

(a) The Eligible Person must have resided in the property for at least 1 year prior to requesting the resubordination;

(b) No additional debt can be refinanced into the new first mortgage with the exception of home repairs or improvements;

(c) The Eligible Person cannot receive any cash out as a result of the refinancing; and

(d) The Eligible Person is limited to one resubordination.

(8) Any Eligible Person requesting resubordination is subject to a one time processing fee not to exceed \$50. In the event it is determined that the borrower is not eligible for resubordination, 50 percent of the processing fee will be returned to the Eligible Person. Failure to submit the appropriate documentation and fees may result in a delay in receiving the resubordination agreement.

(9) Eligible Persons must comply with all deed restrictions including those regarding resale of the set-aside unit. Before a unit may resold, the potential purchasers must submit to the Credit Underwriter all documentation necessary for the Credit Underwriter to determine that the potential purchaser qualifies as an Eligible Person. In addition, the Credit Underwriter must determine that the sales price for that set-aside unit is not more than 80 percent of the median sales price for that type of unit in that county, or the statewide median sales price for that type of unit, whichever is higher. The Credit Underwriter must also verify that the potential purchaser will occupy the set-aside unit as their primary residence.

(10) The Corporation shall acquire real and personal property or any interest in the Project if that acquisition is necessary to protect any loan; sell, transfer, and convey any such property to an Eligible Person without regard to the provisions of Chapters 253 and 270, F.S.; and, if that sale, transfer, or conveyance cannot be consummated within a reasonable time, lease the Project for occupancy by Eligible Persons.

Specific Authority Ch. 2006-69, s. 27, LOF. Law Implemented Ch. 2006-69, s. 27, LOF. History–New _____.

67-58.110 Permanent Loan Servicing – Annual Review.

The Corporation’s servicer shall annually certify permanent residency and insurance certification of the Eligible Person occupying a CWHIP unit.

Specific Authority Ch. 2006-69, s. 27, LOF. Law Implemented Ch. 2006-69, s. 27, LOF. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bridget Warring, Homeownership Programs Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David R. Westcott, Deputy Development Officer, Homeownership, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 7, 2006

Section III
Notices of Changes, Corrections and
Withdrawals

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:
33-203.201 Inmate Trust Fund
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. 33, (August 18, 2006), issue of the Florida Administrative Weekly:

33-203.201 Inmate Trust Fund.

(1) The following are the policies of the Department with respect to money received for the personal use or benefit of inmates:

(a) through (g) No change.

(h) Pursuant to Section 944.516, F.S., each inmate shall be charged an administrative processing fee of no more than \$6.00 per month for banking services. The fee shall be based upon account activity for the month. An inmate whose account has no activity for the month shall not be assessed a fee for that month. Inmates shall be charged one percent of their total weekly canteen purchases and \$0.50 for each deposit. Inmates housed at Work Release Centers (WRC’s) will be assessed a \$1.00 fee for each weekly cash draw. These fees are waived for Veterans of the United States Armed Forces who have been honorably discharged.

(2) through (12) No change.

Specific Authority 944.09, 944.516 945.091, 945.215 FS. Law Implemented 57.085, 717, 944.09, 944.516 945.091, 945.215 FS. History–New 1-27-86, Amended 7-16-89, 5-1-90, 3-2-92, 6-2-92, 8-25-92, 10-19-92, 4-13-93, 5-28-96, 6-15-98, Formerly 33-3.018, Amended 5-7-00,7-13-03, 10-20-03, 1-23-05, 5-12-05,_____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
40D-2	Water Use Permits
RULE NOS.:	RULE TITLES:
40D-2.011	Policy and Purpose
40D-2.021	Definitions
40D-2.041	Permits Required
40D-2.091	Publications Incorporated by Reference
40D-2.101	Content of Application
40D-2.301	Conditions for Issuance of Permits
40D-2.302	Reservations From Use
40D-2.321	Duration of Permits
40D-2.331	Modification of Permits
40D-2.621	Water-Conserving Credits
40D-2.801	Water Use-Caution Areas

NOTICE OF CORRECTION

The Southwest Florida Water Management District hereby gives notice of correction to the Notice of Public Hearing published in Vol. 32, No. 34, Page 3948 on August 25, 2006. The hearing will be held during the Southwest Florida Water Management District’s monthly Governing Board meeting on Tuesday, October 24, 2006, beginning at 9:00 a.m. in the board room at the Brooksville District Offices located at 2379 Broad Street, Brooksville, Florida 33604-6899.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
40D-8	Water Levels and Rates of Flow
RULE NOS.:	RULE TITLES:
40D-8.041	Minimum Flows
40D-8.624	Guidance and Minimum Levels for Lakes
40D-8.626	Minimum Aquifer Levels

