.

b. Certificate(s) of course completion are valid based on the time frames established by each first aid and CPR training program, not to exceed three (3) years. Online CPR courses are not acceptable to meet this standard. CPR training must be done by classroom instruction. Documentation that identifies staff members have met the first aid and child cardiopulmonary resuscitation (CPR) training requirement shall be kept on file at the school-age child care program facility.

c. At least one (1) first aid kit must be maintained on the premises of the school-age child care program at all times. A first aid kit must also accompany child care staff when children are participating on field trips. Each kit shall be in a closed container and labeled "First Aid". The kits shall be accessible to the child care staff at all times and kept out of the reach of children. Each kit must at a minimum include:

(I) Soap,

(II) Band-aids or equivalent,

(III) Disposable non-porous gloves,

(IV) Cotton balls or applicators,

(V) Sterile gauze pads and rolls,

(VI) Adhesive tape,

(VII) Thermometer,

(VIII) Tweezers,

(IX) Pre-moistened wipes,

(X) Scissors, and

(XI) A current resource guide on first aid and CPR procedures.

3. Emergency Procedures and Notification.

a. Emergency telephone numbers, including ambulance, fire, police, poison control center, Florida Abuse Hotline, the county public health unit and the address of and directions to the facility, including major intersections and local landmarks, must be posted on or near all school-age child care program telephones and shall be used to protect the health, safety and well-being of any child in day care.

b. Custodial parents or legal guardians shall be notified immediately in the event of any serious illness, accident, injury or emergency to their child and their specific instructions regarding action to be taken under such circumstances shall be obtained and followed. If the custodial parent or legal guardian cannot be reached, the school-age child care program owner will contact those persons designated by the custodial parent or

legal guardian to be contacted under these circumstances, and shall follow any written instructions provided by the custodial parent or legal guardian on the enrollment form.

c. All accidents and incidents which occur at a school-age child care program or while a child is in the care of program staff must be documented on the day they occur. This documentation must be shared with the custodial parent or legal guardian on the date of occurrence. Documentation shall include the name of the affected party, date and time of occurrence, description of occurrence, actions taken and by whom, and appropriate signatures of program staff and custodial parent or legal guardian and maintained for one (1) year.

d. After a fire or natural disaster, the operator must notify the licensing agency within 24 hours as to their status of operation in order for the licensing authority to ensure health standards are being met for continued operation.

e. The operator shall prepare an emergency evacuation plan including a diagram of safe routes by which the personnel and children may exit the school-age child care program site in the event of fire or other emergency requiring evacuation of the program and post a copy of the plan in each room of the program site.

4. Medication. School-age child care programs are not required to give medication; however, if a program chooses to do so, the following shall apply:

a. The school-age child care program must have written authorization from the custodial parent or legal guardian to dispense prescription and non-prescription medications. This authorization must be dated and signed by the custodial parent or legal guardian and contain the child's name; the name of the medication to be dispensed; and date, time and amount of dosage to be given. This record shall be initialed or signed by the program personnel who gave the medication.

b. Any known allergies to medication or special restrictions must also be documented, maintained in the child's file, shared with staff and posted with stored medication.

c. Prescription and non-prescription medication brought to the school-age child care program by the custodial parent or legal guardian must be in the original container. Prescription medication must have a label stating the name of the physician, child's name, name of the medication, and medication directions. All prescription and non-prescription medication shall be dispensed according to written directions on the prescription label or printed manufacturer's label.

d. In the event of an emergency, non-prescription medication that is not brought in by the parent or legal guardian can be dispensed only if the program has written authorization from the parent or legal guardian to do so.

e. Any medication dispensed under these conditions must be documented in the child's file and the custodial parent or legal guardian must be notified on the day of occurrence.

f. The facility must maintain a record for each child receiving medications that documents the full name of the child, the name of medication, the date and time the medication was dispensed, the amount and dosage, and the name of the person who dispensed the medication. The record shall be maintained for a minimum of four (4) months after the last day the child received the dosage.

g. All medicine must have child resistant caps and shall be stored separately and locked or out of a child's reach.

h. Medication that has expired or that is no longer being dispensed shall be returned to the custodial parent or legal guardian or discarded if the child is no longer enrolled in the school-age child care program.

(n) Child Discipline.

1. Verification that the school-age child care program has provided, in writing, the disciplinary policy used by the program shall be documented on the enrollment form with the signature of the custodial parent or legal guardian.

2. All child care personnel must comply with the school-age child care program's written disciplinary policy. Such policies shall include standards that prohibit children from being subjected to discipline that is severe, humiliating, frightening, or associated with food, rest, or toileting. Spanking or any other form of physical punishment is prohibited by all child care personnel.

3. A copy of the school-age child care program's current written disciplinary policies must be available to the licensing authority to review for compliance with Section 402.305(12), F.S.

(o) Nutrition.

1. If a school-age child care program chooses to supply food, it shall provide nutritious meals and snacks of a quantity and quality to meet the daily nutritional needs of the children. The USDA My Pyramid shall be used to determine what food groups to serve at each meal or snack and the serving size of the selected foods for children ages two (2) and older. Using the USDA My Pyramid, breakfast shall consist of at least three (3) different food groups, lunch and dinner shall consist of at least four (4) different food groups, and snacks shall consist of at least two (2) different food groups. The categories "oils" and "discretionary calories" may not be considered food groups. Copies of the USDA My Pyramid may be obtained from the licensing authority, the local county health department or from the USDA website at [www.mypyramid.gov](http://www.mypyramid.gov).

2. If a school-age child care program chooses not to provide meals and snacks, arrangements must be made with the custodial parent or legal guardian to provide nutritional food for the child.

3. If a special diet is required for a child by a physician, a copy of the physician's order, a copy of the diet, and a sample meal plan for the special diet shall be maintained in the child's file. If the parent or legal guardian notifies the school-age child care program of any known food allergies, written

documentation must be maintained in the child's file for as long as the child is in care. Special food restrictions must be shared with staff and must be posted in a conspicuous location.

4. Meal and snack menus shall be planned, written, and posted at the beginning of each week. Any menu substitution shall be noted on the menu. Menus shall be dated and posted in the food service area and in a conspicuous place accessible to parents. Daily meal and snack menus shall be maintained for a minimum of one (1) month.

(p) Food Preparation Area.

1. All licensed school-age child care programs approved by the Environmental Health Section to prepare food shall have documentation on file from the Department of Health verifying the facility meets the applicable requirements as specified in Chapter 64E-11, F.A.C., Food Hygiene.

2. School-age child care programs may seek an exemption from the environmental health standards as it pertains to the food preparation area specified in subparagraph 65C-22.008(3)(p)1., F.A.C. The written exemption request, which must include a plan to ensure safe and sanitary food preparation for children in care, must be made to the local Environmental Health Unit and if granted, the exemption must be documented and maintained on file at the program.

(q) Food Service.

1. School-age child care programs shall provide sufficient age appropriate seating so that children are seated at tables for meals.

2. Children shall be supervised during all meals and snacks and offered foods appropriate for their ages.

3. Single service paper or plastic plates, utensils, and cups shall not be reused. Plates, utensils and cups provided by the facility that are not disposable shall be washed, rinsed, and sanitized between uses.

(h) If not requesting an exemption to the outdoor play area, the school-age child care program may operate without a fence if all the following provisions are met:

1. The children using the outdoor play area are in five year old kindergarten and grades one or above;

2. In addition to the established staff to children ratios, for the purpose of safety, an additional staff member is present, at all times during outdoor activities, to assist in providing direct supervision;

3. The outdoor play area is bordered by a road or street open to travel by the public with a posted or unposted speed limit of no more than 25 miles per hour, or where the posted or unposted speed limit is no greater than 35 miles per hour and the playground is a minimum of 30 feet from the edge of the road; and

4. The licensing authority has provided written authorization to the program to operate without a fence.

(r)(i) Fire Safety. School-age child care programs must meet all provisions under subsection 65C 22.002(7), F.A.C. However the program may seek an exemption to state

standards adopted by the State Fire Marshal, Chapter 69A-36, F.A.C., Uniform Standards for Life Safety and Fire Prevention in Child Care Facilities. The written exemption request, which must include a plan for ensuring the safety of children in care, must be made to the local fire inspection office and if granted, the exemption must be documented and maintained on file at the program.

1. Unless statutorily exempted, all school-age child care programs shall conform to state standards adopted by the State Fire Marshal, Chapter 69A-36, F.A.C., Uniform Standards for Life Safety and Fire Prevention in Child Care Facilities, and shall be inspected annually. A copy of the current and approved annual fire inspection report by a certified fire inspector must be on file with the licensing authority. However, a school-age child care program may seek an exemption to state standards adopted by the State Fire Marshal, Chapter 69A-36, F.A.C., Uniform Standards for Life Safety and Fire Prevention in Child Care Facilities. The written exemption request, which must include a plan for ensuring the safety of children in care, must be made to the local fire inspection office and, if granted, the exemption must be documented and maintained on file at the program.

2. There shall be at least one (1) corded telephone in the school-age child care program facility that is neither locked nor located at a pay station and is available to all staff during the hours of operation.

3. Fire drills shall be conducted monthly at various times when children are in care. A current attendance record must accompany staff out of the building during a drill or actual evacuation and be used to account for all children.

4. The operator shall maintain a written record of monthly fire drills showing the date, number of children in attendance, and time taken to evacuate the premises. Each monthly record shall be maintained for a minimum of four (4) months from the date of the fire drill.

(s) Transportation. For the purpose of this section, vehicles refer to those owned/operated or regularly used by the school-age child care program, and vehicles that provide transportation through a contract or agreement with an outside entity.

1. When any vehicle is regularly used by a school-age child care program to provide transportation, the driver shall have a current Florida driver's license, an annual physical examination which grants medical approval to drive, and valid certificate(s) of course completion for first aid training and infant and child cardiopulmonary resuscitation (CPR) procedures.

2. All child care facilities must comply with the insurance requirements found in Section 316.615(4), F.S.

3. All vehicles regularly used to transport children shall be inspected annually by a mechanic to ensure that they are in proper working order. Documentation by the mechanic shall be maintained in the vehicle.

4. The maximum number of individuals transported in a vehicle may not exceed the manufacturer's designated seating capacity or the number of factory installed seat belts.

5. Each child, when transported, must be in an individual factory installed seat belt or federally approved child safety restraint unless the vehicle is excluded from this requirement by Florida Statute.

6. When transporting children, staff-to-child ratios must be maintained at all times. The driver may be included in the staff-to-child ratio.

7. Driver's Log. A log shall be maintained for all children being transported in the vehicle. The log shall be retained for a minimum of four (4) months. The log shall include each child's name, date, time of departure and time of arrival, signature of driver and signature of second staff member to verify driver's log and the fact that all children have left the vehicle.

8. Prior to transporting children, the driver's log must be recorded, signed, and dated immediately, verifying that all children were accounted for and that the log is complete.

9. Upon arrival at the destination, the driver of the vehicle shall:

a. Mark each child off the log as the children depart the vehicle.

b. Conduct a physical inspection and visual sweep of the vehicle to ensure that no child is left in the vehicle, and

c. Record, sign, and date the driver's log immediately, verifying that all children were accounted for and that the visual sweep was conducted.

10. Upon arrival at the destination, a second staff member shall:

a. Conduct a physical inspection and visual sweep of the vehicle to ensure that no child is left in the vehicle, and

b. Sign, date and record the driver's log immediately, verifying that all children were accounted for and that the log is complete.

(t) Record Keeping.

1. General Requirements.

a. Each of the records described in this section shall be maintained at the school-age child care program and available during the hours of operation for review by the licensing authority.

b. A copy of all background screening documents for the director and owner must be included in the department's official licensing file.

c. Copies of required records are acceptable for documentation. Original documents are the property of the party providing the information.

2. Health Records. School-aged children attending public or nonpublic schools are not required to have student health examination and immunization records on file at the school-age child care program as such records are on file at the school where the child is enrolled.

3. Enrollment Information. The facility operator shall obtain enrollment information from the child's custodial parent or legal guardian prior to accepting a child in care. This information shall be documented on CF-FSP Form 5219, Child Care Application for Enrollment, or an equivalent form that contains all the information required by the Department of Children and Family Services on CF-FSP Form 5219. CF-FSP Form 5219 may be obtained from the licensing authority or by going to the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

a. Enrollment information shall be kept current and on file.

b. The child shall not be released to any person other than the person(s) authorized or in the manner authorized in writing by the custodial parent or legal guardians.

c. There shall be signed statements from the custodial parents or legal guardian that the school-age child care program has provided them with the following information:

(I) The Department of Children and Family Services child care facility brochure, CF/PI 175-24, Know Your Child Care Facility. This brochure may be obtained from the licensing authority or by going to the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare). Local licensing agencies may use an equivalent brochure approved by the Department of Children and Family Services.

(II) The school-age child care program's written disciplinary practices.

3. Personnel Records. Records shall be maintained and kept current on all child care personnel, as defined by Section 402.302(3), F.S., and household members if the facility is located in a private residence. These shall include:

a. An employment application with the required statement pursuant to Section 402.3055(1)(b), F.S.

b. Position and date of employment.

c. Signed statement that the employee understands the statutory requirements for professionals' reporting of child abuse and neglect.

d. Level 2 screening information documented on CF-FSP Form 5131, Background Screening and Personnel File Requirements. A screening conducted under this rule is valid for five (5) years, at which time a statewide re-screen must be conducted. Child care personnel must be re-screened following a break in employment in the child care industry which exceeds 90 days. If child care personnel takes a leave of absence, such as maternity leave, extended sick leave, migrant child care programs, etc., re-screening is not required unless the five (5) year re-screen has come due during the leave of absence. A person in this five (5) year re-screen category must undergo the same level of screening which was required upon initial employment and must include, at a minimum:

(I) Statewide criminal records checks through the Florida Department of Law Enforcement and a local criminal records check.



(II) An employment history check that includes the previous two (2) years. An employment history check conducted under this rule shall include the applicant's position description, confirmation of employment dates from previous job(s), and level of job performance.

(III) CF-FSP 1649, An Affidavit of Good Moral Character, must be completed annually for all child care personnel. CF-FSP 1649 may be obtained from the licensing authority or on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

e. A copy of all background screening documents for the director and owner must be included in the department's official licensing file or in accordance with the appropriate to local licensing agency requirements.

f. Copies of training information and credentials as described in subsection 65C-22.008(4), F.A.C.

g. Driver's license and driver physical examination documentation. A copy of the driver's license and the physician certification or another form containing the same elements of the physician certification, granting medical approval to operate the vehicle, and valid certificate(s) of course completion for first aid training and child cardiopulmonary resuscitation (CPR) procedures must also be maintained in the driver's personnel file.

3. Summary of Records. In addition to the documentation outlined in subparagraphs 65C-22.008(3)(t)1., 2. and 3., F.A.C., the following is a list of records that shall be maintained at the school-age child care program and available during the hours of operation for review by the licensing authority:

a. Driver's log. Must be retained for the previous four (4) months as referenced in subparagraph 65C-22.008(3)(s)7., F.A.C.

b. Facility's written disciplinary policies as referenced in subparagraph 65C-22.008(3)(n)3., F.A.C.

c. Written record of monthly fire drills. Must be maintained for a minimum of four (4) months as referenced in subparagraph 65C-22.008(3)(r)4., F.A.C.

d. Documentation of staff members that have met the first aid and infant and child cardiopulmonary resuscitation (CPR) training requirement as referenced in sub-subparagraph 65C-22.008(3)(m)2.b., F.A.C.

e. Posted emergency telephone numbers and the address of and directions to the facility as referenced in sub-subparagraph 65C-22.008(3)(m)3.a., F.A.C.

f. Documentation of accidents/incidents. Must be maintained for one (1) year as referenced in sub-subparagraph 65C-22.008(3)(m)3.c., F.A.C.

g. Emergency evacuation plan as referenced in subparagraph 65C-22.008(3)(m)3.e., F.A.C.

h. Record for each child receiving medication. Must be maintained for a minimum of four (4) months after the last day the child received the dosage as referenced in sub-subparagraph 65C-22.008(3)(m)3.f., F.A.C.

i. Sample meal plan for special diet (if applicable). A copy of the physician's order, a copy of the diet, and a sample meal plan for the special diet must be maintained for as long as the child is in care as referenced in subparagraph 65C-22.008(3)(o)3., F.A.C.

j. Written documentation of known food allergies (if applicable). Must be maintained for as long as the child is in care as referenced in subparagraph 65C-22.008(3)(o)3., F.A.C.

k. Daily meal and snack menus, including meal substitutions. Must be maintained for one (1) year as referenced in subparagraph 65C-22.008(3)(o)4., F.A.C.

(j) Health and Sanitation. All provisions under subparagraphs 65C-22.002(8)(a)1. through 3., F.A.C., must be met. In addition, school age child care programs may seek an exemption to environmental health standards. The written exemption request, which must include a plan to ensure the health safety of children in care, must be made to the local Environmental Health Unit and if granted, the exemption must be documented and maintained on file at the program.

(k) Equipment and Furnishings. All provisions as applicable, under subsection 65C-22.002(9), F.A.C., must be met.

(l) All provisions under subsections 65C-22.004(1), (2), and (3), F.A.C., must be met.

(n) All provisions under subsections 65C-22.006(1), (3), (4), (5) and (6), F.A.C., must be met. School aged children attending public or nonpublic schools are not required to have student health examination and immunization records on file at the school age child care program as such records are on file at the school where the child is enrolled. (m) All provisions under subsections 65C-22.005(1), (2), (3)(a) and (e), F.A.C., as it pertains to age appropriate food and heated food only, and paragraph 65C-22.005(3)(e), F.A.C. School age child care programs may seek an exemption from the environmental health standards as it pertains to the food preparation area specified in subsection 65C-22.005(2), F.A.C. The written exemption request, which must include a plan to ensure safe and sanitary food preparation for children in care, must be made to the local Environmental Health Unit and if granted, the exemption must be documented and maintained on file at the program.

(4) School-Age Child Care Personnel Training Requirements.

(a) Definitions.

1. "Active" refers to the status of a candidate's awarded credential or certification in which requirements have been successfully met.

2. "Before-school and after-school site" refers to a program, regardless of location, that provides child care for children who are at least five (5) years old and are enrolled in and attend a kindergarten program or grades one (1) and above during a school district's calendar year. This is limited to programs that provide care only before and after the

recognized hours of a district's school day and on teacher planning days, holidays, and intercessions that occur during the school district's official calendar year.

3. "Begin training for child care personnel" refers to a candidate's commencement of at least one (1) of the child care training courses listed in Section 402.305(2)(d), F.S. This may be accomplished by classroom attendance, acquiring an educational exemption from training, beginning a department-approved online child care training course, or by completion of a department-approved competency examination within the first 90 days of employment in the child care industry. The child care facility is responsible for obtaining documentation from child care personnel.

4. "Director" means "operator" as defined in Section 402.302 (11), F.S., is the onsite administrator or individual who has the primary responsibility for the day-to-day operation, supervision and administration of a child care facility.

5. "Director Credential" is a department-approved comprehensive credential that consists of educational and experiential requirements as referenced in paragraph 65C-22.008(4)(i), F.A.C.

6. "Training Transcript" is the electronic documentation of statutorily mandated training and staff credential qualifications for child care personnel. Training transcripts may be obtained on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

7. "Weighted score" means a scaled score, rather than a percentage score, based on the difficulty of the exam and determined by competency exam professionals in consultation with subject matter experts.

(a) All child care personnel must complete training within 12 months from the date training begins and may not exceed 15 months from the date of employment in the child care industry.

(c)(~~a~~) Child care personnel hired on or after October 1, 1992 must successfully complete 40 hours of child care training by completing the following 20 hours of the Department of Children and Family Services' training as evidenced by successful completion passage of a competency examinations offered by the Department of Children and Family Services or its designated representative with a weighted score of seventy (70) or better. Child care personnel who successfully completed the following training prior to January 1, 2004 are not required to fulfill the competency examination requirement:

1. Child Care Facilities State and Local Rules and Regulation;
2. Health, Safety, and Nutrition;
3. Identifying and Reporting Child Abuse and Neglect; and
4. School Age-Appropriate Practices.

(d)(~~b~~) The remaining 20 hours must be met by successfully completing a combination of other Department of Children and Family Services' training identified below as

evidenced by successful completion of competency examinations offered by the Department of Children and Family Services or its designated representative with a weighted score of 70 or better: in paragraphs 65C-22.003(2)(a) and (b), F.A.C., or by completing 20 hours of specialized school age training, provided by a national organization or its affiliates that requires demonstration of competencies through passage of examination(s) or completion and assessment of a Professional Resource File (portfolio of materials that demonstrate competency):

1. Child Growth and Development (10 hours),
2. Behavioral Observation and Screening (10 hours),
3. Infant and Toddler Appropriate Practices (10 hours),
4. Preschool Appropriate Practices (10 hours),
5. Special Needs Appropriate Practices (10 hours),
6. Basic Guidance and Discipline (5 hours online),
7. Computer Technology for Child Care Professionals (5 hours online),
8. Early Literacy for Children Ages Birth Through Three (5 hours online),
9. Early Childhood Computer Learning Centers (5 hours online),
10. Emergent Literacy for Voluntary Pre-Kindergarten (VPK) Instructors (5 hours online), or
11. Completion of 20 hours of specialized school-age training, provided by a national organization or its affiliates, that requires demonstration of competencies through passage of examination(s) or completion and assessment of a Professional Resource File (portfolio of materials that demonstrate competency).

(e)(~~e~~) School-age child care personnel are exempt from the training requirement of five (5) clock-hour early literacy and language development of children from birth to five (5) years of age, under paragraph 65C-22.003(2)(b)(~~d~~), F.A.C.

(d) Child care personnel may choose to meet the training exemptions under subsection 65C-22.003(3), F.A.C.

(e) All provisions under subsection 65C-22.003(6), F.A.C., must be met.

(f) School-age child care programs are exempt from the staff credentialing requirement as outlined in subsection 65C-22.003(7), F.A.C.

(g) Exemptions from the Introductory Child Care Training.

1. Competency Examination Exemptions. Child care personnel have one (1) opportunity, if they choose, to exempt from one (1) or more of the department's Introductory Child Care Training courses prior to attending training by successful completion of corresponding competency examinations with a weighted score of 70 or better. Exemption examinations are not available for the department's online Part II specialized training courses.

2. Educational Exemptions.

a. The Department of Children and Family Services or its designated representative shall exempt child care personnel from the Health, Safety and Nutrition; Child Growth and Development; and Behavioral Observation and Screening courses who meet one (1) of the following educational qualifications:

(I) Associate's degree or higher with six (6) college credit hours in early childhood education/child growth and development or degree in elementary education with certification to teach any age birth through 6th grade.

(II) An active National Early Childhood Credential (NECC) or an active Birth Through Five Florida Child Care Professional Credential (FCCPC).

b. The Department of Children and Family Services or its designated representative shall exempt child care personnel with a B.A., B.S. or advanced degree in Early Childhood Education or Preschool Education from the Infant and Toddler Appropriate Practices course and Preschool Appropriate Practices course.

c. The Department of Children and Family Services or its designated representative shall exempt child care personnel with a B.A., B.S. or advanced degree in Elementary Education from the School Age Appropriate Practices course.

d. The Department of Children and Family Services or its designated representative shall exempt child care personnel with a B.A., B.S. or advanced degree in Exceptional Student Education from the Special Needs Appropriate Practices course.

e. There are no educational exemptions from the Child Care Facility Rules and Regulations and the Identifying and Reporting Child Abuse and Neglect courses or from the department's online training courses.

(h) Annual In-Service Training.

1. All child care facility personnel must complete a minimum of 10 clock-hours or one (1) CEU of in-service training annually during the state's fiscal year beginning July 1 and ending June 30.

2. The annual 10 clock-hours or one (1) CEU of in-service training concentrating on children ages birth through 12 must be completed in one (1) or more of the following areas (college level courses will be accepted):

a. Health and safety, including universal precautions;

b. CPR;

c. First Aid (may only be taken to meet the in-service requirement once every three (3) years);

d. Nutrition;

e. Child development – typical and atypical;

f. Child transportation and safety;

g. Behavior management;

h. Working with families;

i. Design and use of child oriented space;

j. Community, health and social service resources;

k. Child abuse;

l. Child care for multilingual children;

m. Working with children with disabilities in child care;

n. Safety in outdoor play;

o. Literacy;

p. Guidance and discipline;

q. Computer technology;

r. Leadership development/program management and staff supervision;

s. Age appropriate lesson planning;

t. Homework assistance for school-age care;

u. Developing special interest centers/spaces and environments; or

v. Other course areas relating to child care or child care management.

3. Documentation of the in-service training requirement must be recorded on CF-FSP Form 5268, Child Care In-Service Training Record, and included in the child care facilities' personnel records. CF-FSP 5268 may be obtained from the licensing authority or on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare). A new in-service training record is required each fiscal year. The in-service training records for the previous two (2) fiscal years must also be maintained at the child care facility for review by the licensing authority.

(i) Director Credential.

1. Director Credential Requirement. Pursuant to Section 402.305(2)(f), F.S., a child care facility must have a credentialed director. An individual with an inactive Director Credential is ineligible to be the director of a child care facility. An applicant for the Director Credential or Advanced Director Credential must meet the requirements referenced in CF-FSP Form 5290, Florida Child Care Director Credential Verification and Application. CF-FSP Form 5290 may be obtained on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare). All applications and documentation will be verified and credential issued by the Department of Children and Family Services on CF-FSP Form 5252, Florida Director Credential Certificate.

a. An individual may not be the director of child care facilities that overlap in the hours of operation.

b. Each child care facility must have a credentialed director that is on-site a majority of hours that the facility is in operation.

c. Every applicant for a license to operate a child care facility or a license for a change of ownership of a child care facility must document that the facility director has an active Director Credential prior to issuance of the license.

d. Child care facility owners must notify the licensing authority within five (5) working days of when the facility loses a credentialed director or when there is a change of director. The licensing authority will then issue a provisional

license for a period not to exceed six (6) months. The provisional license will have an effective date of the first day the facility was without a credentialed director.

e. CF-FSP Form 5252 must be posted in a conspicuous location at the facility.

2. The following exceptions to the Director Credential apply only to before and after school programs that are licensed as child care facilities defined in Section 402.302, F.S., and serve only school-aged children:

a. A credentialed director is not required during evening hours as defined in Section 402.302(6), F.S.

b. A credentialed director may supervise multiple before-school and after-school sites for a single organization as follows:

(I) Three (3) sites regardless of the number of children enrolled, or

(II) More than three (3) sites if the combined total number of children enrolled at the sites does not exceed 350. In calculating the total number of children enrolled, the number of children in the before- and after-school program shall be calculated and viewed as separate programs.

(III) In counties where the public school district has included four (4) year-old children in public before-school and after-school programs, the school district may participate in the multi-site supervision option. Public school districts that serve four (4) year old children in the before-school and after-school programs are required to have a credentialed staff person pursuant to the credentialing requirements in paragraph 65C-22.003(7)(a), F.A.C., in order to accommodate the four (4)-year-old children.

(IV) When a credentialed director is supervising multiple sites, the individual left in charge of the site during the director's absence must meet the following requirements:

(A) At least 21 years of age;

(B) Have completed the approved 40 clock-hour Introductory Child Care Training approved by the Department of Children and Family Services; and

(C) Have completed the Department of Children and Family Services' Part II specialized training course, Special Needs Appropriate Practices, or completed a minimum of eight (8) hours of in-service training in serving children with disabilities; or

(D) Have completed the Department of Children and Family Services' School-Age Appropriate Practices specialized training module.

3. Director Credential Renewal.

a. To maintain an active Director Credential at either level, candidates must meet the requirements referenced on CF-FSP Form 5306, Florida Director Credential Renewal Application. CF-FSP Form 5306 may be obtained on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

b. A Director Credential renewal, as documented on CF-FSP Form 5252, is active for five (5) years from the date of issuance. The completed renewal application, including all required documentation, must be submitted to the Department of Children and Family Services for review and issuance of a Director Credential Renewal Certificate no earlier than one (1) year prior to the end of the active period of the Director Credential. The Director Credential renewal date is determined by the end date of the active period.

c. If a renewal application is received after the end of the active period for the Director Credential, the Director Credential Renewal Application will be reviewed and, if approved, a certificate will be issued with a renewal date of five (5) years from the date the completed renewal application was processed.

4. Director Credential Training Providers.

a. The Department of Children and Family Services is responsible for reviewing and approving "Overview of Child Care Management" courses offered through vocational-technical schools, community colleges and universities to determine if the requirements for the Director Credential coursework are met. Coursework will be reviewed and approved according to the guidelines found in "Florida Child Care and Education Program Director Credential Curriculum Areas;" copies of which may be obtained from the Department of Children and Family Services.

(I) Vocational-technical schools, community colleges and universities seeking to offer the Director Credential training shall submit CF-FSP Form 5247, Florida Child Care and Education Program Director Credential Course Approval Application to the department for course review and approval. CF-FSP Form 5247 may be obtained on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

(II) A list of approved "Overview of Child Care Management" courses may be obtained on the Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

b. All college level coursework pertaining to the following content areas will be accepted as approved coursework towards the Advanced Level Director Credential requirements:

(I) Child Care and Education Organizational Leadership and Management.

(II) Child Care and Education Financial and Legal Issues.

(III) Child Care and Education Programming.

(g) All provisions as applicable under subsection 65C-22.003(8), F.A.C., must be met. A director holding a foundational or advanced Director Credential may supervise multiple sites as specified in paragraph 65C-22.003(8)(j); F.A.C.

Specific Authority 402.302, 402.305 FS. Law Implemented 402.302, 402.305 FS. History—New 9-12-04, Amended \_\_\_\_\_.

Specific Authority 106.26 FS. Law Implemented 106.25(3) FS. History—New \_\_\_\_\_.

## Section II Proposed Rules

### DEPARTMENT OF LEGAL AFFAIRS

#### Florida Elections Commission

RULE NO.:                    RULE TITLE:  
2B-1.002                    Definitions

PURPOSE AND EFFECT: The proposed rule is intended to define terms which will be utilized for determining whether the imposition of a civil penalty is appropriate for a violation of Chapter 104, F.S.

SUMMARY: The proposed rule sets forth definitions for the purpose of determining whether the imposition of a civil penalty is appropriate for a violation of Chapter 104, F.S.

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 regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 106.26 FS.

LAW IMPLEMENTED: 106.25(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Barbara Linthicum, Executive Director, Florida Elections Commission, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE FULL TEXT OF THE PROPOSED RULE IS:

2B-1.002 Definitions.

For purposes of imposing a civil penalty for violating Chapter 104, F.S. the following definitions shall apply:

(1) A person acts "willful" or "willfully" when he or she showed reckless disregard for whether his or her conduct was prohibited or required by Chapter 104, F.S.

(2) "Knew" means that the person was aware of a provision of Chapter 104, F.S., understood the meaning of the provision, and then performed an act prohibited by the provision or failed to perform an act required by the provision.

(3) "Reckless disregard" means that the person disregarded the requirements of Chapter 104, F.S., or was plainly indifferent to its requirements, by failing to make any reasonable effort to determine whether his or her acts were prohibited by Chapter 104, F.S., or whether he or she failed to perform an act required by Chapter 104, F.S.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Florida Elections Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Elections Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 19, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 16, 2006

### BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

### DEPARTMENT OF CORRECTIONS

RULE NO.:                    RULE TITLE:  
33-208.101                    Employee Grooming, Uniform and Clothing Requirements

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend the dress code for health care employees and to update Form DC2-816, Individual Clothing Record, to include additional clothing articles.

SUMMARY: Amends the rule to update the dress code for health care employees. Clarifies that all health services staff providing direct care to inmates shall wear the department issued ID card, provides that the department no longer furnishes white smocks, clinical coats, surgical gowns or scrub suits, and requires additional employees to wear scrubs or the standard nurse uniform. Provides that earrings are the only body piercing ornaments allowed for females, and artificial fingernails or extenders will not be worn when having direct contact with high risk inmates. Form DC2-816, Individual Clothing Record, is being revised to include additional clothing articles.

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 regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dorothy M. Ridgway, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-208.101 Employee Grooming, Uniform and Clothing Requirements.

(1) through (5) No change.

(6) The following provisions shall apply to health services employees.

(a) All health services staff providing direct care to inmates at an institution shall wear the department issued ID card in a visible manner that will identify the individual at all times while on duty and a nameplate ~~engraved~~ with the employee's last name, first name initial, and initials of licensure or certification. ~~The nameplate will be issued by the department.~~

(b) Physicians, clinical associates, dentists, dental assistants, dental hygienists, nurse supervisors, nurse consultants, executive nursing directors and pharmacists will have no prescribed uniform. ~~White smocks, clinical coats and surgical gowns as required in the performance of duty will be furnished by the department.~~

(c) Nurses, correctional medical technicians certified, health support workers, unit treatment rehabilitation specialists, ward clerks, radiology technicians and medical technologists shall be required to wear ~~the dark colored~~ scrub suits ~~provided by the department~~ or the standard ~~white~~ nurse uniform. The nurse ~~scrubs or~~ uniform must be provided by the employee. No denim scrubs or uniforms will be permitted.

~~(d) Correctional medical technicians certified, correctional medical technicians, health support workers and medical technologists shall wear the dark colored scrub suit provided by the department.~~

~~(d)(e)~~ Employees in the position of ~~senior~~ registered ~~professional~~ nurse, LPN, correctional medical technician, correctional medical technician certified, medical technologist, radiology technician, UTR and "ward clerk" must wear shoes such as closed toe white leather or leather-like tennis shoes.

~~(e)(f)~~ The following shall apply to health services staff whose duties require providing direct care to inmates in an institution, including physicians, pharmacists, dentists, clinical associates, registered nurses, LPNs, ~~correctional medical technicians~~, correctional medical technicians certified, medical technologists, health support workers, UTR's and "ward clerks".

1. Excessive jewelry shall not be worn with the uniform. ~~No necklaces, chains or medallions shall be worn around the neck such that they are visible while in uniform.~~ Jewelry that could be used to disable an employee, ~~such as hair pins~~, will not be worn. No bulky or ornate jewelry will be worn.

Bracelets or earrings are prohibited for male staff. Female staff shall be allowed to wear earrings; however, only one pair of post or clip-on earrings will be worn at a time and will be worn on earlobes only. Earrings for female staff will constitute the only body piercing ornaments allowed. For safety purposes, earrings shall not be hooped or dangling. ~~Only post or clip on will be worn on earlobes only.~~

2. Fingernails will be neatly trimmed and clean. Fingernails shall not extend more than 1/4 inch past the end of the finger. Artificial fingernails or extenders will not be worn when having direct contact with high risk inmates, i.e., in a licensed hospital facility, intensive care units, operating rooms, or dialysis units. ~~Polish, if worn, shall be clear or solid in color.~~ Hair shall be maintained in a manner consistent with infection control practices and safety considerations.

(7) No change.

(8) Forms. The following forms used in implementing the provisions of this rule are hereby incorporated by reference:

(a) Individual Clothing Record, DC2-816, effective ~~12-18-00.~~

(b) Authorization for Uniform Replacement, DC2-817, effective 12-18-00. A copy of these forms may be obtained from the Forms Control Administrator, Office of Research, Planning and Support Services, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 2-27-85, Amended 6-19-85, Formerly 33-4.07, Amended 3-6-88, 8-15-89, 2-12-91, 10-13-91, 4-19-98, 12-7-98, Formerly 33-4.007, Amended 10-5-99, 3-21-00, 12-18-00, 4-30-02, 2-20-03, 6-26-03, 10-27-03, 12-28-03, 12-12-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Patrick H. Brown, M.D., Director of Health Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D., Deputy Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 31, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 16, 2006

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Human Resource Management**

RULE NO.: 60L-34.0071                      RULE TITLE: Administrative Leave

PURPOSE AND EFFECT: The purpose of the proposed rule is to clarify terms for granting administrative leave and compensatory leave during emergency facility closures. Under the provisions of Sections 110.201 and 110.219(5), Florida Statutes, the Department may adopt rules for the provision of administrative leave and compensatory leave during emergency facility closures.

**SUMMARY:** The rule addresses the eligibility for administrative leave and compensatory leave when facilities are closed during emergencies pursuant to Executive Order of the Governor. The proposed rule amendment clarifies terms for granting administrative leave and compensatory leave during emergency facility closures addresses.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** No statement of Estimated Regulatory Costs has been prepared.

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

**SPECIFIC AUTHORITY:** 110.201, 110.219(5) FS.

**LAW IMPLEMENTED:** 110.201, 110.219(5) FS.

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

**DATE AND TIME:** Monday, August 7, 2006, 10:00 a.m. – 12:00 Noon

**PLACE:** The Department of Management Services, Room 101 (Lobby), 4050 Esplanade Way, Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** David Faulkenberry, Director, Division of Human Resource Management, Department of Management Services, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)922-5449

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

60L-34.0071 Administrative Leave.

(1) Administrative leave counts as hours of pay, but does not count as hours of work for overtime purposes.

(2) Approval of administrative leave, under subsection (3) of this rule or otherwise, is limited to an amount necessary to bring the employee to full pay for forty hours of work in the workweek, the number of approved hours in the extended work period, or the number of hours in the work period. In no case shall the approval of administrative leave cause the employee to exceed forty hours during the workweek, hours in an approved extended work period, or hours in the regular work period for excluded employees.

(3) An agency shall comply with the following provisions when granting administrative leave for the reasons described.

(a) Jury Duty:

An employee who is summoned as a member of a jury panel shall be granted administrative leave with pay for hours required for such duty not to exceed the number of hours in the employee's normal workday; however, if the jury duty does not require absence for the entire workday, the employee shall return to duty immediately upon release by the court. If the employee's court attendance does not coincide with the

employee's regular work schedule, the employee shall be granted administrative leave based on the total hours served on jury duty, not to exceed the number of hours in the employee's regular workday. Such leave shall be granted on the next scheduled work shift following each day the employee is in court. Jury fees shall be retained by the employee.

(b) Witness:

1. An employee subpoenaed as a witness, or to give a deposition, in a court or an administrative hearing, not involving personal litigation or service as a paid expert witness shall be granted administrative leave with pay, and witness fees shall be retained by the employee.

2. An employee subpoenaed in the line of duty to represent a state agency as a witness or defendant shall not be granted administrative leave, and appearance in such cases shall be considered a part of the employee's job assignment. The employee shall be paid per diem and travel expenses and shall be required to turn over to the agency any fees received from the court.

3. In no case shall administrative leave with pay be granted for court attendance when an employee is engaged in personal litigation or service as a paid expert witness.

(c) Examination for military service:

An employee who is ordered to appear for an examination for entrance into the military service shall be granted leave with pay for this purpose on the day of the examination.

(d) Death in family:

1. An employee, upon request, shall be granted two days of administrative leave with pay on the death of the employee's spouse and on the death of the parents, grandparents, brothers, sisters, children, and grandchildren of either the employee or the spouse.

2. Each employee requesting administrative leave due to death in the family shall submit a statement to the appropriate authority stating the name of, and relationship to, the deceased.

(e) Closing facilities under emergency conditions:

1. When offices are closed pursuant to Executive Order of the Governor:

~~a. When the Governor, by Executive Order, declares an emergency, the agency shall determine which affected facilities or portions thereof are located in the area covered by the Executive Order.~~

~~a. b. Except for those employees the agency determines are necessary for providing essential services, Employees assigned to the facilities the agency has closed shall be released from duty and granted administrative leave for the period the facility is closed, unless and except for those employees whom the agency determines are necessary for providing requires to remain on duty to provide essential services. Those employees whom the agency requires to report for duty to provide essential services shall be granted special compensatory leave credits for the hours worked during the period the facility is closed only if they hold a position below~~

~~that of bureau chief (or bureau chief comparable as defined in Section 20.04, Florida Statutes), and the other employees will be granted administrative leave.~~

~~b.e.~~ An employee who is on a prior approved leave of absence or scheduled holiday during an emergency shall not have the leave of absence changed to administrative leave.

~~c.d.~~ If the Executive Order issued by the Governor does not specify an ending time and date, the agency's authority under this subsection shall be limited to two consecutive calendar days. Any action beyond two days shall require approval by the Department.

2. Other:

In any other disaster or emergency condition that may necessitate the closing of facilities in an area, the agency shall have the authority and responsibility to determine whether agency offices or facilities, or any portion thereof, are affected by the emergency and are to be closed. The Department must approve the closing of any agency facility or portion thereof for more than two consecutive work days. The Department must approve the closing of any Department-operated state facility. In such cases, employees' attendance and leave shall be handled as prescribed in subparagraph (e)1. above.

(f) Formal investigation:

An employee under formal investigation by an agency for violation of a rule or statute for which dismissal is a penalty, shall temporarily be assigned other duties if deemed advisable by the agency, or placed on administrative leave if the employee's absence from the work location is essential to the investigation. The agency shall report in writing to the Department whenever it grants such leave.

(g) Elections:

Any employee may be granted up to one hour of leave with pay for the purpose of voting during normal working hours. An employee shall not be granted administrative leave to work at the polls during elections.

(h) Examinations and interviews:

An employee may be granted up to two hours of leave with pay for the purpose of taking examinations before a state agency, provided such examinations are pertinent to state employment or for the purpose of having interviews for positions within the State Personnel System.

(i) 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.

2. The supervisor may approve the aggregated use of up to four hours in any calendar month, provided the agency 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-subparagraph a. or b. until one week has elapsed for every additional hour taken in the aggregate.

3. 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.

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

Specific Authority 110.201, 110.219(5) FS. Law Implemented 110.219 FS. History--New 1-1-02, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: David Faulkenberry, Director, Division of Human Resource Management, Department of Management Services, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)922-5449

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David Faulkenberry, Director Division of Human Resource Management, Department of Management Services, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)922-5449

DATE PROPOSED DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 5, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 9, 2006

Pursuant to the American Disabilities Act, persons needing special accommodations to participate in the rule hearing should advise the Department of Management Services at least two (2) calendar days before the workshop, by contacting David Faulkenberry, (850)922-5449.

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.:	RULE TITLE:
64B8-9.003	Standards for Adequacy of Medical Records

PURPOSE AND EFFECT: The proposed rule amendment is intended to remove language with regard to medical records based upon a recent appellate court ruling.



SUMMARY: The proposed rule deletes language which has been found objectionable by an appellate court.

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 regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 458.309, 458.331(1)(t), (v) FS.

LAW IMPLEMENTED: 456.061, 458.331(1)(g), (h), (k), (m), (t), (v), (gg), (hh) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-9.003 Standards for Adequacy of Medical Records.

(1) No change.

(2) A licensed physician shall maintain patient medical records in English, in a legible manner and with sufficient detail to clearly demonstrate why the course of treatment was undertaken or ~~why an apparently indicated course of treatment was not undertaken.~~

(3) through (5) No change.

Specific Authority 458.309, 458.331(1)(t), (v) FS. Law Implemented 456.061, 458.331(1)(g), (h), (k), (m), (t), (v), (gg), (hh) FS. History–New 1-1-92, Formerly 21M-27.003, Amended 1-12-94, Formerly 61F6-27.003, Amended 9-3-95, Formerly 59R-9.003, Amended 8-20-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 3, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 16, 2006

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.: 64B9-6.004 RULE TITLE: Retired Licensure Status

PURPOSE AND EFFECT: The purpose and effect is to establish requirements for changing from an active licensure status to a retired licensure status and from a retired licensure status to an active licensure status.

SUMMARY: Requirements for changing from an active licensure status to a retired licensure status and from a retired licensure status to an active licensure status are established.

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 regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 456.036(10), (15) FS.

LAW IMPLEMENTED: 456.036(2), (4)(b), (10), (12), (15) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-6.004 Retired Licensure Status.

(1) A licensee wishing to change to retired licensure status during the renewal period must pay the retired license fee. If the change to retired licensure status is outside the renewal period, the change of status fee shall also be paid.

(2) If the licensee holds a Florida retired license eligible for reactivation, the licensee may return the license to active status upon submission of a complete application to the Department, payment of the appropriate fees and compliance with the provisions of Section 456.036(12), F.S.

(3) Any licensee applying for an active status license who has been on retired licensure status for 5 years or more, or if licensed elsewhere and has not been actively practicing nursing during the past 5 years, shall as a condition of licensure demonstrate that he or she is able to practice with the care and skill sufficient to protect the health, safety and welfare of the public by obtaining a passing score on the licensure examination appropriate to the licensure level of the licensee, and

(a) For registered nurses or licensed practical nurses, completing a nursing refresher course with clinical component appropriate to the licensure level of the licensee. The refresher course must be given at a Board-approved program, and must include at least 60 hours of classroom instruction and 96 hours of clinical experience in medical/surgical nursing and any specialty area of practice of the licensee;

(b) For certified nursing assistants, completing a Board-approved training program.

Specific Authority 456.036(10), (15) FS. Law Implemented 456.036(2), (4)(b), (10), (12), (15) FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Nursing  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Nursing  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: October 12, 2005  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: June 23, 2006

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.: 64B9-7.001                      RULE TITLE: Fees  
PURPOSE AND EFFECT: The purpose and effect is to establish an initial retired status license fee.  
SUMMARY: An initial retired status license fee is established.  
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 regulatory cost alternative must do so in writing within 21 days of this notice.  
SPECIFIC AUTHORITY: 456.013(2), 456.017, 456.025, 456.036, 464.006, 464.014(1) FS.  
LAW IMPLEMENTED: 119.07(1)(a), 456.013(2), 456.017(1)(c), 456.025, 456.036, 464.008, 464.009, 464.012, 464.013, 464.014 FS.  
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-7.001 Fees.

The following fees are prescribed by the Board.

(1) through (15) No change.

(16) The initial retired status license fee shall be fifty dollars (\$50.00).

Specific Authority 456.013(2), 456.017, 456.025, 456.036, 464.006, 464.014(1) FS. Law Implemented 119.07(1)(a), 456.013(2), 456.017(1)(c), 456.025, 456.036, 464.008, 464.009, 464.012, 464.013, 464.014 FS. History—New 9-12-79, Amended 3-5-81, 12-28-82, 11-17-83, Formerly 210-15.01, Amended 9-23-86, 2-5-87, 10-21-87, 11-19-89, 3-13-90, 1-1-92, 6-24-93, Formerly 210-15.001, 61F7-7.001, Amended 9-13-94, 11-6-94, 4-12-95, Formerly 59S-7.001, Amended 8-18-98, 11-2-98, 6-20-00, 7-7-02, 9-26-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Nursing  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Nursing  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: October 12, 2005  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: June 23, 2006

**DEPARTMENT OF HEALTH**

**Council of Licensed Midwifery**

RULE NO.: 64B24-7.007                      RULE TITLE: Responsibilities of Midwives During the Antepartum Period  
PURPOSE AND EFFECT: To update the rule.  
SUMMARY: The Department is moving HIV/AIDS screening to one of the tests within the complete history and physical examination provided for each patient.  
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.  
Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.  
SPECIFIC AUTHORITY: 456.004(5), 467.005 FS.  
LAW IMPLEMENTED: 467.015 FS.  
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Council of Licensed Midwifery, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3250

THE FULL TEXT OF THE PROPOSED RULE IS:

64B24-7.007 Responsibilities of Midwives During the Antepartum Period.

(1) The licensed midwife shall:

(a) Require each patient to have a complete history and physical examination which includes:

1. Pap smear.
2. Serological screen for syphilis.
3. Gonorrhea and chlamydia screening.
4. Blood group including Rh factor and antibody screen.
5. Complete blood count (CBC).
6. Rubella titer.
7. Urinalysis with culture.
8. Sickle cell screening for at risk population.
9. Screen for hepatitis B surface antigen (HBsAG).
10. Screen for HIV/AIDS.

(b) Conduct the Healthy Start Prenatal Screen interview or assure that each patient has been previously screened.

(c) Provide counseling and offer screening related to the following:

- 1. Neural tube defects.
- ~~2. HIV/AIDS.~~
- ~~2.3.~~ Group B Streptococcus.
- ~~3.4.~~ CVS or genetic amniocentesis for women 35 years of age or older at the time of delivery.
- ~~4.5.~~ Nutritional counseling.
- ~~5.6.~~ Childbirth preparation.
- ~~6.7.~~ Risk Factors.
- ~~7.8.~~ Common discomforts of pregnancy.
- ~~8.9.~~ Danger signs of pregnancy.

(d) Follow-up screening:

- 1. Hematocrit or hemoglobin levels at 28 and 36 weeks gestation.
- 2. Diabetic screening between 24 and 28 weeks gestation.
- 3. Antibody screen for Rh negative mothers, at 28 weeks gestation. Counsel and encourage RhoGAM prophylaxis. In those clients declining RhoGAM prophylaxis repeat antibody screen at 36 weeks.

(e) Require prenatal visits every four weeks until 28 weeks gestation, every two weeks from 28 to 36 weeks gestation and weekly from 36 weeks until delivery.

(2) through (7) No change.

Specific Authority 456.004(5), 467.005 FS. Law Implemented 467.015 FS. History--New 7-14-94, Formerly 61E8-7.007, 59DD-7.007, Amended 9-11-02, 7-21-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Council of Licensed Midwifery

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lucy Gee

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 3, 2006

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Marine Fisheries Management**

RULE NOS.:	RULE TITLES:
68B-45.004	Regulation and Prohibition of Certain Harvesting Gear
68B-45.007	Blue Crab Effort Management Program

PURPOSE AND EFFECT: The purpose of these rule amendments is to continue the moratorium on issuance of new blue crab endorsements until July 1, 2007, and to delay until that date the implementation of the Blue Crab Limited Entry Program. The Fish and Wildlife Conservation Commission had

adopted rules that would have implemented the final effort management plan for the commercial blue crab fishery on July 1, 2006. These rule amendments are necessary to delay the program until penalties applicable to specific requirements and prohibitions in the implementing rules of the Commission and fees to be charged by the Commission under the program can be passed by the Florida Legislature and to replace Emergency Rule 68BER06-1 before its expiration. The effect of these rule amendments would be to maintain the commercial fishery in its current regulatory state until the Florida Legislature establishes the appropriate penalties and fees.

SUMMARY: Rule 68B-45.004, F.A.C., is amended to extend the moratorium on the issuance of new blue crab endorsements until July 1, 2007. Rule 68-45.007, F.A.C., is amended to delay for one year the implementation of the program established by the rule and to change the name of the program from the "Blue Crab Limited Entry Endorsement Program" to the "Blue Crab Effort Management Program". Various filing and qualification deadlines and start dates for program requirements are amended to reflect the one-year delay in implementation of the program. The change in the name of the program necessitates updating the forms incorporated by reference in the rule. The date of dissolution of the blue crab advisory board is extended by one year.

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

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for 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 DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: August 16, 2006, 1:00 p.m. – 4:00 p.m.  
PLACE: Doubletree Hotel, 4500 West Cypress Street, Tampa, 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 the ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mark Robson, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554

THE FULL TEXT OF THE PROPOSED RULES IS:

68B-45.004 Regulation and Prohibition of Certain Harvesting Gear.

(1) through (8) No change.

(9)(a) No change.

(b) Notwithstanding Section 370.135(2)(a), F.S., effective July 1, ~~2006~~ ~~2002~~, and until July 1, ~~2007~~ ~~2006~~, no blue crab endorsements, except those endorsements that were active during the ~~2005-2006~~ ~~2001-2002~~ fiscal year, shall be renewed or replaced. ~~In 2002 and in subsequent years until July 1, 2006,~~ Persons or corporations holding a blue crab endorsement that was active in the ~~2005-2006~~ ~~2001-2002~~ fiscal year or an immediate family member of that person must request renewal of the blue crab endorsement before September 30, ~~2006~~ ~~of each year~~. All provisions of Sections 370.135(2)(c)-(e), F.S., shall continue to apply to the issuance and renewal of blue crab endorsements with the applicable dates specified in this paragraph.

(c) No change.

(10) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-14-93, Amended 6-1-94, 1-1-95, 10-4-95, 9-30-96, 1-1-98, 6-1-99, Formerly 46-45.004, Amended 2-28-02, 10-21-04, 3-1-05, 3-30-06,\_\_\_\_\_.

68B-45.007 Blue Crab Effort Management ~~Limited Entry~~ Endorsement Program.

(1) Beginning in the ~~2007/2008~~ ~~2006/2007~~ license year, in addition to a valid saltwater products license and a valid restricted species endorsement, a blue crab effort management ~~limited entry~~ endorsement number is required to harvest or possess blue crab in quantities greater than the recreational bag limit or to sell blue crab.

(2) The Commission shall notify all holders of a 2004/2005 commercial saltwater products license with a restricted species endorsement and an existing blue crab endorsement of their initial eligibility or denial of a blue crab effort management ~~limited entry~~ endorsement. Those notified will indicate either their acceptance of the initial award of a blue crab effort management ~~limited entry~~ endorsement number by completion of an acceptance application (Form DMF-SL4500, Blue Crab Effort Management ~~Limited Entry~~ Endorsement Application (~~09-06~~ ~~01-06~~), incorporated herein by reference) or submit an application to appeal (Form DMF-SL4510, Application for Appeal of Blue Crab Effort Management ~~Limited Entry~~ Endorsement (~~09-06~~ ~~05-05~~), incorporated herein by reference), as specified in paragraph (11)(b).

(3) Except for those qualifying for a non-transferable blue crab effort management ~~limited entry~~ endorsement as specified in subsection (6), the Blue Crab Effort Management ~~Limited Entry~~ Endorsement Application must be received by the Commission no later than September 30, 2006. An applicant may be a person, firm, or corporation.

(a) In order to qualify for a blue crab effort management ~~limited entry~~ endorsement number, an applicant must have held a valid saltwater products license with a valid restricted species endorsement and a blue crab endorsement pursuant to Section 370.135(2), F.S., at the time of application and qualify as specified in paragraph (3)(b). A ~~limited entry~~ blue crab effort management endorsement number will not be issued to an applicant who did not hold a valid saltwater products license with a valid restricted species endorsement and a blue crab endorsement pursuant to Section 370.135(2), F.S., at the time of application.

(b) Except as specified in subsection (6), qualification for a blue crab effort management ~~limited entry~~ endorsement number shall be determined by landings of blue crab reported on a valid saltwater products license with a valid restricted species endorsement and a blue crab endorsement, and as specified in paragraph (c).

(c) Qualified blue crab effort management ~~limited entry~~ endorsement number applicants must have documented blue crab landings in quantities as specified in subsection (4) or (5) pursuant to Commission trip ticket records generated under the provisions of Rule Chapter 68E-5, F.A.C., during at least one of the following three license years: July 1, 2000 through June 30, 2001, July 1, 2001 through June 30, 2002, or July 1, 2002 through June 30, 2003. Qualifying landings must have been received by the FWC by August 1, 2003; applicants lacking sufficient blue crab landings during the qualifying years may have their eligibility for a blue crab effort management ~~limited entry~~ endorsement considered by the blue crab effort management ~~limited entry~~ endorsement appeals board as specified in subsection (10).

(4) Hard Shell Blue Crab Endorsement (V-H). The hard shell blue crab effort management ~~limited entry~~ endorsement is required to harvest commercial quantities of hard shell blue crab using gears as authorized in subsection 68B-45.004(1), F.A.C.

(a) through (e) No change.

(5) Soft Shell Blue Crab Endorsement (V-S). The soft shell blue crab effort management ~~limited entry~~ endorsement is required to harvest peeler blue crabs in excess of the bycatch limit established in paragraph (4)(e) using gears as authorized in subsection 68B-45.004(2), F.A.C., or to produce soft shell blue crabs with more than three (3) shedding tanks.

(a) through (e) No change.

(6) Non-transferable blue crab effort management ~~limited entry~~ endorsement (V-N). Persons will qualify for the V-N endorsement if they meet the criteria set forth in paragraph

(3)(a), have had no convictions for violations associated with gears defined in subsection 68B-4.002(3) or (4), F.A.C., since July 1, 1995, and have documented landings using such gears pursuant to Commission trip tickets generated for the Marine Information System under Rule Chapter 68E-5, F.A.C., prior to July 1, 1995, or, sold nets to the state according to the provisions of the net buy back program, Chapter 95-414, Laws of Florida. Qualifying landings must have been received by the Marine Information System no later than August 1, 1995.

(a) The non-transferable blue crab effort management limited entry endorsement cannot be sold or otherwise transferred to any other person as described in subsection (15) or (16).

(b) The holder of a non-transferable blue crab effort management limited entry endorsement number shall be entitled to purchase up to 100 hard shell blue crab trap tags that will allow them to deploy a like number of hard shell blue crab traps in any state waters where blue crab traps are allowed.

(c) Applicants qualifying for a V-N blue crab effort management limited entry endorsement number pursuant to this subsection may apply for the endorsement by completing and submitting application Form DMF-SL4570, Non-Transferable Blue Crab Effort Management Limited Entry Endorsement (09-06 01-06), incorporated herein by reference.

(d) Applicants must submit their application to the Commission no later than September 30, 2007 2006. An applicant may be a person, firm, or corporation.

(e) No change.

(f) Applicants initially denied a V-N endorsement number may appeal their denial by submitting a completed appeals application form (DMF-4580, Application for Appeal of the Non-Transferable Blue Crab Limited Entry Endorsement (09-06 01-06), hereby incorporated by reference), to the Director of the Division of Marine Fisheries Management by March 31, 2007 2006.

(g) through (h) No change.

(i) The holder of a V-N blue crab effort management limited entry endorsement number shall be subject to the same trap tag requirements described in subsection (7).

(j) The holder of a V-N blue crab effort management limited entry endorsement number shall be subject to the same renewal criteria described in subsection (9).

(k) The holder of a V-N blue crab effort management limited entry endorsement number shall be subject to the renewal criteria described in paragraph (10)(a).

(l) The holder of a V-N blue crab effort management limited entry endorsement number shall not be eligible to serve either on the blue crab limited entry appeals board described in subsection (11) or the advisory board described in subsection (12).

(m) No change.

(n) If the holder of a V-N blue crab effort management limited entry endorsement number purchases a V-H endorsement described in subsection (4) or a V-S endorsement described in subsection (5), the non-transferable endorsement shall be forfeited.

(7) Trap Tags.

(a) Trap tags shall only be issued to holders of a current valid saltwater products license with a restricted species endorsement and a blue crab effort management limited entry endorsement number.

(b) Beginning July 1, 2007 2006, each trap used for the directed harvest of blue crabs must have securely fastened thereto a current trap tag issued annually by the Commission. Each such tag shall be manufactured by a Commission vendor and made of durable plastic or similarly durable material and shall have printed thereon the holder's blue crab effort management limited entry endorsement number. To facilitate enforcement and record keeping, such tags shall be issued each year in a color different from those used in the preceding three years. Traps with tags that are not securely fastened shall be considered untagged for enforcement purposes.

(c) Blue crab trap tags shall only be issued to natural persons. For the purpose of this section, the term "natural person" or "person" refers to a human being and does not include a firm, organization, partnership, association, corporation, or other business or legal entity or group or combination. A corporation that holds a blue crab effort management limited entry endorsement number shall designate one individual to whom they are assigning their trap tags.

(d) Each person who possesses a blue crab effort management limited entry endorsement number must annually submit a blue crab effort management limited entry endorsement trap tag order application form (DMF-SL4520 (05-05), incorporated herein by reference) within the time frame specified in paragraph (e) stating the number of tags they wish to receive, up to the maximum specified in subsection (4) or (5).

(e) Blue crab effort management limited entry endorsement trap tag order applications for each license year will only be accepted from February 1 through March 15 of the prior license year, except as specified in paragraph (f).

(f) No change.

(g) Blue crab trap tags shall not be issued to blue crab effort management limited entry endorsement holders until all license fees and any other outstanding fees owed the Commission have been paid in full and are current and the tag holder's saltwater products license with valid restricted species endorsement and blue crab effort management limited entry endorsement are not otherwise inactive.

(h) No change.

(i) As part of the Blue Crab Trap Tag Replacement Application (DMF-SL 4530 (05-05)), the applicant shall provide the tag holder's name, saltwater products license

number, blue crab effort management limited entry endorsement number, the number of tags that were lost, location or area where the tags were lost, and circumstances under which the tags were lost.

(8) Effective September 30, ~~2007~~ 2006, no additional blue crab effort management limited entry endorsements will be issued except to applicants qualifying as specified in subsection (18), and no blue crab effort management limited entry endorsement will be renewed or replaced except those that were issued pursuant to subsection (4), (5), (6) or (11).

(9) Beginning in the ~~2008/2009~~ 2007/2008 license year, each holder of a blue crab effort management limited entry endorsement number, or an immediate family member of such holder in the case of an individual, must renew the endorsement number each license year before September 30. Failure to renew the endorsement number by September 30 of any year will result in forfeiture of the endorsement number.

(10) Requalification. Beginning with license year ~~2010/2011~~ 2009/2010, the holder of a blue crab effort management limited entry endorsement number, except those qualifying as specified in subsection (18), must requalify for the endorsement number by documenting landings on such endorsement as specified in paragraph (a) or (b) in at least one of the previous three license years. Each endorsement number will then be valid for three years from the date of requalification, but must still be renewed annually as required by subsection (8). Except for the V-I endorsement specified in subsection (18), any blue crab effort management limited entry endorsement number not meeting the requalification criteria as specified in paragraph (a) or (b) will not be renewed.

(a) through (b) No change.

(11) Blue Crab Appeals Board. The Executive Director of the Commission shall appoint an appeals board composed of six blue crab effort management limited entry endorsement holders or wholesale seafood dealers and one Commission staff member to consider disputes or problems arising from the initial denial of a blue crab effort management limited entry endorsement.

(a) The six members of the appeals board will consist of at least four members that qualify for a V-H endorsement number and at least one that qualifies for a V-S endorsement number. No member may have appealed their initial blue crab effort management limited entry endorsement award.

~~(b) An appeal of the initial denial of a blue crab limited entry endorsement number is initiated by submission and receipt of a completed appeals application (Form DMF-SL4510 (05-05)) to the Director of the Division of Marine Fisheries Management before September 30, 2005.~~

~~(b)(e)~~ The burden of proof shall be on an appellant to demonstrate, through copies of trip tickets or other proof of landings, legitimate sales to a licensed wholesale dealer that

were not reported by the wholesale dealer during the qualifying years or included in the agency landings database as of August 1, 2003.

~~(c)(d)~~ Criteria for issuance of blue crab effort management limited entry endorsement numbers by the appeals board on grounds of hardship shall be established by the Blue Crab Advisory Board.

~~(d)(e)~~ After disputes are considered, a recommendation shall be submitted to the Executive Director of the Commission, or his designee, for resolution of the appeal, which recommendation shall either allot an endorsement number to the appellant or uphold the denial of an endorsement number. Notice will be given in writing to the appellant explaining the reasons for the final decision. The action of the Executive Director of the Commission constitutes final agency action, and is appealable pursuant to the requirements of Chapter 120, F.S.

(12) Blue Crab Advisory Board. There is hereby established the Blue Crab Advisory Board. Such board shall consider and advise the Commission on the operation of the effort management trap limitation program and any problems in the fishery.

(a) The board shall consist of a member of the Commission staff appointed by the Executive Director of the Commission, and eight members appointed by the Executive Director of the Commission according to the following criteria, except as otherwise provided in paragraph (b).

1. All appointed members other than the commission staff person shall be holders of a blue crab effort management limited entry endorsement holders and shall not have been convicted of any violations of Chapter 68B-45, F.A.C., within the last six (6) years. At least two shall have blue crab landings equal to or greater than 5,000 pounds during the preceding license year and at least two shall have landings less than 5,000 pounds during such license year.

2. At least five appointed members shall hold a V-H endorsement number, and at least two shall hold a V-S endorsement number.

3. At least one member shall come from each of the following regions of Florida:

(I) Escambia, Santa Rosa, Okaloosa, Walton, Bay, Gulf, Franklin, Wakulla counties;

(II) Jefferson, Taylor, Dixie, Levy, Citrus, Hernando, Pasco counties;

(III) Pinellas, Hillsborough, Manatee, Sarasota, Charlotte, Lee, Collier counties;

(IV) Indian River, St. Lucie, Martin, Palm Beach, Broward, Dade, Monroe counties;

(V) Nassau, Duval, Clay, St. Johns, Putnam, Flagler, Volusia, Brevard counties.

(b) No change.

(c) Holders of blue crab effort management limited-entry endorsement numbers wanting to be considered for appointment to the Blue Crab Advisory Board shall make their request on Commission Form DMF-SL4540 (09-06 05-05), incorporated herein by reference.

(d) through (h) No change.

(i) On July 1, ~~2012~~ 2011, the board is dissolved unless extended by the Executive Director of the Commission.

(13) Leasing Prohibited. The leasing or renting of blue crab effort management limited-entry endorsement numbers, tags, or traps is prohibited.

(14) Endorsement Holder Responsibility. The holder of a blue crab endorsement number is responsible for the actions of anyone working under that endorsement. All monies or proceeds from the sale of blue crabs landed under the blue crab effort management limited-entry endorsement holder's saltwater products license shall be issued only to the endorsement holder.

(15) Transferability. After the initial issuance, the hard shell blue crab (V-H) and soft shell blue crab (V-S) effort management limited-entry endorsement numbers are transferable upon approval of the Commission under the following conditions:

(a) The buyer must hold a saltwater products license with a valid restricted species endorsement and a blue crab effort management limited-entry endorsement number. If a buyer does not possess a blue crab effort management limited-entry endorsement number, they must hold a certificate of completion of the blue crab apprentice program as specified in paragraph (b).

(b) Persons not already holding a blue crab effort management limited-entry endorsement number and wishing to purchase such an endorsement number shall complete an apprenticeship program consisting of working no fewer than fourteen (14) days fishing for blue crab with a properly licensed blue crab effort management limited-entry endorsement number holder. As evidence thereof, such person must possess a blue crab effort management limited-entry apprenticeship form (DMF-SL4550 (09-06 05-05), incorporated herein by reference) signed by the endorsement holder attesting to the applicant having worked no fewer than fourteen (14) days fishing for blue crabs on the endorsement holder's vessel.

(c) A person who wishes to transfer an endorsement number shall submit a notarized statement of intent within 72 hours of the final notarized signature, that has been signed by both parties to the transaction, hand delivered, or sent by United States Postal Service certified mail, return receipt requested, to the Commission. The statement of intent (Form DMF-SL 4560 (09-06 05-05), incorporated herein by reference), shall include the following information:

1. The name, address, and SPL number of seller;
2. The name, address, and SPL number of buyer; and

3. The selling price.

(d) A blue crab effort management limited-entry endorsement number shall not be issued, transferred, or renewed until all license fees, surcharges, and any other outstanding fees, fines, or penalties owed to the Commission by either party to the transaction have been paid in full.

(16) No change.

(17) No Vested Rights. This blue crab effort management limited-entry program does not create any vested rights for endorsement number holders whatsoever and may be altered or terminated by the Commission as necessary to protect the blue crab resource, the participants of the fishery, or the public interest.

(18) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 5-26-05, Amended 3-30-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mark Robson, Director, Division of Marine Fisheries Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 8, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 7, 2006

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

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### Section III Notices of Changes, Corrections and Withdrawals

#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

##### Division of Standards

RULE NO.:  
5F-13.001

RULE TITLE:  
Guidelines for Imposing  
Administrative Penalties and Fines  
for Violations of Chapter 531,  
Florida Statutes

#### 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., Florida Statutes, published in Vol. 32, No. 19,

May 12, 2006, issue of the Florida Administrative Weekly. The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee.

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

DATE AND TIME: Friday, July 21, 2006, 10:00 a.m.

PLACE: Bureau of Weights and Measures, Doyle Conner Laboratory Complex, 3125 Conner Boulevard, Bldg. #1, Room 105, Tallahassee, Florida 32399-1650

5F-13.001 Guidelines for Imposing Administrative Penalties and Fines for Violations of Chapter 531, Florida Statutes.

(2)(a)2. Second violation within 2 years after the first violation: \$500 fine or the amount of the economic damages, whichever is greater, not to exceed \$2500 fine;

3. Third or subsequent violation within 2 years after the first violation: an increase of \$500 over the previous fine amount or calculated economic damages, whichever is greater, not to exceed \$5000 fine.

(b)2. Second violation within 2 years after the first violation: \$500 fine;

3. Third or subsequent violation within 2 years after the first violation: \$1000 fine.

(c)2. Second violation within 2 years after the first violation: \$1000 fine;

3. Third or subsequent violation within 2 years after the first violation: \$2500 fine.

(d)2. Second violation within 2 years after the first violation: \$1000 fine;

3. Third or subsequent violation within 2 years after the first violation: \$2500 fine.

(e)2. Second violation within 2 years after the first violation: \$100 fine;

3. Third and/or subsequent violation within 2 years after the first violation: \$500 fine per violation.

(3)(a)2. Second violation within 2 years after the first violation: \$500 fine or calculated economic damages, whichever is greater, up to a maximum \$2500 fine. "Calculated economic damages" equals the value of packages (price/package) times the average amount of shortage (% shortage per package) times the number of packages in lot(s);

3. Third or subsequent violation within 2 years after the first violation: an increase of \$500 over the previous fine amount or calculated economic damages not to exceed \$5000 maximum. "Calculated economic damages" equals the value of packages (price/package) multiplied by the average amount of shortage (% shortage per package) multiplied by the number of packages in lot(s).

(b)2. Second violation within 2 years after the first violation at the same retail location: \$500 fine or calculated economic damages, whichever is greater, not to exceed \$2500 fine. "Calculated economic damages" equals the value of

packages (price/package) multiplied by the average amount of shortage (% shortage per package) multiplied by the number of packages in lot(s);

3. Third or subsequent violation within 2 years after the first violation at the same retail location: an increase of \$500 over the previous fine amount or calculated economic damages, whichever is greater, not to exceed \$5000 fine. "Calculated economic damages" equals the value of packages (price/package) multiplied by the average amount of shortage (% shortage per package) multiplied by the number of packages in lot(s).

(c)2. Second violation within 2 years after the first violation: \$500 fine;

3. Third or subsequent violation within 2 years after the first violation: an increase of \$500 over the previous fine amount, not to exceed \$5,000.

(d)2. Second violation within 2 years after the first violation at the same retail location: \$500 fine;

3. Third or subsequent violation within 2 years after the first violation at the same retail location: an increase of \$500 over the previous fine amount, but not to exceed \$5,000.

(e)2. Second violation within 2 years after the first violation: \$1000 fine or 50% of total retail value of packages (up to \$2500), whichever is greater;

3. Third or subsequent violation within 2 years after the first violation: total retail value of packages or \$5000 fine, whichever is less.

(4)2. Second violation within 2 years after the first violation at the same business location: \$500 fine;

3. Third or subsequent violation within 2 years after the first violation at the same business location: an increase of \$500 over the previous fine amount, but not to exceed \$5000 maximum.

(b)2. Second violation within 2 years after the first violation: \$1000 fine;

3. Third or subsequent violation within 2 years after the first violation: \$5000 fine.

(5)2. Second violation within 2 years after the first violation: \$500 fine;

3. Third or subsequent violation within 2 years after the first violation: \$1000 fine.

(6)2. Second violation within 2 years after the first violation: \$2500 fine;

3. Third or subsequent violation within 2 years after the first violation: \$5000 fine.

(7) For Other Violations of Chapter 531, Florida Statutes, not listed in subsections 5F-13.001(1) through (6), F.A.C.:

~~(a) Violations not specifically addressed in subsection 5F-13.001(1) through (6) that result in non-compliance with Chapter 531, Florida Statutes, will be assessed a warning letter or fine according to whether it is a first violation, a second violation within two years of the first violation, or a third or~~



~~subsequent violation within two years of the first violation, the potential harm caused, the amount of money in which the violator benefited by non-compliance, and the compliance record of the violator. First occurrence fines shall not exceed \$1000; second occurrence fines shall not exceed \$2500; and in subsequent occurrences the fines shall not exceed \$5000.~~

1. First violation: Warning letter;

2. Second violation within 2 years of the first violation: \$500 fine;

3. Third or subsequent violation within 2 years of the first violation: an increase of \$500 over the previous fine amount, but not to exceed \$5000 maximum.

~~(b) Any violations of Chapter 531, Florida Statutes, committed willingly or knowingly, including those covered in 5F-13.001 (1) through (6), will be assessed the maximum fines authorized in Section 531.50 (1), Florida Statutes.~~

~~(8)(e)~~ A violator's failure to respond to an administrative complaint ~~will may~~ result in a waiver of rights to a hearing and the Department ~~will may~~ enter a Final Order imposing fines equal to twice the amount imposed in the administrative complaint, not to exceed the maximum amount allowed by law, for each violation.

Specific Authority 531.41(3) FS. Law Implemented 531.50(1) FS. History--New \_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Max Gray, Bureau Chief, Bureau of Weights and Measures, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399-1650, phone: (850)488-9140

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

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

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-208.504  
 RULE TITLE: Criteria for Assignment to Staff Housing

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 20, (May 19, 2006), issue of the Florida Administrative Weekly:

33-208.504 Criteria for Assignment to Staff Housing.

The warden shall assign staff housing based upon the best interests of the institution and the following:

- (1) Houses, Apartments and Mobile Homes.

(a) To the extent that houses, apartments and mobile homes are available, certain priority staff of a major institution shall be required to live at the institution of their assignment so that emergencies can be resolved with a minimum of delay. An institution with insufficient housing for its priority staff may be allocated such housing at a nearby institution by the Regional Director. The following priority staff are listed in the order of priority by which the assignment of at least one employee in each category shall be considered by the warden. The warden also has authority to recommend that these personnel live off the grounds. Only the Secretary may alter these priorities based upon proof of an employee's significant personal hardship or in the best interests of the Department.

- 1. Warden.
- 2. Assistant Warden.
- 3. Chief of Security.

4. Regional Directors.

~~5.4~~ Licensed Medical Representative, who is either a Physician, Clinical Associate, or Registered Nurse, or Licensed Practical Nurse.

~~6.5~~ Maintenance Representative, who is qualified to respond to varied maintenance emergencies.

~~7.6~~ Fire Chief or Firefighter Supervisor, where such position is authorized.

~~8.7~~ Senior or Supervising Chaplain.

(b) No change.

(2) through (5) No change.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History--New 9-1-88, Amended 9-5-89, Formerly 33-26.004, 33-602.504, Amended 8-16-00, 4-8-02, 1-19-03, 3-30-05, \_\_\_\_\_.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: 64B5-7.005  
 RULE TITLE: Teaching Permits

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 17, April 28, 2006, issue of the Florida Administrative Weekly. The changes are in response to written comments received from the Joint Administrative Procedures Committee and from the Board meeting held on June 23, 2006, in Tampa, Florida. The rule shall read as follows:

(1) A teaching permit shall be issued by the Board of Dentistry to a full time dental instructor of a dental program accredited by the Commission on Dental Accreditation of the American Dental Association and, except for the orthodontic specialty program at Jacksonville University, shall be located within a dental school as defined herein or in a medical school accredited by the American Medical Association's Liaison Committee for Medical Education upon the request of the dean if the faculty member:

(a) Has a degree in dentistry and either: 1) is eligible to take the Florida dental licensure examination and has not failed the examination on three occasions or; 2) was at one time eligible to take the Florida examination, and has not failed the Florida dental licensure examination on three occasions or; 3) has successfully completed a post-doctoral training program of at least two years in duration and accredited by the Commission on Dental Accreditation of the American Dental Association or; 4) is not eligible to take the Florida examination, but obtained the degree from a foreign dental education program and agrees to practice dentistry only under the general supervision of a Florida licensed dentist; and

(b) Is a full-time faculty member; and

(c) Does not engage in the practice of dentistry, except at the teaching facilities under the accredited dental program.

(2) through (4) No change.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Division of Medical Quality Assurance, Department of Health, 4052 Bald Cypress Way, Bin C-08, Tallahassee, Florida 32399-3250

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE NO.: RULE TITLE:  
65A-4.2082 State Temporary Recovery Assistance Program

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 32, No, 13, March 31, 2006, Florida Administrative Weekly has been withdrawn.

**FINANCIAL SERVICES COMMISSION**

**Office of Insurance Regulation**

RULE NOS.: RULE TITLES:  
69O-149.005 Reasonableness of Benefits in Relation to Premiums  
69O-149.006 Actuarial Memorandum  
69O-149.007 Annual Rate Certification (ARC) Filing Procedures

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rules, in accordance with subparagraph 120.54(3)(d)1., FS., published in Vol. 32, No. 17, April 28, 2006, of the Florida Administrative Weekly. These changes are being made to address concerns expressed at the public hearing.

Rule 69O-149.005, subsections (12) and (13)(a) have been changed to read as follows:

(12) Upon request of the Office, the company shall provide an actuarial demonstration that benefit and premium relativities provided on a form currently available for sale are reasonable in relation to benefit and premium relativities provided in other forms currently available for sale in the same rating pool, given actuarial considerations generally used in pricing a product.

(13)(a) Whenever a company makes a non-contractual offering to existing insureds, without underwriting, to replace or exchange their policy with alternate coverage where the original policy is priced on an issue age rate schedule, the rate charged to the insured for the new policy shall recognize the policy reserve buildup, due to the prefunding inherent in the use of an issue at rate basis, to the benefit of the insured. The method proposed by the company must be filed for approval. The rate for the conversion shall be at the most similar rating class as was the original coverage. A statutorily required conversion provision would be considered contractual.

The remainder of the rule reads as previously published.

Rule 69O-149.006 remains as previously published.

Rule 69O-149.007, subsection (4) is changed to read as follows:

(4) Non-cancellable coverages which are no longer available for sale and which have not been sold or marketed for at least 5 years and are in compliance with the reasonableness standards of Rule 69O-149.005, F.A.C., shall be exempt from the filing requirements of this rule. If a company is subsequently discovered not to have met the standards, they shall, in addition to other administrative remedies, be required to enhance benefits and make premium refunds to bring the form into full compliance with the loss ratio standards of Rule 69O-149.005, F.A.C.

Rule 69O-149.007(4), subsections (a) and (b) are deleted. The remainder of the rule reads as previously published.

## Section IV Emergency Rules

### BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

### DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER06-34                      RULE TITLE: Instant Game Number 664, BARREL OF BUCKS

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 664, "BARREL OF BUCKS," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER06-34 Instant Game Number 664, BARREL OF BUCKS.

(1) Name of Game. Instant Game Number 664, "BARREL OF BUCKS."

(2) Price. BARREL OF BUCKS lottery tickets sell for \$2.00 per ticket.

(3) BARREL OF BUCKS lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning BARREL OF BUCKS lottery ticket, the ticket must meet the applicable requirements of Rule 53ER06-4, F.A.C.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

1	2	3	4	5	6	7	8	9	
ONE	TWO	THREE	FOUR	FIVE	SIX	SEVEN	EIGHT	NINE	
10	11	12	13	14	15	16	17	18	19
TEN	ELEVEN	TWELVE	THIRTEEN	FORTY	FIFTY	SIXTY	SEVENTY	EIGHTY	NINETY
									

(5) The "BARREL NUMBERS" play symbols and play symbol captions are as follows:

1	2	3	4	5	6	7	8	9	
ONE	TWO	THREE	FOUR	FIVE	SIX	SEVEN	EIGHT	NINE	
10	11	12	13	14	15	16	17	18	19
TEN	ELEVEN	TWELVE	THIRTEEN	FORTY	FIFTY	SIXTY	SEVENTY	EIGHTY	NINETY

(6) The prize symbols and prize symbol captions are as follows:

<b>TICKET</b>	<b>\$1.00</b>	<b>\$2.00</b>	<b>\$5.00</b>	<b>\$10.00</b>
TICKET	ONE	TWO	FIVE	TEN
<b>\$25.00</b>	<b>\$50.00</b>	<b>\$100</b>	<b>\$1,000</b>	<b>\$10,000</b>
THY FIV	FIFTY	ONE HUN	ONE THO	TEN THO

(7) The legends are as follows:

BARREL NUMBERS                      YOUR NUMBERS

(8) Determination of Prizewinners.

(a) A ticket having a number in the "YOUR NUMBERS" play area that matches any number in the "BARREL NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that number. The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$25.00, \$50.00, \$100, \$1,000 and \$10,000.



(b) A ticket having a "WIN" symbol in the "YOUR NUMBERS" play area shall entitle the claimant to the corresponding prize shown. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$2.00 instant ticket or combination of instant tickets with a total value of \$2.00, except as follows. A person who submits by mail a BARREL OF BUCKS lottery ticket which entitles the claimant to a prize of a \$2.00 instant ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(9) The estimated odds of winning, value and number of prizes in Instant Game Number 664 are as follows:

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER06-35  
 RULE TITLE: Instant Game Number 663, JUMBO BUCKS

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 663, "JUMBO BUCKS," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER06-35 Instant Game Number 663, JUMBO BUCKS.

(1) Name of Game. Instant Game Number 663, "JUMBO BUCKS."

(2) Price. JUMBO BUCKS lottery tickets sell for \$5.00 per ticket.

(3) JUMBO BUCKS lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning JUMBO BUCKS lottery ticket, the ticket must meet the applicable requirements of Rule 53ER06-4, F.A.C.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

1	2	3	4	5	6	7	8	9	10
ONE	TWO	THREE	FOUR	FIVE	SIX	SEVEN	EIGHT	NINE	TEN
11	12	13	14	15	16	17	18	19	20
ELEVN	TWELV	THRTN	FORTN	FIFTN	SIXTN	SVNTN	EGHTN	NINTN	THENTY
21	22	23	24	25	26	27	28		
THYONE	THYTWO	THYTHR	THYFOR	THYFIV	THYSIX	THYSVN	THYEGT	THYNIN	

(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

1	2	3	4	5	6	7	8	9	10
ONE	TWO	THREE	FOUR	FIVE	SIX	SEVEN	EIGHT	NINE	TEN
11	12	13	14	15	16	17	18	19	20
ELEVN	TWELV	THRTN	FORTN	FIFTN	SIXTN	SVNTN	EGHTN	NINTN	THENTY
21	22	23	24	25	26	27	28	29	
THYONE	THYTWO	THYTHR	THYFOR	THYFIV	THYSIX	THYSVN	THYEGT	THYNIN	

GAME PLAY TICKET	WIN \$2 TICKET	ODDS OF 1 IN	NUMBER OF WINNERS IN 42 POOLS OF 180,000 TICKETS PER POOL
\$2	\$2	8.33	907,200
\$2 x 2	\$4	21.43	352,800
\$1 + (\$2 x 2)	\$5	37.50	201,600
\$5 (MONEYBAG)	\$5	50.00	151,200
\$1 + (\$2 x 2) + \$5	\$10	100.00	75,600
(\$1 x 8) + \$2	\$10	100.00	75,600
\$10 (MONEYBAG)	\$10	150.00	50,400
\$25 (MONEYBAG)	\$25	93.75	80,640
(\$5 x 2) + (\$10 x 4)	\$50	1,058.82	7,140
\$10 x 5	\$50	1,058.82	7,140
\$50 (MONEYBAG)	\$50	450.00	16,800
\$10 x 10	\$100	21,000.00	360
(\$25 x 2) + \$50	\$100	21,000.00	360
\$100 (MONEYBAG)	\$100	21,600.00	350
(\$25 x 6) + \$50	\$200	151,200.00	50
\$100 x 10	\$1,000	756,000.00	10
\$1,000	\$1,000	1,512,000.00	5
\$1,000 x 10	\$10,000	3,780,000.00	2
\$10,000	\$10,000	3,780,000.00	2

(10) The estimated overall odds of winning some prize in Instant Game Number 664 are 1 in 3.64. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 664, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a BARREL OF BUCKS lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(13) Payment of prizes for BARREL OF BUCKS lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History--New 6-28-06.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: June 28, 2006


(6) The prize symbols and prize symbol captions are as follows:

<b>\$1.00</b>	<b>\$2.00</b>	<b>\$4.00</b>	<b>\$5.00</b>	<b>\$10.00</b>	<b>\$15.00</b>	<b>\$25.00</b>	<b>\$50.00</b>
ONE SVT FIV	TWO ONE HUN	FOUR TWO HUN	FIVE FIV HUN	TEN ONE THO	FIFTEEN TEN THO	THY FIV ONE HUN THO	FIFTY
<b>\$75.00</b>	<b>\$100</b>	<b>\$200</b>	<b>\$500</b>	<b>\$1,000</b>	<b>\$10,000</b>	<b>\$100,000</b>	

(7) The legends are as follows:

WINNING NUMBERS      YOUR NUMBERS

(8) Determination of Prizewinners. A ticket having a number in the "YOUR NUMBERS" play area that matches any number in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that

number. A ticket having a " symbol in the "YOUR NUMBERS" play area shall entitle the claimant to a prize of \$50.00. The prizes are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$15.00, \$25.00, \$50.00, \$75.00, \$100, \$200, \$500, \$1,000, \$10,000 and \$100,000.

(9) The estimated odds of winning, value and number of prizes in Instant Game Number 663 are as follows:

GAME PLAY	WIN	ODDS OF 1 IN	NUMBER OF WINNERS IN 42 POOLS OF 120,000 TICKETS PER POOL
\$1 x 5	\$5	30.00	168,000
(\$1 x 3) + \$2	\$5	20.00	252,000
\$1 + (\$2 x 2)	\$5	30.00	168,000
\$5	\$5	30.00	168,000
\$1 x 10	\$10	60.00	84,000
\$2 + (\$4 x 2)	\$10	60.00	84,000
(\$1 x 4) + (\$2 x 3)	\$10	60.00	84,000
\$1 + (\$2 x 2) + \$5	\$10	60.00	84,000
\$10	\$10	60.00	84,000
\$1 x 15	\$15	120.00	42,000
\$15	\$15	120.00	42,000
\$5 x 5	\$25	300.00	16,800
(\$5 x 3) + \$10	\$25	400.00	12,600
\$5 + (\$10 x 2)	\$25	300.00	16,800
(\$2 x 5) + \$5 + \$10	\$25	300.00	16,800
(\$1 x 5) + (\$2 x 10)	\$25	400.00	12,600
\$25	\$25	600.00	8,400
\$50 (COIN SYMBOL)	\$50	105.26	47,880
\$5 x 15	\$75	20,000.00	252
\$5 + (\$10 x 7)	\$75	20,000.00	252
(\$5 x 5) + \$50 (COIN SYMBOL)	\$75	20,000.00	252
(\$10 x 5) + \$25	\$75	20,000.00	252

\$75	\$75	20,000.00	252
\$10 + (\$15 x 6)	\$100	1,500.00	3,360
(\$5 x 10) + (\$10 x 5)	\$100	600.00	8,400
\$25 x 4	\$100	1,333.33	3,780
(\$25 x 2) + \$50 (COIN SYMBOL)	\$100	600.00	8,400
\$100	\$100	1,200.00	4,200
\$50 x 10	\$500	126,000.00	40
(\$25 x 10) + (\$50 x 5)	\$500	100,800.00	50
\$500	\$500	126,000.00	40
\$100 x 10	\$1,000	504,000.00	10
\$200 x 5	\$1,000	504,000.00	10
(\$50 x 10) + (\$100 x 5)	\$1,000	504,000.00	10
\$500 x 2	\$1,000	504,000.00	10
\$1,000	\$1,000	504,000.00	10
\$1,000 x 10	\$10,000	2,520,000.00	2
(\$500 x 10) + (\$1,000 x 5)	\$10,000	2,520,000.00	2
\$10,000	\$10,000	2,520,000.00	2
\$100,000	\$100,000	2,520,000.00	2

(10) The estimated overall odds of winning some prize in Instant Game Number 663 are 1 in 3.55. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 663, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a JUMBO BUCKS lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(13) Payment of prizes for JUMBO BUCKS lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS, Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS, History—New 6-28-06.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: June 28, 2006

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER06-37  
 RULE TITLE: Race for Cash Promotion

SUMMARY OF THE RULE: The Department of the Lottery will conduct a "Race for Cash" promotion between July 3, 2006 and August 27, 2006, in which cash prizes, free FLORIDA LOTTO™ tickets and race trips will be awarded.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER06-37 Race for Cash Promotion.

(1) Beginning July 3, 2006 through August 27, 2006, players who purchase a \$5-or-more FLORIDA LOTTO™, MEGA MONEY™, or FANTASY 5® ticket will have the opportunity to win Race for Cash prizes. The purchase of EZmatch does not count toward the \$5 ticket requirement. The total estimated number of prizes that will be awarded is:

- 50 – \$1,000 prizes
- 1,000 – \$100 prizes
- 5,000 – \$50 prizes
- 25,000 – \$25 prizes
- 100,000 – free FLORIDA LOTTO tickets
- 2,000,000 – Race for Cash Entry Vouchers

The estimated number of prizes that will be awarded each week during the promotional period is:

- 6 to 7 – \$1,000 prizes
- 125 – \$100 prizes
- 625 – \$50 prizes
- 3,125 – \$25 prizes
- 12,500 – free FLORIDA LOTTO tickets
- 250,000 – Race for Cash Entry Vouchers.

The actual number of prizes awarded and the odds of winning a prize in the Race for Cash promotion will depend upon the number of \$5-or-more FLORIDA LOTTO, MEGA MONEY, and FANTASY 5 tickets sold during the promotional period.

(2) A special 'Vroom' sound and an audio message that "you're a winner" will play on the terminal when a FLORIDA LOTTO, MEGA MONEY, or FANTASY 5 ticket is produced that entitles the player to a Race for Cash prize. FLORIDA LOTTO, MEGA MONEY and FANTASY 5 tickets producing Cash Prize Coupons will contain a Lottery Prize Alert symbol and a message that the ticket holder is a winner of the applicable cash amount. Tickets producing Race for Cash Entry Vouchers will contain a message notifying the player of his or her entry into the Race for Cash drawing. A free FLORIDA LOTTO quick pick ticket for the next available drawing will print automatically after issuance of the corresponding winning ticket. Should any issues arise

concerning the transaction and/or prize, it is the player's responsibility to seek resolution of these issues with the retailer and the Lottery prior to leaving the retail location.

(3) Winners may redeem Cash Prize Coupons for \$25, \$50 or \$100 at any Florida Lottery retailer. To redeem a \$1,000 Cash Prize Coupon, winners must complete the back of the coupon and present it for payment at any Florida Lottery office or call (850)487-7777 [TDD (850)487-7784] for instructions on how to claim the Cash Prize Coupon by mail. The risk of mailing remains with the player. In the event of a dispute concerning the type or amount of a prize, the transaction serial number shall prevail and control.

(4) Winners must redeem Cash Prize Coupons by October 26, 2006.

(5) Cash Prize Coupons and Race for Cash Entry Vouchers shall be disqualified if any part is illegible, altered, mutilated, tampered with or duplicated. FLORIDA LOTTO, MEGA MONEY and FANTASY 5 tickets that win Race for Cash prizes cannot be cancelled.

(6) Race for Cash Drawings.

(a) Race for Cash Entry Vouchers will bear a unique ticket number. Each voucher will be entered into one bi-weekly random, computerized Pit Stop Drawing to be held as follows:

1. Entry voucher numbers issued between July 3 and July 16, 2006, will be entered into Pit Stop Drawing 1 on Wednesday, July 19, 2006;

2. Entry voucher numbers issued between July 17 and July 30, 2006, will be entered into Pit Stop Drawing 2 on Wednesday, August 2, 2006;

3. Entry voucher numbers issued between July 31 and August 13, 2006, will be entered into Pit Stop Drawing 3 on Wednesday, August 16, 2006;

4. Entry voucher numbers issued between August 14 and August 27, 2006, will be entered into Pit Stop Drawing 4 on Wednesday, August 30, 2006.

(b) Nineteen ticket numbers will be selected per Pit Stop Drawing. The first ticket number drawn will be entitled to a prize of \$100,000 cash. The remaining eighteen ticket numbers drawn will be entitled to a prize as follows:

1. The 2nd through 5th numbers drawn will be entitled to a Race Lover's Dream Package to the 2007 Daytona 500® at the Daytona International Speedway®, plus \$5,000 cash;

2. The 6th and 7th numbers drawn will be entitled to a Race Lover's Dream Package to the 2007 Aaron's 499™ at the Talladega Superspeedway® plus \$5,000 cash;

3. The 8th and 9th numbers drawn will be entitled to a Race Lover's Dream Package to the 2007 Dodge Charger 500™ at the Darlington Raceway®, plus \$5,000 cash;

4. The 10th and 11th numbers drawn will be entitled to a Race Lover's Dream Package to the 2007 Ford 400™ at the Homestead-Miami Speedway®, plus \$5,000 cash;

5. The 12th and 13th numbers drawn will be entitled to a pair of Grandstand tickets to the Busch Series Race at Daytona International Speedway, plus \$2,500 cash;

6. The 14th and 15th numbers drawn will be entitled to a pair of Grandstand tickets to the Busch Series Race at Talladega Superspeedway, plus \$2,500 cash;

7. The 16th and 17th numbers drawn will be entitled to a pair of Grandstand tickets to the Busch Series Race at Darlington Raceway, plus \$2,500 cash; and

8. The 18th and 19th numbers drawn will be entitled to a pair of Grandstand tickets to the Busch Series Race at Homestead-Miami Speedway, plus \$2,500 cash.

The 12th through 19th ticket numbers drawn will also serve as alternates, in the order drawn, for the 1st through 11th prizes.

(c) Each Race for Cash Entry Voucher will also be entered into the Grand Prize drawing that will be held on September 2, 2006. A total of ten ticket numbers will be drawn from all Entry Voucher numbers issued between July 3 and August 27, 2006. The first ticket number drawn will be entitled to \$500,000 cash; the second ticket number drawn will be entitled to the Ultimate Race-of-a-Lifetime package that includes all features of the Race Lover's Dream Package to all four Speedways, plus \$125,000 cash. The remaining eight voucher numbers drawn will each be entitled to a prize of \$1,000 and will be alternates, in the order drawn, for the Grand Prize drawing prizes.

(d) A prizewinner possessing a winning Race for Cash Drawing Entry Voucher, including the alternate winners, must present the winning Voucher to a Florida Lottery office or call (850)487-7777 [TDD (850)487-7784]. Entry Vouchers are the only valid receipts to redeem Race for Cash Drawing prizes. Winners must claim their drawing prize within 180 days from the date of the drawing in which the prize was won. Failure of a prizewinner to file a claim for a voucher prize within 180 days from the date of the drawing shall result in forfeiture of the prize.

(e) If a Race for Cash Drawing Voucher bearing any of the first eleven ticket numbers drawn in each of the Pit Stop Drawings is not presented to a Lottery office for payment within 180 days from the date of the drawing, the winners of the 12th through 19th prizes in the same drawing will be used in the order in which they were drawn to select an alternate winner. The alternate winner will be awarded the cash difference between the original prize and the alternate prize and the Race Lover's prize package, if applicable. The original ticket prize won by the alternate winner will be used as a prize in another Race for Cash promotion.

(f) If a Voucher bearing a ticket number drawn in the Grand Prize Drawing is not presented to a Lottery office for payment within 180 days from the date of the drawing, the Lottery will attempt to notify, for a period of two weeks, the first alternate drawn and who filed a claim for the \$1,000 prize, who will be awarded the applicable Grand Prize. If the Lottery

is unable to contact the first alternate, the Lottery will attempt to notify, for a period of two weeks, the second alternate drawn and who filed a claim for the \$1,000 prize. This process will continue until an alternate is contacted or the Lottery has exhausted the list of available alternates who filed a claim for the \$1,000 prize, in which case the Grand Prizes will not be awarded.

(g) In the event a player claims a prize for the Daytona 500@ race after the 2007 race has taken place on February 18, 2007, the winner will receive a comparable prize package to the 2008 Daytona 500@ race.

(7) Race for Cash Prizes.

(a) Race Lover's Dream Packages include:

1. 3-nights' hotel accommodations- room and tax only (one room double occupancy).

2. Pair of grandstand tickets for the Saturday Busch Series race.

3. Pair of grandstand tickets for the Sunday Nextel Cup Series race.

4. Pair of Pre-Race passes for Sunday (weather and schedule permitting) consisting of an exclusive VIP guided tour of infield track facilities during last minute pre-race setup activities, including Pit Row, garages and the Driver Introduction Ceremony.

5. Hospitality credentials at the Hospitality Tent.

6. Chartered motor coach shuttle between the hotel and racetrack.

(b) The Ultimate Race-of-a-Lifetime prize package includes all features of the Race Lover's Dream Packages for all four motor speedways plus:

1. One "Ultimate Riding Experience" – Sunday pre-race "Hot Lap" around the track with a race official for the winner only.

2. \$125,000 cash.

(c) Winners of the Race Lover's Dream Packages and the Ultimate Race-of-a-Lifetime prize package will be provided written instructions for making reservations. Reservations should be made at least 30 days prior to the race event. Hotel accommodations do not include incidentals, tips, telephone calls, or any other personal expenses. Prize packages do not include meals or travel expenses to or from the race location.

(8) General Details.

(a) Players must be at least 18 years of age. Persons prohibited by Section 24.116, F.S., from purchasing a Florida Lottery ticket are not eligible to win.

(b) All Race for Cash prizes are subject to the provisions of Chapter 24, F.S., and rules promulgated thereunder.

(c) Race for Cash prizes will be paid in accordance with the procedures set forth in Rule 53ER06-4, F.A.C., or applicable replacement rule.

(d) All drawings shall be public and witnessed by an accountant employed by an independent certified public accounting firm who certifies that all drawing procedures have been followed.

(e) Winners possessing a Race for Cash Drawing Entry Voucher of a prize valued at \$600 or more must present the winning Voucher to a Florida Lottery office along with a completed Winner Claim Form DOL 173-2, or DOL 173-2S (together referred to as the "claim package"). Winner Claim Form DOL 173-2, Revised 9/05, and DOL 173-2S, Revised 9/05, are hereby incorporated by reference and may be obtained from any Lottery retailer, Lottery office or from the Lottery's web site at [www.flalottery.com](http://www.flalottery.com).

(f) Payment of all federal, state and/or local taxes on cash and race prizes will be the responsibility of the winner. Prizes of \$600 or more are reportable in accordance with the Internal Revenue Code and Code of Federal Regulations. Federal withholding taxes will apply to the \$100,000 and \$500,000 cash prizes and to the combined value of the race and cash portions of the Race Lover's Dream Packages and the Ultimate Race-of-a-Lifetime prize package. Taxes will be deducted from the cash payment.

(g) A winner's right to a prize package is not assignable. Except for the cash portion of the prize, race packages and grandstand tickets are transferable to another person; however, the value of the prize package will remain taxable income to the winner.

(h) If a winner of a prize valued at \$600 or more is identified as owing an outstanding debt to a state agency, child support collected through a court, or spousal support or alimony as provided in Section 24.115(4), F.S., in an amount less than the cash portion of the prize net of federal income tax withholding, the non-cash portion of the prize and the cash portion of the prize less tax withholding on the value of the prize package and the amount owed, shall be awarded. If the winner is identified as owing such a debt in an amount greater than the cash portion of the prize net of federal income tax withholding, the winner's entire cash portion of the prize less tax withholding on the value of the prize package will be applied toward the outstanding debt as provided in Section 24.115, F.S., and the winner will receive the remaining non-cash portion of the prize.

(i) Cash will not be awarded in lieu of Race for Cash prize packages, except that the Florida Lottery reserves the right, if necessary, due to unforeseen circumstances beyond the control of the Lottery, to award a cash prize in lieu of a Race for Cash prize package or an element of a Race for Cash prize package. In the event cash prizes are awarded, the cash prize amount shall be the fair market value of the prize package or element of the prize package shown on the rate card applicable on the date the prize was won. Applicable federal withholding tax shall be deducted from the cash prize at the time it is awarded.

(j) The Florida Lottery will post at [www.flalottery.com](http://www.flalottery.com) a list of the Race for Cash winners of claimed prizes of \$1,000 or more, including the winners' cities and states of residence, following the conclusion of the promotion.

Specific Authority 24.105(9), 24.109(1) FS. Law Implemented 24.105(9), 24.115(1) FS. History--New 6-28-06.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.  
EFFECTIVE DATE: June 28, 2006

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER06-38  
RULE TITLE: Race for Cash Retailer Incentive Rules

SUMMARY OF THE RULE: The Department of the Lottery will conduct a "Race for Cash Retailer Incentive" program between July 3, 2006 and August 27, 2006, in which retailers will receive bonus commissions and other prizes during the promotion period.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER06-38 Race for Cash Retailer Incentive Rules.

(1) Beginning July 3, 2006 through August 27, 2006, players who purchase a \$5-or-more FLORIDA LOTTO™, MEGA MONEY™ or FANTASY 5@ ticket will have the opportunity to win free FLORIDA LOTTO tickets, Entry Vouchers in the Race for Cash drawings and instant Cash Prize Coupons entitling players to cash prizes of \$25, \$50, \$100 or \$1,000.

(2) Cash Prize Coupons of \$25, \$50 and \$100 may be redeemed instantly at any Lottery retailer. Cash Prize Coupons of \$1,000 must be claimed at a Lottery Office. Cash Prize Coupons must be claimed by October 26, 2006.

(3) Florida Lottery retailers who sell FLORIDA LOTTO, MEGA MONEY or FANTASY 5 cash prizewinning Race for Cash tickets between Monday, July 3, 2006 and Sunday, August 27, 2006, will receive bonus commissions. The retailer's bonus commission will be 20% of the player's prize value for each Cash Prize Coupon issued in the retailer's store.

Race for Cash Retailer Bonus Commissions

<u>Player's Instant Cash Prize</u>	<u>Retailer's Bonus Commission</u>	<u>Estimated Total Winners</u>
<u>\$1,000</u>	<u>\$200</u>	<u>50</u>
<u>\$100</u>	<u>\$20</u>	<u>1,000</u>
<u>\$50</u>	<u>\$10</u>	<u>5,000</u>



\$25	\$5	25,000
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(4) Florida Lottery retailers will receive their standard 5% sales commission on all on-line tickets sold and free FLORIDA LOTTO promotional tickets issued in their store.

(5) Florida Lottery retailers who sell FLORIDA LOTTO, MEGA MONEY or FANTASY 5 tickets that win Race for Cash prizes between Monday, July 3, 2006 and Sunday, August 27, 2006, will qualify for the chance to win up to \$50,000 in the Race for Cash Retailer Drawing. Retailers will automatically be entered into the Retailer Drawing every time a Cash Prize Coupon, Race for Cash Entry Voucher or Race for Cash free FLORIDA LOTTO ticket is issued in their store.

(6) The Race for Cash Retailer Drawings will be held on September 6, 2006. A computerized random drawing from all retailer entries statewide will select one winner and five alternate winners. The first eligible retailer drawn from the statewide retailer pool will receive \$50,000 cash and the next five retailers drawn will be alternate winners. A total of 18 separate drawings will be held from retailer entries grouped by corporate retailers and independent retailers in each of the nine Florida Lottery sales districts. Computerized random drawings from retailer entries in each of the 18 draw pools will select one winner and five alternates. The first eligible retailer drawn from the corporate retailer pool in each district will receive \$10,000 cash and the next five winners drawn will be alternate winners. The first retailer drawn from the independent retailer pool in each district will receive \$10,000 cash and the next five retailers drawn will be alternate winners. If a winning retailer is deemed ineligible to receive the prize, the prize will be transferred to an alternate eligible winner based on the order drawn in each of the retailer drawings.

Race for Cash Retailer Drawing Prizes

Prize	Statewide Winners
\$50,000	1
\$10,000	18

(7) Retailer Display Contest. The Lottery will conduct a Race for Cash Retailer Display Contest in which there will be a first, second and third place prizewinner in each of the Lottery's nine districts.

(a) To enter the contest, retailers must submit a signed Race for Cash Retailer Display Contest Participation Form on or before July 14, 2006, to a Florida Lottery sales representative or their local Lottery District Office. Race For Cash Retailer Display Contest Participation Form DOL-470, effective 6/06, herein incorporated by reference, may be obtained at any Lottery Office or by writing the Florida Lottery, Marketing and Sales Division, 250 Marriott Drive, Tallahassee, Florida 32399-4042.

(b) To be eligible to win any of the prizes, participating retailers must:

1. Create a store display for the Race for Cash Promotion and maintain it throughout the designated display promotion period of July 17 through August 14, 2006; and

2. Submit a Race for Cash Retailer Display Contest Entry Form and one or two photographs, dimensions of which may not exceed 8 1/2" x 11", of their Race for Cash display to a Lottery sales representative or their local Florida Lottery District Office by 5:00 p.m. on August 14, 2006. The photographs shall become the property of the Florida Lottery. Race For Cash Retailer Display Contest Entry Form DOL-469, effective 6/06, herein incorporated by reference, may be obtained at any Lottery Office or by writing the Florida Lottery, Marketing and Sales Division, 250 Marriott Drive, Tallahassee, Florida 32399-4042.

(c) A Florida Lottery sales representative will visit each participating retailer during the promotion period to monitor the retailer's display.

(d) In each of the nine (9) Lottery District Offices, sales management staff will select up to ten (10) semi-finalists from the submitted Race for Cash retailer display photographs in their District. The semi-finalists' photographs will then be sent to the Lottery Headquarters in Tallahassee for final judging, which will be based on creativity in the use of point-of-sale Lottery items and other materials that best promote the theme of the Race for Cash Promotion. The display must uphold the dignity of the state of Florida and shall not include materials associated with tobacco or alcoholic beverage products.

(e) The winning retailers will be announced on August 25, 2006 and awarded the following prizes:

Race for Cash Display Contest District Winners

First Place	Daytona 500® Race Experience Package
Second Place	Radio broadcast store remote
Third Place	\$500

(f) All remaining semi-finalists will be awarded a promotional gift pack. In the event an insufficient number of retailers within a District enter the contest to award all prizes allocated to that District, the total number of prizes awarded statewide will be reduced accordingly.

(8) The Florida Lottery will award one winner in each of the nine sales districts a Race Experience Package for the 2007 Daytona 500® that includes the following:

(a) Two-nights' hotel accommodations, one room double occupancy (room and room tax charges only).

(b) Pair of grandstand tickets for the Sunday Nextel Cup Series Race.

(c) Pair of Pre-Race passes for Sunday (weather and schedule permitting) consisting of an exclusive VIP Guided Tour of infield track facilities during last minute pre-race setup activities, including Pit Row, garages and the Driver Introduction Ceremony.

(d) Hospitality Credentials for winner and guest at the Hospitality Tent.

(e) Chartered Motor Coach Shuttle between the hotel and the speedway.

(f) \$5,000 cash. The Race Experience package does not include travel (other than the shuttle described in paragraph (8)(e)), meals, incidentals, tips, telephone calls, or other personal expenses incurred during the trip.

(9) The Florida Lottery will award one winner in each of the nine sales districts a radio remote broadcast. The radio remote broadcast consists of talent from a select radio station promoting the retailer's business through intermittent live radio broadcasts from the retailer's store location. The duration of a remote is approximately two hours. The retail value of a remote is between approximately \$1,500 – \$6,000, depending upon the market for and location of the remote and includes engineering and talent costs. Retailers will also receive a check in an amount equal to 20% of the retail value of the remote. Retailers will be responsible for scheduling the date and time of a remote with a Florida Lottery sales representative. Date requests are subject to availability at the time of scheduling. A retailer must use the remote on or before December 31, 2006. If the retailer is unable to use the remote during the time frame detailed above, the retailer will forfeit the remote; however, the value of the remote will remain taxable income to the retailer.

(10) Retailers who win the Race Experience packages will be contacted in person by a Lottery representative within two weeks of August 25, 2006, and delivered a Florida Lottery Race for Cash Retailer Prize Designation and Acceptance Form DOL-444, revised 6/06, herein incorporated by reference, which may be obtained at any Lottery Office or by writing the Florida Lottery, Marketing and Sales Division, 250 Marriott Drive, Tallahassee, Florida 32399-4042. The deadline for a retailer to complete and return the Acceptance and Designation Form is September 22, 2006. Any retailer that does not return the completed Acceptance and Designation Form by the September 22, 2006 deadline will forfeit the Race Experience prize and the Lottery will award the prize to the next eligible alternate retailer, who will have until October 11, 2006, to return the completed Acceptance and Designation Form. If the next eligible alternate retailer does not return the form, further attempts will be made to award the Race Experience prize to the next eligible retailer until an Acceptance and Designation Form is received or until December 31, 2006. Upon the Lottery's receipt of the retailer's executed Acceptance and Designation Form, the Lottery will deliver a \$5,000 check to the retailer.

(11) Winners of the Race Experience package will be provided written instructions for making reservations. Reservations should be made at least 30 days prior to the Daytona 500® on February 16-18, 2007. Prize packages are transferable; however, the value of the prize package will remain taxable income to the winner.

(12) Cash will not be awarded in lieu of prizes, except that the Florida Lottery reserves the right, if necessary due to unforeseen circumstances beyond the control of the Florida Lottery, to award a cash prize or substitute an element or elements of a prize in lieu of any prize offered in this contest. In the event cash prizes are awarded, the cash prize amount shall be equivalent to the fair market value of the unavailable prize element or elements.

(13) Eligibility for Race for Cash bonus commissions and the Race for Cash Retailer Drawing will be open to all Florida Lottery retailers. A retailer location can win only one prize in the Race for Cash Retailer Drawing.

(14) Winning retailers must be in good financial standing with the Florida Lottery at the time drawing prizes are awarded. Good financial standing is defined as having no dishonored unpaid electronic funds transfers or associated penalties or any other accounts receivable outstanding for more than sixty (60) days. Retailers whose Lottery contracts are terminated or inactivated prior to the prize award, shall be paid the prize won provided said termination or inactivation was not due to noncompliance with Chapter 24, Florida Statutes, Chapter 53, Florida Administrative Code, or contract terms. A retailer location that has experienced a change of ownership, as defined in Rule 53ER05-12, F.A.C., during the incentive period shall be included in the incentive. In such case, all entries generated from that retailer location shall be credited to the retailer with the last recorded sales or redemption activity during the incentive period, and any prize won shall be awarded to that retailer; and

(15) The bonus commissions will appear will appear as an adjustment on the Online Sales Reports the second day after they are earned. The Weekly Settlement Report will reflect total bonus commission payments from the previous Saturday through Friday of the settlement accounting week (as applicable). Cash prizes for the Retailer Drawing will be awarded by check prior to September 29, 2006. Retailers will receive payment for the Retailer Drawing upon determination by the Lottery of the prize amount and retailer eligibility as set forth in this rule. Bonus commissions, drawing prizes and display contest prizes will be reported to the Internal Revenue Service as compensation. The Lottery reserves the right to apply prizes won against outstanding debt for retailers meeting all eligibility requirements.

Specific Authority 24.105(9), 24.109(1), 24.112(1) FS. Law Implemented 24.105(9), 24.112(1) FS. History—New 6-28-06.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: June 28, 2006

**FLORIDA HOUSING FINANCE CORPORATION**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
67ER06-13	Purpose and Intent
67ER06-14	Definitions
67ER06-15	Application and Selection Procedures for Developments
67ER06-16	Applicant Administrative Appeal Procedures
67ER06-17	Fees
67ER06-18	Credit Underwriting and Loan Procedures
67ER06-19	Miscellaneous Criteria
67ER06-20	General Program Procedures and Restrictions
67ER06-21	Additional Application Ranking and Selection Procedures
67ER06-22	Terms and Conditions of Loans
67ER06-23	Sale or Transfer of a Development
67ER06-24	Construction Disbursements and Permanent Loan Servicing

**SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE:** Florida experienced the destructive impact of four hurricanes in 2004. The hurricanes created both short-term and long-term housing needs for Floridians. To implement the February 2005 recommendations of the Governor’s Hurricane Housing Work Group, the Rental Recovery Loan Program, hereafter referred to as RRLP, is created for the purpose of providing funds to assist those areas of the state with the greatest housing damage from the hurricanes. Program funding is provided to enable eligible entities to build and rehabilitate affordable rental housing.

**REASONS FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES:** The Corporation has been granted emergency rulemaking authority under s. 31, Ch. 2006-69, L.O.F., formerly House Bill No. 1363. The RRLP rules shall be effective immediately upon filing with the Florida Department of State and said rules are exempt from Section 120.54(4)(c), F.S.

**SUMMARY OF THE RULE:** The rule provides the procedures by which RRLP funds shall be utilized by eligible entities for affordable rental housing recovery efforts. Rules incorporated below replace Emergency Rules 67ER05-8 through 67ER05-19 which expired January 8, 2006 and Emergency Rules 67ER06-1 through 67ER06-12 which expire July 5, 2006.

**THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULES IS:** Vicki Robinson, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301, (850)488-4197

THE FULL TEXT OF THE EMERGENCY RULES IS:

67ER06-13 Purpose and Intent.

The purpose of this rule chapter is to establish the procedures by which the Corporation shall administer the Application process, determine loan amounts, make and service mortgage loans for the construction or Substantial Rehabilitation of affordable rental units utilizing Rental Recovery Loan Program funds, authorized by Ch. 2005-92, L.O.F.

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s. 2 and 3, ch. 2005-92, L.O.F. History—New 7-5-06.

67ER06-14 Definitions.

(1) “Act” means the Florida Housing Finance Corporation Act as found in Chapter 420, Part V, F.S.

(2) “Address” means the address assigned by the United States Postal Service and must include address number, street name, city, state and zip code. If address has not yet been assigned, include, at a minimum, street name and closest designated intersection, city, state and zip code.

(3) “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) “Applicant” means any person or legally formed entity that is seeking a loan or funding from the Corporation by submitting an Application for one or more of the Corporation’s programs.

(5) “Application” means the forms and exhibits created by the Corporation for the purpose of providing the means to apply for the RRLP Program. A completed Application may include additional supporting documentation provided by an Applicant.

(6) “Application Deadline” means 5:00 p.m., Eastern Time, on the final day of the Application Period for the RRLP Program.

(7) “Application Period” means a period during which Applications shall be accepted as posted on the Corporation’s Website and with a deadline no less than thirty days from the beginning of the Application Period.

(8) “ALF” or “Assisted Living Facility” means a Florida licensed living facility that complies with Sections 400.401 through 400.454, F.S., and Chapter 58A-5, F.A.C.

(9) “Board of Directors” or “Board” means the Board of Directors of the Corporation.

(10) “Calendar Days” means the seven (7) days of the week.

(11) “Competitive HC Program” means the rental housing program administered by the Corporation pursuant to Section 42 of the IRC and Section 420.5099, F.S., under which the

Corporation is designated the housing credit agency for the state of Florida within the meaning of Section 42(h)(7)(A) of the IRC and Rule Chapter 67-48, F.A.C.

(12) "Compliance Period" means a period of time that the Development shall conform to all set-aside requirements as described further in this rule chapter and agreed to by the Applicant in the Application.

(13) "Contact Person" means the person with whom the Corporation will correspond concerning the Application and the Development. This person cannot be a third-party consultant.

(14) "Corporation" means the Florida Housing Finance Corporation as defined in Section 420.503, F.S.

(15) "Credit Underwriter" means the independent contractor under contract with the Corporation having the responsibility for providing stated credit underwriting services.

(16) "Developer" means any individual, association, corporation, joint venturer, or partnership which possesses the requisite skill, experience, and credit worthiness to successfully produce affordable housing as required in the Application.

(17) "Development" means Project as defined in Section 420.503, F.S.

(18) "Development Cash Flow" means cash flow as calculated in the statement of cash flows prepared in accordance with generally accepted accounting principles ("GAAP") and as adjusted for items including any distribution or payment to the Principal(s) or any Affiliate of the Principal(s) or to the Developer or any Affiliate of the Developer, whether paid directly or indirectly, which was not expressly disclosed in determining debt service coverage in the Board approved final credit underwriting report.

(19) "Development Cost" means the total of all costs incurred in the completion of a Development excluding developer fee, acquisition cost of existing developments, and total land cost as shown in the Development Cost line item on the development cost pro forma within the Application.

(20) "Development Expenses" means usual and customary operating and financial costs, such as the compliance monitoring fee, the financial monitoring fee, replacement reserves, the servicing fee and the debt service reserves. As it relates to Developments and to the application of Development Cash Flow described in this rule chapter, the term includes only those expenses disclosed in the operating pro forma included in the final credit underwriting report, as approved by the Board.

(21) "Document" means electronic media, written or graphic matter, of any kind whatsoever, however produced or reproduced, including records, reports, memoranda, minutes, notes, graphs, maps, charts, contracts, opinions, studies, analysis, photographs, financial statements and correspondence as well as any other tangible thing on which information is recorded.

(22) "Draw" means the disbursement of funds to a Development.

(23) "Elderly" means Elderly as defined in Section 420.503, F.S.

(24) "ELI Household" means a household of one or more persons wherein the adjusted income for the Family is equal to or below the percentage of area median income on the ELI County Chart, Part III.E, of the Application for the RRLP Program, for the county where the household is located.

(25) "ELI Set-Aside" or "Extremely Low Income Set-Aside" means the number of units designated to serve ELI Households.

(26) "Eligible Persons" means one or more natural persons or a family, irrespective of race, creed, national origin, or sex, determined by the Corporation to be income eligible, as further described in this rule chapter.

(27) "EUA" or "Extended Use Agreement" means, with respect to the HC Program, an agreement between the Corporation and the Applicant which sets forth the set-aside requirements and other Development requirements under the HC Program.

(28) "Executive Director" means the Executive Director of the Corporation.

(29) "Family" describes a household composed of one or more persons.

(30) "Financial Beneficiary" means any Developer and its Principals or Principals of the Applicant entity who receives or will receive a financial benefit as outlined in paragraphs (a) and (b) below and as further described in this rule chapter:

(a) 3% or more of Total Development Cost 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 if Total Development Cost is greater than \$5 million.

(31) "Financial Institution" means Lending institution as defined in Section 420.503, F.S.

(32) "Florida Keys Area" means all lands in Monroe County, except:

(a) That portion of Monroe County included within the designated exterior boundaries of the Everglades National Park and areas north of said Park;

(b) All lands more than 250 feet seaward of the mean high water line owned by local, state, or federal governments; and

(c) Federal properties.

(33) "Funding Cycle" means the period of time commencing with the opening of the Application Period pursuant to this rule chapter and concluding with the issuance of loans to Applicants who applied during the Application Period.

(34) “General Contractor” means a person or entity duly licensed in the state of Florida with the requisite skills, experience and credit worthiness to successfully provide the units required in the Application, and which meets the criteria described in this rule chapter.

(35) “HC” or “Housing Credit Program” means the rental housing program administered by the Corporation pursuant to Section 42 of the IRC and Section 420.5099, F.S., under which the Corporation is designated the Housing Credit agency for the State of Florida within the meaning of Section 42(h)(7)(A) of the IRC and Rule Chapter 67-48, F.A.C.

(36) “HOME-Rental Program” means the HOME Investment Partnerships Program administered by the Corporation pursuant to 24 CFR Part 92, which is adopted and incorporated herein by reference and available at [http://www.access.gpo.gov/nara/cfr/waisidx\\_04/24cfr92\\_04.html](http://www.access.gpo.gov/nara/cfr/waisidx_04/24cfr92_04.html), and Section 420.5089, F.S.

(37) “Housing Credit” means the tax credit issued in exchange for the development of rental housing pursuant to Section 42 of the IRC and the provisions of Rule Chapter 67-48, F.A.C.

(38) “Housing Credit Syndicator” means a person, partnership, corporation, trust or other entity that regularly engages in the purchase of interests in entities that produce Qualified Low Income Housing Projects [as defined in Section 42(g) of the Internal Revenue Code] and provides at least one written reference in the Application that such person, partnership, corporation, trust or other entity has performed its obligation under the partnership agreements and is not currently in default under those agreements.

(39) “HUD” means the United States Department of Housing and Urban Development.

(40) “IRC” means Section 42 and subsections 501(c)(3) and 501(c)(4) of the Internal Revenue Code of 1986, as in effect on the date of this rule chapter, together with corresponding and applicable final, temporary or proposed regulations, notices, and revenue rulings issued with respect thereto by the Treasury or the Internal Revenue Service of the United States, which are incorporated by reference. Section 42 is available at [http://www.access.gpo.gov/uscode/title26/subtitlea\\_chapter1\\_subchaptera\\_partiv\\_subpartd.html](http://www.access.gpo.gov/uscode/title26/subtitlea_chapter1_subchaptera_partiv_subpartd.html) and subsections 501(c)(3) and 501(c)(4) are available at [http://www.access.gpo.gov/uscode/title26/subtitlea\\_chapter1\\_subchapterf\\_parti.html](http://www.access.gpo.gov/uscode/title26/subtitlea_chapter1_subchapterf_parti.html).

(41) “Local Government” means Local government as defined in Section 420.503, F.S.

(42) “Low Income” means the adjusted income for a Family which does not exceed 80% of the area median income.

(43) “LURA” or “Land Use Restriction Agreement” means an agreement between the Corporation and the Applicant which sets forth the set-aside requirements and other Development requirements under a Corporation program.

(44) “Mortgage” means Mortgage as defined in Section 420.503, F.S.

(45) “Non-Profit” means a qualified non-profit entity as defined in Section 42(h)(5), subsection 501(c)(3) or 501(c)(4) of the IRC and organized under Chapter 617, F.S., if a Florida Corporation, or organized under similar state law if organized in a jurisdiction other than Florida, to provide housing and other services on a not-for-profit basis, which owns at least 51% 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.

(46) “Note” means a unilateral agreement containing an express and absolute promise to pay to the Corporation a principal sum of money on a specified date, which provides the interest rate and is secured by a Mortgage.

(47) “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.

(48) “Project” or “Property” means Project as defined in Section 420.503, F.S.

(49) “Received” as it relates to delivery of a document by a specified deadline means, unless otherwise indicated, delivery by hand, U.S. Postal Service or other courier service, in the office of the Corporation no later than 5:00 p.m., Eastern Time, on the deadline date.

(50) “RRLP” or “RRLP Program” means the Rental Recovery Loan Program created pursuant to Ch. 2005-92, L.O.F.

(51) “RRLP Development” means a residential development comprised of one or more residential buildings and functionally related facilities, proposed to be constructed or substantially rehabilitated with RRLP funds for Eligible Persons.

(52) “RRLP Minimum Set-Aside Requirement” means the least number of set-aside units in a RRLP Development which must be held for persons or households pursuant to the category (i.e., Family or Elderly) under which the Application has been made, as further described in this rule chapter.

(53) “RRLP Rent-Restricted Unit” means a unit for which the gross rent does not exceed 30% of the imputed income limitation applicable to such unit as chosen by the Applicant in the Application and in accordance with Section 42 of the IRC.

(54) “SAIL” or “SAIL Program” means the State Apartment Incentive Loan Program created pursuant to Sections 420.507(22) and 420.5087, F.S.

(55) “Scattered Sites” for a single Development means a Development consisting of more than one parcel in the same county where two or more of the parcels (i) are not contiguous to one another or are divided by a street or easement and (ii) it is readily apparent from the proximity of the sites, chain of

title, or other information available to the Corporation that the properties are part of a common or related scheme of development.

(56) "Section 8 Eligible" means a Family with an income which meets the income eligibility requirements of Section 8 of the United States Housing Act of 1937, as amended, which is adopted and incorporated herein by reference and available at <http://www.access.gpo.gov/uscode/title42/chapter8/subchapter1.html>.

(57) "Single Room Occupancy" or "SRO" means housing, consisting of single room dwelling units, that is the primary residence of its occupant or occupants. An SRO does not include facilities for students.

(58) "Sponsor" means Sponsor as defined in Section 420.503, F.S.

(59) "Substantial Rehabilitation" means 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 Cost. To be considered "Substantial Rehabilitation," there must be at least the foundations remaining from the previous structures, suitable to support the proposed construction.

(60) "Tax Exempt Bond-Financed Development" means a Development which has been financed by the issuance of tax-exempt bonds subject to applicable volume cap pursuant to Section 42(h)(4) of the IRC.

(61) "Tie-Breaker Measurement Point" means a single point selected by the Applicant on the proposed Development site that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development. For a Development which consists of Scattered Sites, this means a single point on one of the Scattered Sites which comprise the Development site that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development. In addition, the Tie-Breaker Measurement Point must be located on the site with the most units if any of the Scattered Sites has more than 4 units.

(62) "Tier" means the division of the counties of the state of Florida, as established by Ch. 2005-92, L.O.F., for the prioritization of the RRLP funds.

(63) "Total Development Cost" means the total of all costs incurred in the completion of a Development, all of which shall be subject to the review and approval by the Credit Underwriter and the Corporation pursuant to this rule chapter, and as further described in this rule chapter.

(64) "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.

(65) "Urban In-Fill Development" means a Development (i) in a site or area that is targeted for in-fill housing or neighborhood revitalization by the local, county, state or federal government as evidenced by its inclusion in a HUD Empowerment/Enterprise Zone, a HUD-approved Neighborhood Revitalization Strategy, Florida Enterprise Zone, area designated under a Community Development Block Grant (CDBG), area designated as HOPE VI or Front Porch Florida Community, or a Community Redevelopment Area as described and defined in the Florida Community Redevelopment Act of 1969, or the proposed Development is located in a Qualified Census Tract and the development of which contributes to a concerted community revitalization plan, and (ii) in a site which is located in an area that is already developed and part of an incorporated area or existing urban service area.

(66) "Very Low-Income" means:

(a) 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

(b) 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 metropolitan statistical area (MSA), within the county in which the Family resides, or within the state of Florida, whichever is greater; or

(c) If used in a Development using Housing Credits, income which meets the income eligibility requirements of Section 42 of the IRC.

(67) "Website" means the Florida Housing Finance Corporation's website, the Universal Resource Locator (URL) for which is [www.floridahousing.org](http://www.floridahousing.org).

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s. 2 and 3, ch. 2005-92, L.O.F. History--New 7-5-06.

67ER06-15 Application and Selection Procedures for Developments.

(1) When submitting an Application, Applicants must utilize the Rental Recovery Loan Program (RRLP) Application in effect at the Application Deadline, unless provided otherwise in the RRLP Application instructions.

(a) The RRLP Application Package or RRLP1016 consists of the forms and instructions, obtained from the Corporation, for a fee, at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329 or available, without charge, on the Corporation's Website under the Rental Recovery Loan Program Application and Instructions link, which shall be

completed and submitted to the Corporation in accordance with this rule chapter in order to apply for the RRLP Program. The RRLP Application Package is adopted and incorporated herein by reference, effective July 13, 2005.

(b) All Applications must be complete, legible and timely when submitted, except as described below. Corporation staff may not assist any Applicant by copying, collating, or adding documents to an Application nor shall any Applicant be permitted to use the Corporation's facilities or equipment for purposes of compiling or completing an Application.

(2) Failure to submit an Application completed in accordance with the Application instructions and these rules will result in the failure to meet threshold, rejection of the Application, a score less than the maximum available, or a combination of these results in accordance with the instructions in the Application and this rule chapter.

(3) Each submitted Application shall be evaluated and preliminarily scored using the factors specified in the RRLP Application Package and these rules. Preliminary scores shall be transmitted to all Applicants.

(4) Applicants who wish to notify the Corporation of possible scoring errors relative to another Applicant's Application must file with the Corporation, within eight (8) Calendar Days of the date the preliminary scores are sent by overnight delivery by the Corporation, a written Notice of Possible Scoring Error (NOPSE). Each NOPSE must specify the assigned Application number and the scores in question, as well as describe the alleged deficiencies in detail. Each NOPSE is limited to the review of only one Application's score. Any NOPSE that seeks the review of more than one Application's score will be considered improperly filed and ineligible for review. There is no limit to the number of NOPSEs that may be submitted. The Corporation's staff will review each written NOPSE timely Received.

(5) The Corporation shall transmit to each Applicant the NOPSEs submitted by other Applicants with regard to its Application. The notice shall also include the Corporation's decision regarding the NOPSE, along with any other items identified by the Corporation to be addressed by the Applicant.

(6) Within 11 Calendar Days of the date the notice set forth in subsection (5) above is sent by overnight delivery by the Corporation, each Applicant shall be allowed to cure its Application by submitting additional documentation, revised pages and such other information as the Applicant deems appropriate to address the issues raised pursuant to subsections (3) and (5) above that could result in rejection of the Application or a score less than the maximum available. Pages of the Application that are not revised or otherwise changed may not be resubmitted, except that documents executed by third parties must be submitted in their entirety, including all attachments and exhibits referenced therein, even if only a portion of the original document was revised. Where revised or additional information submitted by the Applicant creates an

inconsistency with another item in that Application, the Applicant shall also be required in its submittal to make such other changes as necessary to keep the Application consistent as revised. The Applicant shall submit an original and three copies of all additional documentation and revisions. Only revisions, changes and other information Received by the deadline set forth herein will be considered. Any subsequent revision submitted prior to the deadline shall include a written request from the Applicant for withdrawal of any previously submitted revision(s).

(7) Within seven (7) Calendar Days of the deadline for receipt by the Corporation of the documentation set forth in subsection (6) above, all Applicants may submit to the Corporation a Notice of Alleged Deficiencies (NOAD) in any other Application. Each NOAD is limited only to issues created by document revisions, additions, or both, by the Applicant submitting the Application pursuant to subsection (6) above. Each NOAD must specify the assigned Application number, the pages and the documents in question, as well as describe the alleged deficiencies in detail. Each NOAD is limited to the review of only one Applicant's submission. However, there is no limit to the number of NOADs which may be submitted. NOADs which seek the review of more than one Applicant's submission will be considered improperly filed and ineligible for review. The Corporation will only review written NOADs that are Received timely.

(8) The Corporation shall transmit a copy of all NOADs to the affected Applicant.

(9) Following the receipt and review by the Corporation of the documentation described in subsections (5), (6) and (7) above, the Corporation shall then prepare final scores. In determining such final scores, no Application shall be rejected or receive a point reduction as a result of any issues not previously identified in the notices described in subsections (3), (4) and (5) above. However, inconsistencies created by the Applicant as a result of information provided pursuant to subsections (6) and (7) above will still be justification for rejection or reduction of points, as appropriate. Notwithstanding the foregoing, any deficiencies in the mandatory elements set forth in subsection (14) below can be identified at any time prior to sending the final scores to Applicants and will result in rejection of the Application. The Corporation shall then transmit final scores to all Applicants.

(10) The availability of any remaining funds shall be noticed or offered to a Development as described in the Ranking and Selection Criteria section of the RRLP Application instructions.

(11) RRLP Applications shall be limited to one submission per subject property. Two or more Applications with the same Financial Beneficiary for Developments that are contiguous with the property of another Application, or that are divided by a street or easement, or if it is readily apparent from the two Applications, proximity, chain of title, or other

information available to the Corporation that the properties are part of a common or related scheme of development, will be considered to be submissions for the same Development site and the Corporation will reject all such Applications except the Application with the highest (worst) lottery number. The Application with the lowest lottery number will still be rejected even if the Applicant withdraws the Application with the highest (worst) lottery number.

(12) If the Board determines that any Applicant or any Affiliate of an Applicant:

(a) Has engaged in fraudulent actions;

(b) Has materially misrepresented information to the Corporation regarding any past or present Application or Development;

(c) Has been convicted of fraud, theft or misappropriation of funds;

(d) Has been excluded from federal or Florida procurement programs; or

(e) Has been convicted of a felony;

And that such action substantially increases the likelihood that the Applicant will not be able to produce quality affordable housing, the Applicant and any of the Applicant's Affiliates will be ineligible for funding or allocation in any program administered by the Corporation for a period of up to two years, which will begin from the date the Board makes such determination. Such determination shall be either pursuant to a proceeding conducted pursuant to Sections 120.569 and 120.57, F.S., or as a result of a finding by a court of competent jurisdiction.

(13) The Corporation shall reject an Application if, following the submission of the additional documentation, revised pages and other information as the Applicant deems appropriate as described in subsection (6) above:

(a) The Development is inconsistent with the purposes of the RRLP Program or does not conform to the Application requirements specified in this rule chapter;

(b) The Applicant fails to achieve the threshold requirements as detailed in these rules, the applicable Application, and Application instructions;

(c) The Applicant fails to file all applicable Application pages and exhibits which are provided by the Corporation and adopted under this rule chapter or as provided for in the RRLP Application instructions;

(d) An Applicant or any Principal, Affiliate or Financial Beneficiary of an Applicant or a Developer is in arrears for any financial obligation it has to the Corporation or any agent or assignee of the Corporation. This paragraph does not include permissible deferral of SAIL interest.

(14) Notwithstanding any other provision of these rules, there are certain items that must be included in the Application and cannot be revised, corrected or supplemented after the Application Deadline. Failure to submit these items in the Application at the time of the Application Deadline shall result

in rejection of the Application without opportunity to submit additional information. Any attempted changes to these items will not be accepted. Those items are as follows:

(a) Name of Applicant;

(b) Identity of each Developer, including all co-Developers;

(c) Site for the Development;

(d) Development Category;

(e) Development Type;

(f) Demographic Commitment;

(g) County;

(h) Total number of units;

(i) RRLP Loan Request Amount; with the exception that an Applicant may reduce the amount to reflect the maximum request amount allowed in those instances where an Applicant requested more than its request limit.

(j) Submission of one original hard copy with the required number of photocopies of the Application by the Application Deadline;

(k) Payment of the required Application fee by the Application Deadline.

All other items may be submitted as cures pursuant to subsection (6) above.

(15) A Development will be withdrawn from funding and any outstanding commitments for funds will be rescinded if, at any time, the Board determines that the Applicant's Development or Development team is no longer the Development or Development team described in the Application, and the changes made are prejudicial to the Development or to the market to be served by the Development.

(16) If an Applicant or any Principal, Affiliate or Financial Beneficiary of an Applicant or a Developer has any existing Developments participating in any Corporation programs that remain in non-compliance with Section 42 of the IRC or applicable loan documents, and any applicable cure period granted for correcting such non-compliance has ended as of the time of submission of the Application or at the time of issuance of a credit underwriting report, the requested allocation will, upon a determination by the Board that such non-compliance substantially increases the likelihood that such Applicant will not be able to produce quality affordable housing, be denied and the Applicant and the Affiliates of the Applicant or Developer will be prohibited from new participation in any of the Corporation's programs for the subsequent cycle and continuing until such time as all of their existing Developments participating in any Corporation programs are in compliance.

(17) When two or more Applications receive the same numerical score, the Applications will be ranked as outlined in the RRLP Application instructions.



(18) At no time during the Application, scoring and appeal process may Applicants or their representatives contact Board members concerning their own Development or any other Applicant's Development. At no time from the Application Deadline until the issuance of the final scores as set forth in subsection (9) above, may Applicants or their representatives verbally contact Corporation staff concerning their own Application or any other Applicant's Application. If an Applicant or its representative does contact a Board member in violation of this section, the Board shall, upon a determination that such contact was deliberate, disqualify such Applicant's Application.

(19) Applicants may withdraw an Application from consideration only by submitting a written notice of withdrawal to the Corporation Clerk. Applicants may not rescind any notice of withdrawal that was submitted to the Corporation Clerk. For ranking purposes, the Corporation shall disregard any withdrawal that is submitted after 5:00 p.m., Eastern Time, 14 Calendar Days prior to the date the Board is scheduled to convene to consider approval of the final ranking of the Applications and such Application shall be included in the ranking as if no notice of withdrawal had been submitted. After the Board has approved the final ranking, any notice of withdrawal submitted during the time period prohibited above and before the Board approves the final ranking, shall be deemed withdrawn immediately after Board approval of the final ranking.

(20) The name of the Development provided in the Application may not be changed or altered after submission of the Application during the history of the Development with the Corporation unless the change is requested in writing and approved in writing by the Corporation.

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s. 2 and 3, ch. 2005-92, L.O.F. History--New 7-5-06.

#### 67ER06-16 Applicant Administrative Appeal Procedures.

(1) At the conclusion of the review and scoring process established by this rule chapter, each Applicant will be provided with the final ranking scores and a notice of rights, which shall constitute the point of entry to contest any issue related to Applications for the RRLP Program.

(2) Each Applicant that wishes to contest the final scores must file a petition with the Corporation within 21 Calendar Days after the date Applicant receives its notice of rights. The petition must conform to subsection 28-106.201(2) or 28-106.301(2), and subsection 67-52.002(3), F.A.C., and specify in detail each issue and score sought to be challenged. If the petition does not raise a disputed issue of material fact, the challenge will be conducted pursuant to Section 120.57(2), F.S. If the petition raises one or more disputed issues of material fact, a formal administrative hearing will be conducted pursuant to Section 120.57(1), F.S. At the

conclusion of any administrative hearing, a recommended order shall be entered by the designated hearing officer which will then be considered by the Board.

(3) Any Applicant who wishes to challenge the findings and conclusions of the recommended order entered pursuant to a Section 120.57(2), F.S., proceeding concerning its own Application shall be allowed the opportunity to submit written arguments to the Board. Any written argument should be typed and double-spaced with margins no less than one inch in either Times New Roman 14-point or Courier New 12-point font and may not exceed five pages. Written arguments must be filed with Florida Housing Finance Corporation's Clerk at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, no later than 5:00 p.m., Eastern Time, on the date contained in the recommended order. Failure to timely file a written argument shall constitute a waiver of the right to have a written argument considered by the Board. Parties will not be permitted to make oral presentations to the Board in response to recommended orders. The Board shall consider all recommended orders and written arguments and enter the appropriate final orders.

(4) No funding will be awarded until the conclusion of all litigation and appeal proceedings conducted pursuant to Sections 120.569, 120.57, and 120.68, F.S.

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s. 2 and 3, ch. 2005-92, L.O.F. History--New 7-5-06.

#### 67ER06-17 Fees.

The Corporation or the Credit Underwriter shall collect via check or money order the following fees and charges in conjunction with the RRLP Program, as outlined in the RRLP Application instructions:

- (1) RRLP Application Package fee, if applicable.
- (2) Application fee.
- (3) Credit Underwriting fees.
- (4) Commitment fees.
- (5) Compliance monitoring fees.
- (6) Loan servicing fees.
- (7) Construction inspection fees.
- (8) Financial monitoring fees.

All of the fees set forth above are part of Development Cost and can be included in the Development Cost pro forma and paid with RRLP loan proceeds. Failure to pay any fee shall cause the firm loan commitment to be terminated or shall constitute a default on the respective loan documents.

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s. 2 and 3, ch. 2005-92, L.O.F. History--New 7-5-06.

#### 67ER06-18 Credit Underwriting and Loan Procedures.

The credit underwriting review shall include a comprehensive analysis of the Applicant, the real estate, the economics of the Development, the ability of the Applicant and the Development team to proceed, the evidence of need for

affordable housing in order to determine that the Development meets the program requirements and determine a recommended RRLP loan amount, if any. As part of the credit underwriting review, the Credit Underwriter will consider the applicable provisions of this rule chapter.

(1) No funding will be awarded until the conclusion of all litigation and appeal proceedings conducted pursuant to Sections 120.569, 120.57, and 120.68, F.S. At the conclusion of such litigation and appeal proceedings, the Corporation shall offer all Applicants within the funding range an invitation to enter credit underwriting. The Corporation shall select the Credit Underwriter for each Development. The invitation to enter credit underwriting constitutes a preliminary commitment.

(2) A response to the invitation to enter credit underwriting must be received by the Corporation and the Credit Underwriter not later than 7 Calendar Days after the date of the letter of invitation. By acknowledging acceptance to enter credit underwriting for the RRLP Program, Applicants that have already accepted a preliminary commitment or preliminary allocation for the proposed Development through the SAIL, HOME-Rental or Competitive HC Program(s) will be deemed withdrawn from the SAIL, HOME-Rental or Competitive HC Program(s).

(3) If the credit underwriting invitation is accepted:

(a) The Applicant shall submit the credit underwriting fee to the Credit Underwriter within 7 Calendar Days of the date of the letter of invitation.

(b) Failure to submit the required credit underwriting fee by the specified deadline shall result in withdrawal of the invitation and issuance of an invitation to the next eligible Applicant as outlined in the RRLP Application instructions.

(4) The Credit Underwriter shall verify all information in the Application, including information relative to the Applicant, Developer, Syndicator, General Contractor, and, if an ALF, the service provider(s), as well as other members of the Development team.

(5) The Credit Underwriter shall report any inconsistencies or discrepancies or changes made to the Applicant's Application during credit underwriting.

(6) The Applicant will be responsible for all fees in connection with the documentation submitted to the Credit Underwriter.

(7) If the Credit Underwriter determines that special expertise is required to review information submitted to the Credit Underwriter which is beyond the scope of the Credit Underwriter's expertise, the fee for such services shall be borne by the Applicant.

(8) A full or self-contained appraisal as defined by the Uniform Standards of Professional Appraisal Practice and a separate market study shall be ordered by the Credit Underwriter, at the Applicant's expense, from an appraiser qualified for the geographic area and product type not later

than completion of credit underwriting. The Credit Underwriter shall review the appraisal to properly evaluate the proposed property's financial feasibility. Appraisals which have been ordered and submitted by third party credit enhancers, first mortgagors or syndicators and which meet the above requirements and are acceptable to the Credit Underwriter may be used instead of the appraisal referenced above. The market study must be completed by a disinterested party who is approved by the Credit Underwriter. The Credit Underwriter shall consider the market study, the Development's financial impact on Developments in the area previously funded by the Corporation, and other documentation when making its recommendation of whether to approve or disapprove a loan. The Credit Underwriter shall also review the appraisal and other market documentation to determine if the market exists to support both the demographic and income restriction set-asides committed to within the Application.

(9) Applicants may elect to have the RRLP loan underwritten to a minimum debt service coverage (DSC) ratio of 1.0 or have the loan underwritten without a minimum required DSC ratio, as outlined below:

(a) If the Applicant elects to have the loan underwritten to a minimum DSC of 1.0, the proposed Development must demonstrate, based on current rates, that it can meet a minimum 1.0 DSC requirement for the RRLP mortgages and all superior mortgages.

(b) If the Applicant elects to have the loan underwritten without a minimum DSC ratio, the Corporation will set the amount of the RRLP loan so that a minimum percentage of the Developer fee is deferred for permanent financing. The minimum percentage of the Developer fee that must be deferred is the remainder of 100 percent minus the sum of the percentage of units set aside for ELI Households and 60% of the remaining percent. For example, if 20 percent of the units are set aside for ELI Households, the minimum percentage of Developer fee that must be deferred is the remainder of 100 percent minus the sum of 20 percent and 60 percent of the remaining 80 percent, which equals 32 percent (100% - (20% + (60% of 80%))).

(10) The Corporation's assigned Credit Underwriter shall require a guaranteed maximum price or stipulated sum construction contract, which may include change orders for changes in cost or changes in the scope of work, or both, if all parties agree, and shall order, at the Applicant's sole expense, a pre-construction analysis for all new construction or a physical needs assessment for Substantial Rehabilitation and a review of the Development's costs.

(11) In addition to operating expenses, the Credit Underwriter must include an estimate for replacement reserves and operating expense reserves deemed appropriate by the Credit Underwriter when calculating the final net operating income available to service the debt. A minimum amount of

\$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.

(12) The Credit Underwriter may request additional information, but at a minimum the following will be required during the underwriting process:

(a) For credit enhancers, audited financial statements for their most recent fiscal year ended, if published; otherwise the previous year's audited statements will be provided until the current statements are published or credit underwriting is complete. The audited statements may be waived if the credit enhancer is rated at least "A-" by Moody's, Standard and Poor's or Fitch.

(b) For the Applicant, general partner(s), and guarantors, audited financial statements or financial statements compiled or reviewed by a licensed Certified Public Accountant for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. If audited financial statements or financial statements compiled or reviewed by a licensed Certified Public Accountant are not available, unaudited financial statements prepared within the last 90 days and reviewed by the Credit Underwriter in accordance with Part III, Sections 604 through 607, of the Fannie Mae Multifamily Delegated Underwriting and Servicing (DUS) Guide, effective November 6, 2003, which is incorporated by reference and available on the Corporation's Website under the Rental Recovery Loan Program Application and Instructions link, and the two most recent year's tax returns. If the entities are newly formed (less than 18 months in existence as of the date that credit underwriting information is requested), a copy of any and all tax returns with related supporting notes and schedules.

(c) For the General Contractor, audited financial statements or financial statements compiled or reviewed by a licensed Certified Public Accountant for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. The audited or compiled statements may be waived if a payment and performance bond equal to 100% of the total construction cost is issued in the name of the General Contractor by a company rated at least "A-" by AMBest & Co.

(13) The Credit Underwriter shall consider the following when determining the need for construction completion guarantees:

(a) Liquidity of the guarantor.

(b) Developer and General Contractor's history in successfully completing Developments of similar nature.

(c) Problems encountered previously with Developer or contractor.

(d) Exposure of Corporation funds compared to Total Development Cost.

At a minimum, the Credit Underwriter shall require a personal guarantee for completion of construction from the principal individual or the corporate general partner of the borrowing entity. In addition, a letter of credit or payment and performance bond will be required if the Credit Underwriter determines after evaluation of paragraphs (a)-(d) in this subsection that additional surety is needed. However, a completion guarantee will not be required if funds are not drawn until evidence of lien free completion is provided.

(14) The Developer fee and General Contractor's fee shall be limited to:

(a) The Developer fee shall be limited to 18% of Development Cost. A Developer fee on the building acquisition cost shall be limited to 4% of the cost of the building exclusive of land. However, the Developer fee shall be limited to 10% of Development Cost for those Developments involving Substantial Rehabilitation of buildings which have received a Corporation funding commitment or a Preliminary Allocation/Determination for other construction work within fourteen years of the Application Deadline.

(b) The General Contractor's fee shall be limited to a maximum of 14% of the actual construction cost.

(15) In order for the General Contractor to be eligible for the maximum fee stated above, it must meet the following conditions:

(a) A Development 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) must be issued in the name of the General Contractor by a company rated at least "A-" by AMBest & Co.;

(e) None of the General Contractor duties to manage and control the construction of the Development may be subcontracted; and

(f) Not more than 20 percent of the construction cost is subcontracted to any one entity unless otherwise approved by the Board for a specific Development.

(16) The Credit Underwriter shall require an operating deficit guarantee, to be released upon achievement of 1.0 debt service coverage for a minimum of 6 consecutive months for the combined RRLP loan and superior mortgages.

(17) Contingency reserves which total no more than 5% of hard and soft costs for new construction and no more than 15% of hard and soft costs for Substantial Rehabilitation may be included within the Total Development Cost for Application and underwriting purposes. Contingency reserves shall not be paid from RRLP funds.

(18) The Credit Underwriter will review and determine if the number of loans and construction commitments of the Applicant and its Principals will impede its ability to proceed with the successful development of each proposed Corporation-funded Development.

(19) All items required by the Credit Underwriter must be provided to the Credit Underwriter within 35 Calendar Days of notification from the Credit Underwriter. The Applicant will have an additional 25 Calendar Days to submit the appraisal, survey and final plans to the Credit Underwriter. Unless an extension is approved by the Corporation, failure to submit the required credit underwriting information by the specified deadlines shall result in withdrawal of the preliminary commitment and the funds will be made available as outlined in the RRLP Application instructions.

(20) If the Credit Underwriter requires additional clarifying materials in the course of the underwriting process, the Credit Underwriter shall request same from the Applicant and shall specify deadlines for the submission of same. Failure to submit required information by the specified deadline, unless a written extension of time has been approved by the Corporation, shall result in rejection of the Application. If the Application is rejected, the Corporation will make the funds available as outlined in the RRLP Application instructions.

(21) The Credit Underwriter shall complete its analysis and submit a written draft report and recommendation to the Corporation. Upon receipt, the Corporation shall provide to the Applicant the section of the written draft report consisting of supporting information and schedules. The Applicant shall review and provide written comments to the Corporation and Credit Underwriter within 48 hours of receipt. After the 48 hour period, the Corporation shall provide to the Credit Underwriter comments on the draft report and, as applicable, on the Applicant's comments. Then, the Credit Underwriter shall review and incorporate, if deemed appropriate, the Corporation's and Applicant's comments and release the revised report to the Corporation and the Applicant. Any additional comments from the Applicant shall be received by the Corporation and the Credit Underwriter within 72 hours of receipt of the revised report. Then, the Credit Underwriter will provide a final report, which will address comments made by the Applicant, to the Corporation.

(22) The Credit Underwriter's recommendations will be sent to the Board for approval.

(23) After approval of the Credit Underwriter's recommendation for funding by the Board, the Corporation shall issue a firm RRLP loan commitment.

(24) Other mortgage loans related to the Development and the RRLP loan must close within 60 Calendar Days of the date of the firm RRLP loan commitment unless an extension is approved by the Board. All extension requests must be submitted in writing to the program administrator and contain the specific reasons for requesting an extension and shall detail the time frame to close the loan. The written request will then be submitted to the Corporation's Board for consideration. The Corporation shall charge an extension fee of one-half of one percent of the total RRLP funding amount if the Board approves the request to extend the commitment beyond the period outlined in this rule chapter.

(25) At least 5 Calendar Days prior to the RRLP loan closing:

(a) The Applicant must provide evidence of all necessary consents or required signatures from superior or subordinate mortgagees to the Corporation and its counsel, and

(b) The Credit Underwriter must have received all items necessary to release its letter confirming that all closing contingencies have been met, including the finalized sources and uses of funds and Draw schedule.

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s. 2 and 3, ch. 2005-92, L.O.F. History—New 7-5-06.

67ER06-19 Miscellaneous Criteria.

(1) Total Development Cost includes the following:

(a) The cost of acquiring real property and any buildings thereon, including payment for options, deposits, or contracts to purchase properties.

(b) The cost of site preparation, demolition, and development.

(c) Any expenses relating to the issuance of tax-exempt bonds or taxable bonds, if any, related to the particular Development.

(d) Fees in connection with the planning, execution, and financing of the Development, such as those of architects, engineers, attorneys, accountants, Developer fee, and the Corporation.

(e) The cost of studies, surveys, plans, permits, insurance, interest, financing, tax and assessment costs, and other operating and carrying costs during construction, Substantial Rehabilitation, or reconstruction of the Development.

(f) The cost of the construction, Substantial 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 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, for the construction or Substantial Rehabilitation of the Development.

(2) 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.

(3) Financial Beneficiary, as defined in this rule chapter, does not include third party lenders, third party management agents or companies, Housing Credit Syndicators, credit enhancers who are regulated by a state or federal agency and who do not share in the profits of the Development or contractors whose total fees are within the limit described in this rule chapter.

(4) For computing any period of time allowed by this rule, the day of the event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday.

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s. 2 and 3, ch. 2005-92, L.O.F. History—New 7-5-06.

67ER06-20 General Program Procedures and Restrictions.

(1) RRLP funding must be used in conjunction with Corporation-issued Tax-Exempt Multifamily Mortgage Revenue Bonds (MMRB) or Local Government-issued Tax-Exempt Bonds, as outlined in the RRLP Application instructions. An Applicant is not eligible to apply for RRLP funding if any of the following pertain to the proposed Development:

(a) Construction or construction-permanent financing of the costs associated with construction or Substantial Rehabilitation of the Development, including tax-exempt bonds or conventional financing with conversion clauses, has closed as of July 13, 2005;

(b) The Applicant has received an allocation of Housing Credits for the proposed Development, unless the Applicant has also applied or is applying for Corporation-issued tax exempt bonds or provides evidence of a Local Government-issued tax exempt bond commitment as stated in the RRLP Application instructions;

(c) RRLP funds shall not be used in conjunction with funds from the SAIL, state-issued HOME-Rental or Competitive HC Programs.

(2) The RRLP Minimum Set-Aside Requirements are:

(a) At least 15 percent of the total units must be held for ELI Households for a period of 20 years. Following the 20-year ELI affordability period, the ELI Set-Aside will then convert to serve families at or below 60 percent of the area median income; and

(b) At least 70% of the total units must be set aside for residents with annual household incomes at or below 60% of the area median income.

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s. 2 and 3, ch. 2005-92, L.O.F. History—New 7-5-06.

67ER06-21 Additional Application Ranking and Selection Procedures.

(1) RRLP funds shall be allocated in accordance with the ranking and selection process set forth in the RRLP Application Package.

(2) The Corporation shall assign, in order of ranking, tentative loan amounts to the Applications in each demographic category, up to the total amount available.

(3) Selection for RRLP Program participation is contingent upon fund availability at the conclusion of all litigation and appeals proceedings as set forth in this rule chapter.

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s. 2 and 3, ch. 2005-92, L.O.F. History—New 7-5-06.

67ER06-22 Terms and Conditions of Loans.

(1) The RRLP funds shall be used for the construction or Substantial Rehabilitation, with or without acquisition, of affordable, safe and sanitary multifamily rental housing units.

(2) The RRLP loans may be in a first, second, or other subordinated lien position. For purposes of this rule chapter, mortgages securing a letter of credit as credit enhancement for the bonds financing the first mortgage shall be considered a contingent liability and part of the first mortgage lien, provided that the Applicant's counsel furnishes an opinion regarding the contingent nature of such mortgage satisfactory to the Corporation and its counsel.

(3) The base loan shall be non-amortizing and shall have interest rates as follows:

(a) 0% simple interest per annum on the pro-rata portion of the base loan attributable to ELI units over the life of the loan; and

(b) 3% simple interest per annum on the pro-rata portion of the base loan attributable to non-ELI units.

(4) The supplemental loan shall be non-amortizing and shall be based on each ELI unit at 0% simple interest per annum with the principal forgivable provided the units for which the supplemental loan amount is awarded are targeted to ELI Households for at least 20 years.

(5) The annual interest payment shall be based upon the Development Cash Flow, as determined pursuant to the RRLP Cash Flow Reporting Form RRLP-1. Any distribution or payment to the Principal(s) or any Affiliate of the Principal or to the Developer or any Affiliate of the Developer, whether paid directly or indirectly, which was not expressly disclosed in determining debt service coverage in the Board approved final credit underwriting report, will be added back to the amount of cash available for the RRLP loan interest payment, as calculated in the RRLP Cash Flow Reporting Form RRLP-1, for the purpose of determining interest due. Interest may be deferred as set forth in this rule chapter without constituting a default on the loan.

(6) If the RRLP loan is not a first mortgage loan, each year, subject to the provisions of subsection (8) below, Development Cash Flow shall be applied to pay the following items in order of priority:

(a) All superior mortgage fees and debt service;

(b) Development Expenses on the RRLP loan, including up to 20% of total Developer fees per year;

(c) Interest payment on RRLP loan balance;

(d) Interest payments on the RRLP loan deferred from previous years;

(e) Mandatory payment on subordinate mortgages.

After the full RRLP loan interest has been paid, the Applicant shall retain all remaining monies, unless the Applicant chooses to prepay a portion of the loan balance.

(7) If the RRLP loan is secured by a first mortgage lien, each year, subject to the provisions of subsection (8) below, Development Cash Flow shall be applied to pay the following items in order of priority:

(a) First mortgage fees and interest payment on RRLP loan balance;

(b) Development Expenses on the RRLP loan including up to 20% of total Developer fees per year;

(c) Interest payments on the RRLP loan deferred from previous years;

(d) Mandatory payment on subordinate mortgages.

After the full RRLP loan interest has been paid, the Applicant shall retain all remaining monies, unless the Applicant chooses to prepay a portion of the loan balance.

(8) The determination of Development Cash Flow, determination of payment priorities, and payment of interest on RRLP loans shall occur annually. Any payments of accrued and unpaid interest due annually on RRLP 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 RRLP interest, such under-reporting shall constitute an event of default on the RRLP loan. A penalty of 5% of any required payment shall be assessed.

(a) By May 31 of each year of the RRLP loan term, the Applicant shall provide the Corporation with audited financial statements and a certification detailing the information needed to determine the annual payment to be made. However, this certification requirement will be waived until May 31 following the calendar year within which the first unit is occupied. The certification shall require submission of audited financial statements and the RRLP annual reporting form, Cash Flow Reporting Form RRLP-1, effective 6/05, which is incorporated by reference. Form RRLP-1 can be obtained from the Credit Underwriter acting as the assigned servicer or on the Corporation's Website under the Rental Recovery Loan Program Application and Instructions link. The audited financial statements are to be prepared in accordance with generally accepted accounting principles for the 12 months ended December 31 and shall include:

1. Comparative Balance Sheet with prior year and current year balances;

2. Statement of revenue and expenses;

3. Statement of changes in fund balances or equity;

4. Statement of cash flows; and

5. Notes.

The financial statements referenced above should also be accompanied by a certification of the Applicant as to the accuracy of such financial statements. A late fee of \$500 will be assessed by the Corporation for failure to submit the required audited financial statements and certification by May 31 of each year of the RRLP loan term. Failure to submit the required audited financial statements and certification by May 31 of each year of the RRLP loan term shall constitute an event of default on the RRLP loan. The Applicant shall furnish to the Corporation or its servicer, unaudited statements, certified by the Applicant's principal financial or accounting officer, covering such financial matters as the Corporation or its servicer may reasonably request, including without limitation, monthly statements with respect to the Development.

(b) The Corporation servicer shall issue a billing for interest due on the RRLP loan for the immediately preceding calendar year by July 31 of each calendar year of the RRLP loan.

(c) The Applicant shall remit the interest due to the Corporation servicer no later than August 31 of each year of the RRLP loan term. The first payment of RRLP interest will be due no later than August 31 following the calendar year within which the first unit is occupied. The first payment of interest shall include all interest for the period which begins accruing on the date of the first Draw and ends on December 31 of the calendar year during which the first unit is occupied.

(9) After maturity or acceleration, the Note shall bear interest at the default interest rate, pursuant to the loan documents, from the due date until paid. Unless the Corporation has accelerated the RRLP loan, the Applicant shall

pay the Corporation a late charge of 5% of any required payment that is not received by the Corporation within 15 days of the due date.

(10) Any sale, conveyance, assignment, or other transfer of interest or the grant of a security interest in all or any part of the title to the Development shall be subject to the Corporation's prior written approval.

(11) The final billing for the purpose of payoff of the RRLP loan shall also include a billing for compliance fees to cover monitoring of RRLP Program requirements beyond the maturity date of the Note. Such fees shall be computed by determining the present value of the annual compliance monitoring fee and multiplying that by the number of years remaining in the affordability period beyond the repayment date. 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 the compliance monitoring fee covers some or all of the period following the anticipated RRLP loan repayment date.

(12) The RRLP loans shall be serviced either directly by the Corporation or by the servicer on behalf of the Corporation.

(13) The Corporation shall monitor compliance of all terms and conditions of the RRLP loans and shall require that certain terms and conditions be embodied in the Land Use Restriction Agreement and recorded in the public records of the county wherein the Development is located. Violation of any term or condition of the documents evidencing or securing the RRLP loans shall constitute a default during the term of the RRLP loans. The Corporation shall take legal action to effect compliance if a violation of any term or condition relative to the set-asides committed to by the Applicant is discovered during the course of compliance monitoring or by any other means.

(14) 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 November 3, 2003, which is adopted and incorporated herein by reference and available on the Corporation's Website under the Rental Recovery Loan Program Application and Instructions link.

(15) The RRLP base loan term shall be for a period of 15 years or such amount of time 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, or if otherwise approved by the Board. The supplemental loan term shall be for a period of 20 years.

(16) Upon maturity of the RRLP 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 Applicant during the RRLP loan term;

(b) Availability of similar housing stock for the target population in the area;

(c) Documentation and certification by the Applicant that funds are not available to repay the Note upon maturity;

(d) A plan for the repayment of the loan at the new maturity date; and

(e) Assurance that the security interest of the Corporation will not be jeopardized by the extension.

(17) After accepting a preliminary commitment, the Applicant shall not refinance, increase the principal amount, or alter any terms or conditions of any mortgage superior or inferior to the RRLP mortgage without prior approval of the Corporation's Board of Directors. However, an Applicant may reduce the interest rate on any superior or inferior mortgage loan without the Board's permission, provided that no other terms of the loan are changed. The Corporation must be notified of any such change.

(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 this rule chapter are met, the original combined loan to value ratio for the superior mortgage and the RRLP mortgages is maintained or improved, and a proportionate amount of the increase in the superior mortgage is used to reduce the outstanding RRLP base loan balance. To calculate the proportionate amount of the increase in the superior mortgage which must be paid toward the reduction of the RRLP loan balance, the following calculation shall be used: divide the amount of the original RRLP mortgage by the combined amount of the original RRLP 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 RRLP mortgage is \$2,000,000, the original superior mortgage is \$4,000,000, but the current balance is \$3,000,000, 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 \$1,800,000, and the proportionate amount of the increase in the superior mortgage which must be paid toward the reduction of the RRLP loan balance would be \$594,000. This \$594,000 would be applied first to accrued interest and then to principal.

(c) The Board shall deny requests for mortgage loan refinancing which require extension of the RRLP loan term or otherwise adversely affect the security interest of the Corporation unless the criteria outlined in this rule chapter are met, the Credit Underwriter recommends that the approval of such a request is crucial to the economic survival of the Development or unless the Board determines that public policy will be better served by the extension as a result of the Applicant agreeing to further extend the Compliance Period or provide additional amenities or resident programs suitable for the resident population. Further, the Board shall limit any approved extension to a minimum term which makes the Development feasible and which does not exceed an industry standard term.

(18) All RRLP loans shall be in conformance with applicable federal and state statutes, including the Fair Housing Act as implemented by 24 CFR Part 100, which is adopted and incorporated herein by reference and available at [http://www.access.gpo.gov/nara/cfr/waisidx\\_05/24cfr100\\_05.html](http://www.access.gpo.gov/nara/cfr/waisidx_05/24cfr100_05.html), and Titles II and III of the Americans with Disabilities Act of 1990 as implemented by 28 CFR Part 35, which is adopted and incorporated herein by reference and available at [http://www.access.gpo.gov/nara/cfr/waisidx\\_04/28cfr35\\_04.html](http://www.access.gpo.gov/nara/cfr/waisidx_04/28cfr35_04.html). The Corporation shall allow units dedicated to occupancy by the Elderly in a Development designed for occupancy by elderly households pursuant to authorization by HUD under the Fair Housing Amendments of 1988 as implemented by 24 CFR Part 100.

(19) All set-aside units shall be RRLP Rent-Restricted Units. A unit set aside at a particular income and rent level must house a tenant who satisfies the income requirement. Additionally, Section 8 voucher holders may not be used to satisfy the ELI Set-Aside requirement, unless those households' vouchers are paying rents only up to the ELI rent level.

(20) The documents creating, evidencing or securing each RRLP loan must provide that any violation of the terms and conditions described in this rule chapter constitutes a default under the RRLP loan documents allowing the Corporation to accelerate its loan and to seek foreclosure as well as any other remedies legally available to it.

(21) A failure to pay any principal or interest due under the terms of this section shall constitute a default on the RRLP loan.

(22) The Applicant shall provide to the Corporation an annual budget of income and expenses for the Development, certified as accurate by an officer of the Development, no later than 30 days prior to the beginning of the Development's fiscal year.

(23) The Compliance Period for a RRLP Development shall be, at a minimum, a period of 50 years from the date the first residential unit is occupied. For Developments which contain occupied units to be Substantially Rehabilitated, the

Compliance Period shall begin not later than 60 days from the termination of the last annual lease in effect at the time of loan closing.

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s. 2 and 3, ch. 2005-92, L.O.F. History--New 7-5-06.

67ER06-23 Sale or Transfer of a Development.

(1) The RRLP loans shall be assumable upon sale or transfer of the Development if the following conditions are met:

(a) The proposed transferee meets all specific Applicant identity criteria which were required as conditions of the original loan;

(b) The proposed transferee agrees to maintain all set-asides and other requirements of the RRLP loans for the period originally specified or longer; and

(c) The proposed transferee and release of transferor receives a favorable recommendation from the Credit Underwriter and approval by the Board of Directors of the Corporation.

(2) If the RRLP loan is not assumed since the buyer does not meet the criteria for assumption of the loan, the loan (principal and any outstanding interest) shall be repaid from the proceeds of the sale in the following order of priority:

(a) First mortgage debt service, first mortgage fees;

(b) RRLP compliance and loan servicing fees;

(c) An amount equal to the present value of the compliance monitoring fee, as computed by the Corporation and its servicer, times the number of payment periods remaining in the affordability period beyond the repayment date. The present value discount rate shall be 2.75% per annum. Such amount shall be reduced by the amount of any compliance monitoring fees collected by the Corporation for the Development, provided the compliance monitoring fee covers some or all of the period following the anticipated RRLP repayment date.

(d) Unpaid principal balance of the RRLP loan;

(e) Any interest due on the RRLP loan;

(f) Expenses of the sale;

(g) If there will be insufficient funds available from the proposed sale of the Development to satisfy paragraphs (2)(a)-(f) above, the RRLP loan shall not be satisfied until the Corporation has received:

1. An appraisal prepared by an appraiser selected by the Corporation or the Credit Underwriter indicating that the purchase price for the Development is reasonable and consistent with existing market conditions;

2. A certification from the Applicant that the purchase price reported is the actual price paid for the Development and that no other consideration passed between the parties and that the Development Cash Flow reported to the Corporation during the term of the RRLP loan was true and accurate;



3. A certification from the Applicant that there are no Development funds available to repay the RRLP loan, including any interest due, and the Applicant knows of no source from which funds could or would be forthcoming to pay the RRLP loan; and

4. A certification from the Applicant detailing the information needed to determine the final billing for RRLP 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 s. 31, ch. 2006-69, L.O.F. Law Implemented s. 2 and 3, ch. 2005-92, L.O.F. History—New 7-5-06.

**67ER06-24 Construction Disbursements and Permanent Loan Servicing.**

(1) RRLP loan proceeds shall be disbursed during the construction phase in an amount per Draw which does not exceed the ratio of the RRLP loan to the Total Development Cost, unless approved by the Credit Underwriter.

(2) Ten business days prior to each Draw, the Applicant shall supply the Corporation’s servicer, as agent for the Corporation, with a written request executed by the Applicant for a Draw. The request shall set forth the amount to be paid and shall be accompanied by documentation specified by the Corporation’s servicer including claims for labor and materials to date of the last inspection.

(3) The Corporation and its servicer shall review the request for a Draw, and the servicer shall provide the Corporation with approval of the request or an alternative recommendation, after the title insurer provides an endorsement to the policy of title insurance updating the policy to the date of the current Draw and increasing the insurance coverage to an amount equal to the sum of all prior Draws and the current Draw, without additional exceptions, except those specifically approved in writing by the Corporation.

(4) The Corporation will disburse construction Draws through Automated Clearing House (ACH). The Applicant may request disbursement of construction Draws via a wire transfer. The Applicant will be charged a fee of \$10 for each wire transfer requested. This charge will be netted against the Draw amount.

(5) The Corporation shall elect to withhold any Draw or portion of any Draw, notwithstanding any documentation submitted by the Applicant in connection with the request for a Draw, if:

(a) The Corporation or the Corporation’s servicer determines at any time that the actual cost budget or progress of construction differs from that as shown on the loan documents; or

(b) The percentage of progress of construction of the improvements differs from that shown on the request for a Draw.

(6) The servicer may request submission of revised construction budgets.

(7) If the Corporation determines that further analysis by the Credit Underwriter is required prior to the release of the final Draw, the Applicant shall pay to the Credit Underwriter a fee based on an hourly rate determined pursuant to the contract between the Corporation and the Credit Underwriter.

(8) Retainage in the amount of 10% 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 RRLP loan agreement.

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s. 2 and 3, ch. 2005-92, L.O.F. History—New 7-5-06.

**FLORIDA HOUSING FINANCE CORPORATION**

RULE NOS.:	RULE TITLES:
<b>PART I ADMINISTRATION</b>	
67ER06-25	Purpose and Intent
67ER06-26	Definitions
67ER06-27	Application and Selection Procedures for Developments
67ER06-28	Applicant Administrative Appeal Procedures
67ER06-29	Fees
67ER06-30	Credit Underwriting and Loan Procedures
67ER06-31	Miscellaneous Criteria
<b>PART II RENTAL RECOVERY LOAN PROGRAM</b>	
67ER06-32	RRLP General Program Procedures and Restrictions
67ER06-33	Additional RRLP Application Ranking and Selection Procedures
67ER06-34	Terms and Conditions of RRLP Loans
67ER06-35	Sale or Transfer of a RRLP Development
67ER06-36	RRLP Construction Disbursements and Permanent Loan Servicing
<b>PART III HOUSING CREDIT PROGRAM</b>	
67ER06-37	HC General Program Procedures and Requirements
67ER06-38	HC Carryover Allocation Provisions
67ER06-39	HC Extended Use Agreement
67ER06-40	Sale or Transfer of a Housing Credit Development
67ER06-41	Termination of Extended Use Agreement and Disposition of Housing Credit Developments
<b>SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE:</b> Florida experienced the destructive impact of	

numerous hurricanes in 2004 and 2005. The hurricanes created both short-term and long-term housing needs for Floridians. To implement s. 31, Ch. 2006-69, L.O.F., the 2006 Rental Recovery Loan Program, hereafter referred to as RRLP, is created for the purpose of providing funds to assist those areas of the state with the greatest housing damage from the hurricanes. Program funding is provided to enable eligible entities to build and rehabilitate affordable rental housing.

**REASONS FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES:** The Corporation has been granted emergency rulemaking authority, exempted from the requirements of Sections 120.54 (4)(a) and (c), F.S., under s. 31, Ch. 2006-69, L.O.F., formerly House Bill No. 1363. The RRLP rules shall be effective and permanent immediately upon filing with the Florida Department of State. **SUMMARY OF THE RULE:** The rule provides the procedures by which RRLP funds shall be utilized by eligible entities for affordable rental housing recovery efforts.

**THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULES IS:** Vicki Robinson, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301, (850)488-4197

THE FULL TEXT OF THE EMERGENCY RULES IS:

#### PART I ADMINISTRATION

##### 67ER06-25 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 the construction or Rehabilitation/Substantial Rehabilitation of affordable rental units utilizing Rental Recovery Loan Program funds, authorized by Section 31, Chapter 2006-69, L.O.F.

(2) Administer the Application process and determine Housing Credit amounts to be utilized in conjunction with the Rental Recovery Loan Program funds outlined in subsection (1) above.

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s. 31, ch. 2006-69, L.O.F. History—New 7-5-06.

##### 67ER06-26 Definitions.

(1) “Act” means the Florida Housing Finance Corporation Act as found in Chapter 420, Part V, F.S.

(2) “Address” means the address assigned by the United States Postal Service and must include address number, street name, city, state and zip code. If address has not yet been assigned, include, at a minimum, street name and closest designated intersection, city, state and zip code.

(3) “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) “ALF” or “Assisted Living Facility” means a Florida licensed living facility that complies with Sections 400.401 through 400.454, F.S., and Chapter 58A-5, F.A.C.

(5) “Allocation Authority” means the total dollar volume of Housing Credits available for distribution by the Corporation and authorized pursuant to Section 42 of the IRC.

(6) “Applicable Fraction” means Applicable Fraction as defined in Section 42(c)(1)(B) of the IRC.

(7) “Applicant” means any person or legally formed entity that is seeking a loan or funding from the Corporation by submitting an Application for one or more of the Corporation’s programs.

(8) “Application” means the forms and exhibits created by the Corporation for the purpose of providing the means to apply for funding through the RRLP Program. A completed Application may include additional supporting documentation provided by an Applicant.

(9) “Application Deadline” means 5:00 p.m., Eastern Time, on the final day of the Application Period for the RRLP Program.

(10) “Application Period” means a period during which Applications shall be accepted as posted on the Corporation’s Website and with a deadline no less than thirty days from the beginning of the Application Period.

(11) “Board of Directors” or “Board” means the Board of Directors of the Corporation.

(12) “Building Identification Number” means, with respect to a Housing Credit Development, the number assigned by the Corporation to describe each building in a Housing Credit Development, pursuant to Internal Revenue Service Notice 88-91, which is incorporated by reference and available on the Corporation’s Website under the 2006 Rental Recovery Loan Program link labeled Related Information and Links.

(13) “Calendar Days” means the seven (7) days of the week.

(14) “Carryover” means the provision under Section 42 of the IRC and this rule chapter, which allows a Development to receive a Housing Credit Allocation in a given calendar year and be placed in service by the close of the second calendar year following the calendar year in which the allocation is made.

(15) “Competitive Housing Credits” or “Competitive HC” means those Housing Credits which come from the Corporation’s annual Allocation Authority.

(16) “Compliance Period” means a period of time that the Development shall conform to all set-aside requirements as described further in this rule chapter and agreed to by the Applicant in the Application.

(17) "Contact Person" means the person with whom the Corporation will correspond concerning the Application and the Development. This person cannot be a third-party consultant.

(18) "Corporation" means the Florida Housing Finance Corporation as defined in Section 420.503, F.S.

(19) "Credit Underwriter" means the independent contractor under contract with the Corporation having the responsibility for providing stated credit underwriting services.

(20) "Developer" means any individual, association, corporation, joint venturer, or partnership which possesses the requisite skill, experience, and credit worthiness to successfully produce affordable housing as required in the Application.

(21) "Development" means Project as defined in Section 420.503, F.S.

(22) "Development Cash Flow" means cash flow as calculated in the statement of cash flows prepared in accordance with generally accepted accounting principles ("GAAP") and as adjusted for items including any distribution or payment to the Principal(s) or any Affiliate of the Principal(s) or to the Developer or any Affiliate of the Developer, whether paid directly or indirectly, which was not expressly disclosed in determining debt service coverage in the Board approved final credit underwriting report.

(23) "Development Cost" means the total of all costs incurred in the completion of a Development excluding developer fee, acquisition cost of existing developments, and total land cost as shown in the Development Cost line item on the development cost pro forma within the Application.

(24) "Development Expenses" means usual and customary operating and financial costs, such as the compliance monitoring fee, the financial monitoring fee, replacement reserves, the servicing fee and the debt service reserves. As it relates to Developments and to the application of Development Cash Flow described in this rule chapter, the term includes only those expenses disclosed in the operating pro forma included in the final credit underwriting report, as approved by the Board.

(25) "DDA" or "Difficult Development Area" means areas designated by the Secretary of Housing and Urban Development as having high construction, land, and utility costs relative to area median gross income in accordance with Section 42(d)(5), of the IRC.

(26) "Document" means electronic media, written or graphic matter, of any kind whatsoever, however produced or reproduced, including records, reports, memoranda, minutes, notes, graphs, maps, charts, contracts, opinions, studies, analysis, photographs, financial statements and correspondence as well as any other tangible thing on which information is recorded.

(27) "Draw" means the disbursement of funds to a Development.

(28) "Elderly" means Elderly as defined in Section 420.503, F.S.

(29) "ELI Household" or "Extremely Low Income Household" means a household of one or more persons wherein the adjusted income for the Family is equal to or below the percentage of area median income for Extremely Low Income Persons.

(30) "ELI Persons" or "Extremely Low Income Persons" means Extremely low income persons as defined in Section 420.0004(8), F.S., and for the RRLP Program, will be as outlined in the ELI Chart included in the RRLP Application instructions.

(31) "ELI Set-Aside" or "Extremely Low Income Set-Aside" means the number of units designated to serve ELI Households.

(32) "Eligible Persons" means one or more natural persons or a family, irrespective of race, creed, national origin, or sex, determined by the Corporation to be income eligible, as further described in this rule chapter.

(33) "EUA" or "Extended Use Agreement" means, with respect to the HC Program, an agreement between the Corporation and the Applicant which sets forth the set-aside requirements and other Development requirements under the HC Program.

(34) "Executive Director" means the Executive Director of the Corporation.

(35) "Family" describes a household composed of one or more persons.

(36) "Final Housing Credit Allocation" means, with respect to a Housing Credit Development, the issuance of Housing Credits to an Applicant upon completion of construction or Rehabilitation of a Development and submission to the Corporation by the Applicant of a completed and executed Final Cost Certification Application pursuant to this rule chapter.

(37) "Financial Beneficiary" means any Developer and its Principals or Principals of the Applicant entity who receives or will receive a financial benefit as outlined in paragraphs (a) and (b) below and as further described in this rule chapter:

(a) 3% or more of Total Development Cost 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 if Total Development Cost is greater than \$5 million.

(38) "Financial Institution" means Lending institution as defined in Section 420.503, F.S.

(39) "Florida Keys Area" means all lands in Monroe County, except:

(a) That portion of Monroe County included within the designated exterior boundaries of the Everglades National Park and areas north of said Park;

(b) All lands more than 250 feet seaward of the mean high water line owned by local, state, or federal governments; and

(c) Federal properties.

(40) “Funding Cycle” means the period of time commencing with the opening of the Application Period pursuant to this rule chapter and concluding with the issuance of loans and, if applicable, an allocation of Competitive HC, to Applicants who applied during the Application Period.

(41) “General Contractor” means a person or entity duly licensed in the state of Florida with the requisite skills, experience and credit worthiness to successfully provide the units required in the Application, and which meets the criteria described in this rule chapter.

(42) “HC Program” or “Housing Credit Program” means the rental housing program administered by the Corporation pursuant to Section 42 of the IRC and Section 420.5099, F.S., under which the Corporation is designated the Housing Credit agency for the state of Florida within the meaning of Section 42(h)(7)(A) of the IRC and this rule chapter.

(43) “HOME-Rental Program” means the HOME Investment Partnerships Program administered by the Corporation pursuant to 24 CFR Part 92, which is adopted and incorporated herein by reference and available on the Corporation’s Website under the 2006 Universal Application link labeled Related Information and Links and Section 420.5089, F.S.

(44) “Housing Credit” means the tax credit issued in exchange for the development of rental housing pursuant to Section 42 of the IRC and the provisions of this rule chapter.

(45) “Housing Credit Allocation” means the amount of Housing Credits determined by the Corporation as necessary to make a Development financially feasible and viable throughout the Development’s Compliance Period pursuant to Section 42(m)(2)(A) of the IRC.

(46) “Housing Credit Development” means the proposed or existing rental housing Development(s) for which Housing Credits have been applied or received.

(47) “Housing Credit Extended Use Period” means, with respect to any building that is included in a Housing Credit Development, the period that begins on the first day of the Compliance Period in which such building is part of the Development and ends on the later of: (i) the date specified by the Corporation in the Extended Use Agreement or (ii) the date that is the fifteenth anniversary of the last day of the Compliance Period, unless earlier terminated as provided in Section 42(h)(6) of the IRC.

(48) “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.

(49) “Housing Credit Set-Aside” means the number of units in a Housing Credit Development necessary to satisfy the percentage of units set-aside at 60% of the Area Median Income (AMI) or less as chosen by the Applicant in the Application.

(50) “Housing Credit Syndicator” means a person, partnership, corporation, trust or other entity that regularly engages in the purchase of interests in entities that produce Qualified Low Income Housing Projects [as defined in Section 42(g) of the Internal Revenue Code] and provides at least one written reference in the Application that such person, partnership, corporation, trust or other entity has performed its obligation under the partnership agreements and is not currently in default under those agreements.

(51) “HUD” means the United States Department of Housing and Urban Development.

(52) “IRC” means Section 42 and subsections 501(c)(3) and 501(c)(4) of the Internal Revenue Code of 1986, as in effect on the date of this rule chapter, together with corresponding and applicable final, temporary or proposed regulations, notices, and revenue rulings issued with respect thereto by the Treasury or the Internal Revenue Service of the United States, which are incorporated by reference and available on the Corporation’s Website under the 2006 Rental Recovery Loan Program link labeled Related Information and Links.

(53) “Local Government” means Local government as defined in Section 420.503, F.S.

(54) “Low Income” means the adjusted income for a Family which does not exceed 80% of the area median income.

(55) “LURA” or “Land Use Restriction Agreement” means an agreement between the Corporation and the Applicant which sets forth the set-aside requirements and other Development requirements under a Corporation program.

(56) “Mortgage” means Mortgage as defined in Section 420.503, F.S.

(57) “Non-Profit” means a qualified non-profit entity as defined in Section 42(h)(5), subsection 501(c)(3) or 501(c)(4) of the IRC and organized under Chapter 617, F.S., if a Florida Corporation, or organized under similar state law if organized in a jurisdiction other than Florida, to provide housing and other services on a not-for-profit basis, which owns at least 51% of the ownership interest in the Development held by the general partner or managing member entity and which entity is acceptable to federal and state agencies and financial institutions as a Sponsor for affordable housing, as further described in this rule chapter.

(58) “Note” means a unilateral agreement containing an express and absolute promise to pay to the Corporation a principal sum of money on a specified date, which provides the interest rate and is secured by a Mortgage.

(59) "Preliminary Allocation" means a non-binding reservation of Housing Credits issued to a Housing Credit Development which has demonstrated a need for Housing Credits and received a positive recommendation from the Credit Underwriter.

(60) "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.

(61) "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 this rule chapter, and is adopted and incorporated herein by reference, effective January 2005. A copy of such form is available on the Corporation's Website under the 2006 Rental Recovery Loan Program link labeled Related Information and Links or by contacting the Housing Credit Program at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

(62) "Project" or "Property" means Project as defined in Section 420.503, F.S.

(63) "QAP" or "Qualified Allocation Plan" means, with respect to the HC Program, the 2006 Qualified Allocation Plan which is adopted and incorporated herein by reference, effective 12-22-05, pursuant to Section 42(m)(1)(B) of the IRC and sets forth the selection criteria and the preferences of the Corporation for Developments which will receive Housing Credits. The QAP is available on the Corporation's Website under the 2006 Universal Application link labeled Related Information and Links or by contacting the Housing Credit Program at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

(64) "Received" as it relates to delivery of a document by a specified deadline means, unless otherwise indicated, delivery by hand, U.S. Postal Service or other courier service, in the office of the Corporation no later than 5:00 p.m., Eastern Time, on the deadline date.

(65) "Rehabilitation" means, with respect to the Housing Credit Program, the alteration, improvement or modification of an existing structure, as further described in this rule chapter.

(66) "RRLP" or "RRLP Program" means the Rental Recovery Loan Program which was created pursuant to Section 31, Chapter 2006-69, L.O.F., to facilitate the allocation of RRLP Loans. RRLP Loans awarded under the RRLP Program may include, under certain restrictions, Competitive Housing Credits.

(67) "RRLP Development" means a residential development for Eligible Persons comprised of one or more residential buildings and functionally related facilities, proposed to be constructed or rehabilitated/substantially rehabilitated with funds allocated through the RRLP Program.

(68) "RRLP Loan" means the loan made by the Corporation to the Applicant from the hurricane housing recovery appropriation pursuant to Section 31, Chapter 2006-69, L.O.F.

(69) "RRLP Minimum Set-Aside Requirement" means the least number of set-aside units in a RRLP Development which must be held for persons or households pursuant to the category (i.e., Family or Elderly) under which the Application has been made, as further described in this rule chapter.

(70) "RRLP Rent-Restricted Unit" means a unit funded through the RRLP Program for which the gross rent does not exceed 30% of the imputed income limitation applicable to such unit as chosen by the Applicant in the Application and in accordance with Section 42 of the IRC.

(71) "SAIL" or "SAIL Program" means the State Apartment Incentive Loan Program created pursuant to Sections 420.507(22) and 420.5087, F.S.

(72) "Scattered Sites" for a single Development means a Development consisting of real property in the same county (i) any part of which is not contiguous ("non-contiguous parts") or (ii) any part of which is divided by a street or easement ("divided parts") and (iii) it is readily apparent from the proximity of the non-contiguous parts or the divided parts of the real property, chain of title, or other information available to the Corporation that the non-contiguous parts or the divided parts of the real property are part of a common or related scheme of development.

(73) "Section 8 Eligible" means a Family with an income which meets the income eligibility requirements of Section 8 of the United States Housing Act of 1937, as amended, which is adopted and incorporated herein by reference and available on the Corporation's Website under the 2006 Rental Recovery Loan Program link labeled Related References and Links.

(74) "Single Room Occupancy" or "SRO" means housing, consisting of single room dwelling units, that is the primary residence of its occupant or occupants. An SRO does not include facilities for students.

(75) "Sponsor" means Sponsor as defined in Section 420.503, F.S.

(76) "Substantial Rehabilitation" means 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 Cost. To be considered "Substantial Rehabilitation," there must be at least the foundations remaining from the previous structures, suitable to support the proposed construction.

(77) “Tax Exempt Bond-Financed Development” means a Development which has been financed by the issuance of tax-exempt bonds subject to applicable volume cap pursuant to Section 42(h)(4) of the IRC.

(78) “Tie-Breaker Measurement Point” means a single point selected by the Applicant on the proposed Development site that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development. For a Development which consists of Scattered Sites, this means a single point on one of the Scattered Sites which comprise the Development site that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development. In addition, the Tie-Breaker Measurement Point must be located on the site with the most units if any of the Scattered Sites has more than 4 units.

(79) “Tier” means the division of the counties of the state of Florida, as outlined in the RRLP Application instructions.

(80) “Total Development Cost” means the total of all costs incurred in the completion of a Development, all of which shall be subject to the review and approval by the Credit Underwriter and the Corporation pursuant to this rule chapter, and as further described in this rule chapter.

(81) “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.

(82) “Universal Cycle” means any funding cycle provided for in Rule Chapter 67-48, F.A.C.

(83) “Urban In-Fill Development” means a Development (i) in a site or area that is targeted for in-fill housing or neighborhood revitalization by the local, county, state or federal government as evidenced by its inclusion in a HUD Empowerment/Enterprise Zone, a HUD-approved Neighborhood Revitalization Strategy, Florida Enterprise Zone, area designated under a Community Development Block Grant (CDBG), area designated as HOPE VI or Front Porch Florida Community, or a Community Redevelopment Area as described and defined in the Florida Community Redevelopment Act of 1969, or the proposed Development is located in a Qualified Census Tract and the development of which contributes to a concerted community revitalization plan, and (ii) in a site which is located in an area that is already developed and part of an incorporated area or existing urban service area.

(84) “Very Low-Income” means:

(a) 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

(b) 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 metropolitan statistical area (MSA), within the county in which the Family resides, or within the state of Florida, whichever is greater; or

(c) If used in a Development using Housing Credits, income which meets the income eligibility requirements of Section 42 of the IRC.

(85) “Website” means the Florida Housing Finance Corporation’s website, the Universal Resource Locator (URL) for which is [www.floridahousing.org](http://www.floridahousing.org).

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s. 31, ch. 2006-69, L.O.F. History–New 7-5-06.

67ER06-27 Application and Selection Procedures for Developments.

(1) When submitting an Application, Applicants must utilize the Rental Recovery Loan Program (RRLP) Application in effect at the Application Deadline, unless provided otherwise in the RRLP Application instructions.

(a) The RRLP Application Package or 2006 RRLP (7-06) consists of the forms and instructions, obtained from the Corporation, for a fee, at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329 or available, without charge, on the Corporation’s Website under the 2006 Rental Recovery Loan Program link labeled Instructions and Application, which shall be completed and submitted to the Corporation in accordance with this rule chapter in order to apply for the RRLP Program.

(b) All Applications must be complete, legible and timely when submitted, except as described below. Corporation staff may not assist any Applicant by copying, collating, or adding documents to an Application nor shall any Applicant be permitted to use the Corporation’s facilities or equipment for purposes of compiling or completing an Application.

(2) Failure to submit an Application completed in accordance with the Application instructions and these rules will result in the failure to meet threshold, rejection of the Application, a score less than the maximum available, or a combination of these results in accordance with the instructions in the Application and this rule chapter.

(3) Each submitted Application shall be evaluated and preliminarily scored using the factors specified in the RRLP Application Package and these rules. Preliminary scores shall be transmitted to all Applicants.

(4) Applicants who wish to notify the Corporation of possible scoring errors relative to another Applicant’s Application must file with the Corporation, within eight (8) Calendar Days of the date the preliminary scores are sent by overnight delivery by the Corporation, a written Notice of Possible Scoring Error (NOPSE). Each NOPSE must specify the assigned Application number and the scores in question, as well as describe the alleged deficiencies in detail. Each NOPSE is limited to the review of only one Application’s

score. Any NOPSE that seeks the review of more than one Application's score will be considered improperly filed and ineligible for review. There is no limit to the number of NOPSEs that may be submitted. The Corporation's staff will review each written NOPSE Received timely.

(5) The Corporation shall transmit to each Applicant the NOPSEs submitted by other Applicants with regard to its Application. The notice shall also include the Corporation's decision regarding the NOPSE, along with any other items identified by the Corporation to be addressed by the Applicant.

(6) Within 11 Calendar Days of the date the notice set forth in subsection (5) above is sent by overnight delivery by the Corporation, each Applicant shall be allowed to cure its Application by submitting additional documentation, revised pages and such other information as the Applicant deems appropriate to address the issues raised pursuant to subsections (3) and (5) above that could result in rejection of the Application or a score less than the maximum available. Pages of the Application that are not revised or otherwise changed may not be resubmitted, except that documents executed by third parties must be submitted in their entirety, including all attachments and exhibits referenced therein, even if only a portion of the original document was revised. Where revised or additional information submitted by the Applicant creates an inconsistency with another item in that Application, the Applicant shall also be required in its submittal to make such other changes as necessary to keep the Application consistent as revised. The Applicant shall submit an original and three copies of all additional documentation and revisions. Only revisions, changes and other information Received by the deadline set forth herein will be considered. Any subsequent revision submitted prior to the deadline shall include a written request from the Applicant for withdrawal of any previously submitted revision(s).

(7) Within seven (7) Calendar Days of the deadline for receipt by the Corporation of the documentation set forth in subsection (6) above, all Applicants may submit to the Corporation a Notice of Alleged Deficiencies (NOAD) in any other Application. Each NOAD is limited only to issues created by document revisions, additions, or both, by the Applicant submitting the Application pursuant to subsection (6) above. Each NOAD must specify the assigned Application number, the pages and the documents in question, as well as describe the alleged deficiencies in detail. Each NOAD is limited to the review of only one Applicant's submission. However, there is no limit to the number of NOADs which may be submitted. NOADs which seek the review of more than one Applicant's submission will be considered improperly filed and ineligible for review. The Corporation will only review written NOADs that are Received timely.

(8) The Corporation shall transmit a copy of all NOADs to the affected Applicant.

(9) Following the receipt and review by the Corporation of the documentation described in subsections (5), (6) and (7) above, the Corporation shall then prepare final scores. In determining such final scores, no Application shall be rejected or receive a point reduction as a result of any issues not previously identified in the notices described in subsections (3), (4) and (5) above. However, inconsistencies created by the Applicant as a result of information provided pursuant to subsections (6) and (7) above will still be justification for rejection or reduction of points, as appropriate. Notwithstanding the foregoing, any deficiencies in the mandatory elements set forth in subsection (14) below can be identified at any time prior to sending the final scores to Applicants and will result in rejection of the Application. The Corporation shall then transmit final scores to all Applicants.

(10) The availability of any remaining funds shall be noticed or offered to a Development as described in the Ranking and Selection Criteria section of the RRLP Application instructions.

(11) RRLP Applications shall be limited to one submission per subject property. Two or more Applications, submitted in the same Funding Cycle, that have the same demographic commitment and one or more of the same Financial Beneficiaries, will be considered submissions for the same Development if any of the following is true: (i) any part of any of the property sites is contiguous with any part of any of the other property sites, or (ii) any of the property sites are divided by a street or easement, or (iii) it is readily apparent from the Applications, proximity, chain of title, or other information available to the Corporation that the properties are part of a common or related scheme of development. If two or more Applications are considered to be submissions for the same Development, the Corporation will reject all such Applications except the Application with the highest (worst) lottery number. The Application with the lowest lottery number will still be rejected even if the Applicant withdraws the Application with the highest (worst) lottery number.

(12) If the Board determines that any Applicant or any Affiliate of an Applicant:

(a) Has engaged in fraudulent actions;

(b) Has materially misrepresented information to the Corporation regarding any past or present Application or Development;

(c) Has been convicted of fraud, theft or misappropriation of funds;

(d) Has been excluded from federal or Florida procurement programs; or

(e) Has been convicted of a felony;

And that such action substantially increases the likelihood that the Applicant will not be able to produce quality affordable housing, the Applicant and any of the Applicant's Affiliates will be ineligible for funding or allocation in any program administered by the Corporation for a period of up to two

years, which will begin from the date the Board makes such determination. Such determination shall be either pursuant to a proceeding conducted pursuant to Sections 120.569 and 120.57, F.S., or as a result of a finding by a court of competent jurisdiction.

(13) The Corporation shall reject an Application if, following the submission of the additional documentation, revised pages and other information as the Applicant deems appropriate as described in subsection (6) above:

(a) The Development is inconsistent with the purposes of the RRLP Program or does not conform to the Application requirements specified in this rule chapter;

(b) The Applicant fails to achieve the threshold requirements as detailed in these rules, the applicable Application, and Application instructions;

(c) The Applicant fails to file all applicable Application pages and exhibits which are provided by the Corporation and adopted under this rule chapter or as provided for in the RRLP Application instructions;

(d) An Applicant or any Principal, Affiliate or Financial Beneficiary of an Applicant or a Developer is in arrears for any financial obligation it has to the Corporation or any agent or assignee of the Corporation. This paragraph does not include permissible deferral of SAIL or HOME interest.

(14) Notwithstanding any other provision of these rules, there are certain items that must be included in the Application and cannot be revised, corrected or supplemented after the Application Deadline. Failure to submit these items in the Application at the time of the Application Deadline shall result in rejection of the Application without opportunity to submit additional information. Any attempted changes to these items will not be accepted. Those items are as follows:

(a) Name of Applicant;

(b) Identity of each Developer, including all co-Developers;

(c) Program(s) applied for;

(d) Applicant applying as a Non-Profit or for-profit organization;

(e) Site for the Development;

(f) Development Category;

(g) Development Type;

(h) Demographic Commitment;

(i) County;

(j) Total number of units;

(k) Total Set-Aside Percentage as stated in the last row of the total set-aside breakdown chart for the program(s) applied for in the Set-Aside Commitments section of the Application.

(l) RRLP Loan Request Amount and Competitive HC Request Amount; with the exception that an Applicant may reduce the amount to reflect the maximum request amount allowed in those instances where an Applicant requested more than its request limit.

(m) Submission of one original hard copy with the required number of photocopies of the Application by the Application Deadline;

(n) Payment of the required Application fee by the Application Deadline.

All other items may be submitted as cures pursuant to subsection (6) above.

(15) A Development will be withdrawn from funding and any outstanding commitments for funds will be rescinded if, at any time, the Board determines that the Applicant's Development or Development team is no longer the Development or Development team described in the Application, and the changes made are prejudicial to the Development or to the market to be served by the Development.

(16) If an Applicant or any Principal, Affiliate or Financial Beneficiary of an Applicant or a Developer has any existing Developments participating in any Corporation programs that remain in non-compliance with Section 42 of the IRC or applicable loan documents, and any applicable cure period granted for correcting such non-compliance has ended as of the time of submission of the Application or at the time of issuance of a credit underwriting report, the requested allocation will, upon a determination by the Board that such non-compliance substantially increases the likelihood that such Applicant will not be able to produce quality affordable housing, be denied and the Applicant and the Affiliates of the Applicant or Developer will be prohibited from new participation in any of the Corporation's programs for the subsequent cycle and continuing until such time as all of their existing Developments participating in any Corporation programs are in compliance.

(17) When two or more Applications receive the same numerical score, the Applications will be ranked as outlined in the RRLP Application instructions.

(18) At no time during the Application, scoring and appeal process may Applicants or their representatives contact Board members concerning their own Development or any other Applicant's Development. At no time from the Application Deadline until the issuance of the final scores as set forth in subsection (9) above, may Applicants or their representatives verbally contact Corporation staff concerning their own Application or any other Applicant's Application. If an Applicant or its representative does contact a Board member in violation of this section, the Board shall, upon a determination that such contact was deliberate, disqualify such Applicant's Application.

(19) Applicants may withdraw an Application from consideration only by submitting a written notice of withdrawal to the Corporation Clerk. Applicants may not rescind any notice of withdrawal that was submitted to the Corporation Clerk. For ranking purposes, the Corporation shall disregard any withdrawal that is submitted after 5:00 p.m., Eastern Time, 14 Calendar Days prior to the date the Board is



scheduled to convene to consider approval of the final ranking of the Applications and such Application shall be included in the ranking as if no notice of withdrawal had been submitted. After the Board has approved the final ranking, any notice of withdrawal submitted during the time period prohibited above and before the Board approves the final ranking, shall be deemed withdrawn immediately after Board approval of the final ranking. If an Applicant has applied for both RRLP funding and Competitive HC, the withdrawal by the Applicant from any one funding source will be deemed by the Corporation to be a withdrawal of the Application from both funding sources.

(20) The name of the Development provided in the Application may not be changed or altered after submission of the Application during the history of the Development with the Corporation unless the change is requested in writing and approved in writing by the Corporation.

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s. 31, ch. 2006-69, L.O.F. History–New 7-5-06.

#### 67ER06-28 Applicant Administrative Appeal Procedures.

(1) At the conclusion of the review and scoring process established by this rule chapter, each Applicant will be provided with the final ranking scores and a notice of rights, which shall constitute the point of entry to contest any issue related to Applications for the RRLP Program.

(2) Each Applicant that wishes to contest the final scores must file a petition with the Corporation within 21 Calendar Days after the date Applicant receives its notice of rights. The petition must conform to subsection 28-106.201(2) or 28-106.301(2), and subsection 67-52.002(3), F.A.C., and specify in detail each issue and score sought to be challenged. If the petition does not raise a disputed issue of material fact, the challenge will be conducted pursuant to Section 120.57(2), F.S. If the petition raises one or more disputed issues of material fact, a formal administrative hearing will be conducted pursuant to Section 120.57(1), F.S. At the conclusion of any administrative hearing, a recommended order shall be entered by the designated hearing officer which will then be considered by the Board.

(3) Any Applicant who wishes to challenge the findings and conclusions of the recommended order entered pursuant to a Section 120.57(2), F.S., proceeding concerning its own Application shall be allowed the opportunity to submit written arguments to the Board. Any written argument should be typed and double-spaced with margins no less than one inch in either Times New Roman 14-point or Courier New 12-point font and may not exceed five pages. Written arguments must be filed with Florida Housing Finance Corporation's Clerk at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, no later than 5:00 p.m., Eastern Time, on the date contained in the recommended order. Failure to timely file a written argument shall constitute a waiver of the right to have a

written argument considered by the Board. Parties will not be permitted to make oral presentations to the Board in response to recommended orders.

(4) No funding will be awarded until the conclusion of all litigation and appeal proceedings conducted pursuant to Sections 120.569, 120.57, and 120.68, F.S.

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s. 31, ch. 2006-69, L.O.F. History–New 7-5-06.

#### 67ER06-29 Fees.

The Corporation or the Credit Underwriter shall collect via check or money order the following fees and charges in conjunction with the RRLP Program, as outlined in the RRLP Application instructions:

- (1) RRLP Application Package fee, if applicable.
- (2) Application fee.
- (3) Credit Underwriting fees.
- (4) Commitment fees.
- (5) Compliance monitoring fees.
- (6) Loan servicing fees.
- (7) Construction inspection fees.
- (8) Financial monitoring fees.
- (9) Administrative fees.

All of the fees set forth above are part of Development Cost and can be included in the Development Cost pro forma and paid with RRLP Loan proceeds. Failure to pay any fee shall cause the firm loan commitment to be terminated or shall constitute a default on the respective loan documents and, if applicable, Competitive HC allocation documents.

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s. 31, ch. 2006-69, L.O.F. History–New 7-5-06.

#### 67ER06-30 Credit Underwriting and Loan Procedures.

The credit underwriting review shall include a comprehensive analysis of the Applicant, the real estate, the economics of the Development, the ability of the Applicant and the Development team to proceed, the evidence of need for affordable housing in order to determine that the Development meets the program requirements and determine a recommended RRLP Loan amount or a combined RRLP Loan amount and Competitive HC allocation amount, if any. As part of the credit underwriting review, the Credit Underwriter will consider the applicable provisions of this rule chapter.

(1) No funding will be awarded until the conclusion of all litigation and appeal proceedings conducted pursuant to Sections 120.569, 120.57, and 120.68, F.S. At the conclusion of such litigation and appeal proceedings, the Corporation shall offer all Applicants within the funding range an invitation to enter credit underwriting. The Corporation shall select the Credit Underwriter for each Development. The invitation to enter credit underwriting constitutes a preliminary commitment for an RRLP Loan.

(2) A response to the invitation to enter credit underwriting must be received by the Corporation and the Credit Underwriter not later than seven (7) Calendar Days after the date of the letter of invitation. By acknowledging acceptance to enter credit underwriting for the RRLP Program, Applicants that have already accepted a preliminary commitment or preliminary allocation for the proposed Development through the SAIL, HOME-Rental, or Competitive HC Program(s) from a prior Universal Cycle or through the 2005 RRLP Funding Cycle will be deemed withdrawn from the SAIL, HOME-Rental or Competitive HC Program(s) or the 2005 RRLP Program.

(3) If the credit underwriting invitation is accepted:

(a) The Applicant shall submit the credit underwriting fee to the Credit Underwriter within seven (7) Calendar Days of the date of the letter of invitation.

(b) Failure to submit the required credit underwriting fee by the specified deadline shall result in withdrawal of the invitation and issuance of an invitation to the next eligible Applicant as outlined in the RRLP Application instructions.

(4) The Credit Underwriter shall verify all information in the Application, including information relative to the Applicant, Developer, Syndicator, General Contractor, and, if an ALF, the service provider(s), as well as other members of the Development team.

(5) The Credit Underwriter shall report any inconsistencies or discrepancies or changes made to the Applicant's Application during credit underwriting.

(6) The Applicant will be responsible for all fees in connection with the documentation submitted to the Credit Underwriter.

(7) If the Credit Underwriter determines that special expertise is required to review information submitted to the Credit Underwriter which is beyond the scope of the Credit Underwriter's expertise, the fee for such services shall be borne by the Applicant.

(8) A full or self-contained appraisal as defined by the Uniform Standards of Professional Appraisal Practice and a separate market study shall be ordered by the Credit Underwriter, at the Applicant's expense, from an appraiser qualified for the geographic area and product type not later than completion of credit underwriting. The Credit Underwriter shall review the appraisal to properly evaluate the proposed property's financial feasibility. Appraisals which have been ordered and submitted by third party credit enhancers, first mortgagors or syndicators and which meet the above requirements and are acceptable to the Credit Underwriter may be used instead of the appraisal referenced above. The market study must be completed by a disinterested party who is approved by the Credit Underwriter. The Credit Underwriter shall consider the market study, the Development's financial impact on Developments in the area previously funded by the Corporation, and other

documentation when making its recommendation of whether to approve or disapprove a loan. The Credit Underwriter shall also review the appraisal and other market documentation to determine if the market exists to support both the demographic and income restriction set-asides committed to within the Application.

(9) Applicants may elect to have the RRLP Loan underwritten to a minimum debt service coverage (DSC) ratio of 1.0 or have the loan underwritten without a minimum required DSC ratio, as outlined below:

(a) If the Applicant elects to have the RRLP Loan underwritten to a minimum DSC of 1.0, the proposed Development must demonstrate, based on current rates, that it can meet a minimum 1.0 DSC requirement for the RRLP mortgages and all superior mortgages.

(b) If the Applicant elects to have the RRLP Loan underwritten without a minimum DSC ratio, the Corporation will set the amount of the RRLP Loan so that a minimum percentage of the Developer fee is deferred for permanent financing. The minimum percentage of the Developer fee that must be deferred is the remainder of 100 percent minus the sum of the percentage of units set aside for ELI Households and 60% of the remaining percent. For example, if 20 percent of the units are set aside for ELI Households, the minimum percentage of Developer fee that must be deferred is the remainder of 100 percent minus the sum of 20 percent and 60 percent of the remaining 80 percent, which equals 32 percent (100% - (20% + (60% of 80%))).

(10) The maximum debt service coverage shall be 1.60 for the RRLP Loan, including all superior mortgages. In extenuating circumstances, such as when the Development has deep or short term subsidy, the debt service coverage may exceed 1.60 if the Credit Underwriter's favorable recommendation is supported by the projected cash flow analysis.

(11) The Corporation's assigned Credit Underwriter shall require a guaranteed maximum price or stipulated sum construction contract, which may include change orders for changes in cost or changes in the scope of work, or both, if all parties agree, and shall order, at the Applicant's sole expense, a pre-construction analysis for all new construction or a physical needs assessment for Rehabilitation/Substantial Rehabilitation and a review of the Development's costs.

(12) In addition to operating expenses, the Credit Underwriter must include an estimate for replacement reserves and operating expense reserves deemed appropriate by the Credit Underwriter when calculating the final net operating income available to service the debt. A minimum amount of \$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 two (2) years and must be placed in escrow at closing.

(13) The Credit Underwriter may request additional information, but at a minimum the following will be required during the underwriting process:

(a) For credit enhancers, audited financial statements for their most recent fiscal year ended, if published; otherwise the previous year's audited statements will be provided until the current statements are published or credit underwriting is complete. The audited statements may be waived if the credit enhancer is rated at least "A-" by Moody's, Standard and Poor's or Fitch.

(b) For the Applicant, general partner(s), and guarantors, audited financial statements or financial statements compiled or reviewed by a licensed Certified Public Accountant for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. If audited financial statements or financial statements compiled or reviewed by a licensed Certified Public Accountant are not available, unaudited financial statements prepared within the last 90 days and reviewed by the Credit Underwriter in accordance with Part III, Sections 604 through 607, of the Fannie Mae Multifamily Delegated Underwriting and Servicing (DUS) Guide, effective November 6, 2003, which is incorporated by reference and available on the Corporation's Website under the 2006 Rental Recovery Loan Program link labeled Related Information and Links, and the two most recent year's tax returns. If the entities are newly formed (less than 18 months in existence as of the date that credit underwriting information is requested), a copy of any and all tax returns with related supporting notes and schedules.

(c) For the General Contractor, audited financial statements or financial statements compiled or reviewed by a licensed Certified Public Accountant for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. The audited or compiled statements may be waived if a payment and performance bond equal to 100% of the total construction cost is issued in the name of the General Contractor by a company rated at least "A-" by AMBest & Co.

(14) The Credit Underwriter shall consider the following when determining the need for construction completion guarantees:

(a) Liquidity of the guarantor.

(b) Developer and General Contractor's history in successfully completing Developments of similar nature.

(c) Problems encountered previously with Developer or contractor.

(d) Exposure of Corporation funds compared to Total Development Cost.

At a minimum, the Credit Underwriter shall require a personal guarantee for completion of construction from the principal individual or the corporate general partner of the borrowing entity. In addition, a letter of credit or payment and performance bond will be required if the Credit Underwriter determines after evaluation of paragraphs (a)-(d) in this subsection that additional surety is needed. However, a completion guarantee will not be required if funds are not drawn until evidence of lien free completion is provided.

(15) The Developer fee and General Contractor's fee shall be limited to:

(a) The Developer fee shall be limited to 16% of Development Cost for Developments funded with an RRLP Loan and Competitive Housing Credits. A Developer fee on the building acquisition cost shall be limited to 4% of the cost of the building exclusive of land. A Developer fee of 18% of Development Cost shall be allowed if the proposed Development is qualified for Housing Credits pursuant to Rule 67-48, F.A.C., pertaining to Tax-Exempt Bond-Financed Developments. However, the Developer fee shall be limited to 10% of Development Cost for those Developments involving Rehabilitation or Substantial Rehabilitation of buildings which have received a Corporation funding commitment or a Final Housing Credit Allocation for other construction work within fourteen years of the Application Deadline.

(b) The General Contractor's fee shall be limited to a maximum of 14% of the actual construction cost.

(16) The General Contractor must meet the following conditions:

(a) Employ a Development superintendent and charge the costs of such employment to the general requirements line item of the General Contractor's budget;

(b) Charge the costs of the Development construction trailer, if needed, and other overhead to the general requirements line item of the General Contractor's budget;

(c) Secure building permits, issued in the name of the General Contractor;

(d) Secure a payment and performance bond (or approved alternate security for General Contractor's performance, such as a letter of credit) issued in the name of the General Contractor from a company rated at least "A-" by AMBest & Co.;

(e) Ensure that none of the General Contractor duties to manage and control the construction of the Development are subcontracted; and

(f) Ensure that not more than 20 percent of the construction cost is subcontracted to any one entity unless otherwise approved by the Board for a specific Development.

(17) The Credit Underwriter shall require an operating deficit guarantee, to be released upon achievement of 1.0 debt service coverage for a minimum of six (6) consecutive months for the combined RRLP Loan and superior mortgages.

(18) Contingency reserves which total no more than 5% of hard and soft costs for new construction and no more than 15% of hard and soft costs for Rehabilitation or Substantial Rehabilitation may be included within the Total Development Cost for Application and underwriting purposes. Contingency reserves shall not be paid from RRLP funds.

(19) The Credit Underwriter will review and determine if the number of loans and construction commitments of the Applicant and its Principals will impede its ability to proceed with the successful development of each proposed Corporation-funded Development.

(20) All items required by the Credit Underwriter must be provided to the Credit Underwriter within 35 Calendar Days of notification from the Credit Underwriter. The Applicant will have an additional 25 Calendar Days to submit the appraisal, survey and final plans to the Credit Underwriter. Unless an extension is approved by the Corporation, failure to submit the required credit underwriting information by the specified deadlines shall result in withdrawal of the preliminary commitment and, if applicable, the HC invitation to enter credit underwriting, and the funds will be made available as outlined in the RRLP Application instructions.

(21) If the Credit Underwriter requires additional clarifying materials in the course of the underwriting process, the Credit Underwriter shall request same from the Applicant and shall specify deadlines for the submission of same. Failure to submit required information by the specified deadline, unless a written extension of time has been approved by the Corporation, shall result in rejection of the Application. If the Application is rejected, the Corporation will make the funds available as outlined in the RRLP Application instructions.

(22) The Credit Underwriter shall complete its analysis and submit a written draft report and recommendation to the Corporation. Upon receipt, the Corporation shall provide to the Applicant the section of the written draft report consisting of supporting information and schedules. The Applicant shall review and provide written comments to the Corporation and Credit Underwriter within 48 hours of receipt. After the 48 hour period, the Corporation shall provide to the Credit Underwriter comments on the draft report and, as applicable, on the Applicant's comments. Then, the Credit Underwriter shall review and incorporate, if deemed appropriate, the Corporation's and Applicant's comments and release the revised report to the Corporation and the Applicant. Any additional comments from the Applicant shall be received by the Corporation and the Credit Underwriter within 72 hours of receipt of the revised report. Then, the Credit Underwriter will provide a final report, which will address comments made by the Applicant, to the Corporation.

(23) The Credit Underwriter's recommendations will be sent to the Board for approval.

(24) After approval of the Credit Underwriter's recommendation for funding by the Board, the Corporation shall issue a firm RRLP Loan commitment.

(25) Other mortgage loans related to the Development and the RRLP Loan must close within 60 Calendar Days of the date of the firm RRLP Loan commitment unless an extension is approved by the Board. All extension requests must be submitted in writing to the program administrator and contain the specific reasons for requesting an extension and shall detail the time frame to close the loan. The written request will then be submitted to the Corporation's Board for consideration. The Corporation shall charge an extension fee of one-half of one percent of the total RRLP funding amount if the Board approves the request to extend the commitment beyond the period outlined in this rule chapter.

(26) At least five (5) Calendar Days prior to the RRLP Loan closing:

(a) The Applicant must provide evidence of all necessary consents or required signatures from superior or subordinate mortgagees to the Corporation and its counsel, and

(b) The Credit Underwriter must have received all items necessary to release its letter confirming that all closing contingencies have been met, including the finalized sources and uses of funds and Draw schedule.

(27) For RRLP Applications also requesting Competitive Housing Credits, the Credit Underwriter shall use the following procedures during the credit underwriting evaluation:

(a) The Credit Underwriter, in determining the amount of Housing Credits a Development is eligible for when using the qualified basis calculation, shall use a Housing Credit percentage of:

1. Thirty (30) basis points over the percentage as of the date of invitation to credit underwriting up to 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.

(b) Costs such as syndication fees and brokerage fees cannot be included in eligible basis. All consulting fees must be paid out of the Developer fee. Consulting fees cannot cause the Developer fee to exceed the maximum allowable fee as set forth in this rule chapter.

(c) All contracts for hard or soft Development Costs must be itemized for each cost component.

(d) If the Credit Underwriter is to recommend a Competitive Housing Credit allocation, the recommendation will be the lesser of (i) the qualified basis calculation result, (ii) the gap calculation result, or (iii) the Applicant's request amount.

(28) If the Credit Underwriter recommends that Competitive Housing Credits be allocated to the Development, the Corporation shall determine the credit amount, if any, necessary to make the Development financially feasible and viable throughout the Housing Credit Extended Use Period and shall issue a Preliminary Allocation certificate. If the Credit Underwriter recommends that no credits be allocated to the Development and the Executive Director accepts the recommendation, the Applicant shall be notified that no Housing Credits will be allocated to the Development. All contingencies required in the Preliminary Allocation shall be met or satisfied by the Applicant within 45 Calendar Days from the date of issuance or as otherwise indicated on the certificate unless an extension of this deadline is requested in writing by the Applicant and is granted by the Corporation in writing for good cause.

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s. 31, ch. 2006-69, L.O.F. History—New 7-5-06.

#### 67ER06-31 Miscellaneous Criteria.

(1) In addition to the alteration, improvement or modification of an existing structure, Rehabilitation with respect to the Housing Credit Program includes what is stated in Section 42(e) of the IRC, with the exception of Section 42(e)(3)(A)(ii)(II), which, for the purposes of Competitive HC, is changed to read: "II. The requirement of this subclause is met if the qualified basis attributable to such amount, when divided by the number of low-income units, in the building, is \$20,000 or more."

(2) For purposes of this rule chapter, in accordance with Section 42 of the IRC, a for-profit entity wholly owned by one or more qualified non-profit organizations will constitute a Non-Profit entity. The purpose of the Non-Profit must be, in part, to foster low-income housing and such purpose must be reflected in the Articles of Incorporation of the Non-Profit entity. To evidence its qualification as a Non-Profit entity, the Applicant must provide within its Application a written opinion from legal counsel. The total cost of securing this written legal opinion will be borne entirely by the Applicant. A Non-Profit entity shall own an interest in the Development, either directly or indirectly; shall not be affiliated with or controlled by a for-profit Corporation; and shall materially participate in the development and operation of the Development throughout the total affordability period as stated in the Land Use Restriction Agreement and the Extended Use Agreement. If an Applicant applies to the Corporation as a Non-Profit entity but does not qualify as such, the Application will be rejected.

(3) Total Development Cost includes the following:

(a) The cost of acquiring real property and any buildings thereon, including payment for options, deposits, or contracts to purchase properties.

(b) The cost of site preparation, demolition, and development.

(c) Any expenses relating to the issuance of tax-exempt bonds or taxable bonds, if any, related to the particular Development.

(d) Fees in connection with the planning, execution, and financing of the Development, such as those of architects, engineers, attorneys, accountants, Developer fee, and the Corporation.

(e) The cost of studies, surveys, plans, permits, insurance, interest, financing, tax and assessment costs, and other operating and carrying costs during construction, Rehabilitation/Substantial Rehabilitation, or reconstruction of the Development.

(f) The cost of the construction, Rehabilitation/Substantial 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 for working capital, contingency reserves, and reserves for any anticipated operating deficits during the first two (2) years after completion of the Development.

(j) The cost of such other items, including relocation costs, indemnity and surety bonds, premiums on insurance, and fees and expenses of trustees, depositories, and paying agents for the Corporation's bonds, for the construction or Rehabilitation/Substantial Rehabilitation of the Development.

(4) In determining the income standards of Eligible Persons for its various programs, the Corporation shall take into account the following factors:

(a) Requirements mandated by federal law.

(b) Variations in circumstances in the different areas of the state.

(c) Whether the determination is for rental housing.

(d) The need for family size adjustments to accomplish the purposes set forth in this rule chapter.

With respect to the HC Program, an Eligible Person shall mean a Family having a combined income which meets the income eligibility requirements of the HC Program and Section 42 of the IRC.

(5) Financial Beneficiary, as defined in this rule chapter, does not include third party lenders, third party management agents or companies, Housing Credit Syndicators, credit enhancers who are regulated by a state or federal agency and who do not share in the profits of the Development or contractors whose total fees are within the limit described in this rule chapter.

(6) For computing any period of time allowed by this rule, the day of the event from which the designated period of time begins to run shall not be included. The last day of the period

so computed shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday.

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s. 31, ch. 2006-69, L.O.F. History--New 7-5-06.

## PART II RENTAL RECOVERY LOAN PROGRAM (RRLP)

### 67ER06-32 RRLP General Program Procedures and Restrictions.

(1) 2006 RRLP funding may be used in conjunction with Competitive HC for certain locations as outlined in the RRLP Application instructions. An Applicant is not eligible to apply for 2006 RRLP funding if any of the following pertain to the proposed Development:

(a) Construction or construction-permanent financing of the costs associated with construction or Rehabilitation/Substantial Rehabilitation of the Development, including tax-exempt bonds, has closed as of July 1, 2006;

(b) The Applicant has received a Carryover Allocation Agreement, as defined in Section 42 of the IRC, for the proposed Development;

(2) RRLP funds shall not be used in conjunction with funds from the SAIL, state-issued HOME-Rental or Competitive HC Program(s) allocated from a prior Universal Cycle or RRLP funds allocated from the 2005 RRLP Funding Cycle.

(3) The RRLP Minimum Set-Aside Requirements are:

(a) At least 15 percent of the total units must be held for ELI Households for a period of 20 years. Following the 20-year ELI affordability period, the ELI Set-Aside will then convert to serve families at or below 60 percent of the area median income; and

(b) At least 70% of the total units must be set aside for residents with annual household incomes at or below 60% of the area median income.

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s. 31, ch. 2006-69, L.O.F. History--New 7-5-06.

### 67ER06-33 Additional RRLP Application Ranking and Selection Procedures.

(1) RRLP funds shall be allocated in accordance with the ranking and selection process set forth in the 2006 RRLP Application Package.

(2) The Corporation shall assign, in order of ranking, tentative loan amounts to the Applications in each demographic category, up to the total amount available.

(3) Selection for RRLP Program participation is contingent upon fund availability at the conclusion of all litigation and appeals proceedings as set forth in this rule chapter.

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s. 31, ch. 2006-69, L.O.F. History--New 7-5-06.

### 67ER06-34 Terms and Conditions of RRLP Loans.

(1) The RRLP funds shall be used for the construction or Rehabilitation/Substantial Rehabilitation, with or without acquisition, of affordable, safe and sanitary multifamily rental housing units.

(2) The RRLP Loans may be in a first, second, or other subordinated lien position. For purposes of this rule chapter, mortgages securing a letter of credit as credit enhancement for the bonds financing the first mortgage shall be considered a contingent liability and part of the first mortgage lien, provided that the Applicant's counsel furnishes an opinion regarding the contingent nature of such mortgage satisfactory to the Corporation and its counsel.

(3) The base loan shall be non-amortizing and shall have interest rates as follows:

(a) 0% simple interest per annum on the pro-rata portion of the base loan attributable to ELI units over the life of the loan; and

(b) 1% simple interest per annum on the pro-rata portion of the base loan attributable to non-ELI units.

(4) The supplemental loan shall be non-amortizing and shall be based on each ELI unit at 0% simple interest per annum with the principal forgivable provided the units for which the supplemental loan amount is awarded are targeted to ELI Households for at least 20 years.

(5) The annual interest payment shall be based upon the Development Cash Flow, as determined pursuant to the RRLP Cash Flow Reporting Form RRLP-1. Any distribution or payment to the Principal(s) or any Affiliate of the Principal or to the Developer or any Affiliate of the Developer, whether paid directly or indirectly, which was not expressly disclosed in determining debt service coverage in the Board approved final credit underwriting report, will be added back to the amount of cash available for the RRLP Loan interest payment, as calculated in the RRLP Cash Flow Reporting Form RRLP-1, for the purpose of determining interest due. Interest may be deferred as set forth in this rule chapter without constituting a default on the loan.

(6) If the RRLP Loan is not a first mortgage loan, each year, subject to the provisions of subsection (8) below, Development Cash Flow shall be applied to pay the following items in order of priority:

(a) All superior mortgage fees and debt service;

(b) Development Expenses on the RRLP Loan, including up to 20% of total Developer fees per year;

(c) Interest payment on RRLP Loan balance;

(d) Interest payments on the RRLP Loan deferred from previous years;

(e) Mandatory payment on subordinate mortgages.

After the full RRLP Loan interest has been paid, the Applicant shall retain all remaining monies, unless the Applicant chooses to prepay a portion of the loan balance.

(7) If the RRLP Loan is secured by a first mortgage lien, each year, subject to the provisions of subsection (8) below, Development Cash Flow shall be applied to pay the following items in order of priority:

(a) First mortgage fees and interest payment on RRLP Loan balance;

(b) Development Expenses on the RRLP Loan including up to 20% of total Developer fees per year;

(c) Interest payments on the RRLP Loan deferred from previous years;

(d) Mandatory payment on subordinate mortgages.

After the full RRLP Loan interest has been paid, the Applicant shall retain all remaining monies, unless the Applicant chooses to prepay a portion of the loan balance.

(8) The determination of Development Cash Flow, determination of payment priorities, and payment of interest on RRLP Loans shall occur annually. Any payments of accrued and unpaid interest due annually on RRLP 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 RRLP interest, such under-reporting shall constitute an event of default on the RRLP Loan. A penalty of 5% of any required payment shall be assessed.

(a) By May 31 of each year of the RRLP Loan term, the Applicant shall provide the Corporation with audited financial statements and a certification detailing the information needed to determine the annual payment to be made. However, this certification requirement will be waived until May 31 following the calendar year within which the first unit is occupied. The certification shall require submission of audited financial statements and the RRLP annual reporting form, Cash Flow Reporting Form RRLP-1, effective 6/05, which is incorporated by reference. Form RRLP-1 can be obtained from the Credit Underwriter acting as the assigned servicer or on the Corporation's Website under the 2006 Rental Recovery Loan Program link labeled Related Information and Links. The audited financial statements are to be prepared in accordance with generally accepted accounting principles for the 12 months ended December 31 and shall include:

1. Comparative Balance Sheet with prior year and current year balances;

2. Statement of revenue and expenses;

3. Statement of changes in fund balances or equity;

4. Statement of cash flows; and

5. Notes.

The financial statements referenced above should also be accompanied by a certification of the Applicant as to the accuracy of such financial statements. A late fee of \$500 will

be assessed by the Corporation for failure to submit the required audited financial statements and certification by May 31 of each year of the RRLP Loan term. Failure to submit the required audited financial statements and certification by May 31 of each year of the RRLP Loan term shall constitute an event of default on the RRLP Loan. The Applicant shall furnish to the Corporation or its servicer, unaudited statements, certified by the Applicant's principal financial or accounting officer, covering such financial matters as the Corporation or its servicer may reasonably request, including without limitation, monthly statements with respect to the Development.

(b) The Corporation servicer shall issue a billing for interest due on the RRLP Loan for the immediately preceding calendar year by July 31 of each calendar year of the RRLP Loan.

(c) The Applicant shall remit the interest due to the Corporation servicer no later than August 31 of each year of the RRLP Loan term. The first payment of RRLP interest will be due no later than August 31 following the calendar year within which the first unit is occupied. The first payment of interest shall include all interest for the period which begins accruing on the date of the first Draw and ends on December 31 of the calendar year during which the first unit is occupied.

(9) After maturity or acceleration, the Note shall bear interest at the default interest rate, pursuant to the loan documents, from the due date until paid. Unless the Corporation has accelerated the RRLP Loan, the Applicant shall pay the Corporation a late charge of 5% of any required payment that is not received by the Corporation within 15 days of the due date.

(10) Any sale, conveyance, assignment, or other transfer of interest or the grant of a security interest in all or any part of the title to the Development shall be subject to the Corporation's prior written approval.

(11) The final billing for the purpose of payoff of the RRLP Loan shall also include a billing for compliance fees to cover monitoring of RRLP Program requirements beyond the maturity date of the Note. Such fees shall be computed by determining the present value of the annual compliance monitoring fee and multiplying that by the number of years remaining in the affordability period beyond the repayment date. 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 the compliance monitoring fee covers some or all of the period following the anticipated RRLP Loan repayment date.

(12) The RRLP Loans shall be serviced either directly by the Corporation or by the servicer on behalf of the Corporation.

(13) The Corporation shall monitor compliance of all terms and conditions of the RRLP Loans and shall require that certain terms and conditions be embodied in the Land Use

Restriction Agreement and recorded in the public records of the county wherein the Development is located. Violation of any term or condition of the documents evidencing or securing the RRLP Loans shall constitute a default during the term of the RRLP Loans. The Corporation shall take legal action to effect compliance if a violation of any term or condition relative to the set-asides committed to by the Applicant is discovered during the course of compliance monitoring or by any other means.

(14) 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 November 3, 2003, which is adopted and incorporated herein by reference and available on the Corporation's Website under the 2006 Rental Recovery Loan Program link labeled Related Information and Links.

(15) The RRLP base loan term shall be for a period of 15 years or such amount of time commensurate with the investment requirements associated with the Housing Credit syndication. The term of the loan may also exceed 15 years if the lien of the Corporation's encumbrance is subordinate to the lien of another mortgagee, in which case the term may be made coterminous with the longest term of the superior lien. The supplemental loan term shall be for a period of 20 years.

(16) Upon maturity of the RRLP 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 Applicant during the RRLP Loan term;

(b) Availability of similar housing stock for the target population in the area;

(c) Documentation and certification by the Applicant that funds are not available to repay the Note upon maturity;

(d) A plan for the repayment of the loan at the new maturity date; and

(e) Assurance that the security interest of the Corporation will not be jeopardized by the extension.

(17) After accepting a preliminary commitment, the Applicant shall not refinance, increase the principal amount, or alter any terms or conditions of any mortgage superior or inferior to the RRLP mortgage without prior approval of the Corporation's Board of Directors. However, an Applicant may reduce the interest rate on any superior or inferior mortgage loan without the Board's permission, provided that no other terms of the loan are changed. The Corporation must be notified of any such change.

(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 this rule chapter are met, the original combined loan to value ratio for the superior mortgage and the RRLP mortgages is maintained or improved, and a proportionate amount of the increase in the superior mortgage is used to reduce the outstanding RRLP base loan balance. To calculate the proportionate amount of the increase in the superior mortgage which must be paid toward the reduction of the RRLP Loan balance, the following calculation shall be used: divide the amount of the original RRLP mortgage by the combined amount of the original RRLP mortgage and the original superior mortgage; then multiply the quotient by the amount of the increase in the superior mortgage after deducting refinancing costs.

(c) The Board shall deny requests for mortgage loan refinancing which require extension of the RRLP Loan term or otherwise adversely affect the security interest of the Corporation unless the criteria outlined in this rule chapter are met, the Credit Underwriter recommends that the approval of such a request is crucial to the economic survival of the Development or unless the Board determines that public policy will be better served by the extension as a result of the Applicant agreeing to further extend the Compliance Period or provide additional amenities or resident programs suitable for the resident population. Further, the Board shall limit any approved extension to a minimum term which makes the Development feasible and which does not exceed an industry standard term.

(18) All RRLP Loans shall be in conformance with applicable federal and state statutes, including the Fair Housing Act as implemented by 24 CFR Part 100, which is adopted and incorporated herein by reference and available on the Corporation's Website under the 2006 Rental Recovery Loan Program link labeled Related Information and Links, and Titles II and III of the Americans with Disabilities Act of 1990 as implemented by 28 CFR Part 35, which is adopted and incorporated herein by reference and available on the Corporation's Website under the 2006 Rental Recovery Loan Program link labeled Related Information and Links. The Corporation shall allow units dedicated to occupancy by the Elderly in a Development designed for occupancy by elderly households pursuant to authorization by HUD under the Fair Housing Amendments of 1988 as implemented by 24 CFR Part 100.

(19) All set-aside units shall be RRLP Rent-Restricted Units. A unit set aside at a particular income and rent level must house a tenant who satisfies the income requirement.



Additionally, Section 8 voucher holders may not be used to satisfy the ELI Set-Aside requirement, unless those households' vouchers are paying rents only up to the ELI rent level.

(20) The documents creating, evidencing or securing each RRLP Loan must provide that any violation of the terms and conditions described in this rule chapter constitutes a default under the RRLP Loan documents allowing the Corporation to accelerate its loan and to seek foreclosure as well as any other remedies legally available to it.

(21) A failure to pay any principal or interest due under the terms of this section shall constitute a default on the RRLP Loan.

(22) The Applicant shall provide to the Corporation an annual budget of income and expenses for the Development, certified as accurate by an officer of the Development, no later than 30 days prior to the beginning of the Development's fiscal year.

(23) The Compliance Period for a Development funded through the RRLP Program shall be, at a minimum, a period of 50 years from the date the first residential unit is occupied. For Developments which contain occupied units to be Rehabilitated/Substantially Rehabilitated, the Compliance Period shall begin not later than 60 days from the termination of the last annual lease in effect at the time of loan closing.

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s. 17 and 31, ch. 2006-69, L.O.F. History--New 7-5-06.

#### 67ER06-35 Sale or Transfer of a RRLP Development.

(1) The RRLP Loans shall be assumable upon sale or transfer of the Development if the following conditions are met:

(a) The proposed transferee meets all specific Applicant identity criteria which were required as conditions of the original loan;

(b) The proposed transferee agrees to maintain all set-asides and other requirements of the RRLP Loans for the period originally specified or longer; and

(c) The proposed transferee and release of transferor receives a favorable recommendation from the Credit Underwriter and approval by the Board of Directors of the Corporation.

(2) If the RRLP Loan is not assumed because the buyer does not meet the criteria for assumption of the loan, the loan (principal and any outstanding interest) shall be repaid from the proceeds of the sale in the following order of priority:

(a) First mortgage debt service, first mortgage fees;

(b) RRLP compliance and loan servicing fees;

(c) An amount equal to the present value of the compliance monitoring fee, as computed by the Corporation and its servicer, times the number of payment periods remaining in the affordability period beyond the repayment date. The present value discount rate shall be 2.75% per

annum. Such amount shall be reduced by the amount of any compliance monitoring fees collected by the Corporation for the Development, provided the compliance monitoring fee covers some or all of the period following the anticipated RRLP Loan repayment date.

(d) Unpaid principal balance of the RRLP Loan;

(e) Any interest due on the RRLP Loan;

(f) Expenses of the sale;

(g) If there will be insufficient funds available from the proposed sale of the Development to satisfy paragraphs (2)(a)-(f) above, the RRLP Loan shall not be satisfied until the Corporation has received:

1. An appraisal prepared by an appraiser selected by the Corporation or the Credit Underwriter indicating that the purchase price for the Development is reasonable and consistent with existing market conditions;

2. A certification from the Applicant that the purchase price reported is the actual price paid for the Development and that no other consideration passed between the parties and that the Development Cash Flow reported to the Corporation during the term of the RRLP Loan was true and accurate;

3. A certification from the Applicant that there are no Development funds available to repay the RRLP Loan, including any interest due, and the Applicant knows of no source from which funds could or would be forthcoming to pay the RRLP Loan; and

4. A certification from the Applicant detailing the information needed to determine the final billing for RRLP 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 s. 31, ch. 2006-69, L.O.F. Law Implemented s. 31, ch. 2006-69, L.O.F. History--New 7-5-06.

#### 67ER06-36 RRLP Construction Disbursements and Permanent Loan Servicing.

(1) RRLP Loan proceeds shall be disbursed during the construction phase in an amount per Draw which does not exceed the ratio of the RRLP Loan to the Total Development Cost, unless approved by the Credit Underwriter.

(2) Ten business days prior to each Draw, the Applicant shall supply the Corporation's servicer, as agent for the Corporation, with a written request executed by the Applicant for a Draw. The request shall set forth the amount to be paid and shall be accompanied by documentation specified by the Corporation's servicer including claims for labor and materials to date of the last inspection.

(3) The Corporation and its servicer shall review the request for a Draw, and the servicer shall provide the Corporation with approval of the request or an alternative recommendation, after the title insurer provides an endorsement to the policy of title insurance updating the policy to the date of the current Draw and increasing the insurance

coverage to an amount equal to the sum of all prior Draws and the current Draw, without additional exceptions, except those specifically approved in writing by the Corporation.

(4) The Corporation will disburse construction Draws through Automated Clearing House (ACH). The Applicant may request disbursement of construction Draws via a wire transfer. The Applicant will be charged a fee of \$10 for each wire transfer requested. This charge will be netted against the Draw amount.

(5) The Corporation shall elect to withhold any Draw or portion of any Draw, notwithstanding any documentation submitted by the Applicant in connection with the request for a Draw, if.

(a) The Corporation or the Corporation's servicer determines at any time that the actual cost budget or progress of construction differs from that as shown on the loan documents; or

(b) The percentage of progress of construction of the improvements differs from that shown on the request for a Draw.

(6) The servicer may request submission of revised construction budgets.

(7) If the Corporation determines that further analysis by the Credit Underwriter is required prior to the release of the final Draw, the Applicant shall pay to the Credit Underwriter a fee based on an hourly rate determined pursuant to the contract between the Corporation and the Credit Underwriter.

(8) Retainage in the amount of 10% 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 RRLP Loan agreement.

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s. 31, ch. 2006-69, L.O.F. History—New 7-5-06.

### PART III HOUSING CREDIT PROGRAM

67ER06-37 HC General Program Procedures and Requirements.

In order for a Development to qualify for Competitive 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 IRC and federal regulations issued pursuant thereto and in effect at the time of the Funding Cycle. Noncompliance, outside of the compliance cure period, by an Applicant, or any Principal, Affiliate or Financial Beneficiary of an Applicant or Developer shall result in disqualification from participation in this Funding Cycle and for a period of not less than one year. The Applicant and its Principals, Affiliates and Financial Beneficiaries will continue to be ineligible to participate in future Funding Cycles until such time as all noncompliance issues are cured.

(2) Each Housing Credit Development shall comply with the minimum Housing Credit Set-Aside provisions, as specified in Section 42(g)(1) of the IRC, with respect to the reservation of 20% 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 Set-Aside requirements outlined in the RRLP Application instructions.

(3) The Development shall provide safe, sanitary and decent residential rental housing and shall be developed, constructed and operated in accordance with the commitments made and the facilities and services described in the Application at the time of submission to the Corporation. Applications will not be considered approved to receive an allocation of Housing Credits until the Corporation issues a Preliminary Allocation to the Applicant and all contingencies of such documents are satisfied. Allocations are further contingent on the Applicant complying with its Application commitments, this rule chapter and Section 42 of the IRC.

(4) All of the dwelling units within a Development shall be rented or available for rent on a continuous basis to members of the general public. The owner of the Development shall not give preference to any particular class or group in renting the dwelling units in the Development, except to the extent that dwelling units are required to be rented to Eligible Persons. All Developments must comply with the Fair Housing Act as implemented by 24 CFR Part 100, Section 504 of the Rehabilitation Act of 1973 and Titles II and III of the Americans with Disabilities Act of 1990 as implemented by 28 CFR Part 35, which are adopted and incorporated herein by reference and available on the Corporation's Website under the 2006 Rental Recovery Loan Program link labeled Related Information and Links.

(5) Each Housing Credit Development that receives a Carryover Allocation Agreement shall complete the Final Cost Certification Application within 75 Calendar Days after all the buildings in the Development have been placed in service. The Corporation may grant extensions for good cause upon written request.

(6) The Final Cost Certification Application (Form FCCA) shall be used by an Applicant to itemize all expenses incurred in association with construction or Rehabilitation of a Housing Credit Development, including Developer's and General Contractor's fees as described in this rule chapter. Such form shall be completed, executed and submitted to the Corporation, along with the executed Extended Use Agreement, IRS Forms 8821 for all Financial Beneficiaries, a copy of the syndication agreement disclosing the rate and all terms, the required certified public accountant opinion letter, an unqualified audit report prepared by an independent certified public accountant,

photographs of the completed Development, the monitoring fee, and documentation of the placed-in-service date as specified in the Form FCCA instructions. The Final Housing Credit Allocation will not be issued until such time as all required items are received and processed by the Corporation. The Final Cost Certification Application is adopted and incorporated herein by reference, effective January 2005, and is available on the Corporation's Website under the 2006 Rental Recovery Loan Program link labeled Related Information and Links or by contacting the Housing Credit Program at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1321. IRS Form 8821, Rev. April 2004, is adopted and incorporated herein by reference and available on the Corporation's Website under the 2006 Rental Recovery Loan Program link labeled Related Information and Links.

(7) After the final evaluation and determination of the Housing Credit Allocation amount has been made by the Corporation and the Extended Use Agreement has been executed in accordance with this rule chapter, the Forms 8609 are issued to the Applicant of the Housing Credit Development. IRS Low-Income Housing Credit Allocation Certification Form 8609, Rev. December 2005, is adopted and incorporated herein by reference and available on the Corporation's Website under the 2006 Rental Recovery Loan Program link labeled Related Information and Links. The Corporation will issue only one complete set of Forms 8609 per Development which will be no earlier than total Development completion and the Corporation's acceptance and approval of the Development's Final Cost Certification Application.

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s. 31, ch. 2006-69, L.O.F. History-New 7-5-06.

#### 67ER06-38 HC Carryover Allocation Provisions.

(1) If an Applicant cannot complete its Development by the end of the year in which the Preliminary Allocation is issued, the Applicant must enter into a Carryover Allocation Agreement with the Corporation by December 29th of the year in which the Preliminary Allocation is issued. The Carryover Allocation allows the Applicant up to the end of the second year following the Carryover Allocation to have the Development placed-in-service.

(2) An Applicant shall have tax basis in the Housing Credit Development which is greater than 10% of the reasonably expected basis in the Housing Credit Development within six months of the date of the execution of the Carryover Allocation Agreement or the Housing Credits will be deemed to be returned to the Corporation. Certification that the Applicant has met the greater than 10% basis requirement shall be signed by the Applicant's attorney or certified public accountant.

(3) All supporting Carryover documentation and the signed certification evidencing the required basis must be submitted to the Corporation within six months of the date of the execution of the Carryover Allocation Agreement or the Housing Credits will be deemed to be returned.

(4) The Applicant for each Development for which a Carryover Allocation Agreement has been executed shall submit quarterly progress reports to the Corporation using Progress Report Form Q/M Report, which will be provided by the Corporation. If the Form Q/M Report does not demonstrate continuous and adequate development and construction progress, the Corporation will require monthly submission of Form Q/M Report until satisfactory progress is achieved, until the Development is placed in service, or until a determination is made by the Corporation that the Development cannot be placed in service by the Carryover deadline and the Housing Credits are returned to the Corporation in accordance with the terms of the Carryover Allocation Agreement. Form Q/M Report shall include a written statement describing the current status of the Development; the financing, construction and syndication activity since the last report; the reasons for any changes to the anticipated placed-in-service date; and any other information relating to the status of the Development which the Corporation may request. The first report shall be due to the Corporation by the first Monday in April of the calendar year following Carryover qualification.

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s. 31, ch. 2006-69, L.O.F. History-New 7-5-06.

#### 67ER06-39 HC Extended Use Agreement.

(1) Pursuant to Section 42(h)(6) of the IRC, the Applicant and the Corporation shall enter into an Extended Use Agreement. The purpose of the Extended Use Agreement is to set forth the Housing Credit Extended Use Period, the Compliance Period, and to evidence commitments made by the Applicant in the Application. Such commitments, for example, include the Housing Credit Set-Aside commitment, resident programs, and Development amenities.

(2) The following provisions shall be included in the Extended Use Agreement:

(a) The Applicable Fraction for Housing Credit Set-Aside units for each taxable year in the Housing Credit Extended Use Period shall not be less than the Applicable Fraction;

(b) Eligible Persons occupying set-aside units shall have the right to enforce in any state of Florida court the extended use requirement for set-aside units;

(c) The Extended Use Agreement shall be binding on all successors and assigns of the Applicant; and

(d) The Extended Use Agreement shall be executed prior to the issuance of a Final Housing Credit Allocation to an Applicant. Following execution, the Extended Use Agreement shall be recorded pursuant to Florida law as a restrictive covenant.

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s. 31, ch. 2006-69, L.O.F. History–New 7-5-06.

67ER06-40 Sale or Transfer of a Housing Credit Development.

An owner of a Housing Credit Development, its successor or assigns which has been granted a Final Housing Credit Allocation shall not sell the Housing Credit Development without having first notified the Treasury of the impending sale and complying with the Treasury’s procedure or procedures for completing the transfer of ownership and utilizing the Housing Credit Allocation. The owner of a Housing Credit Development shall notify the Corporation in writing of an impending sale and of compliance with any requirements by the Treasury for the transfer of the Housing Credit Development. The owner of a Housing Credit Development shall notify the Corporation in writing of the name and address of the party or parties to whom the Housing Credit Development was sold within 14 Calendar Days of the transfer of the Housing Credit Development.

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s. 31, ch. 2006-69, L.O.F. History–New 7-5-06.

67ER06-41 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. Pursuant to Section 42(h)(6)(E)(ii) of the IRC, the termination of an Extended Use Agreement shall not be construed to permit the termination of a tenancy, the eviction of any existing resident of any set-aside unit, or any increase in the gross rent with respect to any set-aside unit before the close of the three-year period following such termination. In no case shall any portion of a Housing Credit Development be disposed of prior to the expiration of the Extended Use Agreement.

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s. 31, ch. 2006-69, L.O.F. History–New 7-5-06.

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

**DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE IS HEREBY GIVEN that the Department of Community Affairs received a Petition for Waiver on June 22, 2006, from Citrus County. The petitioner seeks a waiver of subsection 9B-43.014(4), Fla. Admin. Code, with respect to the requirement that the county hold a public hearing prior to amending its subgrant activities work plan. The petition for waiver is being applied for under Chapter 120.542, F.S.

A copy of the Petition, which has been assigned the number DCA06-WAI-159, may be obtained by writing: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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

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

**WATER MANAGEMENT DISTRICTS**

NOTICE IS HEREBY GIVEN that on June 23, 2006, South Florida Water Management District (District) received a petition for waiver from Richard F. Rendina, Application No. 06-0623-2, for utilization of Works or Lands of the District known as the C-51 Canal, Palm Beach County for three (3) existing culverts within the north right of way of C-51 between Dixie Highway and the Florida East Coast Railway, Section 16, Township 44 South, Range 43 East. The petition seeks relief from paragraph 40E-6.221(2)(j), Fla. Admin. Code, which governs the invert elevation for culverts within Works or Lands of the District.

A copy of the petition may be obtained from: Kathie Ruff, (561)682-6320 or e-mail at [kruff@sfwmd.gov](mailto:kruff@sfwmd.gov). The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn.: Kathie Ruff, Office of Counsel.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that on June 13, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.0101(1) and 61C-4.010(6), Florida Administrative Code, from Costa Azul Catering located in Fort Pierce. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

This variance request was approved June 21, 2006, and is contingent upon Petitioner’s use of open-air steam table is properly covered and air curtain is operating properly according to manufacturer’s specifications and Section 6-202-15(D)(2), 2001 FDA Food Code, as to expel possible contaminants and vermin. Approval is also contingent upon

Petitioner conducting all re-heating for hot holding at approved commissaries to the proper temperature per Section 3-403.11, 2001 FDA Food Code; and potentially hazardous food is held at proper temperatures according to Section 3-501.16, 2001 FDA Food Code.

The Petitioner shall strictly adhere to subsection 61C-4.0161(1)(c), Florida Administrative Code, and report to the commissary at least once daily when operating. All warewashing is to be conducted at the commissary and strict adherence to employee health guidelines as specified in the Section 2-201, 2001 FDA Food Code, are to be followed. Petitioner shall also use a potable water tank and utilize a wastewater holding tank that is at least 15% larger than the potable water holding tank; and sloped to a drain that is 1 inch in inner diameter or greater, equipped with a shut-off valve. Petitioner must receive potable water from an approved source with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours.

Copies of the variance and operating procedures are to be present on each MFDV at all times of operation and shall be adhered to as approved by the Division. This variance is not transferable under any conditions. All provisos must be complied prior to final approval and licensing. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

NOTICE IS HEREBY GIVEN that on June 15, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Maw Maw's Country Kitchen located in Sandestin. The above referenced F.A.C. states ...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated..... The proposed establishment does not have bathroom facilities for patrons. They are requesting a variance to have a seating capacity of 60 and use public bathroom facilities located in the village of Baytowne Wharf.

This variance request was approved June 21, 2006, and is contingent upon Petitioner notifying guests to the location of the public bathroom facilities by directional signage, the public bathrooms have running water at all times, operate in a clean and sanitary manner, provided with soap and an approved method to dry hands. Petitioner will have no more than sixty (60) seats in the establishment, which includes any outside seating. All provisos must be complied prior to final approval and licensing. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

NOTICE IS HEREBY GIVEN that on June 8, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance Request for subsection 61C-4.010(7), Florida Administrative Code, from 903 Mills Market located in Orlando. The above referenced Florida Administrative Code states that each food service establishment must maintain a minimum of one public bathroom for each sex, properly designated.... They are requesting a variance to use the one bathroom facility located in the establishment and have seating for fifty (50).

This variance request was approved June 21, 2006, and is contingent upon Petitioner ensuring the public restroom inside 903 Mills Market is functional, has hot and cold running water at all times, provided with soap and an approved method to dry hands, and kept in a clean and sanitary manner. Seating shall not exceed forty-two (42) which includes inside and outside seating. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

NOTICE IS HEREBY GIVEN that on June 19, 2006, the Division of Hotels and Restaurants received a Petition for a Routine Variance Request for subsection 61C-4.010(7), Florida Administrative Code, from Yummy located in Oakland Park. The above referenced Florida Administrative Code states that each food service establishment must maintain a minimum of one public bathroom for each sex, properly designated.... They are requesting a variance to use the one bathroom facility located in the establishment and have seating for twenty (20).

This variance request was approved June 21, 2006, and is contingent upon Petitioner ensuring the public restroom inside Yummy's is functional, has hot and cold running water at all times, provided with soap and an approved method to dry hands, and kept in a clean and sanitary manner. Seating shall not exceed twenty (20) which includes inside and outside seating. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

NOTICE IS HEREBY GIVEN that on June 6, 2006, the Division of Hotels and Restaurants received a Petition for a Routine Variance Request for subsection 61C-4.010(7), Florida Administrative Code, from Costello's Catering & Deli located in Sanford. The above referenced Florida Administrative Code states that each food service establishment must maintain a minimum of one public bathroom for each sex, properly designated.... They are requesting a variance to use the one bathroom facility located in the establishment and have seating for thirty (30).

This variance request was approved 6/21/2006, and is contingent upon Petitioner ensuring the public restroom inside Costello's Catering & Deli is functional, has hot and cold running water at all times, provided with soap and an approved method to dry hands, and kept in a clean and sanitary manner. Seating shall not exceed thirty (30) which includes inside and outside seating. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

NOTICE IS HEREBY GIVEN that on June 19, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.0161(1)(c), Florida Administrative Code, from Brevard Zoo located in Melbourne. The above referenced F.A.C. addresses potable water supply and adequate facilities for the disposal of liquid and solid waste. They are requesting a temporary variance, four months, to operate a mobile unit with fresh and wastewater tanks for potable water and sewage disposal until the permanent structure is remodeled.

This variance request was approved June 21, 2006, and is for only four months from the date the approved variance is date stamped by the Agency Clerk. Wastewater holding tanks(s) are to be emptied as needed as to prevent a sanitary nuisance. Approval is also contingent upon Petitioner strictly adhering to the following operating procedures: supply for potable water tank must be from an approved source; sanitize fresh water and wastewater tanks at least once every 24 hours with an approved sanitizer. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

NOTICE IS HEREBY GIVEN that on June 20, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.0101(1), and 61C-4.010(6), Florida Administrative Code, from Fausto Catering. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

The Board of Accountancy hereby gives notice that it has received an emergency petition, filed on June 20, 2006, by Hope J. Barron, seeking a variance or waiver of subsection 61H1-33.006(2), Florida Administrative Code, and the requirement that inactive licensees must satisfy the requirements of their last reestablishment period, plus complete at least 32 additional hours due to the license being inactive.

Comments on this petition should be filed with the: Board of Accountancy/MQA, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, within 14 days of publication of this notice.

For a copy of the petition, contact: John Johnson, Division Director, Board of Accountancy, at the above address or by telephone at (352)333-2505.

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

## Section VI Notices of Meetings, Workshops and Public Hearings

#### DEPARTMENT OF STATE

The **Department of State, Division of Library and Information Services** announces a State Library Council Meeting. All persons are invited.

DATE AND TIME: Wednesday, August 23, 2006, 8:00 a.m. – 9:00 a.m.

PLACE: Homewood Suites, 2987 Apalachee Parkway, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: The council will review and discuss programs and issues related to the Division of Library and Information Services. As a side item of the Council meeting, the Friends of the State Library and Archives of Florida Inc., Board of Directors and State Library Council members will discuss the progress of the newly formed community support organization and review its membership promotional brochure.

For additional information contact: Judith A. Ring, State Librarian, (850)245-6600 or Suncom 205-6600.

Any person requiring special accommodations due to a disability or physical impairment should contact the agency at least five days prior to the meeting in order to request any special assistance by calling (850)245-6600 or TDD (850)922-4085.

The **Department of State, Division of Library and Information Services** announces a joint orientation meeting of the State Historical Records Advisory Board, the Library Services and Technology Act Advisory Council, the State Library Council, and the Florida Library Network Council. All persons are invited.

DATE AND TIME: Wednesday, August 23, 2006, 9:00 a.m. – 5:00 p.m.

PLACE: Main Meeting: Homewood Suites, 2987 Apalachee Parkway, Tallahassee, Florida 32301. There will also be transport to the State Records Center, 4319 Shelfer Road, Tallahassee, FL 32399; the Legislative Library, Room 701, the Capitol, Tallahassee, FL 32399; and the R. A. Gray Building, State Library and Archives reference areas, 500 South Bronough Street, Tallahassee, Florida 32399.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Advisory Board and Council members will hear about programs and services offered by the State Library and Archives of Florida, and tour the State Records Center, the Legislative Library, the State Library, and the State Archives.

For additional information contact: Judith Ring, State Librarian, (850)245-6600 or Suncom 205-6600.

Any person requiring special accommodations due to a disability or physical impairment should contact the agency at least five days prior to the meeting in order to request any special assistance by calling (850)245-6600 or TDD (850)922-4085.

The Florida **Department of State** announces that the Director of the **Division of Elections** shall, pursuant to Section 105.041(2)(b), Florida Statutes, conduct a drawing of the lot for the purpose of determining the order in which the names of the judicial candidates who qualify between 12:00 Noon, on July 17, 2006, and 12:00 Noon on July 21, 2006, are to appear on the ballot. The drawing of the lot shall occur on the following time, date, and location to which the public is invited to attend.

DATE AND TIME: Friday, July 21, 2006, 4:00 p.m.

PLACE: Division of Elections, 3rd Floor, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Lot drawing for ballot order of candidate names for circuit judgeships. A list of the candidates' names for circuit judge is available by contacting: Kristi Bronson, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399, (850)245-6500.

Pursuant to Section 286.26, Florida Statutes, any persons with disabilities who wish to attend this public drawing should contact the agency at least 48 hours in advance in order to request special assistance.

#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services, Division of Forestry** announces a meeting of the Off-Highway Vehicle Recreation Advisory Committee which is open to all interested persons.

DATE AND TIME: Friday, August 4, 2006, 10:00 a.m. – 3:00 p.m. (EST)

PLACE: Palmetto Golf Course, 9300 S. W. 152nd Street, Miami, FL 33157

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the Off-Highway Vehicle Recreation Advisory Committee.

A copy of the agenda may be obtained by contacting: John Waldron, 3125 Conner Blvd., Tallahassee, FL 32399, (850)414-9852.

The **Department of Agriculture and Consumer Services** announces a conference call meeting of the Florida Aquaculture Review Council. Guests and other parties interested in participating should meet at the Division of Aquaculture at the appointed time.

DATE AND TIME: August 16, 2006, 9:00 a.m.

PLACE: Division of Aquaculture, Conference Room, 1203 Governor's Square Boulevard, 5th Floor, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss issues affecting the growth of aquaculture in Florida.

A copy of the agenda can be obtained by contacting: Karen Metcalf, 1203 Governor's Square Boulevard, Tallahassee, FL 32301, (850)488-4033.

If special accommodations are needed to attend this meeting because of disability, please contact Karen Metcalf as soon as possible.

#### DEPARTMENT OF EDUCATION

The **University of South Florida**, Louis de la Parte Florida Mental Health Institute announces The Florida Medicaid Drug Therapy Management Program for Behavioral Health Executive and Advisory Committee Meetings to which all persons are invited.

DATE AND TIME: Tuesday, July 25, 2006, Executive Committee Meeting, 10:00 a.m. – 12:00 Noon; Advisory Committee Meeting, 1:00 p.m. – 3:00 p.m.

PLACE: Florida Agency for Health Care Administration, AHCA Building 3, 2727 Mahan Drive, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Report on the progress of the program and its impact, and receive advice regarding implementation strategies.

Accommodations for Disabilities: Persons with a documented disability requesting reasonable accommodations should contact: Marie McPherson, Department of Mental Health Law and Policy, 13301 Bruce B. Downs Blvd., Tampa, FL 33612, (812)974-5378 or email mmcpherson@fmhi.usf.edu at least 5 days in advance of the meeting. Persons with hearing or speech impairments should also contact Marie McPherson by using the Florida Relay System at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

The **Department of Education, Division of Blind Services** announces State Committee of Vendors, 3rd Quarterly Meeting to which all interested persons are invited.

DATES AND TIMES: August 4, 2006, 8:00 a.m. – 5:00 p.m., with an evening session is required; August 5, 2006, 8:00 a.m. – 12:00 Noon

PLACE: Embassy Suites Hotel, 8978 International Drive, Orlando, Florida 32819, (800)433-7275

Agenda:

- Business Enterprises Reports
- Selection Process
- Grievance Process
- Other Business Enterprises Topics

State Committee of Vendors

- Transfer and Promotions Sub-Committee Report
- Training and Re-Training Sub-Committee Report
- Audit and Budget Sub-Committee Report Sub-Committee
- Marketing Sub-Committee Report
- Facility Development Sub-Committee Report
- Grievance Sub-Committee Report
- Round Table General Topics by District

#### DEPARTMENT OF TRANSPORTATION

The Florida **Department of Transportation**, District One announces a Public Hearing to which all persons are invited.

DATE AND TIMES: Thursday, August 10, 2006; Open House – 6:00 p.m.; Formal Presentation – 7:00 p.m.

PLACE: KOA Convention Center (North Room), 4276 Highway 441, South, Okeechobee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to allow interested persons an opportunity to express their views concerning the location, conceptual design, and social, economic, and environmental effects of the proposed four-laning of State Road 70 from NE 34th Avenue to N. E. 128th Avenue (Berman Road), in

Okeechobee County, a distance of approximately 7.0 miles; Financial Project ID: 196904-1-22-01, Federal Project ID: 1503-035-P.

Anyone needing project information, a copy of the hearing agenda, or special accommodations under the Americans with Disabilities Act of 1990 may contact: Scott McCall, Project Manager, Florida Department of Transportation, P. O. Box 1249, Bartow, FL 33831, (863)519-2990, [scott.mccall@dot.state.fl.us](mailto:scott.mccall@dot.state.fl.us) at least seven days prior to the public hearing.

#### BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

#### DEPARTMENT OF CITRUS

The **Department of Citrus** announces a public meeting of the Citrus Harvesting Research Advisory Council to which all persons are invited.

DATE AND TIME: Thursday, July 20, 2006, 1:30 p.m.

PLACE: Sebring Agri-Civic Center, 4509 George, Blvd., Sebring, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet to review current industry research and identified research priorities, and have CHRAC identify where the “gaps” are perceived to be and to discuss any other matters which might relate to this committee.

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. Bill Jones at the above address or by telephone at (863)499-2499.

#### EXECUTIVE OFFICE OF THE GOVERNOR

The **Governor’s Ex-offender Task Force** announces weekly administrative Conference Calls. There will be a new phone number.

DATES AND TIME: Ongoing – Each Thursday, 4:00 p.m. – 5:30 p.m.

PLACE: The new number is (850)488-0979

The next meeting of the **Governor’s Ex-offender Task Force** will be:

DATE AND TIME: Monday, July 31, 2006, 9:00 a.m. – 5:00 p.m.



PLACE: The Capitol, Room 27LL, House Office Building, Tallahassee, FL

The **Governor's Faith-Based and Community Advisory Board's Disaster Subcommittee** announces a public meeting to which all persons and interested media are invited, except as provided under Section 288.9551, Fla. Stat. (2003).

DATE AND TIME: Wednesday, July 26, 2006, 3:00 p.m.

PLACE: Conference call (850)414-1706; Leader: Jody Hill, Chair

GENERAL SUBJECT MATTER TO BE CONSIDERED: At this meeting, the Subcommittee will discuss the goals/objectives of this newly formed subcommittee, as well as discuss other pending issues.

For a copy of the agenda and more information about how to attend the meeting contact: Mark Nelson, mark.nelson@vffund.org or (850)413-0909.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to participate in this meeting in order to request any needed special assistance should contact jennie.hopkins@myflorida.com at least 48 hours in advance of the meeting.

The **Governor's Office of General Counsel** announces a public hearing to which all persons are invited.

DATE AND TIME: August 10, 2006, 10:00 a.m.

PLACE: Room 309, the Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held pursuant to Section 147 of the Internal Revenue Code of 1986, as amended, to afford interested persons the opportunity to express their views, both oral and written, regarding the proposed issuance of up to \$500,000,000 aggregate principal amount of tax-exempt Educational Loan Revenue Bonds (the "Bonds") by Educational Funding of the South, Inc. (the "Corporation"). The proceeds of the Bonds proposed to be issued will be used primarily (i) to finance the acquisition of certain qualified educational loans made under the federal Higher Education Act of 1965, as amended, to students or parents of students residing in the State of Florida or attending institutions of post-secondary education, (ii) to refund certain prior indebtedness incurred for such purposes, (iii) to fund a debt service reserve fund, and (iv) to pay costs associated with the issuance of the Bonds.

Persons wishing to submit only written comments should deliver or mail such written comments to the Corporation at the address below so that they are received prior to the commencement of the public hearing.

Anyone needing special accommodations under the Americans with Disabilities Act of 1990 should write to the address given below or call Missy Markis, (904)998-3840. Special

accommodation requests under the Americans with Disabilities Act should be made at least 48 hours prior to the public hearing.

Written comments and requests for copies of the agenda should be directed to: Missy Markis, Educational Funding of the South, Inc., 10245 Centurion Parkway, North, Ste. 108, Jacksonville, Florida 32256, Fax (904)998-0812.

## REGIONAL PLANNING COUNCILS

The **Northeast Florida Regional Council**, Local Emergency Preparedness Committee announces the following public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 16, 2006, 10:00 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting.

A copy of the agenda may be obtained by contacting the: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will have to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Individuals needing materials in alternate format, sign language interpreter, or other meeting information, call Jeanie Palmer, (904)279-0880, ext. 146, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting

The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: July 21, 2006, 10:00 a.m. – 1:00 p.m.

PLACE: The Richardson Center, Indian River Community College, Mueller Campus, 6155 College Lane, Vero Beach, FL 32966

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to discuss the potential for passenger transit along the FEC Rail Corridor.

A copy of the Agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or

she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (772)221-4060, at least 48 hours before the meeting.

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The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: August 18, 2006, 9:30 a.m.

PLACE: Core Communities Town Hall, 10799 Civic Lane, Port St. Lucie, FL 34987

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the monthly meeting of the Council.

A copy of the Agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council 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 indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (772)221-4060, at least 48 hours before the meeting.

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The **Apalachee Regional Planning Council** announces a public meeting to which all persons are invited. In addition to its regular business, the agenda will include the review of any Local Government Plan Amendment(s) received in a timely manner.

DATE AND TIME: Thursday, July 27, 2006, 10:30 a.m. (Eastern Time), 9:30 a.m. (Central Time)

PLACE: Holiday Inn Select, 316 W. Tennessee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold the regular monthly meeting of the Apalachee Regional Planning Council's Board of Directors.

An agenda may be obtained by writing: Apalachee Regional Planning Council, 20776 Central Avenue, East, Suite 1, Blountstown, FL 32424 or calling (850)674-4571.

If special accommodations at the meeting are required because of a disability or impairment, please contact Council Offices, (850)674-4571, prior to the meeting.

If any person desires to appeal any decision with respect to any matter considered at the above-cited meeting, such person will need a record of the proceedings. For such purpose, he/she will

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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### COMMISSION ON ETHICS

The **Commission on Ethics** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Friday, July 28, 2006, 8:30 a.m.

PLACE: The Knott Building, 111 W. St. Augustine Street, Room 412, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

A copy of the agenda may be obtained by writing to: Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709. Meeting materials also will be available from 8:00 a.m. to 5:00 p.m., Monday through Friday at 3600 Maclay Blvd., S., Suite 201, prior to the meeting.

If a person decides to appeal any decision made by the Commission with respect to a matter considered at this meeting, he will need a record of the proceeding, and for such purpose he may need to ensure that a verbatim record of this proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Commission at least 48 hours before the meeting by contacting the Commission on Ethics, (850)488-7864. If you are hearing or speech impaired, please contact the Commission by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD).

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### METROPOLITAN PLANNING ORGANIZATION ADVISORY COUNCIL

The Florida **Metropolitan Planning Organization Advisory Council** (MPOAC) announces a meeting of the Staff Directors' Advisory Committee to which all persons are invited.

DATE AND TIME: July 27, 2006, 12:00 Noon – 3:00 p.m.

PLACE: Crowne Plaza Orlando Airport Hotel, 5555 Hazeltine National Drive, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Activities related to transportation planning within and adjacent to metropolitan areas in Florida carried out by local, state, and federal agencies.

A copy of the agenda may be obtained by contacting: Brigitte Messina, MPOAC, 605 Suwannee Street, MS 28B, Tallahassee, FL 32399-0450, 1(866)374-3368, ext. 4037, or e-mail [brigitte.messina@dot.state.fl.us](mailto:brigitte.messina@dot.state.fl.us)

**WATER MANAGEMENT DISTRICTS**

The **Northwest Florida Water Management District** announces public meetings to which all persons are invited.

DATE AND TIME: July 27, 2006, 11:00 a.m. (EDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: District Lands Committee meeting – to consider land management and acquisition matters.

DATE AND TIME: July 27, 2006, 11:30 a.m. (EDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regulations Committee meeting – to discuss updates on the Environmental Resource Permitting implementation.

DATE AND TIME: July 27, 2006, 1:00 p.m. (EDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Governing Board meeting – to consider District Business.

DATE AND TIME: July 27, 2006, 1:15 p.m. (EDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing for the Consideration of Regulatory Matters.

DATE AND TIME: July 27, 2006, 1:30 p.m. (EDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing for Consideration of Land Acquisition Matters.

PLACE: District Headquarters, 10 miles West of Tallahassee on U.S. Highway 90

A copy of the agendas may be obtained by contacting: Dorothy Cotton, NWFWM, 81 Water Management Drive, Havana, Florida 32333, (850)539-5999 (also available through the Internet at [www.nwfwmd.state.fl.us](http://www.nwfwmd.state.fl.us)).

If any person decides to appeal any decision with respect to any matter considered at the above-cited meetings, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities or handicaps who need assistance or reasonable accommodation in order to participate in these meetings should contact: Larry Wright, at the District at least 72 hours in advance of these meetings to make appropriate arrangements.

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meetings to which all interested persons are invited.

**ORIENTATION FOR NEWLY APPOINTED BASIN BOARD MEMBERS**

DATE AND TIME: Wednesday, July 26, 2006, 9:00 a.m.

PLACE: Tampa Service Office, 7601 U.S. 301, North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Familiarize new Basin Board members on District issues, purpose, processes, and procedures.

These are public meetings; agendas are available by contacting the: Southwest Florida Water Management District, Executive Department, 2379 Broad Street, Brooksville, FL.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), extension 4606, TDD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: Tuesday, August 15, 2006, 9:00 a.m. – 4:00 p.m.

PLACE: The South Florida Water Management Headquarters, B-1 Building, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Impacts of Long-term Climate Changes on Regional Modeling.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwm.d.gov/site/index.php?id=830>) or (2) by writing to the: South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Pattie Fulton, Hydrologic and Environmental Systems Modeling Department, (561)682-6154 or email [pfulton@sfwm.d.gov](mailto:pfulton@sfwm.d.gov), District Headquarters, 3301 Gun Club Road, Mail Stop Code 4540, West Palm Beach, FL 33406.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

The **Agency for Health Care Administration** announces a meeting of the State Consumer Health Information and Policy (SCHIP) Health Plan Consumer Report Technical Workgroup to which all interested parties are invited.

DATE AND TIME: Wednesday, July 19, 2006, 10:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, First Floor, Conference Rooms, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of key health care stakeholders to discuss issues relating to implementing Florida Statutes mandating transparency in health care through public reporting of health care data.

A copy of the agenda may be obtained by writing to: Penny Bos, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The agenda will also be posted at [http://ahca.myflorida.com/SCHS/chistwv\\_hpcr.shtml](http://ahca.myflorida.com/SCHS/chistwv_hpcr.shtml) seven (7) days prior to the meeting.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact William Dahlem, Ph.D., (850)410-0224, at least five calendar days prior to the meeting.

The **Agency for Health Care Administration** announces a meeting of the State Consumer Health Information and Policy (SCHIP) Physicians Data Technical Workgroup to which all interested parties are invited.

DATE AND TIME: Tuesday, July 25, 2006, 10:00 a.m.

PLACE: The University of South Florida, College of Public Health, Room 2024, 13201 Bruce B. Downs Boulevard, Tampa, FL 33612

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of key health care stakeholders to discuss issues relating to implementing Florida Statutes mandating transparency in health care through public reporting of health care data.

A copy of the agenda may be obtained by writing to: Penny Bos, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The agenda will also be posted at [http://ahca.myflorida.com/SCHS/chistwv\\_pd.shtml](http://ahca.myflorida.com/SCHS/chistwv_pd.shtml) seven (7) days prior to the meeting.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact: Arlesia Brock, Ph.D., (850)922-5569, at least five calendar days prior to the meeting.

The **Agency for Health Care Administration** announces a meeting of the Variations Working Group of the Governor's Health Information Infrastructure Advisory Board to which all interested parties are invited.

DATE AND TIME: Wednesday, July 26, 2006, 11:00 a.m.

PLACE: USF Downtown Center, 1101 Channelside Drive, Tampa, Florida 33602. Anyone interested in participating may telephone (641)793-7500 / Pass Code: 9701442#.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To study and make recommendations on the development and implementation of a Florida health information infrastructure including a strategy for promoting the use of electronic health records.

A copy of the agenda may be obtained by writing to: Pia Neustadter, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The agenda will be posted at [http://ahca.myflorida.com/dhit/Privacy\\_ss.shtml](http://ahca.myflorida.com/dhit/Privacy_ss.shtml) seven (7) days prior to the meeting.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Carolyn H. Turner, (850)922-5861, at least five calendar days prior to the meeting.

The **Agency for Health Care Administration** announces a meeting of the Organ and Tissue Donor Education Panel.

DATE AND TIME: July 26, 2006, 1:00 p.m. – 5:00 p.m.

PLACE: Hurston State Office Building, South Tower, First Floor, Conference Room "B", 400 W. Robinson St., Orlando, Florida, 32801-1976

GENERAL SUBJECT MATTER TO BE CONSIDERED: The organ donor education statewide training initiative and proposed improvements to the donor registration process.

CONTACT PERSON: Mr. Kenneth Arnold, Agency for Health Care Administration, Mail Stop #37, 2727 Mahan Drive, Tallahassee, FL 32308, (850)414-0359 or (850)487-3109.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Mr. Arnold at least five (5) calendar days prior to the meeting. A copy of the agenda may also be obtained from Mr. Arnold.

NOTICE OF CANCELLATION – The **Agency for Health Care Administration** announces the cancellation of the Medicaid Reform Technical Advisory Panel meeting which was scheduled for July 14, 2006, at 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, FL 32308.

#### DEPARTMENT OF MANAGEMENT SERVICES

The **Department of Management Services** announces a workshop to which all person are invited.

DATE AND TIME: August 3, 2006, 2:00 p.m.

PLACE: Room 101, 4050 Esplanade Way, Tallahassee, Florida 32399-0950

GENERAL SUBJECT AREA TO BE ADDRESSED: To consider amendments to the Rules listed above, in light of appeals from the current campaign cycle and in light of recent legislation. Scope and Purpose of Chapter 60L-39, General Requirements, Statewide Steering Committee, Eligibility Criteria for Participation by Charitable Organizations, Application Procedures, Duties and Responsibilities of Fiscal Agent and Appeals.

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should advise the Department at least 2 calendar days before the workshop, by contacting Marta McPherson, (850)488-2707.

The person to be contacted regarding the workshop is: John Kuczwanski, Chairman, Florida State Employees Charitable Campaign, Department of Management Services, 4050 Esplanade Way, Suite 280, Tallahassee, Florida 32399-0950, (850)413-7448, [John.Kuczwanski@MyFlorida.com](mailto:John.Kuczwanski@MyFlorida.com)

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## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Board of Accountancy** announces the following public meeting of the Minority Scholarship Council to which all person are invited.

DATE AND TIME: Tuesday, August 8, 2006, 9:00 a.m.

PLACE: Conference call

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider the applications for scholarships. This is a public meeting.

A copy of the agenda may be obtained by writing to: Veloria Kelly or Trecia Jenkins, Division of Certified Public Accounting, 240 N. W. 76th Drive, Suite A, Gainesville, Florida 32607.

NOTE: If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act any person requiring special accommodations to participate in this workshop/hearing/meeting by contacting Veloria Kelly or Trecia Jenkins, (352)333-2505. If you are hearing or speech impaired, please contact the agency by calling (800)955-8711.

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Notice is hereby given by the **Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes**, of a meeting of the Advisory Council on Condominiums.

DATE AND TIME: July 27, 2006, 1:00 p.m. – 6:00 p.m. (or until business is completed)

PLACE: City of Jacksonville Beach Council Chambers, 11 North 3rd Street, Jacksonville Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public input and conduct general business of the Advisory Council.

AGENCY CONTACT PERSON: Carol Windham, Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, 1940 North Monroe, Tallahassee, Florida 32399-1032, (850)488-1631.

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 Carol Windham,

Government Analyst, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 TDD.

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Notice is hereby given by the **Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes**, of four town hall meetings.

DATE AND TIME: Thursday, July 27, 2006, 6:00 p.m. – 8:00 p.m. (or earlier, if public input is complete)

PLACE: City of Jacksonville Beach Council Chambers: 11 North 3rd Street, Jacksonville Beach, FL

DATE AND TIME: Wednesday, August 2, 2006, 4:00 p.m. – 8:00 p.m.

PLACE: Pinellas County Commission Chambers: 315 Court St., St. Petersburg, FL

DATE AND TIME: Thursday, August 3, 2006, 4:00 p.m. – 8:00 p.m.

PLACE: Lee County Commission Chambers, 2120 North Main Street, Ft. Myers, FL

DATE AND TIME: Friday, August 4, 2006, 4:00 p.m. – 8:00 p.m.

PLACE: City Council of Cocoa Beach, 300 Brunson Blvd., Cocoa Beach, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Town hall meeting to obtain public input regarding termination of condominiums.

AGENCY CONTACT PERSON: Carol Windham, Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, 1940 North Monroe, Tallahassee, Florida 32399-1032, (850)488-1631.

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: Carol Windham, Government Analyst, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 TDD.

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The Florida **Board of Architecture and Interior Design** announces the following meetings, to which all persons are invited to attend.

DATE AND TIME: July 24, 2006, 2:00 p.m.

PLACE: Boca Raton Resort & Club, 501 Camino Real, Boca Raton, Florida 33431

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting, portions may be closed to the public.

Steve Bass, Case No. 2005-046932

Michael Bataille, Case No. 2006-027598

Brukman & Chechik, LLC, Case No. 2005-038752

Patty Castillo, Case No. 2005-047653  
 Davanti Architecture, Inc., Case No. 2005-057921  
 Dream Key Designs, Inc., Case No. 2005-046906  
 Ted Fine, Case No. 2005-04673  
 Michael Foley, Case No. 2006-016300  
 JCS Computer Drafting Services, Inc., Case No. 2005-049297  
 Keating-Moore Construction, Co., Case No. 2005-048638  
 Kundu Corporation, Case No. 2006-002847  
 Bobbie LeCroy Lansdown, Case Nos. 2005-048734,  
 2005-048266, 2005-041872  
 Mary Ann Maffia, Case No. 2005-061546  
 Lemuel Ramos, Case No. 2006-016498  
 Regan Reed, Case No. 2005-033884  
 To obtain a copy of the agenda, further information, or submit  
 written or other physical evidence, contact in writing to: Smith,  
 Thompson, Shaw & Manausa, P.A., 2075 Centre Pointe  
 Boulevard, Tallahassee, Florida 32308-4893.

If a person decides to appeal any decision made by the Board  
 with respect to any matter considered at this meeting or  
 hearing, he/she 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 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 Smith, Thompson, Shaw & Manausa, P.A., (850)402-1570,  
 at least five calendar days prior to the meeting. If you are  
 hearing or speech impaired, please contact the Board office  
 using the Florida Dual Party Relay System which can be  
 reached at 1(800)955-8770 (Voice) and 1(800)955-8771  
 (TDD).

The Probable Cause Panel of the **Construction Industry  
 Licensing Board** announces a meeting.  
 DATE AND TIMES: July 25, 2006, 9:00 a.m. and 10:00 a.m.  
 or soon thereafter  
 PLACE: Department of Business and Professional Regulation,  
 1940 North Monroe Street, Tallahassee, Florida 32309,  
 (850)488-0062  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To  
 review complaints in which a determination of the existence of  
 probable cause has already been made.  
 A copy of the PUBLIC portion of the agenda may be obtained  
 by writing to: Patrick Creehan, Chief Construction Attorney,  
 Department of Business and Professional Regulation, Office of  
 the General Counsel, 1940 N. Monroe Street, Suite 60,  
 Tallahassee, Florida 32399-2202, or by phone (850)488-0062.  
 NOTE: In accordance with the Americans with Disabilities  
 Act, persons needing a special accommodation to participate in  
 this proceeding should contact the Construction Prosecution  
 Section no later than seven (7) days prior to the proceeding or

meeting at which such special accommodation is required. The  
 Construction Prosecution Section may be contacted at the  
 address and phone number listed above.

The **Florida Real Estate Appraisal Board** (FREAB)  
 announces a rule workshop to which all persons are invited.  
 DATE AND TIME: Monday, July 24, 2006, 9:00 a.m. or the  
 soonest thereafter  
 PLACE: Department of Business and Professional Regulation,  
 Division of Real Estate, Room 901, Ninth Floor, North Tower,  
 400 West Robinson Street, Orlando, Florida  
 GENERAL SUBJECT MATTER TO BE CONSIDERED:  
 Workshop session is to discuss Florida Administrative Code,  
 Chapter 61J1 for possible changes. The purpose of the  
 workshop is to ensure compliance with newly adopted  
 statutory changes.

If a person decides to appeal a decision made by the Board,  
 with respect to any matter considered at this meeting or  
 hearing, a record of the proceedings for such purpose, upon  
 which the appeal is based, may be required.

Any person requiring a special accommodation at this meeting  
 because of a disability or physical impairment should contact  
 the Department of Business and Professional Regulation,  
 (407)481-5662, at least five (5) calendar days prior to the  
 meeting. If you are hearing or speech impaired, please call the  
 Division of Real Estate using the Florida Dual Party Relay  
 System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing to: Ashley  
 Dashnaw, Government Analyst II, Florida Real Estate  
 Appraisal Board, 400 W. Robinson Street, Suite N801,  
 Orlando, Florida 32801-1772.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

Notice of Public Meetings and Public Comment Period for  
 Basin-Specific Verified Lists of Impaired Waters, Group 5  
 Basins, 2006. The Florida **Department of Environmental  
 Protection** gives notice of the development of draft verified  
 lists of impaired waters for water bodies and water segments  
 within the following basins: Perdido, Upper East Coast, Indian  
 River Lagoon, Springs Coast, Florida Keys, and the Everglades  
 Basins. Multiple opportunities for public participation will be  
 provided throughout the development and adoption of the final  
 verified lists of impaired waters for these basins, and the public  
 is encouraged to participate.

The draft verified lists for the Perdido, Upper East Coast, and  
 Indian River Lagoon Basins will be made available to the  
 public by July 20, 2006, and the draft verified lists for the

Springs Coast, Florida Keys, and the Everglades Basins will be made available to the public by July 27, 2006. The draft verified lists will be placed on the Department's TMDL website (<http://www.dep.state.fl.us/water/tmdl>), and will be provided upon request to interested parties by mail or via e-mail distribution.

The public will be provided opportunities to comment in writing and at public meetings held in each basin. Waters placed on these draft lists are those waters meeting the verification requirements of Chapter 62-303, Florida Administrative Code, Identification of Impaired Surface Waters. Revised draft lists will be made available to the public, and the public will be provided opportunities to comment on the revised drafts in writing and at a final public meeting that will be held in Tallahassee (details will be noticed separately).

The final lists developed through this public participation process will be submitted for adoption by Secretarial Order in December, and submitted to the U.S. Environmental Protection Agency as part of the 2006 update to the State's 303(d) list of impaired waters, as required by Section 403.067(4), Fla. Statutes.

The 2006 update will represent the adopted verified lists for all of the "Group 5" basins, which were established as part of the Department's Watershed Management Approach. The waters on the adopted verified list are those waters for which Total Maximum Daily Loads will be established. While federal regulations currently require 303(d) lists to be submitted every two years, the Department plans to submit updated lists on an annual basis as new basin-specific lists are adopted. The Department also plans to update the basin-specific lists every five years, at a minimum, as part of the Department's 5-year basin management cycle.

#### Public Comment Period

The Department will accept written comments on the draft verified lists and revised draft lists for a period of 30 days, beginning July 19, 2006, and ending August 18, 2006, for the Perdido, Upper East Coast, and Indian River Lagoon, and beginning July 26, 2006, and ending August 25, 2006, for the Springs Coast, Florida Keys, and the Everglades Basins. Comments received during these periods will be considered in preparation of the revised lists. There will be an additional thirty (30) day comment period on the revised verified lists.

The purpose of the comment periods is to provide an opportunity for public participation in lieu of, or in addition to, participation in the public meetings on the initial draft or revised list. Any and all written comments should be directed to: Daryll Joyner, Program Administrator, Total Maximum Daily Load Program, Florida Department of Environmental Protection, Mail Station 3510, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, [daryll.joyner@dep.state.fl.us](mailto:daryll.joyner@dep.state.fl.us)

#### Public Meetings

In addition to the public comment periods noticed herein, public meetings will be held throughout the state to facilitate public participation in the Department's efforts to establish the verified lists of impaired waters for the Group 5 Basins. The location, date, and time for the public meetings for the Perdido, Upper East Coast, and Indian River Lagoon draft verified lists are as follows (logistical information for the meetings for the Springs Coast, Florida Keys, and the Everglades Basins will be provided in a separate public notice):

1. Subject: Draft Verified List for the Perdido River Basin

DATE AND TIME: August 2, 2006, 1:00 p.m.

PLACE: University of West Florida, Conference Center A, Building 22, 11000 University Parkway, Pensacola, FL

2. Subject: Draft Verified Lists for the Upper East Coast and Indian River Lagoon Basins

DATE AND TIME: July 27, 2006, 9:00 a.m.

PLACE: Edgewater Library, 103 West Indian River Blvd., Edgewater, FL

3. Subject: Draft Verified List for the Upper East Coast Basin

DATE AND TIME: July 27, 2006, 2:00 p.m.

PLACE: St. Johns County Main Library, 1960 North Ponce de Leon Blvd., St. Augustine, FL

4. Subject: Draft Verified List for the Indian River Lagoon Basin (Volusia, Brevard, and Indian River Counties)

DATE AND TIME: July 28, 2006, 9:00 a.m.

PLACE: St. Johns River Water Management District Service Center, 525 Community College Parkway, S. E., Palm Bay, FL

A copy of the agenda for the meetings on the draft verified lists will be available on the Department's TMDL website (<http://www.dep.state.fl.us/water/tmdl>) by July 19, 2006, and may also be obtained by writing to: Ms. Pat Waters, Florida Department of Environmental Protection, 2600 Blair Stone Road, Bureau of Watershed Management, MS 3555, Tallahassee, Florida 32399-2400, or by calling (850)245-8449. Pursuant to 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 calling Ms. Pat Waters, (850)245-8449. If you are hearing or speech impaired, please contact the Florida Relay Service by calling (800)955-8771 (TDD) or (800)955-8770 (Voice).

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#### DEPARTMENT OF HEALTH

The **Department of Health** announces a meeting of the Research Review and Advisory Committee of the Bureau of Onsite Sewage Programs to which all persons are invited.

DATE AND TIME: July 25, 2006, 9:30 a.m.

PLACE: This meeting will be conducted via telephone conference call

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and guide current, proposed and potential future onsite sewage research projects, in particular related to the Wekiva Study Area.

A copy of the agenda and the telephone number may be obtained by contacting: Susan Polangin, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713, by phone at (850)245-4070, or by e-mail Susan\_Polangin@doh.state.fl.us

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact Susan Polangin, at the address above at least one week prior to the meeting.

The **Board of Clinical Laboratory Personnel**, Probable Cause Panel will hold a duly noticed telephone conference call, to which all persons are invited to attend.

DATE AND TIME: Friday, August 18, 2006, 9:00 a.m.

PLACE: Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida, at meet me number (850)921-6513

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Dual Party Relay System 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 to: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257.

The **Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling**, announces an official Board meeting. All interested parties are invited to attend at the address listed below, which is normally open to the public.

DATES AND TIMES: July 27, 2006, 1:00 p.m.; July 28, 2006, 9:00 a.m.

PLACE: Ramada Inn, 2900 North Monroe Street, Tallahassee, FL 32303, (850)386-1027

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official Board Meeting.

A copy of the agenda may be obtained by writing to: Sue Foster, Executive Director, Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

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

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact: Sue Foster, (850)245-4474, at least one week prior to the meeting.

The **Department of Health, Board of Dentistry**, will hold a Probable Cause Panel meeting where reconsiderations will be heard.

DATE AND TIME: July 21, 2006, 9:00 a.m.

PLACE: Department of Health, Building 4052, Room 301, 4052 Bald Cypress Way, Tallahassee, FL 32399-3258, (850)245-4474

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review reconsideration cases.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she may need to ensure that a verbatim record of the proceedings is made, which records include the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact: Sarah Walls, (850)245-4474, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ms. Walls using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Medicine**, Rules/Legislative Committee announces a meeting to which all persons are invited.

DATE AND TIME: Thursday, August 10, 2006, Immediately Following the Anesthesiologist Assistant Committee Meeting

PLACE: Sirata Beach Resort & Conference Center, 5300 Gulf Boulevard, St. Petersburg Beach, FL 33706, (727)363-5100

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

A copy of the agenda may be obtained by writing to: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.



Please note that if a person decides to appeal any decision made by the Board 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, 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. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, 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 Florida **Board of Medicine** announces a meeting to which all persons are invited.

**DATES AND TIME:** Friday and Saturday, August 11-12, 2006, 8:00 a.m.

**PLACE:** Sirata Beach Resort and Conference Center, 5300 Gulf Boulevard, St. Pete Beach, FL 33706, (727)363-5100

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct general business of the Board.

A copy of the agenda may be obtained by writing to: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board 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, 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. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the: Florida Board of Medicine, (850)245-4131, 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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#### **FLORIDA HOUSING FINANCE CORPORATION**

The **Florida Housing Finance Corporation** announces a public meeting to which all interested persons are invited.

**DATE AND TIME:** July 28, 2006, following the Board Meeting at a time to be announced at the conclusion of the Board Meeting.

**PLACE:** Tallahassee City Hall, Commission Chambers, 300 South Adams Street, Tallahassee, FL 32301

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To receive comments and suggestions from interested persons relative to Rule Chapters 67-21 and 67-48, F.A.C., and the competitive funding programs of the Corporation, including the Multifamily Mortgage Revenue Bond Program, the State Apartment Incentive Loan (SAIL) Program, the HOME Investment Partnerships (HOME Rental) Program, and the Housing Credit (HC) Program.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Valerie Turner, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Corporation 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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#### **FISH AND WILDLIFE CONSERVATION COMMISSION**

The Florida **Fish and Wildlife Conservation Commission** announces a public workshop, to which all interested persons are invited.

**DATE AND TIME:** August 8, 2006, 6:00 p.m. – 8:00 p.m.

**PLACE:** Volunteer Fire Station, 32 Shell Island Rd., St. Marks, Florida

**DATE AND TIME:** August 9, 2006, 6:00 p.m. – 8:00 p.m.

**PLACE:** Tarpon Springs Cultural Center, 101 South Pinellas Ave., Tarpon Springs, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The purpose of this meeting is to conduct a workshop to gather public testimony in response to a request made by the commercial sponge industry to the Florida Fish and Wildlife Commission's Division of Marine Fisheries Management to allow commercial sponge diving in Florida waters westward of 84 degrees west longitude. Florida waters west of 84 degrees west longitude are presently closed to commercial sponge diving.

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 the ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

For further information, contact: Mark Robson, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

The Florida **Fish and Wildlife Conservation Commission** (FWC), **Division of Law Enforcement** announces the following public workshops regarding a request for rulemaking in Monroe County (Rule 68D-24.144, F.A.C.)

DATE AND TIME: Wednesday, July 26, 2006, 6:00 p.m. – 8:00 p.m.

PLACE: Monroe Government Center, County Building, 2nd Floor, Meeting Room (County Commission Meeting Room), 2798 Overseas Highway, Marathon, FL 33050, (305)289-2500. Directions: Mile Marker 48.5 (Bayside), Marathon, Florida. Additional information can be obtained by calling (305)289-2500.

GENERAL SUBJECT MATTER TO BE CONSIDERED: A request from Monroe County to regulate the area known as Pine Channel for “No Anchoring”. This action is being considered to keep masted vessels from coming into contact with the power lines that cross the waterway in this area.

The area under consideration is the waterway known Pine Channel between Big Pine Key and Little Torch Key, southerly of U. S. 1 Bridge.

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 respective location at least five (5) calendar days before the meeting by contacting: ADA Coordinator, see numbers listed above. If you are hearing or speech impaired, please contact the agency by calling the numbers listed above.

The **Fish and Wildlife Conservation Commission, Division of Law Enforcement**, announces a public workshop to which all interested parties are invited.

DATE AND TIME: Thursday, August 3, 2006, 6:00 p.m. – 8:00 p.m.

PLACE: Fish and Wildlife Conservation Commission, 620 South Meridian Street, Room 272, 2nd Floor Conference Room, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Fish and Wildlife Conservation Commission is holding a workshop to receive public comments regarding Florida Statute 372.831, F.S. (Wildlife Violator Compact), on which suspensions/revocations of hunting and fishing privileges from other states the Commission will honor.

ADDITIONAL WORKSHOPS WILL BE SCHEDULED AND WILL BE NOTICED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

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

five calendar days before the meeting by contacting: ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE WORKSHOP: Captain Curtis Brown, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)410-0656, ext. 17184.

The **Fish and Wildlife Conservation Commission** (FWC), **Division of Law Enforcement**, Boating Advisory Council, announces the following Non-Motorized Vessels’ Subcommittee public meeting, to which all persons are invited.

DATE AND TIME: September 15, 2006, 9:00 a.m.

PLACE: Dolphin Beach Resort, 4900 Gulf Boulevard, St. Petersburg Beach, FL 33706

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Non-Motorized Vessels’ Subcommittee.

An agenda of the meeting may be obtained by contacting: Ms. Shelly Gurr, FWC, Division of Law Enforcement, Boating Advisory Council, 620 South Meridian Street, Room 235, Tallahassee, Florida 32399-1600, (850)488-5600.

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 five calendar days before the meeting by contacting: ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

## FINANCIAL SERVICES COMMISSION

The **Financial Services Commission** announces a public hearing to which all persons are invited.

DATE AND TIME: August 1, 2006, 9:00 a.m., during a regular meeting of the Financial Services Commission.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed amendments to Rule 69O-170.013, Florida Administrative Code, published on April 2, 2004 in Vol. 30, No. 14, of the Florida Administrative Weekly. A notice of change was published on February 18, 2005 in Vol. 31, No. 7, of the Weekly.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the contact person at least 5 calendar days before the program by contacting Michael Milnes at E-mail: michael.milnes@fldfs.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-170.013 Filing Procedures for Property and Casualty Insurance Rates, Rules, Underwriting Guidelines, and Forms.

(1) through (6) No change.

(7) This rule applies to that portion of a rate filing relating to terrorism coverage required under the Terrorism Risk Insurance Act of 2002. The Office recognizes the difficulty facing an individual insurer in demonstrating that its rates related to terrorism are not excessive, inadequate, or unfairly discriminatory. An insurer is free to use any methodology the insurer believes demonstrates that the rates requested or implemented are in compliance with Section 627.062, Florida Statutes. If an insurer is unable to demonstrate through its own methodology that the rate requested or implemented complies with Section 627.062, Florida Statutes, then the insurer may, at its option, adopt the methodology, data, and/or rates or loss costs of another insurer or rating or advisory organization that have been previously approved by the Office for similar risks.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.604, 624.605, 627.062, 627.0645, 627.0651, 627.314, FS. History—New 3-30-92, Amended 3-9-93, 8-23-93, 10-3-94, 8-3-95, 10-2-96, 6-19-03, Formerly 4-170.013, Amended.

The **Financial Services Commission** announces a public hearing to which all persons are invited.

DATE AND TIME: August 1, 2006, 9:00 a.m., during a regular meeting of the Financial Services Commission.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed amendments to Rules 690-144.002 and 690-144.005, Florida Administrative Code, published on April 21, 2006, in Vol. 32, No. 16, of the Florida Administrative Weekly. No notice of change was published.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the contact person at least 5 calendar days before the program by contacting Claude Mueller at E-mail: [claudemueller@fldfs.com](mailto:claudemueller@fldfs.com).

THE FULL TEXT OF THE PROPOSED RULE IS:

690-144.002 Approval Procedures.

(1) An insurer seeking the status of an accredited reinsurer pursuant to Section 624.610(3)(b)1., Florida Statutes, shall comply with the instructions contained in Form OIR-C1-923, "Application For Accredited Reinsurer Status," rev. 5/02 and submit the following forms. Forms relating to specific types of insurance are to be submitted only by companies issuing policies relating to the type of insurance specified on the form.

(a) Form OIR-C1-927, "Application To Conduct Business In The State of Florida Accredited Reinsurer Status," rev. 5/02;

(b) Form OIR-C1-903, "Invoice, Request For Payment of Fingerprint Charges," rev. 4/97;

(c) Form OIR-C1-1524, "Uniform Consent to Service of Process," rev. 5/02;

(d) Form OIR-D0-516, "Insurance Holding Company System Registration Statement," rev. 4/97;

(e) Form OIR-C1-1298, "Management Information Form," rev. 4/97;

(f) Form OIR-C1-1423, "Biographical Affidavit," rev. 5/02;

(g) Fingerprint cards furnished by the Office, according to instructions in Form OIR-C1-938, "Fingerprint Card Instructions," rev. 5/02;

(h) The material required by Form OIR-C1-905 "Instructions for Furnishing Background Investigative Reports," rev. 2/01;

(i) OIR-C1-1464, "FORM AR-1 Certificate of Assuming Insurer," rev. 5/02;

(j) OIR-C1-1465, "Invoice, Payment of Application Filing Fees," rev. 5/02;

(k) OIR-C1-1538, "Checklist Verification," rev. 5/02;

(l) through (2) No change.

(3) An insurer seeking the status of a trustee reinsurer pursuant to Section 624.610, Florida Statutes, shall comply with the instructions contained in Form OIR-C1-1466, "Application for Trustee Reinsurer Status For Single Assuming Reinsurer," rev. 5/02 and submit the following:

(a) through (d) No change.

(e) Form OIR-C1-1524, "Uniform Consent to Service of Process," rev. 5/02;

(f) Form OIR-C1-1298, "Management Information Form," rev. 4/97;

(g) Form OIR-C1-1423, "Biographical Affidavit," rev. 5/02 for all individuals listed on Form OIR-C1-1298;

(h) Form OIR-C1-1469, rev. 5/02, "Certificate of Assuming Insurer to Submit to Examination and Bear the Cost of Examination";

(i) "Checklist Trust Agreement for Trustee Reinsurer" is included in Form OIR-C1-1466, rev. 5/02; and-

(j) Form OIR-C1-1538, "Checklist Verification," rev. 5/02.

(4) All forms listed in subsections (1) and (3), above, are hereby adopted and incorporated by reference. All forms may be obtained from and shall be submitted to ~~the Company Admissions Applications Coordination Section, Division of Insurer Services,~~ Office of Insurance Regulation, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0332. ~~All checks shall be made payable to the Office of Insurance Regulation.~~

Specific Authority 624.308, 624.610(14) FS. Law Implemented 624.307(1), (2), (3), (5), 624.316, 624.317, 624.318, 624.321, 624.324, 624.34, 624.401, 624.404, 624.407, 624.413, 624.424, 624.501(20)(e), 624.5091, 624.610, 628.051, 628.061, 628.801, 629.081 FS. History—New 1-30-91, Formerly 4-108.002, Amended 5-12-94, 10-13-02, Formerly 4-144-002, Amended.

69O-144.005 Credit for Reinsurance.

(1) No change.

(2) Credit for reinsurance by a domestic insurer shall be allowed when the reinsurance is ceded to an assuming insurer which is accredited as a reinsurer in this state pursuant to Section 624.610(3)(b), Florida Statutes and Rule 69O-144.002, F.A.C., as of any date on which statutory financial statement credit for reinsurance is claimed. An accredited reinsurer pursuant to Section 624.610(3)(b), Florida Statutes:

(a)1. Files with the Office a properly executed Form OIR-C1-1464 ~~OIR-D0-1~~, which is hereby adopted and incorporated by reference, as evidence of its submission to this state's jurisdiction and to this state's authority to examine its books and records.

2. Form OIR-C1-1464 ~~OIR-D0-1~~ is available from, and shall be submitted to the following: for life and health insurers, ~~Bureau of Life and Health~~ Financial Oversight Insurer Solvency and Market Conduct, 200 East Gaines Street, Tallahassee, Florida 32399-0327; for property and casualty insurers, ~~Bureau of Property and Casualty~~ Financial Oversight Insurer Solvency and Market Conduct, 200 East Gaines Street, Tallahassee, Florida 32399-0329;

(b) Is licensed to transact insurance or reinsurance in at least one state, or in the case of a U.S. branch of an alien assuming insurer, is entered through and licensed to transact insurance or reinsurance in at least one state; and

(c) Files annually and quarterly with the Office a copy of its annual and quarterly statements filed on the National Association of Insurance Commissioners convention blanks, which are hereby adopted and incorporated by reference, with the insurance department of its state of domicile or, in the case of a U.S. branch of an alien assuming insurer, with the state through which it is entered and in which it is licensed to transact insurance or reinsurance, and a copy of its most recent audited financial statement and maintains a surplus as regards policyholders in accordance with Section 624.610(3)(b)1.d., Florida Statutes, and whose approval has been granted by the Office. If quarterly statements are not required by the state of domicile, quarterly statements shall only be required upon written request of the Office. The following National Association of Insurance Commissioners blanks are hereby adopted and incorporated by reference:

1. NAIC Annual Statement Blank Life/Accident/Health 2005 ~~2001~~,

2. NAIC Quarterly Statement Blank Life/Accident/Health 2005-2001,

3. NAIC Annual Statement Blank Health 2005 ~~2001~~,

4. NAIC Quarterly Statement Blank Health 2005 ~~2001~~,

5. NAIC Annual Statement Blank Property and Casualty 2005; and ~~2001~~,

6. NAIC Quarterly Statement Blank Property and Casualty 2005 ~~2001~~.

(3) through (7) No change.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.610 FS. History—New 1-30-91, Formerly 4-108.005, Amended 12-25-97, 10-13-02, Formerly 4-144-005, Amended.

The **Financial Services Commission** announces a public hearing to which all persons are invited.

DATE AND TIME: August 1, 2006, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed amendments to Rule 69O-141.020, Florida Administrative Code, published on December 30, 2005, in Vol. 31, No. 52, of the Florida Administrative Weekly. A notice of change was published on June 23, 2006, in Vol. 32, No. 25.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the contact person at least 5 calendar days before the program by contacting: Bob Norris at e-mail bob.norris@fldfs.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-141.020 Procedures for Withdrawal, Surrender of Certificate of Authority, or Discontinuance of Writing Insurance in this State Pursuant to Section 624.430, Florida Statutes.

(1) Scope and Purpose. This rule provides implementation procedures and Office policy regarding Section 624.430, Florida Statutes.

(2) No change.

(a) through (c) No change.

(d) "Lines of insurance," as used in Section 624.430, Florida Statutes, and this rule, is as defined in Section 624.6012, Florida Statutes. Pursuant to the express rulemaking authority given the Office in Section 624.6012, Florida Statutes, for the purpose of implementation of Section 624.430, Florida Statutes, the Office determines each of the following to be a line of insurance (in addition to lines of insurance as may be elsewhere established by rule of the Office): Homeowners property insurance; mobile homeowners property insurance; condo unit owners contents insurance; renter's/dwellers contents insurance; and residential condominium association property coverages.

(3) No change.

(4) The Office interprets the requirement of notice as authorizing the Office to prohibit the withdrawal, surrender, or discontinuance of writing, when such withdrawal, surrender, or discontinuance of writing is done in violation of any law or rule.

(5) Notice to Precede Action to Reduce Presence in Florida. An insurer shall take no action in furtherance of a reduction, prior to the expiration of 90 days after the receipt by the Office of the notice required by Section 624.430, Florida Statutes. Prohibited actions include sending any notice of cancellation or termination, or notice of intent to cancel or terminate, to any policyholder, agent, managing general agent, reinsurer, or other person or entity.

(6) No change.

(a) through (b) No change.

(c) Designated Filing Office. The letter of notice with the two copies shall be addressed to and delivered by certified or registered mail to the following address: Insurance Commissioner ~~Director, Division of Insurer Services~~, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, FL 32399-0326. There shall be no constructive receipt of the notice by the above-designated filing office, other than upon receipt by the Office's mail room in the usual course of business, of a properly addressed notice by U.S. mail. The 90 days shall not begin to run until a properly addressed notice, in a form substantially complying with this rule, is received by the Office, by U.S. mail.

(d) No change.

(e) No change.

1. through 3. No change.

4. Insurers shall also provide the Office with the following information in the notice:

a. through d. No change.

(7) Office Action Upon Receipt of Notice.

(a) Subsequent to receiving the initial filing, the Office will request the insurer to provide further information, or will conduct such other investigation as is necessary to determine whether the initial information provided is accurate and whether the proposed action will have the effects projected by the insurer.

(b) The Office shall inform the insurer if the proposed reduction would be in violation of, or cause a violation of, any provision of the Insurance Code or rule of the Office. Within 5 calendar days of the date of such notice, the insurer shall file with the Office a response indicating whether it will proceed to implement the reduction ~~or, if paragraph (9)(b) applies, shall file any application for relief required thereby.~~

~~(8) Certificate of Authority Surrender Effectuated by Office Order. No surrender or attempted surrender of a certificate of authority is effective until accepted by order of the office.~~

~~(9) Relationship of Reduction to Moratorium Phaseout. The office interprets Section 627.7013(2)(a)4., Florida Statutes, relating to certain applications for reduction filed prior to August 24, 1992, as indicating a legislative intent that as to all attempted or desired reductions affecting "Florida personal lines residential policies" (hereinafter "residential policies"), other than those in which such reduction notice was filed prior to August 24, 1992, Section 627.7013, Florida~~

~~Statutes, applies and takes precedence over Section 624.430, Florida Statutes, and prohibits or limits such reductions affecting residential policies, initiated for the purpose of reducing the insurer's exposure to hurricane claims:~~

~~(a) Factors which will be given great weight in evaluating whether a desired reduction is for the purpose of reducing the insurer's exposure to hurricane claims include:~~

~~1. Would the reduction in Florida be accompanied by reduction action by the insurer in other states?~~

~~2. If so, would a disproportionate amount of the impact be in areas of the country especially subject to risk of loss from hurricane?~~

~~3. How much of the reduction in Florida would be in residential policy exposures as compared to exposures in other lines of insurance in Florida?~~

~~4. If the insurer is discontinuing writing only some lines of insurance, are the lines being discontinued especially subject to risk of loss from hurricane, as compared to the lines not being discontinued?~~

~~5. Does the insurer have a significant concentration of residential policies and exposure in coastal areas of Florida?~~

~~6. Would the desired reduction significantly reduce the insurer's exposure to risk of loss from hurricane exposure under residential policies in Florida?~~

~~(b) If the office determines that any proposed reduction violates Section 627.7013, Florida Statutes, the insurer shall not proceed with the reduction as it affects residential policies, and shall file an application under Rule 690-141.021, F.A.C., which implements Section 627.7013, Florida Statutes. The reduction in residential policies shall be limited to the extent of relief granted the insurer by the office under Section 627.7013, Florida Statutes and Rule 690-141.021, F.A.C.~~

~~(8)(40) No change.~~

Specific Authority 624.308(1), 624.6012 FS. Law Implemented 624.307(1), 624.430, 624.6011, 624.6012 FS. History—New 1-8-96, Amended 5-26-96, Formerly 4-141.020, Amended.

**ADVOCACY CENTER FOR PERSON WITH DISABILITIES**

The **Advocacy Center for Persons with Disabilities**, Inc., Florida's Protection and Advocacy System with federally funded disability civil right mandates, is holding a public hearing.

DATE AND TIME: Thursday, July 7, 2006, 5:00 p.m. – 7:00 p.m.

PLACE: Sarasota Municipal Auditorium, 801 N. Tamiami Trail, Sarasota, FL 34236, (941)954-4165

We are currently taking public input for consideration of our focus areas and goals for the upcoming fiscal year, starting October 1, 2006. We will also be accepting comments by mail, fax, e-mail and website in advance of and during the public hearing.

For more information to submit public hearing comments please contact Carolee Howe, (850)488-9071 or [caroleeh@advocacycenter.org](mailto:caroleeh@advocacycenter.org).

To request reasonable accommodations during the public hearing, please contact Steve Howells, 1(800)342-0823, ext. 211, TDD 1(800)346-4127, ext. 211, e-mail [steveh@advocacycenter.org](mailto:steveh@advocacycenter.org) or for more information on the Advocacy Center for Persons with Disabilities, Inc., go to [www.advocacycenter.org](http://www.advocacycenter.org)

The **Advocacy Center for Persons with Disabilities, Inc.**, Florida's Protection and Advocacy System will be holding their Quarterly Board of Directors meeting.

DATES AND TIME: July 28-29, 2006, 9:00 a.m.

PLACE: Lido Beach Resort, Royal Palm Ball Room, 700 Ben Franklin Drive, Sarasota, Florida 34236

For additional information, please contact: Dawn Williams or Paige Morgan, (850)488-9071, ext. 218 or 219.

If you are a person with a disability who needs accommodation in order to attend this meeting please contact: Advocacy Center for Persons with Disabilities, Inc., 2671 Executive Center Circle, West, Suite 100, Webster Building, Tallahassee, Florida 32301, (850)488-9071. If you are hearing and/or voice impaired, please call (800)346-4127.

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#### **FLORIDA COMPREHENSIVE HEALTH ASSOCIATION**

NOTICE OF CHANGE – The **Florida Comprehensive Health Association** created pursuant to Section 627.6488, Florida Statutes, as amended, announces a change in the meeting of Tuesday, July 11, 2006, 1:30 p.m., to the date, time, and location listed below.

DATE AND TIME: Tuesday, July 25, 2006, 1:00 p.m.

PLACE: Florida Comprehensive Health Association, 820 E. Park Avenue, D-200, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors' Meeting.

A copy of the proposed agenda may be obtained by writing to: Brenda DeYounks, Florida Comprehensive Health Association, 820 E. Park Avenue, D-200, Tallahassee, Florida 32301, (850)309-1200 or by facsimile (850)309-1222.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such person will need a record of the proceedings, and for such purpose, they

may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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#### **TECHNOLOGICAL RESEARCH AND DEVELOPMENT AUTHORITY**

The **Technological Research and Development Authority** (TRDA) a general meeting of the board of directors to which all persons are invited to participate.

DATE AND TIME: July 19, 2006, 1:00 p.m.

PLACE: TRDA Conference Room, 5195 South Washington Avenue, Titusville, FL 32780

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board of directors meeting.

A copy of the agenda may be obtained by contacting: Dave Kershaw, TRDA Deputy Director, (321)269-6330, ext. 243 or [dkershaw@trda.org](mailto:dkershaw@trda.org)

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#### **FLORIDA AUTOMOBILE JOINT UNDERWRITING ASSOCIATION**

The **Florida Automobile Joint Underwriting Association** announces an FAJUA Finance Committee teleconference to which all persons are invited.

DATE AND TIME: Friday, July 21, 2006, 10:00 a.m.

PLACE: FAJUA Finance Committee Teleconference

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss Committee charter, and any other matters.

Additional information may be obtained from: Lisa B. Stoutamire, FAJUA, 1425 Piedmont Drive E. #201A, Tallahassee, FL 32308, (850)681-2003, [stoutamire@fajua.org](mailto:stoutamire@fajua.org)

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#### **FLORIDA LOCAL GOVERNMENT INVESTMENT TRUST**

The Advisory Board for the **Florida Local Government Investment Trust** announces a public meeting to which all persons are invited.

DATE AND TIME: July 21, 2006, 10:30 a.m. – 12:00 Noon

PLACE: Nabors, Gilblin & Nickerson P.A., 2502 Rockypoint Drive, Suite 1060, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Administrative Operations.

A copy of the agenda may be obtained by contacting: Trust's Administrator, FACC Service Corporation, (850)921-0808.

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#### **BLUE RIBBON IMPLEMENTATION WORKGROUP/NATIONAL GOVERNOR'S ASSOCIATION**

The **Blue Ribbon Implementation Workgroup/National Governor's Association** announces a meeting to which all interested persons are invited.

DATE AND TIME: Monday, July 24, 2006, 3:00 p.m. – 5:00 p.m.

PLACE: Tallahassee, Agency for Persons with Disabilities, Room 301

Contact: Allison Chase, with questions regarding the meeting (850)566-9606, achaseccg@comcast.net

**PRIDE ENTERPRISES**

**PRIDE Enterprises**, BOD, announces a Finance Committee meeting to which all interested persons are invited to participate.

DATE AND TIME: Wednesday, July 26, 2006, 1:00 p.m. – 5:00 p.m.

PLACE: Orlando Airport Marriott, www.pride-enterprises.org

**PRIDE Enterprises**, BOD, announces a BOD meeting to which all interested persons are invited to participate.

DATE AND TIME: Thursday, July 27, 2006, 8:00 a.m. – 3:00 p.m.

PLACE: Orlando Airport Marriott, www.pride-enterprises.org

**FLORIDA PATIENT SAFETY CORPORATION**

The **Florida Patient Safety Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, August 3, 2006, 10:00 a.m. – 3:00 p.m.

PLACE: Florida Hospital Association, Regional Office – Orlando, 307 Park Lake Circle, Orlando, FL 32803

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Patient Safety Corporation, Board of Directors Meeting.

A copy of the agenda may be obtained by writing to the: Florida Patient Safety Corporation, 2722 Waterford Glen Court, Tallahassee, Florida 32312. Agendas can also be requested via e-mail susan.a.moore@comcast.net. To be included in e-mail notices of the Florida Patient Safety Corporation Board, please mail/e-mail your address to the address above or fax your e-mail address to (850)893-4259.

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)893-8936.

**R. O. RANCH, INC.**

**R. O. Ranch**, Inc., a Florida non-profit corporation, announces the following meeting to which all interested persons are invited.

DATE AND TIME: August 3, 2006, 7:00 p.m.

PLACE: The Chateau Restaurant, Mayo, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors meeting to consider business including the development of equestrian facilities on Suwannee River Water Management District lands.

A copy of the agenda may be obtained by writing: Gwen Lord, Administrative Assistant, SRWMD, 9225 CR 49, Live Oak, Florida 32060.

Person with disabilities who need assistance in order to participate in this meeting may contact: Gwen Lord, (386)362-1001, or (800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

**CITY OF PORT ST. LUCIE**

The **City of Port St. Lucie** announces a Public Hearing to which all persons are invited.

DATE AND TIME: Wednesday, August 9, 2006, 7:00 p.m.

PLACE: Port St. Lucie Community Center, Conference Room, 2195 S. E. Airoso Boulevard, Port St. Lucie, Florida 34984

GENERAL SUBJECT MATTER TO BE CONSIDERED: This Hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic, and environmental impacts of the proposed I-95 / Crosstown Parkway Interchange Ramps, otherwise know as the I-95 / Crosstown Parkway Interchange Project Development and Environment Study. The project is located between the existing I-95 Interchanges at Gatlin and St. Lucie West Boulevards.

Anyone needing project or Public Hearing information or special accommodations under the Americans With Disabilities Act of 1990 should contact the: City Engineer’s Office, (772)871-5177, or in writing 121 S. W. Port St. Lucie Boulevard, Port St. Lucie, Florida 34984. Hearing or speech impaired individuals may call the City’s TDD line at (772)344-4222.

Special accommodation requests under the Americans With Disabilities Act should be made at least seven (7) days prior to the Public Hearing.

The Hearing agenda can be obtained by calling our Project Hotline at (866)785-8243.

The **City of Port St. Lucie** announces a Public Hearing to which all persons are invited.

DATE AND TIME: Thursday, August 10, 2006, 7:00 p.m.

PLACE: Port St. Lucie Community Center, Conference Room, 2195 S. E. Airoso Boulevard, Port St. Lucie, Florida 34984

GENERAL SUBJECT MATTER TO BE CONSIDERED: This Hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic, and environmental impacts of the proposed Becker Road / I-95 Interchange Ramps, otherwise known as the Becker Road / Interstate 95 Interchange Project

Development and Environment Study. The project is located near the southwest corner of the St. Lucie County and Martin County line.

Anyone needing project or Public Hearing information or special accommodations under the Americans With Disabilities Act of 1990 should contact the: City Engineer’s Office, (772)871-5177, or in writing at 121 S. W. Port St. Lucie Boulevard, Port St. Lucie, Florida 34984. Hearing or speech impaired individuals may call the City’s TDD line at (772)344-4222.

Special accommodation requests under the Americans With Disabilities Act should be made at least seven (7) days prior to the Public Hearing.

The Hearing agenda can be obtained by calling our Project Hotline, (866)785-8243.

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**ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY**

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: August 10, 2006, 8:00 a.m.

PLACE: Central Florida Research Park, 12424 Research Parkway, Suite 100, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

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**FLORIDA INSURANCE GUARANTY ASSOCIATION**

The **Florida Insurance Guaranty Association** announces a Finance and Audit Committee meeting to which all interested parties are invited to attend.

DATE AND TIME: August 10, 2006, 10:30 a.m. (Eastern Time), recessing as soon as business has been concluded.

PLACE: Tampa Airport Marriott, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Finance and Audit Committee of the Florida Insurance Guaranty Association will meet to discuss the Audit Report, the Investment Policy and other general issues of the committee.

A copy of the agenda may be obtained by contacting: Cathy Irvin, (850)386-9200.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in the meeting is asked to advise the Association by contacting Cathy Irvin, (850)386-9200, at least 48 hours before the session if the person wishes to participate. A person who is hearing or speech impaired may also contact the TDD at (800)955-1339.

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**Section VII**  
**Notices of Petitions and Dispositions**  
**Regarding Declaratory Statements**

**DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Declaratory Statement in response to a request received from Al-Farooq Corporation, on November 16, 2005. It was assigned the number DCA05-DEC-219.

A copy of the Declaratory Statement can be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Declaratory Statement in response to a request received from Door and Access Systems Manufacturers Association (DASMA), on February 21, 2006. It was assigned the number DCA06-DEC-067.

A copy of the Declaratory Statement can be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Declaratory Statement in response to a request received from the Florida Home Builders Association, on February 21, 2006. It was assigned the number DCA06-DEC-068.

A copy of the Declaratory Statement can be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Declaratory Statement in response to a request received from Four Seasons Solar Products, LLC, on January 18, 2006. It was assigned the number DCA06-DEC-014.

A copy of the Declaratory Statement can be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

The Board of Nursing hereby gives notice that it has issued an Order on the Petition for Declaratory Statement, which was filed on January 11, 2006 by Ladena Rhoden, RN. The Notice of Petition for Declaratory Statement was published in Vol. 32, No. 06, of the February 10, 2006, F.A.W. The Petitioner requested that the Board issue a Declaratory Statement determining under the provisions of Section 464.003, Florida Statutes, entitled "Definitions," whether it is within the scope of practice of a Registered Nurse to insert PICC lines performing radiological tip assessment after the procedure so that the line can be released for use more quickly. The Board of Nursing considered the Petition at its meeting held on April 7, 2006, in Ft. Lauderdale, Florida. The Board's Order, filed on June 22, 2006, dismissed the Petition for Declaratory Statement, finding that the petition is not in substantial compliance with statutory requirements.

A copy of the Board's Order may be obtained by contacting: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259.

**DEPARTMENT OF FINANCIAL SERVICES**

NOTICE IS HEREBY GIVEN that the Department of Financial Services, Division of State Fire Marshal, has received a withdrawal of the petition for declaratory statement filed by Northport Health Services, LLC, on February 14, 2006. The matter is now closed.

A copy of the withdrawal may be obtained by writing to, calling, or sending a fax to: Casia Sinco, Senior Attorney, Division of Legal Services, 200 East Gaines Street, Tallahassee, Florida 32399-0300, (850)413-4282, Fax (850)488-0697 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in the event any question arises), or you may e-mail your request to [casia.sinco@fldfs.com](mailto:casia.sinco@fldfs.com).

**Section VIII  
Notices of Petitions and Dispositions  
Regarding the Validity of Rules**

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

**NONE**

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

**NONE**

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

**NONE**

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

**NONE**

**Section XI  
Notices Regarding Bids, Proposals and  
Purchasing**

**DEPARTMENT OF EDUCATION**

**NOTICE TO PROFESSIONAL CONSULTANTS**

The University of Central Florida announces that Professional Services in the discipline of architecture will be required for the project listed below:

Project No. UCF-521

Project and Location: Physical Sciences Building, University of Central Florida, Orlando, Florida 32816-3020.

The design and construction of a new research facility that contains approximately 68,010 NASF/102,015 GSF which include 600 sq. ft. for classrooms, 4,000 sq. ft. for teaching labs, 45,460 sq. ft. for research labs and 17,950 sq. ft. for offices.

The new building will provide a facility for Physics and Chemistry. Two (2) locations are being considered for this project, which will be discussed with the shortlisted firms.

The Physical Science Building will be located on the University of Central Florida campus within the academic core. The total project cost is anticipated to be \$21,382,461 contingent upon the availability of funding.

This facility will be in the planning phase in the year 2006-2007.

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 \$1,000,000 and will be provided as a part of Basic Services.

Note: With respect to the Florida Building Code, the University may elect to use the "affidavit method" for compliance, to include plans review and construction inspection services to be provided by the architect.

**INSTRUCTIONS**

Firms desiring to apply for consideration must submit a letter of application.

The letter of application should have attached:

1. The most recent version of the "Professional Qualifications Supplement" dated 7/03, completed by the applicant. Applications on any other form will not be considered. We will be giving 1 point for in state firms and 0 for out of state firms for location.
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 the University of Central Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of placement 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, Phone (407)823-2166, Fax (407)823-5141, Email: [gseabroo@mail.ucf.edu](mailto:gseabroo@mail.ucf.edu), Web site [www.fp.ucf.edu](http://www.fp.ucf.edu).

Submittals must be received in the: Physical Plant Building, University of Central Florida, Office of Facilities Planning, 4000 Central Florida Boulevard, P. O. Box 163020, Orlando, FL 32816-3020, by 5:00, p.m., local time, on August 25, 2006. Facsimile (FAX) submittals are not acceptable and will not be considered. Late submissions will not be accepted.

**ADVERTISEMENT FOR BIDS**

The School Board of Pinellas County, Florida will receive sealed bids in the Purchasing Department of the Walter Pownall Service Center, 11111 South Belcher Road, Largo, Florida until 1:30 p.m., local time, on August 3, 2006, for the purpose of selecting a supplier to provide per the bid specifications for:

Vending Machine Purchase: Refrigerated & Non-Refrigerated  
 Bid 06-165-712

The purpose and intent of this invitation to bid are to select a supplier to provide and deliver refrigerated and non-refrigerated food and beverage vending machines for the food service department as specified herein.

Public opening of the Bids will occur in the Purchasing Conference Room at the above address and all interested parties are invited to be present.

Specifications are available at the office of:

Purchasing Department  
 Walter Pownall Service Center  
 11111 So. Belcher Road  
 Largo, FL 33773

**BY ORDER OF THE SCHOOL BOARD OF PINELLAS COUNTY, FLORIDA**

CLAYTON M. WILCOX	CAROL J. COOK
SUPERINTENDENT OF	CHAIRMAN
SCHOOLS AND EX-OFFICIO	
SECRETARY	MARK C. LINDEMANN
TO THE SCHOOL BOARD	DIRECTOR,
	PURCHASING

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

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

**DEPARTMENT OF MANAGEMENT SERVICES**

**NOTICE TO PROFESSIONAL CONSULTANTS  
FOR PROFESSIONAL SERVICES  
FOR ARCHITECTURE-ENGINEERING**

The Department of Management Services, Division of Real Estate Development and Management, announces that professional services are required for the project(s) listed below.

PROJECT NUMBER: FDVA-25077000

PROJECT NAME: Addition and Improvements to Veteran’s Homes, Robert H. Jenkins State Veterans Domiciliary Home, Phase II.

PROJECT LOCATION: Lake City, Florida

APPROXIMATE

CONSTRUCTION BUDGET: \$3,000,000.00

For details, please visit the Department’s Web site listed below and click on “Search Advertisements – Division of Real Estate Development and Management.” [http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu)

**PUBLIC ANNOUNCEMENT FOR CONSTRUCTION  
CONTRACTORS TO PROVIDE CONSTRUCTION  
MANAGEMENT AT RISK SERVICES**

REQUEST FOR QUALIFICATIONS (RFQ): The Department of Management Services, Division of Real Estate Development and Management, request qualifications for licensed general contractors, to submit for Construction Management at Risk services on the following project:

PROJECT NUMBER: FDVA-25077000

PROJECT NAME: Addition and Improvements to Veteran’s Homes, Robert H. Jenkins State Veterans Domiciliary Home, Phase II.

PROJECT LOCATION: Lake City, Florida

PROJECT SCOPE: Add a handicap ramp and remodel interior dorm rooms. Upgrade interior finishes.

APPROXIMATE CONSTRUCTION COST: \$3,000,000.00

For details, please visit the Department’s Web site listed below and click on “Search Advertisements – Division of Real Estate Development and Management.” [http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu)

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**PETER R. BROWN CONSTRUCTION**

**Notice of Request for Proposals  
IMPERIAL POLK COUNTY B.O.C.C.  
SOUTH COUNTY JAIL CEP AND**

**FACILITY WAREHOUSE, FROSTPROOF, FLORIDA**

Peter R. Brown Construction, Inc. (CGC-061419), the Construction Manager for the IMPERIAL POLK COUNTY B.O.C.C, SOUTH COUNTY JAIL CEP AND FACILITY WAREHOUSE hereby solicits sealed proposals for the following trades for the referenced project in accordance with the proposal documents to include but not limited to the following:

02A	Site Work	08A	Doors, Frames, Hardware & Installation	13A	Pre Engineered Metal Building
02B	Sodding/ Seeding	08C	Overhead Coiling Doors	13B	Underground Fuel Storage Tank
02C	Fencing	08D	Glazing/ Windows	13C	Building Automation
03A	Cast-in-Place Concrete	09B	Metal Framing & Wallboard	13D	Access Control/ CCTV
04A	Masonry	09D	Acoustical Treatment	15A	Fire Sprinklers
05A	Miscellaneous Steel	09F	Resilient Accessories	15C	HVAC & Plumbing
06A	Rough Carpentry	09G	Painting	15D	Testing & Balancing
06B	Cabinets	10A	Specialties	16A	Electrical
07C	Waterproofing & Joint Sealants	11A	Shop Equipment/ Furnishings		

A pre-proposal meeting was held at 10:00 a.m., local time, Thursday, June 29, 2006, at the following location:

Polk County Purchasing Division  
2470 Cover Lane  
Bartow, FL 33830

Deadline for receipt of All Proposal Packages has been set for 2:00 p.m., on August 15, 2006. Only proposals received on or before the time and date listed will be considered. All proposals received after 2:00 p.m., of the day specified above, will be returned unopened.

Submission of Proposal:

Refer to Proposal Package, Section II Instructions for Proposals for detailed information regarding form and style of proposal including submittal requirements.

All trade contractors must be pre-qualified prior to submitting a proposal. A copy of the pre-qualification form can be received by contacting Peter R. Brown Construction, Estimating Department, (727)535-6407, or faxing a letter of interest to (727)539-8485.

Imperial Polk County B.O.C.C. and Peter R. Brown Construction, Inc. are committed to provide equal opportunity and strongly encourage all interested WBE, M/WBE and SBE firms to submit proposals.

One set of plans and specifications will be supplied to all pre-qualified trade contractors at no cost. Drawings will be available Monday, July 17, 2006. Trade contractors may be responsible for the cost of shipping. Additional sets may be purchased directly from the copy center. Copy center information will be distributed with the Proposal Packages.

Imperial Polk County B.O.C.C. and Peter R. Brown Construction, Inc. reserve the right to accept or reject any and all proposals in whole or part and to waive informalities and irregularities.

No verbal instruction or directives will be accepted regarding this project during the proposal period. All instructions or directives must be clarified through written Addenda or Supplements. All questions regarding the work should be directed to the Construction Manager, in writing by August 7, 2006. The Owner and Architect will not accept calls regarding this project.

**PANAMA CITY BEACH**

**SECTION 00010 – NOTICE TO RECEIVE SEALED BIDS  
PANAMA CITY BEACH  
CHURCHWELL DRIVE RECONSTRUCTION**

This project includes the reconstruction of Churchwell Drive from Front Beach Road (SR 30) to Middle Beach Road (SR 392A) approximately 2,303 roadway feet and a 90 feet replacement bridge. The Contractor shall provide all materials, equipment and labor to complete the project.

This project provides three traffic lanes, turning lanes, bicycle lanes, sidewalks, lighting, landscaping, utility undergrounding, storm detention pond, signing and pavement marking, and a new parking lot.

Plans and specifications will be available on July 28, 2006, and can be obtained at DRMP, Inc., 100 Beckrich Road, Suite 120, Panama City Beach, Florida 32407; or examined at F.W. Dodge Plan Room, 1311 Executive Center Drive, Suite 224, Tallahassee, FL 32301; or F.W. Dodge Plan Room, 700 South Pace Blvd., Pensacola, FL 32501; or Alabama AGC, 1121 Holloway Park, Montgomery, AL 36117. The bid must conform to Section 287.133(3), Florida Statutes, with respect to Public Entity Crimes.

Cost for plans and Specifications will be \$100.00 per set and is non-refundable. Partial sets will NOT be issued. Checks should be made payable to PBS&J.

Bids will be received until 2:00 p.m. (Central Time), August 30, 2006, at City of Panama City Beach City Hall, 17115 Panama City Beach Parkway, Panama City Beach, Florida, and will be opened and read publicly immediately thereafter. All Bids shall be submitted in an envelope clearly marked "Sealed Bid – Panama City Beach Churchwell Drive Reconstruction." A Bid Bond in the amount of 5% of the total amount of the Bid shall accompany the Bid. The City of Panama City Beach ("City") reserves the right to reject any and all Bids. All Bids shall be firm (including all labor and material prices) for a period of 60 days after opening.

All Bidders shall be Florida Department of Transportation prequalified and must include with their bid proposal a copy of their Certification of Current Capacity (Form 375-020-22) and Status of Contracts on Hand (Form 375-020-21).

The City shall award the Contract to the lowest responsive and responsible bidder; provided, however, the City reserves the right to award the Contract to a Bidder who is not the lowest responsive and responsible bidder if the City determines in its reasonable discretion that another Bid offers the City a better value based upon the reliability, quality of service, or product of such other Bidder.

A mandatory Pre-Bid meeting will be held at 10:00 a.m. (Central Time), August 14, 2006, in the Panama City Beach Council Chamber, 110 South Arnold Road, Panama City Beach, Florida 32413. Point of Contact will be: Annette Hengge, Program Administrator, (850)236-4868, ext. 3205 or Fax (850)236-1477. Each bidder must comply with all applicable state and local laws concerning licensing, registration, and regulations of contractors doing business in Florida.

**Section XII  
Miscellaneous**

**DEPARTMENT OF COMMUNITY AFFAIRS**

DCA Final Order No.: DCA06-OR-156

In re: CITY OF MARATHON LAND DEVELOPMENT  
REGULATIONS ADOPTED BY  
ORDINANCE NO. 2006-04

**FINAL ORDER**

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to § 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2005), rejecting a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and the City of Marathon is a local government within the Florida Keys Area.
2. On April 26, 2006, the Department received for review City of Marathon Ordinance No. 2006-04 (“Ord. 2006-04”). The purpose of Ord. 2006-04 is to establish a procedure to facilitate the transfer of building rights (TBR) within the City’s boundaries.
3. Ord. 2006-04 is inconsistent with the City’s 2010 Comprehensive Plan, Policies 1-3.2.1 and 1-3.2.7. The language of the Ordinance is unclear and may give rise to ambiguous interpretations of the transfer of building rights procedure.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended, or rescinded by any local government in the Florida Keys Area of Critical State Concern. § 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2005).
5. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2005) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
6. “Land development regulations” include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2005). The regulations adopted by Ord. 2006-04 are land development regulations.
7. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the “Principles”) as set forth in § 380.0552(7), Fla. Stat. See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff’d*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
8. Ord. 2006-04 is inconsistent with Principle (a):  
 To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
9. Ord. 2006-04 is not consistent with the Principles for Guiding Development as a whole.
10. Ord. 2006-04 is not consistent with the City’s 2010 Comprehensive Plan.

WHEREFORE, IT IS ORDERED that Ord. 2006-04 is found to be inconsistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby REJECTED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

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Tracy D. Suber  
 State Planning Administrator  
 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 SUBSECTION 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 SUBSECTION 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.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 29th day of June, 2006.

Paula Ford, Agency Clerk

By U.S. Mail:
Honorable John Bartus, Mayor
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

Cindy Ecklund, City Clerk
City of Marathon
10045-55 Overseas Highway
Marathon, Florida 33050

Mike Puto
Acting City Manager
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

John Herin, Esq.
Stearns Weaver Miller Weissler
Alhadeff & Sitterson, P.A.
Suite 2200 Museum Tower
150 West Flagler Street
Miami, Florida 33130

DCA Final Order No.: DCA06-OR-158
In re: LAND DEVELOPMENT REGULATIONS
ADOPTED BY CITY OF KEY WEST
ORDINANCE NO. 06-09

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to § 380.05(6) and (11), Fla. Stat., (2005), approving a land development regulation adopted by the local government within the City of Key West Area of Critical State Concern as set forth below.

FINDINGS OF FACT

- 1. The City of Key West is a designated area of critical state concern.
2. On May 8, 2006 the Department received for review City of Key West Ordinance No. 06-09 ("Ord. 06-09").
3. The Final Order for this Ordinance must be signed by July 6, 2006.
4. The purpose of Ord. 06-09 is to amend Chapter 106 of the Key West Code of Ordinances, entitled "Performance Standards." The Ordinance amends Section 106-52 to adjust the factors favoring and disfavoring the granting of exceptions to the prohibition against outdoor merchandise display in the Historic District.
5. Ord. 06-09 is consistent with the City's Comprehensive Plan.

CONCLUSIONS OF LAW

- 6. The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern based upon

consistency with the Principles for Guiding Development applicable to that area of critical state concern. §§ 380.05(6) and 380.05(11), Fla. Stat., (2005).

7. The City of Key West is an Area of Critical State Concern. § 380.05, Fla. Stat. (2005) and Rule 28-36.001, Fla. Admin. Code.
8. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2005). The regulations adopted by Ord. 06-09 are land development regulations.
9. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the principles for guiding development for the particular area (the "Principles"). § 380.05(6), Fla. Stat.; see *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd.*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles for the City of Key West Area of Critical State Concern are set forth in Rule 28-36.003(1), Fla. Admin. Code.
10. Ord. 06-09 promotes and furthers the following Principles in Rule 28-36.003(1):
  - (a) To strengthen local government capabilities for managing land use and development.
  - (f) To protect the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including the Key West Naval Air Station.
  - (g) To protect the historical heritage of the Florida Keys.
11. Ord. 06-09 is not inconsistent with the remaining Principles and is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 06-09 is found to be consistent with the Principles for Guiding Development of the City of Key West Area of Critical State Concern, and is hereby 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 in Tallahassee, Florida.

\_\_\_\_\_  
 Tracy D. Suber, State Planning Administrator  
 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 SUBSECTION 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 SUBSECTION 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.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 30th day of June, 2006.

Paula Ford, Agency Clerk

By U.S. Mail:  
The Honorable Morgan McPherson  
Mayor, City of Key West  
P. O. Box 1409  
Key West, Florida 33041

Cheryl Smith  
Clerk to the City Commission  
P. O. Box 1409  
Key West, Florida 33041

Robert Tischenkel  
City Attorney  
P. O. Box 1409  
Key West, FL 33041

DCA Final Order No.: DCA06-OR-157

In re: MONROE COUNTY LAND DEVELOPMENT REGULATIONS ADOPTED BY MONROE COUNTY ORDINANCE NO. 015-2006

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to § 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2005),

rejecting a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

- 1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a local government within the Florida Keys Area.
2. On May 22, 2006, the Department received for review Monroe County Ordinance No. 015-2006 ("Ord. 015-2006").
3. The final order for this Ordinance must be signed by July 20, 2006.
4. The purpose of the Ordinance is to amend the definitions section of the Monroe County Land Development Regulations to add "dwelling, density bonus unit" and "dwelling, half unit," to the definitions, thereby allowing an award to a site if the units are 750 square feet in size.
5. Ordinance 015-2006 is inconsistent with the 2010 Monroe County Comprehensive Plan. Sections 9.5-4(D-31)(a) ("dwelling, density bonus unit"), 9.5-4(D-31)(b) ("dwelling, half unit"), and 9.5-262 are inconsistent with Comprehensive Plan Policy 101.4.21, Future Land Use Densities and Intensities. That policy describes development in terms of dwelling units per acre. The plan does not address half allocations or density bonuses for half allocations. No basis has been established within the Comprehensive Plan for half of a dwelling unit.

CONCLUSIONS OF LAW

- 6. The Department is required to approve or reject land development regulations that are enacted, amended, or rescinded by any local government in the Florida Keys Area of Critical State Concern. § 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2005).
7. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2005) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
8. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2005). The regulations adopted by Ord. 015-2006 are land development regulations.
9. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Fla. Stat. See Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
10. Ord. 015-2006 is inconsistent with the following Principles:



(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

(k) To provide adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a post disaster reconstruction plan.

(l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.

11. Ord. 015-2006 is inconsistent with the Principles for Guiding Development as a whole.
12. Ordinance 015-2006 is inconsistent with the 2010 Monroe County Comprehensive Plan.

WHEREFORE, IT IS ORDERED that Ord. 015-2006 is found to be inconsistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby REJECTED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

\_\_\_\_\_  
 TRACY D. SUBER  
 State Planning Administrator  
 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 SUBSECTION 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 SUBSECTION 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.

**CERTIFICATE OF FILING AND SERVICE**

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 29th day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Charles McCoy  
Mayor of Monroe County  
500 Whitehead Street, Suite 102  
Key West, Florida 33040

Danny L. Kolhage  
Clerk to the Board of County Commissioners  
500 Whitehead Street  
Key West, Florida 33040

Aref Joulani  
Acting Director  
Planning and Environmental Resources  
2798 Overseas Highway, Suite 400  
Marathon, Florida 33050

**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 (2005), Buell Motorcycle Company (“Buell Motorcycle”), gives notice of its intent to permit the establishment of Motorsports of Orlando, LLC, d/b/a Seminole Harley-Davidson, as a dealership for the sale of Buell motorcycles at 8155 U.S. Highway 17/92, Fern Park, Florida 32730, in Seminole County, Florida. The dealer operator of the proposed dealership is John Hamer, 620 Hickman Circle, Sanford, Florida 32771. The principal investors of the proposed dealership are John Hamer, 620 Hickman Circle, Sanford,

Florida 32771, Rodin Younessi, 620 Hickman Circle, Sanford, Florida 32771, and Motorsports Investment Group, Inc., 620 Hickman Circle, Sanford, Florida 32771. The principal investors of Motorsports Investment Group, Inc. are John Hamer, 620 Hickman Circle, Sanford, Florida 32771 and Rodin Younessi, 620 Hickman Circle, Sanford, Florida 32771. Buell Motorcycle intends to permit the establishment of the proposed dealership on or after June 30, 2006.

The notice indicates intent to permit the addition of a dealership to a 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: Dealer License Section, 2900 Apalachee Parkway, Department of Highway Safety and Motor Vehicles, Neil Kirkman Building, A-312, MS 65, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635. A copy of such petition or complaint must also be sent by U. S. Mail to: Todd Roundtree, Manager, Market and Dealer Development, Buell Motorcycle Company, 3700 West Juneau Avenue, Milwaukee, WI 53208.

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 (2005), Hyosung Motors America, Inc., intends to allow the establishment of FlaCycle, Inc., as a dealership for the sale of Hyosung motorcycles at 6022 South Tamiami Trail, Sarasota (Sarasota County), Florida 34231, on or after June 27, 2006.

The name and address of the dealer operator(s) and principal investor(s) of FlaCycle, Inc., are dealer operator(s): Bruce Fried Lander, 226 Firenze Avenue, Venice, Florida 34285; principal investor(s): Bruce Fried Lander, 226 Firenze Avenue, Venice, Florida 34285.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Edward Park, President, Hyosung Motors America, Inc., 5815 Brook Hollow Parkway, Suite B, Norcross, Georgia 30071.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that JMSTAR Powersports, Inc., intends to allow the establishment of Kissimmee Auto Sales as a dealership for the sale of JMSTAR motorcycles at 2596 North Orange Blossom Trail, Kissimmee (Osceola County), Florida 34741, on or after June 23, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Kissimmee Auto Sales are dealer operator(s): Ricardo A. Nieves, 2596 North Orange Blossom Trail, Kissimmee, Florida 34741; principal investor(s): Ricardo A. Nieves, 2596 North Orange Blossom Trail, Kissimmee, Florida 34741.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Yenong Xie, President, JMSTAR Powersports, Inc., 400 Northwest 141st Avenue, #207, Pembroke Pines, Florida 33028.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes (2005), Vento Motorcycles, Inc. ("Vento"), intends to allow the establishment of Vento Motorcycles Broward, Inc., as a dealership for the sale of Vento motorcycles at 2123 North State Road 7, Hollywood (Broward County), Florida 33021, on or after June 15, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Vento Motorcycles Broward, Inc., are dealer operator(s): Paul Steward, 2123 North State Road 7, Hollywood, Florida 33021; principal investor(s): Paul Steward, 2123 North State Road 7, Hollywood, Florida 33021.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312 MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Matthew Scott, Vento North America, 6190 Cornerstone Court, East, Suite #200, San Diego, California 92121.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes (2005), notice is given that Vento Motorcycles, Inc. ("Vento"), intends to allow the establishment of Wenmark, Inc., d/b/a All the Wheel Toys, as a dealership for the sale of Vento motorcycles at 1540 Northwest Federal Highway, Stuart (Martin County), Florida 34994, on or after June 28, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Wenmark, Inc., d/b/a All the Wheel Toys, are dealer operator(s): Wendy Eisner, 1540 Northwest Federal Highway, Stuart, Florida 34994, and Mark Mourning, 1540 Northwest Federal Highway, Stuart, Florida 34994; principal investor(s): Wendy Eisner, 1540 Northwest Federal Highway, Stuart, Florida 34994, and Mark Mourning, 1540 Northwest Federal Highway, Stuart, Florida 34994.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Matthew Scott, Vento North America, 6190 Cornerstone Court, East, Suite #200, San Diego, California 92121.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**CERTIFICATE OF NEED  
NOTICE OF WITHDRAWAL**

The Agency for Health Care Administration hereby notices withdrawal from review of the following Certificate of Need applications:

County: Desoto Service District: 8  
CON # 9927 Decision Date: 6/29/2006 Decision: W  
Facility/Project: Tidewell Hospice and Palliative Care, Inc.  
Applicant: Tidewell Hospice and Palliative Care, Inc.  
Project Description: Establish a freestanding inpatient hospice facility of up to 12 beds.

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative Weekly pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

On June 30, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the certificate of German Antonio Lopez-Joya, B.M.O., certificate number BMO 57972. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Section 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On June 30, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Sharon Kay Belin, R.N. license number RN 9190693. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On June 30, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of George W. Black, R.N. license number RN 3253792. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On July 3, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Don Wells, R.N. license number RN 2940532. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On June 28, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Ty Anderson, D.O., license number OS 7064. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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**DEPARTMENT OF FINANCIAL SERVICES**

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL  
CIRCUIT, IN AND FOR LEON COUNTY, FLORIDA  
CASE NO.: 2006-CA-001083

In Re: The Receivership of ATLANTIC PREFERRED  
INSURANCE COMPANY, a Florida corporation.

NOTICE TO ALL POLICYHOLDERS, CREDITORS, AND  
CLAIMANTS HAVING BUSINESS WITH ATLANTIC  
PREFERRED INSURANCE COMPANY.

You are hereby notified that by order of the Circuit Court of the Second Judicial Circuit, in and for Leon County, Florida, entered the 31st day of May, 2006, the Department of Financial Services of the State of Florida was appointed as Receiver of ATLANTIC PREFERRED INSURANCE COMPANY and was ordered to liquidate the assets located in Florida of said company.

Policyholders, claimants, creditors, and other persons in this State having claims against the assets of ATLANTIC PREFERRED INSURANCE COMPANY, shall present such claims to the Receiver on or before 11:59 p.m., June 1, 2007, or such claims shall be forever barred.

Requests for forms for the presentation of such claims and inquiries concerning this Receivership should be addressed to: The Division of Rehabilitation and Liquidation of the Florida Department of Financial Services, Receiver for ATLANTIC PREFERRED INSURANCE COMPANY, Post Office Box 110, Tallahassee, Florida 32302-0110.

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IN THE CIRCUIT COURT OF THE SECOND JUDICIAL  
CIRCUIT, IN AND FOR LEON COUNTY, FLORIDA  
CASE NO.: 2006-CA-001198

In Re: The Receivership of FLORIDA PREFERRED  
PROPERTY INSURANCE COMPANY, a Florida corporation.  
NOTICE TO ALL POLICYHOLDERS, CREDITORS, AND  
CLAIMANTS HAVING BUSINESS WITH FLORIDA  
PREFERRED PROPERTY INSURANCE COMPANY.

You are hereby notified that by order of the Circuit Court of the Second Judicial Circuit, in and for Leon County, Florida, entered the 31st day of May, 2006, the Department of Financial Services of the State of Florida was appointed as Receiver of FLORIDA PREFERRED PROPERTY INSURANCE COMPANY and was ordered to liquidate the assets located in Florida of said company.

Policyholders, claimants, creditors, and other persons in this State having claims against the assets of FLORIDA PREFERRED PROPERTY INSURANCE COMPANY, shall present such claims to the Receiver on or before 11:59 p.m., June 1, 2007, or such claims shall be forever barred.

Requests for forms for the presentation of such claims and inquiries concerning this Receivership should be addressed to: The Division of Rehabilitation and Liquidation of the Florida Department of Financial Services, Receiver for FLORIDA PREFERRED PROPERTY INSURANCE COMPANY, Post Office Box 110, Tallahassee, Florida 32302-0110.

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IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT, IN AND FOR LEON COUNTY, FLORIDA

CASE NO.: 2006-CA-001060

In Re: The Receivership of SOUTHERN FAMILY INSURANCE COMPANY, a Florida corporation.

NOTICE TO ALL POLICYHOLDERS, CREDITORS, AND CLAIMANTS HAVING BUSINESS WITH SOUTHERN FAMILY INSURANCE COMPANY.

You are hereby notified that by order of the Circuit Court of the Second Judicial Circuit, in and for Leon County, Florida, entered the 31st day of May, 2006, the Department of Financial Services of the State of Florida was appointed as Receiver of SOUTHERN FAMILY INSURANCE COMPANY and was ordered to liquidate the assets located in Florida of said company.

Policyholders, claimants, creditors, and other persons in this State having claims against the assets of SOUTHERN FAMILY INSURANCE COMPANY, shall present such claims to the Receiver on or before 11:59 p.m., June 1, 2007, or such claims shall be forever barred.

Requests for forms for the presentation of such claims and inquiries concerning this Receivership should be addressed to: The Division of Rehabilitation and Liquidation of the Florida Department of Financial Services, Receiver for SOUTHERN FAMILY INSURANCE COMPANY, Post Office Box 110, Tallahassee, Florida 32302-0110.

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

RULES FILED BETWEEN June 26, 2006  
 and June 30, 2006

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF STATE**  
**Division of Historical Resources**

1A-37.001	6/29/06	7/19/06	32/20	
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**DEPARTMENT OF REVENUE**  
**Sales and Use Tax**

12A-19.010	6/26/06	7/16/06	32/2	32/22
12A-19.020	6/26/06	7/16/06	32/2	
12A-19.060	6/26/06	7/16/06	32/2	
12A-19.100	6/26/06	7/16/06	32/2	32/22

**PUBLIC SERVICE COMMISSION**

25-7.037	6/29/06	7/19/06	32/21	
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**FLORIDA LAND AND WATER ADJUDICATORY COMMISSION**

**Hawk's Haven Community Development District**

42YY-1.002	6/30/06	7/20/06	32/15	
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**DEPARTMENT OF MANAGEMENT SERVICES**

**Agency for Workforce Innovation**

60BB-2.022	6/28/06	7/18/06	32/17	
60BB-2.023	6/28/06	7/18/06	32/17	
60BB-2.024	6/28/06	7/18/06	32/17	
60BB-2.025	6/28/06	7/18/06	32/17	32/22
60BB-2.0255	6/28/06	7/18/06	32/17	
60BB-2.026	6/28/06	7/18/06	32/17	
60BB-2.027	6/28/06	7/18/06	32/17	
60BB-2.028	6/28/06	7/18/06	32/17	
60BB-2.029	6/28/06	7/18/06	32/17	
60BB-2.031	6/27/06	7/17/06	32/20	
60BB-2.032	6/28/06	7/18/06	32/17	
60BB-2.035	6/28/06	7/18/06	32/17	
60BB-2.036	6/28/06	7/18/06	32/17	
60BB-2.037	6/28/06	7/18/06	32/17	32/22

**State Technology Office**

60DD-1.003	6/28/06	7/18/06	32/18	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**  
**Board of Cosmetology**

61G5-24.020	6/26/06	7/16/06	32/21	
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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

62-204.800	6/27/06	7/1/06	32/20	
62-672.200	6/29/06	7/19/06	32/31	32/20
62-672.600	6/29/06	7/19/06	32/31	32/20
62-672.620	6/29/06	7/19/06	32/31	32/20
62-672.750	6/29/06	7/19/06	32/31	32/20
62-672.780	6/29/06	7/19/06	32/31	32/20
62-672.870	6/29/06	7/19/06	32/31	32/20
62-673.200	6/29/06	7/19/06	32/31	

**DEPARTMENT OF JUVENILE JUSTICE**

**Detention Services**

63G-1.001	6/26/06	7/16/06	32/7	
63G-1.002	6/26/06	7/16/06	32/7	32/22
63G-1.003	6/26/06	7/16/06	32/7	
63G-1.004	6/26/06	7/16/06	32/7	
63G-1.005	6/26/06	7/16/06	32/7	
63G-1.006	6/26/06	7/16/06	32/7	
63G-1.007	6/26/06	7/16/06	32/7	
63G-1.008	6/26/06	7/16/06	32/7	32/22
63G-1.009	6/26/06	7/16/06	32/7	32/14

**DEPARTMENT OF HEALTH**

**Board of Clinical Social Work, Marriage and Family**

64B4-6.001	6/26/06	7/16/06	31/47	32/22
64B4-11.007	6/26/06	7/16/06	32/17	32/22
64B4-21.007	6/26/06	7/16/06	32/17	32/22
64B4-31.007	6/26/06	7/16/06	32/17	32/22

**Board of Medicine**

64B8-55.001	6/28/06	7/18/06	32/18	
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**Board of Osteopathic Medicine**

64B15-10.0032	6/29/06	7/19/06	32/21	
64B15-10.0033	6/29/06	7/19/06	32/21	

**Board of Physical Therapy Practice**

64B17-5.001	6/29/06	7/19/06	32/4	32/22
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**Board of Psychology**

64B19-12.013	6/27/06	7/17/06	32/21	
64B19-14.001	6/26/06	7/16/06	32/10	32/21

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.	Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
<b>FISH AND WILDLIFE CONSERVATION COMMISSION</b>					<b>Marine Fisheries</b>				
68-1.001	6/29/06	7/19/06	32/18		68B-1.001	6/29/06	7/19/06	32/18	
68-1.004	6/29/06	7/19/06	32/18		68B-1.002	6/29/06	7/19/06	32/18	
<b>Freshwater Fish and Wildlife</b>					68B-1.003	6/29/06	7/19/06	32/18	
68A-2.004	6/29/06	7/19/06	32/18		68B-1.004	6/29/06	7/19/06	32/18	
68A-2.005	6/29/06	7/19/06	32/18		68B-1.005	6/29/06	7/19/06	32/18	
68A-2.009	6/29/06	7/19/06	32/18		68B-1.006	6/29/06	7/19/06	32/18	
68A-2.013	6/29/06	7/19/06	32/18		68B-1.007	6/29/06	7/19/06	32/18	
					68B-1.008	6/29/06	7/19/06	32/18	
					68B-1.009	6/29/06	7/19/06	32/18	
					68B-21.005	6/29/06	7/19/06	32/18	32/25