NOTICE OF CORRECTION

The Southwest Florida Water Management District hereby gives notice of correction to the Notice of Public Hearing published in Vol. 32, No. 34, Page 3948 on August 25, 2006. The hearing will be held during the Southwest Florida Water Management District’s monthly Governing Board meeting on Tuesday, October 24, 2006, beginning at 9:00 a.m. in the boardroom at the Brooksville District Offices located at 2379 Broad Street, Brooksville, Florida 33604-6899.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
40D-80	Recovery and Prevention Strategies for Minimum Flows and Levels
RULE NO.:	RULE TITLE:
40D-80.074	Recovery Strategy for the Southern Water Use Caution Area

NOTICE OF CORRECTION

The Southwest Florida Water Management District hereby gives notice of correction to the Notice of Public Hearing published in Vol. 32, No. 34, Page 3949 on August 25, 2006. The hearing will be held during the Southwest Florida Water Management District’s monthly Governing Board meeting on Tuesday, October 24, 2006, beginning at 9:00 a.m. in the board room at the Brooksville District Offices located at 2379 Broad Street, Brooksville, Florida 33604-6899.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.:	RULE TITLE:
61G1-17.001	Professional Fees and Penalties for Architects

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32 No. 36, September 8, 2006 issue of the Florida Administrative Weekly has been withdrawn. The Notice of Proposed Rulemaking was inadvertently published twice. This withdrawal does not affect the Notice of Proposed Rulemaking for this rule that was published on August 25, 2006, in Vol. 32, No. 34, of the Florida Administrative Weekly.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.:	RULE TITLE:
61G4-12.006	Approved Form; Incorporation

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 31, No. 47, November 23, 2005 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-28.303
 RULE TITLE: Destruction of Controlled Substances
 All Permittees (excluding Nursing Homes)

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 31, No. 13, April 1, 2005 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: 64B18-12.0011
 RULE TITLE: Application Fees for Initial Licensure
 and Providership of Continuing Education

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. 30, July 28, 2006 issue of the Florida Administrative Weekly.

The text of the rule shall read as: In order to maintain integrity, the Board is assessing a one time assessment fee on all podiatric physicians of \$375.00, payable by March 31, 2007, in compliance with Section 456.025 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Executive Director, Board of Podiatric Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399.

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.: 67-37.002
 67-37.005
 RULE TITLES: Definitions
 Local Housing Assistance Plans

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. 29, July 21, 2006 issue of the Florida Administrative Weekly.

67-37.002 Definitions.

(13) "Persons Who Have Special Housing Needs" means individuals who have incomes not exceeding moderate-income and, because of particular social, economic, or health-related circumstances, may have greater difficulty acquiring or maintaining affordable housing. Such persons may have, for example, encountered resistance to their residing in particular communities, and may have suffered increased housing costs resulting from their unique needs and high risk of institutionalization. Such persons include: persons with developmental disabilities; persons with mental illnesses or chemical dependency; persons with Acquired Immune

Deficiency Syndrome ("AIDS") and Human Immunodeficiency Virus ("HIV") disease; runaway and abandoned youth; youth aging out of foster care; public assistance recipients; migrant and seasonal farm workers; refugees and entrants; the elderly; and disabled adults.

67-37.005 Local Housing Assistance Plans.

(1) To be eligible for SHIP funding for a state fiscal year, a county or eligible municipality must submit and receive approval of its local housing assistance plan and amendments thereto as provided in Rule 67-37.006, F.A.C. Plans must be submitted to the Corporation by May 2 preceding the end of the fiscal year in which the current plan expires. New Plans must be submitted utilizing the LHAP Template (6_06), adopted and incorporated herein by reference with an effective date of _____. A complete copy of the LHAP Template (6_06) may be obtained at www.floridahousing.org, by clicking on Housing Partners, then Local Governments (SHIP), then Local Housing Assistance Plans (LHAP), or by contacting Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301. In the case of new eligible municipalities, plans must be submitted to the Corporation by May 2 of the state fiscal year prior to the state fiscal year they are eligible for funding. No SHIP local housing distribution funds shall be distributed in any fiscal year to any county or eligible municipality unless and until an approved plan is in place with respect to such fiscal year.

(5)(d) The proposed sales price of new and existing units, which can be lower but may not exceed 90 percent of median area purchase price established by the U.S. Treasury Department, or as required by Section 420.9075(5)(c), F.S.; for community land trust purposes the value of the land is not included in the purchase price.

(8)(a) Each county and eligible municipality shall include a definition of essential service personnel for the county or eligible municipality. Such definition may include teachers and educators; other school district, community college, and university employees; police and fire personnel; health care personnel; skilled building trades personnel; and other job categories as required by Section 420.9075(3)(a), F.S.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE CHAPTER NO.: 69A-58
 RULE CHAPTER TITLE: Uniform Firesafety Standards For Educational Facilities

RULE NOS.: 69A-58.004
 69A-58.0082
 69A-58.0084
 RULE TITLES: Firesafety Inspections
 Relocatable Buildings
 Seclusion Time Out Rooms

NOTICE OF CORRECTION AND
SECOND NOTICE OF CHANGE

Notice is hereby given that the Notice of Change published in Vol. 32, No. 35, September 1, 2006 edition of the Florida Administrative Weekly did not contain all of the changes that were submitted. First, the initial Notice was published in Vol. 32, No. 4, January 27, 2006 edition of the Florida Administrative Weekly, not Vol. 32, No 32, August 11. The affected rules are set forth below as originally submitted in the Notice of Change. In addition, changes were made to subparagraphs 69A-58.004(6)(b)1. and 69A-58.0082(1)(b)4. and 5. as a result of timely written comments to the Notice of Change.

69A-58.004 Firesafety Inspections.

(6) The inspection reports required by subsection (1) shall be submitted to the division by June 30, of each year.

(b) The local fire official shall either:

1. Forward one copy of the completed inspection report for each inspection conducted by the local fire official ~~board~~ to the division electronically by entering it into the "School Inspection Reporting System" database, or

2. Submit the report in any legible format with each violation coded in accordance with Form DFS-KL3-1674 (Rev. 02-06) the "School Inspection Reporting System" database schedule which is adopted herein by reference and retain the original. A copy of the form can be obtained at the Department's website located at www.fldfs.com/SFM/, or by mailing a request to The Florida State Fire Marshall, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, Florida 32399-0342.

(7) Any firesafety inspector authorized by a unit of government who is certified in accordance with Section 633.081(2) or Section 633.081(3), F.S. may enter the "School Inspection Reporting System" via the internet at <http://app.bebr.ufl.edu/egroupware/login.php?cd=1>. You may also access the "School Inspection Reporting System" through the Division's website located at www.fldfs.com/SFM/.

69A-58.0082 Relocatable Buildings.

(1) Relocatable buildings sited after March 1, 2002 shall be separated as required by the Florida Building Code.

(b) Relocatable buildings sited within a cluster in accordance with this section are permitted to achieve emergency vehicle access by providing vehicular access to within 200 feet of the entrance of the most remote relocatable unit and shall be provided with an independent fire alarm system with a manual pull station within 100 feet of each egress door.

4. ~~Any Maximum of 20%~~ unprotected opening between adjacent wall spaces shall be as approved by the building official in accordance with Chapter 553, Part IV, Florida Statutes (2005), the "Florida Building Code." ~~and,~~

~~5. The minimum setback for non-combustible relocatable buildings shall be as permitted by local zoning requirements.~~

69A-58.0084 Seclusion Time Out Rooms.

(7) During each unannounced inspection, the division or the local fire official is permitted to inspect secured seclusion time-out rooms, ~~for compliance~~, interview staff, and review staff development activities, ~~and conduct other activities as deemed appropriate~~ to ensure compliance with this rule chapter.

~~(f) Application for a permit need not be on any specific form and is permitted to be in the form of a letter, a memorandum, or a similar document; however, the application must be signed by the school administrator or his or her designee and must include the district's name, the school's name, the school's address, and contact information which must designate the name and phone number of the contact person at the school who is permitted to be the school administrator or anyone designated by the school administrator.~~

~~(g) Each permit shall be valid for a period of not more than one year from the date of issue.~~

Section IV
Emergency Rules

DEPARTMENT OF COMMUNITY AFFAIRS
Division of Housing and Community Development

RULE NO.: 9BER06-1
RULE TITLE: Community Development Block

Grant Disaster Recovery Initiative

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The expenditure of the funds in the disaster stricken areas where housing, infrastructure, and businesses were severely damaged or destroyed is essential to the health, safety and welfare of the public.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: This rule enables the Department of Community Affairs to distribute and administer CDBG disaster recovery funds as expeditiously as possible.

SUMMARY OF THE RULE: This rule enables the Department of Community Affairs to distribute and administer CDBG disaster recovery funds as expeditiously as possible.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Monya Newmyer, Administrator, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, telephone (850)487-3644

THE FULL TEXT OF THE EMERGENCY RULE IS: