

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NOS.:	RULE TITLES:
12A-1.027	Printing of Tangible Personal Property
12A-1.038	Consumer's Certificate of Exemption; Exemption Certificates
12A-1.039	Sales for Resale
12A-1.056	Tax Due at Time of Sale; Tax Returns and Regulations

PURPOSE AND EFFECT: : The purpose of the proposed amendments to Rule 12A-1.027, F.A.C. (Printing of Tangible Personal Property) is to provide guidelines for the exemption provided in Chapter 2006-144, L.O.F., for certain advertising materials distributed free of charge by mail in an envelope.

The purpose of the proposed amendments to Rule 12A-1.038, F.A.C. (Consumer's Certificate of Exemption; Exemption Certificates), is to provide: (1) a suggested exemption certificate to purchase tax-exempt the publishing or printing of the advertising materials or items that will be incorporated into and made a part of the advertising materials exempt pursuant to Chapter 2006-144, L.O.F.; (2) provide guidelines regarding the Department's on-line Certificate Verification System, which allows users to verify the validity of an entity's Florida Consumer's Certificate of Exemption number; (3) update information on where to contact the Department regarding the verification of an entity's Florida Consumer's Certificate of Exemption number; and (4) clarify that selling dealers are required to maintain copies of the Florida Consumer's Certificate of Exemption of each entity to which they make tax-exempt sales.

The purpose of the proposed amendments to Rule 12A-1.039, F.A.C. (Sales for Resale), is to: (1) provide guidelines regarding the Department's on-line Certificate Verification System, which allows users to verify the validity of a purchaser's sales tax certificate of registration number; (2) update information on where to contact the Department regarding the verification of a certificate of registration number; and (3) clarify that selling dealers are required to maintain a copy of the annual resale certificate of each customer to which they make tax-exempt sales.

The purpose of the proposed amendments to Rule 12A-1.056, F.A.C. (Tax Due at Time of Sale; Tax Returns and Regulations) is: (1) to provide guidelines for the authority granted to taxpayers under Chapter 2006-52, L.O.F., to forego their authorized collection allowance and direct that amount to be

transferred to the Educational Enhancement Trust Fund; and (2) remove provisions regarding the Apalachicola Bay Oyster Surcharge, rendered obsolete by Chapter 2006-185, L.O.F.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is: (1) the proposed guidelines regarding the exemption provided in Chapter 2006-144, L.O.F., for certain advertising materials distributed free of charge by mail in an envelope; (2) the proposed guidelines regarding the Department's on-line Certificate Verification System; (3) the proposed guidelines for the authority granted to taxpayers under Chapter 2006-52, L.O.F., effective January 1, 2007, to forego their authorized collection allowance and direct that amount to be transferred to the Educational Enhancement Trust Fund; and (4) the removal of provisions regarding the Apalachicola Bay Oyster Surcharge, rendered obsolete by Chapter 2006-185, L.O.F.

SPECIFIC AUTHORITY: 212.06(3)(b), 212.07(1)(b), 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 92.525(1)(b), (3), 95.091(3), 125.0104(3)(g), 125.0108(2)(a), 212.02(4), (14), (15)(c), (19), 212.03(2), 212.0305(3)(c), 212.031(3), 212.04(3), (4), 212.05(1)(b), (i), (j), 212.0506(4), (11), 212.055, 212.0596(2)(j), 212.06(1)(a), (c), (2), (3)(b), (5)(a), (16), 212.0601, 212.0606, 212.07(1), 212.08(5)(m), (6), (7), 212.085, 212.11, 212.12(1), (2), (3), (4), (5), 212.13(5)(c), (d), 212.14(2), 212.15(1), 212.17(6), 212.18(2), (3), 212.21(2), 213.053(10), 213.235, 213.37, 213.755, 373.41492, 376.70, 376.75, 403.718, 403.7185, 681.117 FS.

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

DATE AND TIME: February 20, 2007, 10:00 a.m.

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 12A-1.027 Printing of Tangible Personal Property.
- (1) through (3) No change.

(4)(a) Charges for the printing of advertising materials are exempt when the materials:

1. Consist exclusively of advertisements, such as individual coupons or other individual cards, sheets, or pages of printed advertising; and

2. Are distributed free of charge by mail in an envelope for 10 or more persons on a monthly, bimonthly, or other regular basis.

(b) Distributors of tax-exempt advertising materials may, in lieu of paying tax, issue an exemption certificate to the selling printer or other dealer certifying that the publishing or printing costs or the purchase of items, such as paper and ink, that are incorporated into and become a component part of the advertising materials are exempt under the provisions of Section 212.08(7)(ddd), F.S. A suggested format of an exemption certificate to be presented to the selling printer or other dealer at the time of purchase is provided in Rule 12A-1.038, F.A.C.

(4) through (7) renumbered (5) through (8) No change.

Specific Authority 212.06(3)(b), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 92.525(1)(b), (3), 212.02(14), (15)(c), (19), 212.0596(2)(j), 212.06(2), (3)(b), (5)(a), 212.08(7)(yy), (ddd), 212.085, 213.37 FS. History—Revised 10-7-68, 6-16-72, Amended 5-18-74, Formerly 12A-1.27, Amended 5-18-94, 6-19-01, _____.

12A-1.038 Consumer’s Certificate of Exemption; Exemption Certificates.

(1) through (2) No change.

(3) SALES MADE TO EXEMPT ENTITIES OTHER THAN GOVERNMENTAL UNITS.

(a) through (e) No change.

(f) The validity of a Florida Consumer’s Certificate of Exemption may be verified by using the Department’s on-line Certificate Verification System at www.myflorida.com/dor/eservices or by calling the Department’s automated nationwide toll-free verification Department of Revenue’s touch-tone telephone authorization system at 1(877)357-3725. Persons with hearing or speech impairments may call the Department’s TDD; at 1(800)367-8331.

(g)1. TRANSACTION AUTHORIZATION NUMBER ISSUED AT POINT-OF-SALE – VALID FOR A SINGLE TRANSACTION ONLY. In lieu of obtaining a copy of the exempt entity’s valid Consumer’s Certificate of Exemption for each sale, the selling dealer may obtain a Transaction Authorization Number or a Vendor Authorization Number from the Department when making a tax-exempt sale to the exempt entity or its authorized representative.

2. The selling dealer may obtain a transaction authorization number at the point-of-sale by using the Department’s on-line Certificate Verification System at www.myflorida.com/dor/eservices or by calling the Department’s automated nationwide toll-free verification system at 1(877)357-3725. When using the Department’s

on-line Certificate Verification System, the dealer may key up to five Florida Consumer’s Certificate of Exemption numbers into the system. When using the Department’s automated nationwide toll-free verification system, Using a touch-tone telephone, the selling dealer is prompted to key in a single Florida the purchaser’s Consumer’s Certificate of Exemption number Number. Either verification The system will either issue a 13-digit transaction authorization number or alert the selling dealer that the purchaser does not have a valid Florida Consumer’s Certificate of Exemption. Selling dealers using the automated telephone verification system who do not have a touch-tone telephone will be connected to a live operator during the hours of 8:00 a.m. to 7:00 p.m. (Eastern Time), Monday through Friday. Persons with hearing or speech impairments may call the Department’s TDD at 1(800)367-8331.

3. The selling dealer must document the transaction authorization number on the sales invoice, purchase order, or other document that is prepared by the purchaser or the selling dealer to document the tax exempt purchase by the exempt entity.

4. A transaction authorization number is valid for a single sales transaction and is not valid to properly document subsequent sales made to the same entity. The selling dealer must obtain a new vendor authorization number for subsequent tax exempt transactions.

(h)1. VENDOR AUTHORIZATION NUMBER FOR REGULAR CUSTOMERS – VALID FOR CALENDAR YEAR ISSUE. In lieu of obtaining a copy of the exempt entity’s valid Florida Consumer’s Certificate of Exemption or a Transaction Authorization Number from the Department for each sale to the entity, the selling dealer may obtain a Vendor Authorization Number for that entity. This option is available to selling dealers throughout the calendar year without limitation. The selling dealer must maintain a copy of the exempt entity’s Florida Consumer’s Certificate of Exemption in its books and records.

2. The “vendor authorization number” is a customer-specific authorization number that will be valid for all sales made to an exempt entity during the calendar year.

3. To obtain vendor authorization numbers, the selling dealer may use the Department’s on-line Certificate Verification System at www.myflorida.com/dor/eservices or send a written request must forward to the Department, using an electronic medium, a list of the dealer’s regular customers for which the dealer has a Consumer’s Certificate of Exemption number. Dealers obtaining authorization numbers by submitting a written request to the Department may obtain the The electronic format for sending the customer data may be obtained from the Department’s web site at www.myflorida.com/dor or call by calling the Department at (850)488-3516 to obtain the electronic format.

a. The written request should be forwarded to the Florida Department of Revenue, Production Control, G30 Carlton Building, Tallahassee, Florida 32399-0100, along with an electronic file containing a list of the dealer's regular customers for which the dealer has a Florida Consumer's Certificate of Exemption number on file. In response to the request, the Department will issue to the selling dealer, using the same electronic medium, a list containing a unique vendor authorization number for each exempt entity who is a holder of a valid Florida Consumer's Certificate of Exemption.

b. The Department's on-line Certificate Verification System allows the user to verify up to five Florida Consumer's Certificate numbers and to obtain a transaction authorization number for single sales made to each exempt entity at once. The system also allows the user to upload a batch file of up to 50,000 accounts for verification of a Florida Consumer's Certificate of Exemption and, 24 hours later, retrieve the file containing the vendor authorization numbers for all sales made to an exempt entity during the calendar year.

4. The selling dealer may make tax-exempt sales to the exempt entity during the period in which the vendor authorization number for that entity is valid. Vendor authorization numbers are valid for the remainder of the calendar year during which they are issued. However, vendor authorization numbers issued by the Department in November or December are valid for the remainder of that calendar year and the next calendar year.

(4) No change.

(5) SALES EXEMPT BASED ON THE USE OF THE PROPERTY OR SERVICES.

(a) through (c) No change.

(d)1. The following is a suggested format of an exemption certificate to be issued by a purchaser who does not hold a Consumer's Certificate of Exemption, but who claims that the purchase, rental, lease, or license of the property, or the purchase of the services is for an exempt purpose. Exemption purposes listed on the suggested format that are not relevant to the purchaser may be eliminated from the certificate.

EXEMPTION CERTIFICATE

FOR EXEMPTIONS BASED ON THE PROPERTY'S USE

This is to certify that the tangible personal property purchased, leased, licensed, or rented, or services purchased, on or after _____ (date) from _____ (Selling Dealer's Business Name) is purchased, leased, licensed, or rented for the following purpose as checked in the space provided. This is not intended to be an exhaustive list:

() Materials, containers, labels, sacks, bags, or similar items intended to accompany a product for sale at other than retail, as provided in Section 212.02(14)(c), F.S., by persons who are not required to be registered under Section 212.18(3), F.S.

() Incorporation into items of tangible personal property manufactured, produced, compounded, processed, or fabricated for one's own use, as provided in Rule 12A-1.043, F.A.C.

() Printing of a publication exempt under the provisions of Section 212.08(7)(w), F.S.

() Items, such as paper and ink, that will be incorporated into and become a component part of a publication exempt under the provisions of Section 212.08(7)(w), F.S.

() Publishing or printing of certain advertising materials exempt under the provisions of Section 212.08(7)(ddd), F.S.

() Items, such as paper and ink, that will be incorporated into and become a component part of certain advertising materials exempt under the provisions of Section 212.08(7)(ddd), F.S.

() Educational materials, such as glue, paper, paints, crayons, unique craft items, scissors, books, and educational toys, purchased by child care facilities outlined in Section 402.305, F.S., that hold a current license under Section 402.308, F.S., hold a current Gold Seal Quality Care designation as provided in Section 402.281, F.S., and provide all employees with basic health insurance as defined in Section 627.6699(12), F.S., as provided in Section 212.08(5)(m), F.S.

() Motor vehicle rented or leased by a dealer who will provide the motor vehicle at no charge to a person whose motor vehicle is being repaired, adjusted, or serviced by the dealer, as provided in Section 212.0601(4), F.S.

() Other (include description and statutory citation):

I understand that if I use the property or service for any nonexempt purpose, I must pay tax on the purchase or lease price of the taxable property or service directly to the Department of Revenue.

I understand that if I fraudulently issue this certificate to evade the payment of sales tax I will be liable for payment of the sales tax plus a penalty of 200% of the tax and may be subject to conviction of a third degree felony.

The exemption specified by the purchaser may be verified by calling 1 (800)352-3671.

Purchaser's Name _____

Purchaser's Address _____

Name and Title of Purchaser's Authorized Representative _____

Sales and Use Tax Certificate of Registration No. (if applicable) _____

By _____

(Signature of Purchaser or Authorized Representative)

Title _____

(Title - only if purchased by an authorized representative of a business entity)

Date _____

2. No change.

(6) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 95.091(3), 212.02(4), (14)(c), 212.05(1)(j), 212.06(1)(c),(16), 212.0601, 212.07(1), 212.08(5)(m), (6), (7), 212.085, 212.18(2), (3), 212.21(2) FS. History—Revised 10-7-68, 6-16-72, Amended 9-28-78, 7-20-82, 4-29-85, Formerly 12A-1.38, Amended 8-10-92, 3-17-93, 9-14-93, 12-13-94, 10-2-01, 6-12-03, 7-31-03, 6-28-04, _____.

12A-1.039 Sales for Resale.

(1) through (2) No change.

(3) Except as provided in subsection (4), a dealer making a sale for resale is required to document the exempt sale by CHOOSING ONE of the following three methods:

(a) No change.

(b) TRANSACTION RESALE AUTHORIZATION NUMBER ISSUED AT POINT-OF-SALE – VALID FOR SINGLE TRANSACTION ONLY. In lieu of obtaining a copy of the purchaser’s Annual Resale Certificate for each ~~When making a tax-exempt sale made~~ for the purposes of resale, the selling dealer may obtain a Transaction Resale Authorization Number ~~from the Department in lieu of obtaining a copy of an Annual Resale Certificate from the purchaser~~ or a Vendor Resale Authorization Number from the Department.

1. A “transaction resale authorization number” must be obtained by the selling dealer at the point-of-sale by using the Department’s on-line Certificate Verification System at www.myflorida.com/dor/eservices or by calling the Department’s through use of an automated nationwide toll-free telephone verification system at ~~The nationwide toll-free number to access the system is 1(877)357-3725.~~

2. When using the Department’s on-line Certificate Verification System, the dealer may key up to five (5) purchaser’s sales tax certificate of registration numbers into the system. When using the Department’s automated nationwide toll-free verification system, the ~~The selling dealer is prompted to must key in a single in the purchaser’s sales tax certificate of registration number through use of a touch-tone phone.~~ The system will either issue a 13-digit thirteen (13) digit transaction resale authorization number or alert the selling dealer that the purchaser does not have a valid resale certificate. Selling dealers using the automated telephone verification system ~~Callers~~ who do not have a touch-tone phone will be connected to a live operator during the hours of 8:00 a.m. to 7:00 p.m. (Eastern Time), Monday through Friday. Persons with hearing or speech impairments may call the Department’s TDD, at 1(800)367-8331.

3. A transaction resale authorization number is not valid to exempt subsequent resale purchases or rentals made by the same purchaser. A selling dealer must obtain a new transaction resale authorization number for each and every resale transaction.

4. The selling dealer must document the transaction resale authorization number on the sales invoice, purchase order, or a separate form that is prepared by either the purchaser or the selling dealer. The sales invoice, purchase order, or separate form must contain the following statement: “The purchaser hereby certifies that the property or services being purchased or rented are for resale.” This statement must be followed by the signature of the purchaser. The signature may be obtained by the selling dealer through use of an electronic signature pad or other electronic method.

5. Alternatively, in lieu of meeting the requirements of subparagraph 4., the transaction resale authorization number may be documented on a properly completed Uniform Sales and Use Tax Certificate-Multijurisdiction, as provided in subsection (8) of this rule.

(c) VENDOR RESALE AUTHORIZATION NUMBER FOR REGULAR CUSTOMERS WHO HAVE PREVIOUSLY SUBMITTED DOCUMENTATION TO THE SELLING DEALER – VALID FOR CALENDAR YEAR ISSUED. In lieu of obtaining a Transaction Authorization Number or a copy of the purchaser’s valid Annual Resale Certificate for each ~~When making a tax-exempt sale made~~ for the purposes of resale, the selling dealer may obtain a Vendor Resale Authorization Number from the Department, ~~in lieu of obtaining a Transaction Authorization Number or a copy of the purchaser’s Annual Resale Certificate.~~ This option is available to selling dealers throughout the calendar year without limitation. The selling dealer must maintain a copy of the purchaser’s Annual Resale Certificate, whether valid or outdated.

1. The “Vendor Resale Authorization Number” is a customer-specific authorization number that will be valid for all sales for resale made to a particular customer during the calendar year.

2. To obtain vendor resale authorization numbers, the selling dealer may use the Department’s on-line Certificate Verification System at www.myflorida.com/dor/eservices or send a written request ~~must send~~ to the Department, ~~using an electronic medium, a list of the dealer’s regular customers for which the dealer has a resale certificate number or an outdated Annual Resale Certificate on file.~~

a. The written request may be forwarded to the Department or may be submitted on Form form DR-600013, Request for Verification that Customers are Authorized to Purchase for Resale, or by providing the following information: date of request; name of the dealer’s business; return address; name and telephone number of a contact person. The written request, or completed Form form DR-600013, should be forwarded to: Florida Department of Revenue, Production Control, G30 Carlton Building, Tallahassee, Florida 32399-0100, along with a list of the dealer’s regular customers for which the dealer has a valid Annual Resale Certificate on file or an outdated Annual Resale

Certificate on file. The electronic format for sending the customer data is provided in Form form DR-600013 and may be obtained from the Department's web site at www.myflorida.com/dor or by calling the Department at 1(850)488-3516. In response to this request, the Department will issue to the selling dealer, using the same electronic medium, a list containing a unique vendor resale authorization number for each customer who is an active registered dealer.

b. The Department's on-line Certificate Verification System allows the user to verify up to five purchasers' sales tax certificate of registration numbers and to obtain a transaction authorization number for single sales made to each purchaser at once. The system also allows the user to upload a batch file of up to 50,000 accounts for verification of an Annual Resale Certificate number and, 24 hours later, retrieve the file containing the vendor authorization numbers for sales made for the purposes of resale to each purchaser during the calendar year.

3. The selling dealer may make exempt sales for resale to a customer during the period in which the vendor resale authorization number for that customer is valid. Vendor resale authorization numbers are valid for the remainder of the calendar year during which they are issued. However, vendor resale authorization numbers issued by the Department in November or December shall be valid for the remainder of the current calendar year and the next calendar year.

(4) through (8) No change.

Specific Authority 212.07(1)(b), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 95.091(3), 212.02(14), 212.05(1)(b), (i), 212.07(1), 212.085, 212.13(5)(c), (d), 212.17(6), 212.18(2), (3), 212.21(2), 213.053(10) FS. History—Revised 10-7-68, 1-7-70, 6-16-72, 9-26-77, Amended 7-20-82, 4-12-84, Formerly 12A-1.39, Amended 1-2-89, 9-14-93, 12-13-94, 10-2-01, 6-12-03,_____.

12A-1.056 Tax Due at Time of Sale; Tax Returns and Regulations.

(1) No change.

(2) COLLECTION ALLOWANCE.

(a) As compensation for the prescribed record keeping, accounting for, and remitting taxes or fees on the same documents utilized for sales and use tax, such seller, person, lessor, dealer, owner, and remitter shall be allowed a collection allowance.

(b) The collection allowance (except for dealers who make mail order sales, see subsection (5) of Rule 12A-1.103, F.A.C.) shall be computed at the rate of 2.5 percent on the first \$1,200 of tax due. There shall be no additional collection allowance authorized for tax collected in excess of \$1,200. Therefore, the maximum amount of collection allowance authorized for any filing period shall be \$30.

(c) Dealers operating more than one place of business and filing under a consolidated tax return, where the consolidated return provides the monthly business activity for each location, are allowed the collection allowance for each reporting and

registered location. Dealers who report tax collected within each county using a county-control number are entitled to the collection allowance based upon the total amount reported on the county-control reporting number.

(d) The collection allowance will not be allowed when:

1. The tax reported on the return is delinquent at the time of payment;

2. The required tax return is delinquent; or

3. The required tax return filed is incomplete. An "incomplete return" is a return that lacks such uniformity, completeness, and arrangement that the physical handling, verification, or review of the return, or determination of other taxes and fees reported on the return, may not be readily accomplished.

(e)1. Any dealer who files a timely return may elect to donate the amount of collection allowance that is allowed on that return to the Educational Enhancement Trust Fund. The revenues deposited into this trust fund will to go school districts that have adopted resolutions stating that the funds from this trust fund will be used to ensure that up-to-date technology is purchased for the classrooms in those districts and that teachers are trained in the use of the technology. Dealers who are located outside Florida or whose business is located in a county where the school district has not adopted the required resolution may also elect to donate the amount of collection allowance that is allowed on their return to the trust fund. Funds received from these dealers will be equally distributed to school districts that have adopted the required resolutions.

2. Dealers who elect to donate their collection allowance must make an election on each original return that is timely filed with the Department, as provided in subsection (1). The payment required with the return must include the amount of collection allowance to be donated and must be timely filed, as provided in subsection (1). Dealers making the election on their return should not enter the amount of collection allowance on the return. Dealers who operate two or more places of business and file a consolidated return, as provided in paragraph (1)(f), must make the election on the consolidated return (Form DR-15CON, Consolidated Summary-Sales and Use Tax Return) and should not enter the amount of collection allowance on the location returns (Form DR-7, Consolidated Sales and Use Tax Return). The amount of the collection allowance will not be transferred to the Educational Enhancement Trust Fund when a dealer makes an election to donate the amount of its allowed collection allowance but does not include that amount with its payment. Form DR-15CON, Consolidate Summary-Sales and Use Tax Return, and Form DR-7, Consolidated Sales and Use Tax Return, are incorporated by reference in Rule 12A-1.097, F.A.C.

3. When a dealer files a return and makes the payment required with the return timely, the election to donate the amount of the collection allowance to the Educational

~~required for dealers who hold a valid certificate of registration for purposes of sales and use tax were not engaged in or conducting such business, are required to change their registration with the Department and register their new tax obligation at each existing place of business.~~

(b) Registration with the Department for purposes of making retail sales of new motor vehicle tires or lead-acid batteries is available by using one of the following methods:

1. Registering through the Department’s Internet site at the address shown in the parentheses (www.myflorida.com/dor) using the Department’s “e-Services” without payment of a registration fee; or

2. Filing an Application to Collect and/or Report Tax in Florida (~~Form form~~ DR-1, incorporated by reference in Rule 12A-1.097, F.A.C.) with the Department, as indicated on the registration form, with the required \$5 application fee.

(c) A separate application is required for each place of business.

(d) Each application submitted to the Department must contain sufficient information to facilitate the processing of the application.

(2) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1), 403.718(3)(b), 403.7185(3)(b) FS. Law Implemented 212.18(3), 403.718, 403.7185 FS. History–New 1-2-89, Amended 10-16-89, 12-16-91, 4-2-00, 4-17-03, _____.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: 12A-16.004
 RULE TITLE: Registration

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-16.004, F.A.C. (Registration), is to clarify that registered sales and use tax dealers who were not engaged in the business of leasing or renting any for hire passenger motor vehicles at the time of registration are required to register their new business activity with the Department for purposes of reporting the rental car surcharge imposed on the lease or rental of any for hire passenger motor vehicles.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the proposed guidelines which clarify when a sales and use tax dealer is required to register a new business activity with the Department for purposes of reporting the rental car surcharge.

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1) FS.
 LAW IMPLEMENTED: 212.0606, 212.18(3) FS.

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

DATE AND TIME: February 20, 2007, 10:00 a.m.
 PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-16.004 Registration.

(1)(a) Before any person may engage in or conduct business in this state of leasing or renting any for hire passenger motor vehicle, that person must register with the Department for sales and use tax purposes and obtain a certificate of registration for each place of business. Dealers who hold a valid certificate of registration, who at the time of registration for purposes of sales and use tax were not engaged in or conducting such business, are required to change their registration with the Department and register their new tax obligation at each existing place of business. ~~Registration as a sales tax dealer is sufficient registration for purposes of the surcharge.~~

(2)(a) Registration with the Department for ~~sales and use tax~~ purposes of leasing or renting any for hire passenger motor vehicle is available by using one ~~(4)~~ of the following methods:

1. Registering through the Department’s Internet site at the address shown in the parentheses (www.myflorida.com/dor) using the Department’s “e-Services” without payment of a registration fee; or

2. Filing an Application to Collect and/or Report Tax in Florida (~~Form form~~ DR-1, incorporated by reference in Rule 12A-1.097, F.A.C.) with the Department, as indicated on the registration form, with the required \$5.00 application fee.

(b) A separate application is required for each place of business.

(c) Each application submitted to the Department must contain sufficient information to facilitate the processing of the application.

(3) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.0606, 212.18(3) FS. History–New 11-14-89, Amended 8-10-92, 3-21-95, 6-19-01, 4-17-03, _____.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: 12A-19.100
 RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-19.100, F.A.C. (Public Use Forms) is to: (1) provide which version of Form DR-700016, Florida Communications Services Tax Return, is to be used to report communications services tax on services billed during specified months; and (2) adopt, by reference, revisions to Form DR-700016, Communications Services Tax Return.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the adoption, by reference, of revisions to Form DR-700016, Communications Services Tax Return.

SPECIFIC AUTHORITY: 202.16(2), 202.26(3)(a), (c), (d), (e), (j), 202.27(7) FS.

LAW IMPLEMENTED: 202.11(3), (10), (11), 202.12(1), (3), 202.13(2), 202.151, 202.16(2), (4), 202.17(6), 202.19(1), (7), 202.22(6), 202.27, 202.28(1), (2), 202.30, 202.33, 202.34(3), (4)(c), 202.35(1), (2) FS.

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

DATE AND TIME: February 20, 2007, 10:00 a.m.

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-19.100 Public Use Forms.

(1)(a) The Department employs the following public-use forms and instructions in the administration of Chapter 202, F.S., Communications Services Tax. These forms are hereby incorporated by reference in this rule.

(b) No change.

(2) The following versions of Form DR-700016, Florida Communications Services Tax Return, are applicable to the reporting periods and service billing dates indicated:

REVISION DATE	REPORTING PERIODS	SERVICE BILLING DATES
<u>02/07</u>	<u>February 2007 –</u>	<u>February 1, 2007 –</u>
<u>01/07</u>	<u>January 2007</u>	<u>January 1, 2007 – January 31, 2007</u>
<u>06/06</u>	<u>June 2006 – December 2006</u>	<u>June 1, 2006 – December 31, 2006</u>
01/06	January 2006 – <u>May 2006</u>	January 1, 2006 – <u>May 31, 2006</u>
11/05	November 2005 – December 2005	November 1, 2005 – December 31, 2005
06/05	June 2005 – October 2005	June 1, 2005 – October 31, 2005
01/05	January 2005 – May 2005	January 1, 2005 – May 31, 2005
11/04	November 2004 – December 2004	November 1, 2004 – December 31, 2004
10/04	October 2004	October 1, 2004 – October 31, 2004
06/04	June 2004 – September 2004	June 1, 2004 – September 30, 2004
01/04	January 2004 – May 2004	January 1, 2004 – May 31, 2004
12/03	December 2003	December 1, 2003 – December 31, 2003
11/03	November 2003	November 1, 2003 – November 30, 2003
10/03	October 2003	October 1, 2003 – October 31, 2003
06/03	June 2003 – September 2003	June 1, 2003 – September 30, 2003
03/03	March 2003 – May 2003	March 1, 2003 – May 31, 2003
01/03	January 2003 – February 2003	January 1, 2003 – February 28, 2003
12/02	December 2002	December 1, 2002 – December 31, 2002
11/02	November 2002	November 1, 2002 – November 30, 2002
10/02	October 2002	October 1, 2002 – October 31, 2002
01/02	January 2002 – September 2002	January 1, 2002 – September 30, 2002
12/01	October 2001 – December 2001	October 1, 2001 – December 31, 2001

Form Number	Title	Effective Date	(b)	(c)	(a) through (s) renumbered (d) through (v) No change.
(3) No change.					
(4)(a) <u>DR-700016</u>	<u>Florida Communications Services Tax Return (R. 02/07)</u>	_____	<u>DR-700016</u>	<u>Florida Communications Services Tax Return (R. 01/07)</u>	_____
			<u>DR-700016</u>	<u>Florida Communications Services Tax Return (R. 06/06)</u>	_____

(5) through (12) No change.

Specific Authority 202.151, 202.16(2), 202.26(3)(a), (c), (d), ~~(e), (i), 202.27(7)~~ FS. Law Implemented 202.11(3), (10), (11), 202.12(1), ~~(3), 202.13(2), 202.151, 202.16(2), (4), 202.17(6), 202.19(1), (7), 202.22(6), 202.27, 202.28(1), (2), 202.30(3), 202.33, 202.34(3), (4)(c), 202.35(1), (2)~~ FS. History—New 4-17-03, Amended 7-31-03, 10-1-03, 9-28-04, 6-28-05, 11-14-05, 7-16-05,_____.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NOS.:	RULE TITLES:
12B-7.008	Public Use Forms
12B-7.026	Public Use Forms
12B-7.030	Miami-Dade County Lake Belt Mitigation Fee and Water Treatment Plant Upgrade Fee
12B-7.031	Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-7.008, F.A.C. (Public Use Forms), is to update guidelines on how to obtain a form for reporting tax on the production of oil, gas, or sulfur from the Department.

The purpose of the proposed amendments to Rule 12B-7.026, F.A.C. (Public Use Forms), is to: (1) incorporate, by reference, changes to forms used by the Department for reporting the taxes imposed on the severance of solid minerals, phosphate rock, or heavy minerals from the soils and waters of this state; and (2) update guidelines on how to obtain a form for reporting the tax on solid minerals from the Department.

The purpose of the proposed amendments to Rule 12B-7.030, F.A.C. (Miami-Dade County Lake Belt Mitigation Fee and Water Treatment Plant Upgrade Fee), is to incorporate the provisions of Chapter 2006-13, L.O.F., which imposes a water treatment plant upgrade fee on each ton of limerock and sand mined from the Miami-Dade County Lake Belt Area.

The purpose of the proposed amendments to Rule 12B-7.031, F.A.C. (Public Use Forms), is to adopt, by reference, changes to expand the form used by the Department for reporting the Miami-Dade County Lake Belt Mitigation Fee to provide for the reporting of the water treatment plant upgrade fee.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is: (1) the adoption of revisions to existing forms used to report severance taxes to the Department; and (2) the proposed guidelines regarding the imposition and reporting of the Miami-Dade County Lake Belt water treatment plant upgrade fee imposed under Chapter 2006-13, L.O.F.

SPECIFIC AUTHORITY: 211.075(2), 211.125(1), 211.33(6), 213.06(1), 373.41492(4)(b) FS.

LAW IMPLEMENTED: 92.525(1)(b), (2), (3), (4), 211.026, 211.075, 211.076, 211.11(1)(b), 211.125, 211.30, 211.31, 211.3103, 211.3106, 211.33, 212.12(2), 212.17(1)(c), 213.235(2), 213.37, 213.755(1), 373.41492 FS.

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

DATE AND TIME: February 20, 2007, 10:00 a.m.

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Parramore, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4709

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12B-7.008 Public Use Forms.

(1)(a) The following forms and instructions are used by the Department in its administration of the taxes imposed on the production of oil, gas, and sulfur. These forms are hereby incorporated by reference in this rule.

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading the form from the Department's Internet site at www.myflorida.com/dor/forms; or, 2) faxing a forms request to the distribution Center at (850)922-2208; or, 3) calling the Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, ~~5) faxing the Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax on Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.~~

(2) through (5) No change.

Specific Authority 211.075(2), 211.125(1), 213.06(1) FS. Law Implemented 92.525(1)(b), (2), (3), (4), 211.026, 211.075, 211.076, 211.125, 213.755(1) FS. History—New 12-28-78, Formerly 12B-7.08, Amended 12-18-94, 5-4-03, 10-1-03,_____.

PART II – SEVERANCE TAX ON SOLID MINERALS

12B-7.026 Public Use Forms.

(1)(a) The following forms and instructions are used by the Department in its administration of the taxes imposed on the severance of solid minerals, phosphate rock, or heavy minerals from the soils and waters of this state. These forms are hereby incorporated by reference in this rule.

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading the form from the Department’s Internet site at www.myflorida.com/dor/forms; or, 2) faxing a forms request to the distribution Center at (850)922-2208; or, 3) calling the Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 5) faxing the Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department’s automated Fax on Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading selected forms from the Department’s Internet site at the address shown inside the parentheses (www.myflorida.com/dor). Persons with hearing or speech impairments may call the Department’s TDD at (800)367-8331.

	Form Number	Title	Effective Date
(2)	DR-142	Solid Mineral Severance Tax Return (R. <u>01/06 04/03</u>)	___ <u>10/03</u>
(3)	DR-142ES	Declaration/Installment Payment of Estimated Solid Mineral Severance Tax (R. <u>01/06 04/03</u>)	___ <u>05/03</u>

Specific Authority 211.33(6), 213.06(1) FS. Law Implemented 92.525(2), 211.30, 211.31, 211.3103, 211.3106, 211.33, 213.755(1) FS. History–New 12-18-94, Amended 10-4-01, 5-4-03, 10-1-03, _____.

PART III MITIGATION ~~FEES~~ FEES ON MINING

12B-7.030 Miami-Dade County Lake Belt Mitigation Fee and Water Treatment Plant Upgrade Fee.

(1) The Miami-Dade County Lake Belt mitigation fee and the water treatment plant upgrade fee are ~~is~~ imposed on each ton of limerock and sand extracted by any person who engages in the business of extracting limerock or sand within the areas and sections provided in Section 373.41492, F.S. The per-ton mitigation fee and water treatment plant upgrade fee are ~~is~~ at the rates ~~rate~~ provided in Sections 373.41492(2) and (5), F.S.

(2) The ~~fees are tax~~ ~~is~~ to be reported to the Department on the Miami-Dade County Lake Belt Mitigation and Water Treatment Plant Upgrade Fees Tax Fee Monthly Return (Form form DR-146, incorporated by reference in Rule 12B-7.031, F.A.C.).

(3)(a) Except as provided in Rule Chapter 12-24, F.A.C., the payment and the Miami-Dade County Lake Belt Mitigation and Water Treatment Plan Upgrade Fess Tax Fee Monthly Return must be delivered to the Department or be postmarked on or before the 20th day of the month following the month of the taxable transaction to avoid penalty and interest for late filing. If the 20th day falls on a Saturday, Sunday, or a legal holiday, payments accompanied by returns will be accepted as timely if postmarked or delivered to the Department on the next succeeding day which is not a Saturday, Sunday, or legal holiday. For this purpose, a legal holiday means a holiday that is observed by federal or state agencies as a legal holiday, as this term is defined in Chapter 682, F.S., and Section 7503, Internal Revenue Code of 1986, as amended. A “legal holiday” pursuant to Section 7503 of the Internal Revenue Code of 1986, as amended, means a legal holiday in the District of Columbia or a statewide legal holiday at a location outside the District of Columbia but within an internal revenue district.

(b) Electronic filing of payments and returns must be submitted to the Department, as provided in Rule Chapter 12-24, F.A.C., when:

1. Payment of the fee is required to be made by electronic means;
2. Any return for reporting fees is required to be submitted by electronic means; or
3. No fee is due with a return for reporting fees.

(4) Persons who are required to make a return or to pay the mitigation fee or the water treatment upgrade fee imposed under Section 373.41492, F.S., and administered under the provisions of Chapter 212, F.S., and fail to do so will be subject to penalties, as provided in Section 212.12(2), F.S., and to the interest imposed on deficiencies established under Section 213.235, F.S., and Rule 12-3.0015, F.A.C. Guidelines are provided in subsection (4) of Rule 12A-1.056, F.A.C.

Specific Authority 211.33(6), 213.06(1), 373.41492(4)(b) FS. Law Implemented 92.525(1)(b), (2), (3), (4), 211.30, 211.31, 211.3103, 211.3106, 211.33, 212.12(2), 212.17(1)(c), 213.235(2), 213.37, 213.755(1), 373.41492 FS. History–New 10-1-03, Amended 9-28-04, _____.

12B-7.031 Public Use Forms.

(1)(a) The following form and instructions are used by the Department in its dealings with the public in the administration of the Miami-Dade County Lake Belt mitigation fee and water treatment plant upgrade fee. This form and instructions are hereby incorporated by reference in this rule.

(b) No change.

Form Number	Title	Effective Date
(2) DR-146	Miami-Dade County Lake Belt Mitigation <u>and Water Treatment Upgrade Fees Tax</u> Fee Monthly Return (R. 01/07 10/05)	___ <u>05/06</u>

Specific Authority 213.06(1), 373.41492(4)(b) FS. Law Implemented 92.525(1)(b), (2), (3), (4), 212.11(1)(b), 212.12(2), 212.17(1)(c), 213.235(2), 213.37, 213.755(1), 373.41492 FS. History—New 10-1-03, Amended 9-28-04, 6-28-05, 5-1-06,_____.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NO.: 12C-3.008
 RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: The proposed amendments to Rule 12C-3.008, F.A.C., are necessary to require, pursuant to Section 198.32(2), F.S., that Form DR-312, Affidavit of No Florida Estate Tax Due, include the requirement that the affidavit be executed by the personal representative of a nontaxable estate and be sworn to before a notary. The effect of this change will be to adopt, by reference, Form DR-312 (R. 07/05).

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the incorporation, by reference, of changes to Form DR-312, Affidavit of No Florida Estate Tax Due, used by the Department in the administration of Section 198.32(2), F.S.
 SPECIFIC AUTHORITY: 198.08, 198.32(2), 213.06(1) FS.

LAW IMPLEMENTED: 92.525(1)(b), 198.08, 198.13, 198.22, 198.26, 198.32(2), 198.33(1), 198.38, 198.39, 213.37, 837.06 FS.

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

DATE AND TIME: February 20, 2007, 10:00 a.m.
 PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Parramore, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4709

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12C-3.008 Public Use Forms.

(1)(a) The following public-use forms and instructions are employed by the Department in its dealings with the public and are hereby adopted by reference.

(b) No change.

Form Number	Title	Effective Date
(2) through (4)	No change.	
(5) DR-312	Affidavit of No Florida Estate Tax Due (R. 07/05 08/06)	___ <u>10/06</u>

(6) No change.

Specific Authority 198.08, 198.32(2), 213.06(1) FS. Law Implemented 92.525(1)(b), 198.08, 198.13, 198.22, 198.26, 198.32(2), 198.33(1), 198.38, 198.39, 213.37, 837.06 FS. History—New 9-26-77, Formerly 12C-3.08, Amended 1-11-93, 8-25-94, 1-22-01, 5-4-03, 10-30-06,_____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

RULE NO.: 19-15.001
 RULE TITLE: Insurance Capital Build-Up Incentive Program

PURPOSE AND EFFECT: The Legislature made changes to the Insurance Capital Build-Up Incentive Program, Section 215.5595, F.S., during the 2007 Special Legislative Session. Due to this legislation, amendments to Rule 19-15.001, F.A.C. are necessary.

SUBJECT AREA TO BE ADDRESSED: The rule addresses the changes made to Section 215.5595, F.S. by this legislation.
 SPECIFIC AUTHORITY: 215.5595 FS.

LAW IMPLEMENTED: 215.5595 FS.

IF REQUESTED IN WRITING BY 4:00 P.M. ON TUESDAY, FEBRUARY 13, 2007, 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, IF AVAILABLE, IS: Tracy Allen, Senior FHCF Attorney, State Board of Administration, P. O. Box 13300, Tallahassee, Florida 32317-3300; telephone (850)413-1341

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON THE SBA WEBSITE AT: www.sbafla.com/icbi or may be obtained at no charge from Tracy Allen, Senior FHCF Attorney, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300; telephone (850)413-1341

PUBLIC SERVICE COMMISSION

RULE NO.: 25-6.0143
 RULE TITLE: Use of Accumulated Provision Accounts 228.1, 228.2, and 228.4
 PURPOSE AND EFFECT: To standardize the way investor-owned electric utilities account for damage to facilities from extreme weather events.
 SUBJECT AREA TO BE ADDRESSED: Investor-owned utility regulatory accounting methods.
 SPECIFIC AUTHORITY: 350.127(2), 366.05(1) FS.
 LAW IMPLEMENTED: 350.115, 366.04(2)(a) FS.
 A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
 DATE AND TIME: Wednesday, February 21, 2007, 9:30 a.m.
 PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Mary Diskerud, (850)413-6090

The Division of the Commission Clerk and Administrative Services at (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Larry D. Harris, Associate General Counsel, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6076

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-6.0143 Use of Accumulated Provision Accounts 228.1, 228.2, and 228.4.

(1) Account No. 228.1 Accumulated Provision for Property Insurance.

(a) No change.

(b) Except as provided in subsections (1)(e) and (1)(f), charges to this account shall be made for all occurrences in accordance with the schedule of risks to be covered which are not covered by insurance. Recoveries, insurance proceeds or reimbursements for losses charged to this account shall be credited to the account.

(c) A separate subaccount shall be established for that portion of Account No. 228.1 which is designated to cover storm-related damages to the utility’s own property or property leased from others that is not covered by insurance. The records supporting the entries to this account shall be so kept that the utility can furnish full information as to each storm event included in this account.

(d) In determining the costs to be charged to cover storm-related damages, the utility shall use an Incremental Cost and Capitalization Approach methodology (ICCA). Under the ICCA methodology, the costs charged to cover storm-related damages shall exclude those costs that normally would be charged to non-cost recovery clause operating expenses in the absence of a storm. In addition, capital expenditures for the removal, retirement and replacement of damaged facilities charged to cover storm-related damages shall exclude the normal cost for the removal, retirement and replacement of those facilities in the absence of a storm. The utility shall notify the Director of the Commission’s Division of Economic Regulation in writing and provide a schedule of the amounts charged to Account No. 228.1 for each incident exceeding ten million dollars.

(e) All costs charged to Account 228.1 are subject to review for prudence and reasonableness by the Commission. Under the ICCA methodology for determining the allowable costs to be charged to cover storm-related damages, the following costs are expressly prohibited from being charged to Account No. 228.1:

1. Base rate recoverable regular payroll and regular payroll-related costs for utility managerial and non-managerial personnel;
2. Bonuses or any other special compensation for utility personnel not eligible for overtime pay;
3. Base rate recoverable depreciation expenses, insurance costs and lease expenses for utility-owned or utility-leased vehicles and aircraft;
4. Utility employee assistance costs;
5. Utility employee training costs;
6. Utility advertising, media relations or public relations costs;
7. Utility call center and customer service costs;
8. Tree trimming expenses, incurred in any month in which storm damage restoration activities are conducted, that are less than the actual monthly average of tree trimming costs charged to operation and maintenance expense for the three previous calendar years;
9. Uncollectible accounts expenses;
10. Utility lost revenues from services not provided;
11. Costs of back-fill work or catch-up work for activities not directly related to storm damage restoration activities; and
12. Replenishment of the utility’s materials and supplies inventories.

(f) A utility may, at its own option, charge storm-related costs as operating expenses rather than charging them to Account No. 228.1. The utility shall notify the Director of the Commission's Division of Economic Regulation in writing and provide a schedule of the amounts charged to operating expenses for each incident exceeding five million dollars.

(g) If the charges to Account No. 228.1 exceed the account balance, the excess shall be carried as a debit balance in Account No. 228.1 and no request for a deferral of the excess or for the establishment of a regulatory asset is necessary.

(h) A utility may petition the Commission for the recovery of a debit balance in Account No. 228.1 through a surcharge, securitization or other cost recovery mechanism.

(i) If a utility receives reimbursement from another utility for expenses incurred in providing storm damage restoration assistance to another utility, the utility shall credit Account No. 228.1 for the costs that normally would be charged to operating expenses in the absence of providing storm damage restoration assistance.

(j) A utility shall not establish or change an annual accrual amount or a target accumulated balance amount for Account No. 228.1 without prior Commission approval.

(k) Each utility shall file a Storm Damage Self-Insurance Reserve Study (Study) with the Division of the Commission Clerk and Administrative Services by January 15, 2011 and at least once every five years thereafter from the submission date of the previously filed study. A Study shall be filed whenever the utility is seeking a change to either the target accumulated balance or the annual accrual amount for Account No. 228.1. At a minimum, the Study shall include data for determining a target balance for, and the annual accrual amount to, Account No. 228.1.

(l) Each utility shall file a report with the Director of the Commission's Division of Economic Regulation providing information concerning its efforts to obtain commercial insurance for its transmission and distribution facilities and any other programs or proposals that were considered. The report shall also include a summary of the amounts recorded in Account 228.1. The report shall be filed annually by February 15 of each year for information pertaining to the previous calendar year.

(2) through (4)(a) No change.

(b) If a utility elects to use any of the above listed accumulated provision accounts, each and every loss or cost which is covered by the account shall be charged to that account and shall not be charged directly to expenses except as provided for in subsections (1)(e) and (1)(f). Charges shall be made to accumulated provision accounts regardless of the balance in those accounts.

(c) No change.

Specific Authority 366.05(1) FS. Law Implemented 350.115, 366.04(2)(a) FS. History--New 3-17-88, Amended _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.230
 RULE TITLE: Physician Services

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference update April 2007 to the Florida Medicaid Physician Services Coverage and Limitations Handbook. The handbook was revised to include the Medicaid Hospitalist Program policies. The Medicaid Hospitalist Program is being implemented in Miami-Dade and Palm Beach counties. The effect will be to incorporate by reference in rule update April 2007 to Florida Medicaid Physician Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Physician Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.907, 409.908, 409.9081 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: Tuesday, February 20, 2007, 2:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room C, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Diane Weller, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)410-3037

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.230 Physician Services.

(1) No change.

(2) All physician services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Physician Services Coverage and Limitations Handbook, January 2007, updated January 2007 and April 2007, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling Provider Inquiry at 1 (800)377-8216.

(3) No change.

(4) No change.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.907, 409.908, 409.9081 FS. History--New 1-1-77, Revised 2-1-78, 4-1-78, 1-2-79, 1-1-80, Amended 2-8-82, 3-11-84, Formerly 10C-7.38, Amended 1-10-91, 11-5-92, 1-7-93, Formerly 10C-7.038, Amended 6-29-93, 9-6-93, Formerly 10P-4.230, Amended 6-13-94, 2-9-95,

3-10-96, 5-28-96, 3-18-98, 9-22-98, 8-25-99, 4-23-00, 8-5-01, 2-20-03, 8-5-03, 8-3-04, 8-18-05, 8-31-05, 10-26-06, 2-11-07,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.: 61G1-11.013
 RULE TITLE: Definitions
 PURPOSE AND EFFECT: The Board proposes to remove the definition of "intern-architect" from the rule.
 SUBJECT AREA TO BE ADDRESSED: The removal of the definition of "intern-architect" from the rule language.
 SPECIFIC AUTHORITY: 481.2055 FS.
 LAW IMPLEMENTED: 481.203, 481.211, 481.221(4), (8), 481.229(1)(c) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 61G1-11.013 Definitions.
- (1) No change.
- (2) ~~An "intern-architect" as a term is used in Rule 61G1-13.0021, F.A.C., means an individual who has completed all requirements of the first three academic years in a professional program in architecture which is approved by the Board, and has an approved application for licensure as an architect (by examination) on file with the Board office.~~
- (3) through (4) renumbered (2) through (3) No change.

Specific Authority 481.2055 FS. Law Implemented 481.203, 481.211, 481.221(4), (8), 481.229(1)(c) FS. History—New 12-23-79, Amended 2-24-83, 10-27-83, 12-29-83, Formerly 21B-11.13, Amended 11-12-89, 2-14-91, 5-5-91, 12-26-91, Formerly 21B-11.013, Amended 11-15-93, 11-21-94, 1-10-99, 2-12-04,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-12.021
 RULE TITLE: Committee Structure
 PURPOSE AND EFFECT: The Board proposes a new rule for the consideration of committee structure.
 SUBJECT AREA TO BE ADDRESSED: Committee Structure.

SPECIFIC AUTHORITY: 489.107 FS.
 LAW IMPLEMENTED: 489.108 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: G.W. Harrell, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-16.009
 RULE TITLE: Examination and Reexamination
 PURPOSE AND EFFECT: The Board proposes a rule amendment for review of the contractor category list and the modification for consistency within the rule.
 SUBJECT AREA TO BE ADDRESSED: Examination and Reexamination.
 SPECIFIC AUTHORITY: 489.219(1), 489.108, 489.129(2) FS.

LAW IMPLEMENTED: 455.217, 489.109, 489.11 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: G.W. Harrell, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 61G4-16.009 Examination and Reexamination.
- (1)(a) The general areas of competency to be covered by the examination for general, building, residential, sheet metal, roofing, class A and B air conditioning, mechanical, commercial pool/spa, residential pool/spa, swimming pool/spa servicing, plumbing, underground utility and excavation, specialty structure, solar, pollutant storage, gypsum drywall,

glass and glazing, and gas line contractors, and the relative weight to be assigned in grading each area tested shall be as specified in Rule 61G4-16.001, F.A.C.

(b) Reexamination.

1. A candidate who:

a. Fails to achieve a passing score on any of the tests referenced to in Rule 61G4-16.001, F.A.C., above; or

b. Fails to appear for a scheduled test shall be required to pay the reexamination fee as set forth in paragraph (3)(c) below.

2. A candidate shall be required to retake only the tests on which he or she failed to achieve a passing score or failed to appear to take when scheduled. However, a candidate must pass all tests within two years ~~three hundred sixty-five (365) days~~ of the first attempt; after which time all past test scores of the candidate shall be considered invalid and he or she shall be required to take all parts of the test as specified in Rule 61G4-16.001, F.A.C. A candidate may take any specific part of the test no more than six times in the two year period.

3. A candidate who fails to achieve a passing score on the examination in whole or in part ~~on his or her first or second attempt~~ may submit an application to retake the certification examination to the examination vendor no less than thirty (30) days prior to the administration of the examination the candidate wishes to take provided he or she pays all appropriate fees as set forth in subsection (3) below.

(2) through (4) No change.

Specific Authority 455.217(2), 455.219(1), 489.108, 489.129(2) FS. Law Implemented 455.217, 489.109, 489.111 FS. History—New 2-25-93, Formerly 21E-16.009, Amended 10-17-93, 7-20-94, 11-25-97, 9-15-99, 4-26-00, 10-24-00, 2-6-03, 1-10-05, 11-3-06,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE NO.:	RULE TITLE:
61G17-7.0025	Procedures for Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents

PURPOSE AND EFFECT: The purpose and effect of this amendment is to update the existing language of this rule.

SUBJECT AREA TO BE ADDRESSED: Procedures for Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents.

SPECIFIC AUTHORITY: 472.008, 472.025 FS.

LAW IMPLEMENTED: 472.025 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rick Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-17.011	General
62-17.021	Definitions
62-17.031	Prohibitions, Exceptions, and Applicability
62-17.041	Notice of Intent, Binding Written Agreements
62-17.051	Application for Site Certification
62-17.081	Supplementary Information – Cost Responsibility, Determination of Sufficiency of Application
62-17.091	Conduct of Studies
62-17.093	Preliminary Statements of Issues
62-17.121	Land Use and Zoning Hearings – Subject Matter, Effect of Findings
62-17.133	Agency Reports
62-17.135	Coordination of Federally Approved or Delegated Programs with State Certification Application Review Procedures
62-17.141	Certification Hearings – Subject Matter, Procedure, Participants
62-17.143	Transmittal and Filing of Orders, Exceptions
62-17.147	Certified Corridor Notice
62-17.171	Department Conditions of Certification under Section 403.511(5)(a), (b)
62-17.191	Postcertification Compliance Review, Monitoring
62-17.201	Review and Evaluation
62-17.205	Postcertification Amendments or Clarifications
62-17.211	Modification of Certification, Criteria-change Modifications, Transfer of Ownership

- 62-17.231 Processing of Supplemental Application
- 62-17.251 Processing of Application for Certification of an Existing Power Plant Site
- 62-17.280 Florida Administrative Weekly
- 62-17.281 Newspaper Notice
- 62-17.282 Other Notifications
- 62-17.293 Fees, Disbursement of Funds, Contracts

PURPOSE AND EFFECT: The draft proposed rule is to implement the changes to the Florida Electrical Power Plant Siting Act during the 2006 legislative session, as enacted in Senate Bill 888, signed into law on June 19, 2006. The draft proposed rule is to clarify definitions, applicability, application requirements, completeness process, the conduct of studies, agency statements of issues and reports, land use and certification hearing requirements, coordination with federal permit programs, proprietary interests in state owned lands, conditions of certification requirements, post certification review, post certification amendments, modifications, processing of supplemental applications and existing sites, public notice, and fees.

SUBJECT AREA TO BE ADDRESSED: The draft proposed rule is to clarify definitions, applicability, application requirements, completeness process, the conduct of studies, agency statements of issues and reports, land use and certification hearing requirements, coordination with federal permit programs, proprietary interests in state owned lands, conditions of certification requirements, post certification review, post certification amendments, modifications, processing of supplemental applications and existing sites, public notice, and fees.

SPECIFIC AUTHORITY: 403.501-403.518 FS.

LAW IMPLEMENTED: 403.501-403.518 FS.

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

DATE AND TIME: February 27, 2007, 9:00 a.m.

PLACE: Department of Environmental Protection, Bob Martinez Complex, Conference Room 609, 2600 Blair Stone Road, Tallahassee, Florida

DATE AND TIME: March 6, 2007, 9:00 a.m.

PLACE: Tampa Port Authority, 1101 Channelside Drive, 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 48 hours before the workshop/meeting by contacting: Ms. Landa Korokous at Florida Department of Environmental Protection, Siting Coordination Office, 2600 Blair Stone Road, MS 48, Tallahassee, Florida 32399-2400;

(850)245-8002. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michael P. Halpin, P.E., Florida Department of Environmental Protection, Siting Coordination Office, 2600 Blair Stone Road, MS 48, Tallahassee, Florida 32399-2400; (850)245-8002, or at the following web site: www.dep.state.fl.us/siting
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.:	RULE TITLE:
62-204.800	Federal Regulations Adopted by Reference

PURPOSE AND EFFECT: The department is proposing to amend Rule 62-204.800, F.A.C., to incorporate the May 10, 2006 federal changes to the Emission Guidelines for Existing Large Municipal Waste Combustors and provide associated compliance schedules. There is no draft rule language available at this time; however, it is expected the department will post draft rule language at the following web site by February 16, 2007: <http://www.dep.state.fl.us/Air/rules/regulatory.htm>.

SUBJECT AREA TO BE ADDRESSED: Revised federal emission guidelines for existing large municipal waste combustors.

SPECIFIC AUTHORITY: 403.061 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087 FS.

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

DATE AND TIME: Thursday, February 22, 2007, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, Division of Air Resource Management, 111 South Magnolia Drive, Suite 23, Directors Conference Room, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Lynn Scarce at (850)921-9551. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mr. John Glunn at Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400, or john.glunn@dep.state.fl.us, phone (850)921-9548

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-2.0151
 RULE TITLE: Review Procedure and Methodology for Certification of Foreign Dental Education Programs

PURPOSE AND EFFECT: The Board proposes to promulgate and adopt rule language to specify the review procedures and methodology for certification of foreign dental educations programs.

SUBJECT AREA TO BE ADDRESSED: Review procedures for certification of foreign dental programs.

SPECIFIC AUTHORITY: 466.004, 466.008 FS.

LAW IMPLEMENTED: 466.004, 466.008 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Dentistry /MQA, 4052 Bald Cypress Way, Bin #08, Tallahassee, Florida 32399-3258
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE CHAPTER NO.: 64E-15
 RULE CHAPTER TITLE: Mobile Home, Lodging, and Recreational Vehicle Parks, and Recreational Camps

RULE NO.: 64E-15.005
 RULE TITLE: Sanitary Facilities

PURPOSE AND EFFECT: The proposed change will remove the need for redundant sanitary facilities (showers, toilets, urinals, handwashing fixtures), dump stations and potable water supply stations in RV parks, thereby saving thousands of dollars for the regulated public.

SUBJECT AREA TO BE ADDRESSED: Sanitary facilities, dump stations, and potable water supply station requirements in recreational vehicle parks.

SPECIFIC AUTHORITY: 513.05 FS.

LAW IMPLEMENTED: 513.05 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: David B. Wolfe, Environmental Health Program Consultant, Bureau of Community Environmental Health, 4052 Bald Cypress Way, BIN A08, Tallahassee, FL 32399-1710, (850)245-4277. An electronic copy of the proposed rule can be obtained without cost by contacting David B. Wolfe at the above address or telephone number (850)245-4277

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64E-15.005 Sanitary Facilities.

(1) through (5) No change.

(6) If a park owner files a letter with the county health department stating the recreational vehicle park has a potable water and sewer hook-up at each site and the park only rents to recreational vehicles that are self contained units, the park will be exempt from the sanitary facilities requirements in subsections 64E-15.005(2), (4), F.A.C., the sewage disposal requirements in subsections 64E-15.004(5), (6), (7), F.A.C., and the water requirements in paragraph 64E-15.003(3)(b), F.A.C.

Specific Authority 381.011, 513.05 FS. Law Implemented 381.006(6), (14), 386.041, 513.012 FS. History–New 5-20-96, Formerly 10D-26.140, Amended _____.

**Section II
 Proposed Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-3.042
 RULE TITLE: Multiple Wells Under a Single Permit

PURPOSE AND EFFECT: The purpose of the proposed rule revision is to clarify the requirement that a single permit may be obtained for the construction of a multi-zone monitor well. This type of well, as it is usually constructed, consists of multiple observation tubes for monitoring different depths, all located within a single larger diameter well casing. A separate well completion report is required for each of the monitor tubes. The completion reports identify the zones being monitored in the well. The proposed rule language will help clarify current existing practices.

SUMMARY: Permitting construction of multi-zone monitor wells under a single permit.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.309, 373.337 FS.

LAW IMPLEMENTED: 373.106(1), 373.309 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: Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-3.042 Multiple Wells Under a Single Permit.

(1) The construction, repair, modification or abandonment of:

(a) ~~Up~~ to eight (8) sandpoint irrigation, monitor, recovery, dewatering, or gang wells 4 inches or less in diameter; or

(b) ~~A~~ class V air conditioning heat pump system consisting of one supply well and one return well; may be included under one ~~±~~ permit provided the conditions of subsection (2) are met.~~±~~

(2) A multiple well permit as described in subsection (1) will be issued provided:

~~(a)±~~ The wells are constructed in the same geologic material, completed in the same hydrogeologic unit, and drilled on a contiguous tract of land owned or controlled by the same individual or entity; and

~~(b)±~~ Each well is the same diameter and constructed of a similar material.

~~(3)±~~ The District requires both a supply well and a return well in the construction of an open heat pump system. A supply well without a return well is not permitted.

(4) The District will authorize multi-zone monitor wells consisting of multiple observation tubes monitoring different depths all located in a single larger diameter well casing under a single permit. Provisions listed in subsection (2) do not apply to this type of well.

(5) When a single well construction permit is issued for multiple wells as described above, a separate well completion report is required for each of the wells or tubes.

Specific Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.106(1), 373.309 FS. History–New 12-31-92, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 29, 2006

LAND AND WATER ADJUDICATORY COMMISSION

RULE NOS.:	RULE TITLES:
42-2.013	Request for Review Pursuant to Section 373.114 or 373.217 F.S.
42-2.0132	Procedure for Filing Petitions from a Water Management District Order

PURPOSE AND EFFECT: Rule amendments update language to reflect statutory changes, remove obsolete rule references, clarify rule references, and amend the rule title to make content clear.

SUMMARY: Rule amendments update language to reflect statutory changes, remove obsolete rule references, clarify rule references, and amend the rule title to make content clear.

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

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

SPECIFIC AUTHORITY: 373.114 FS.

LAW IMPLEMENTED: 373.114, 373.217 FS.

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

DATE AND TIME: Wednesday, February 28, 2007, 10:00 a.m.

PLACE: Room 2103, The Capitol, Tallahassee, Florida 32399-0001

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 five days before the workshop/meeting by contacting: Barbara Leighty, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, telephone (850)487-1884. If

you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Barbara Leighty, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, telephone (850)487-1884

THE FULL TEXT OF THE PROPOSED RULES IS:

42-2.013 Request for Review Pursuant to Section 373.114 or 373.217, F.S.

(1) through (3) No change.

(4)(a) With regard to a request for review of an order by a party, if the petition is timely filed, sufficient, and raises issues of conflict with the requirements of Chapter 373, F.S., or rules duly adopted thereunder, then the Commission shall accept the request for review of an order if:

1. ~~Three~~ ~~four~~ members of the Commission determine on a basis of the record below that the activity authorized by the order would substantially affect natural resources of statewide or regional significance; or

2. ~~Three~~ ~~four~~ members of the Commission determine that the order raises issues of policy, statutory interpretation, or rule interpretation that have regional or statewide significance from the standpoint of agency precedent.

(b) No change.

(c) For the purpose of subparagraph ~~42-2.013~~(4)(a)1. ~~and Rule 42-2.018~~, F.A.C., it shall be presumed that an activity authorized by an order will not affect resources statewide or regional significance if the proposed activity:

1. through 4. No change.

Specific Authority 373.114, ~~373.217~~ FS. Law Implemented 373.114, 373.217 FS. History--New 6-8-77, Formerly 22G-1.13, Amended 2-7-84, Formerly 27G-1.13, Amended 2-20-94, 3-15-95, _____.

42-2.0132 Procedure for Filing Petitions from a Water Management District Order.

(1) Review by the Commission is appellate in nature and shall be based solely on the record below unless the Commission determines that a remand for a formal evidentiary proceeding is necessary to develop additional findings of fact.

(1) through (2) renumbered (2) through (3) No change.

~~(3) Where a proceeding on an order has been initiated pursuant to Section 120.57, F.S., a request for review under Rule 42-2.013 or 42-2.0131, F.A.C., shall be filed no later than 20 days after rendition of the final agency action in the proceeding, except as provided in (1)(b), as applicable.~~

(4) No change.

(5) A request for review under Rule 42-2.013 or 42-2.0131, F.A.C., is not a precondition to seeking judicial review pursuant to Section 120.68, F.S., or seeking administrative determination of rule validity pursuant to

Section 120.56, F.S. ~~However, the filing of a petition under Section 120.57, F.S., or a rule challenge under Section 120.56, F.S., shall result in a stay of review by the Commission.~~

(6) through (13) No change.

Specific Authority 373.114, ~~373.217, 20.255~~ FS. Law Implemented 373.114, 373.217, ~~20.255~~ FS. History--New 2-20-94, Amended 3-15-95, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Secretary, Florida Land and Water Adjudicatory Commission, Room 1801, The Capitol, Tallahassee, Florida 32399-0001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Land and Water Adjudicatory Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 5, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 15, 2006

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NOS.:	RULE TITLES:
59A-4.200	Definitions
59A-4.201	Gold Seal Award
59A-4.2015	Review Process
59A-4.202	Quality of Care
59A-4.204	Turnover Ratio
59A-4.205	The State Long Term Care Ombudsman Council Review
59A-4.206	Termination and Frequency of Review

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to update the scoring and ranking of facilities to qualify for the Gold Seal consistent with the Nursing Home Guide. The proposed rule further updates the ways in which a facility may market the Gold Seal. The Agency further proposes a new section changing the review process of applications for the Gold Seal. The changes will effect all nursing homes in Florida wishing to submit an application to the Panel on Excellence in Long Term Care for the award of the Gold Seal.

SUMMARY: The proposed rule amendment will update the scoring and ranking of facilities to qualify for the Gold Seal, changes the way facilities may market the Gold Seal and changes the review process of applications submitted for the Gold Seal.

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

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

SPECIFIC AUTHORITY: 400.235(9) FS.
 LAW IMPLEMENTED: 400.235 FS.
 A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
 DATE AND TIME: March 28, 2007, 10:00 a.m.
 PLACE: 2727 Mahan Drive, Agency for health Care Administration, Bldg. 3, Conference Room B, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Barbara Dombrowski, Bureau of Long Term Care Services, 2727 Mahan Drive, MS51, Tallahassee, FL 32308, (850)414-9707

THE FULL TEXT OF THE PROPOSED RULES IS:

59A-4.200 Definitions.

- (1) Agency means Agency for Health Care Administration.
- (2) Panel means the Panel on Excellence in Long Term Care.
- (3) Parent company means an entity that owns, leases, or through any other device controls a group of two or more health care facilities or at least one health care facility and any other business. A related party management company is considered to be a parent company.
- (4) Region means a geographical area of the state of Florida defined by a list of counties reflected by the agency's 11 inspection regions. The regions are defined as part of the Nursing Home Guide Performance Measures Algorithm, July 2000 in the AHCA Gold Seal Scoring and Ranking Algorithm dated August 2000. Copies of this form may be obtained from the Agency for Health Care Administration, Long Term Care Unit, 2727 Mahan Drive, MS 33, Tallahassee, FL 32308 or from the Agency website at <http://ahcaxnet.fdhc.state.fl.us/nhcguide/>.
- (5) Quality of Care score means all of the parameters included in the Nursing Home Guide that reflect the results of the overall inspection. Selected tags means a set of deficiency citations which reflect quality of care in nursing homes. The selected tags are listed in the AHCA Gold Seal Scoring and Ranking Algorithm dated August 2000.

Specific Authority 400.235 FS. Law Implemented 400.235(9) FS. History–New 8-21-01, Amended _____.

59A-4.201 Gold Seal Award.

- (1) ~~To be~~ ~~in order~~ to be considered for recommendation nomination for a Gold Seal Award, a nursing home licensee must submit to the Agency's Long Term Care Unit:
 - (a)~~(2)~~ A letter of recommendation nomination ~~from the agency, a nursing facility industry organization, a consumer, the State Long Term Care Ombudsman Council, or a member of the community;~~

~~(b)(3)~~ A completed application for Gold Seal Award (September 2000), which is incorporated by reference. Copies of this form may be obtained from the Agency for Health Care Administration, Long Term Care Unit, 2727 Mahan Drive, MS 33, Tallahassee, FL 32308 or from the Agency website at http://ahca.myflorida.com/MCHQ/Long_Term_Care/LTC/index.shtml;

~~(c)(4)~~ The financial documentation required by Rule 59A-4.203, F.A.C.; and

~~(d)(5)~~ The stable workforce documentation required by Rule 59A-4.204, F.A.C.

(2) During the effective dates of the award, a nursing home licensee may use the Gold Seal designation in facility advertising and marketing. All advertising and marketing of the Gold Seal designation must include the range of dates for which the Gold Seal was awarded and should only represent the facility to which it has been designated. Within 90 days after termination or expiration of the Gold Seal award, the Gold Seal designation must be removed from all advertising and marketing materials.

Specific Authority 400.235 FS. Law Implemented 400.235(9) FS. History–New 8-21-01, Amended _____.

59A-4.2015 Review Process.

(1) A review process is established which provides submission deadlines for applications, and Panel meeting timeframes to review applications.

(2) Review Period 1 requires applications be submitted by March 15 each year to be eligible for review during this period. The quality of care score for this review period will be obtained from the preceding quarter ending December 31, and will be available by February 15 to ensure facilities qualify for this criterion prior to submitting an application. Application reviews will be complete by April 15. Site visits will be conducted after April 15 and a meeting will be held to determine those licensees to be recommended for the Gold Seal. This meeting must be held prior to June 15.

(3) Review Period 2 requires applications be submitted by September 15 each year to be eligible for review during this period. The quality of care score for this review period will be obtained from the preceding quarter ending June 30 and will be available by August 15 to ensure facilities qualify under this criterion prior to submitting an application. Application reviews will be complete by October 15. Site visits will be conducted after October 15 and a meeting will be held to determine those licensees to be recommended for the Gold Seal. This meeting must be held prior to December 15.

(4) Quality of care scoring information may be obtained by contacting the Bureau of Long Term Care Services at (850)488-5861 or from the Agency website at http://ahca.myflorida.com/MCHQ/Long_Term_Care/index.shtml.

(5) Any nursing home licensee not meeting all requirements or having omissions in financial information will be notified to allow a licensee to submit additional information or withdraw the application. Licensees have 10 business days after the Agency's request to provide required documentation to continue to be eligible for consideration.

(6) If the panel determines that an applicant has failed to meet all Gold Seal criteria and the application is not withdrawn, a recommendation to deny the Gold Seal award will be made to the Governor.

Specific Authority 400.235 FS. Law Implemented 400.235(9) FS. History–New _____.

59A-4.202 Quality of Care.

(1) The Agency shall determine how a Gold Seal recommended licensee nominated facility ranks relative to other licensees facilities in the same region in the quality of care provided to residents.

(2) The agency shall consider selected tags, which reflect quality of care, and shall also consider the severity and scope of the selected tags.

(a) For federally certified facilities, the selected tags are a subset of all possible deficiencies.

(b) For facilities that are not federally certified the text of all deficiencies shall be read to determine which if any of the cited deficiencies are equivalent to any of the selected tags.

(3) The agency shall consider all such selected tags received by the facility in all surveys conducted over the most recently available 30-month period prior to the date of the Panel meeting. The date of each Panel meeting shall be published in the Florida Administrative Weekly. The most recently available 30-month period shall be defined as the period that ends on the last workday of the most recent calendar quarter prior to the relevant Panel meeting. For federally certified facilities, the above computations will reflect any changes resulting from the Informal Dispute Resolution process. In as much as the federal Health Care Financing Administration concurs, changes resulting from administrative or appellate proceedings will also be reflected, only if available at the time of the Gold Seal application.

(2)(4) The agency shall compute a quality of care score and rank nursing home licensees (hereafter referred to as the quality of care score), in accordance with the Nursing Home Guide Performance Measures Algorithm, July 2000 based on the selected tags, for all facilities in the applicant's region.

(5) The agency shall score and rank facilities in accordance with the Gold Seal Scoring and Ranking Algorithm, dated August 2000.

(6) The facilities shall be ranked based on this quality of care score. The resulting rank will hereafter be referred to as the quality of care rank.

(4)(7) To be considered further for a Gold Seal Award, the facility's quality of care rank must be in the top 15% 25% of facilities in the applicant's region or top 10% statewide. The facility must also be ranked in the Nursing Home Guide as a five-star facility overall.

Specific Authority 400.235 FS. Law Implemented 400.235(9) FS. History–New 8-21-01, Amended _____.

59A-4.204 Turnover Ratio.

(1) An applicant for Gold Seal Award must meet at least one of the following to demonstrate a stable workforce:

(a) Have a turnover rate no greater than 50 85 percent for the most recent 12 month period ending on the last workday of the most recent calendar quarter prior to submission of an application. The turnover rate will be computed in accordance with Section 400.141(15)(b), F.S., or

(b) Have a stability rate indicating that at least 50 percent of its staff has been employed at the facility for at least one year. The stability rate will be computed in accordance with Section 400.141(15)(c), F.S.

(2) Each applicant for Gold Seal Award must submit evidence of an effective recruitment and retention program.

Specific Authority 400.235 FS. Law Implemented 400.235(9) FS. History–New 8-21-01, Amended _____.

59A-4.205 The State Long Term Care Ombudsman Council Review.

The State Long Term Care Ombudsman Council shall provide a profile of verified substantiated ombudsman program complaints against licensee's facilities applying for the Gold Seal Award. Upon request, the State Long Term Care Ombudsman Council shall provide the findings of ombudsman program administrative inspections of facilities applying for the Gold Seal Award. The Panel on Excellence in Long Term Care shall make the final determination regarding whether the licensee facility demonstrated an outstanding history in regard to verified substantiated ombudsman complaints.

Specific Authority 400.235 FS. Law Implemented 400.235(9) FS. History–New 8-21-01, Amended _____.

59A-4.206 Termination and Frequency of Review.

(1) The occurrence of any one of the following events shall disqualify the licensee a nursing facility from continuing as a Gold Seal facility:

(a) The filing of a petition by or against the owner or its parent company under the Bankruptcy Code;

(b) Failure to participate in the required consumer satisfaction survey as prescribed by the agency;

(b)(e) The issuance of a Class I or Class II deficiency or the assignment of a conditional license.

(2) For federally certified facilities, if the disqualifying event is the issuance of a citation for a Class I or Class II deficiency or the assignment of a conditional license status, the Gold Seal Award shall be withdrawn only after the results of the federal Informal Dispute Resolution (IDR) process are considered, if an IDR is requested.

(3) The termination or correction of a disqualifying event does not cause the Gold Seal to be reinstated. The licensee facility shall resubmit a complete application package and must meet all the conditions necessary to be awarded a Gold Seal.

(4) If a licensee facility receives a Class I or Class II deficiency or is assigned a conditional license status while it is being considered for a Gold Seal Award by the panel, the application will be denied.

(5) Frequency of Review. A Gold Seal licensee facility shall submit a complete renewal application every two years. The renewal application must be received by the agency during the appropriate review period as provided in Rule 59A-4.2015, F.A.C., to ensure the licensee will not have a lapse in the Gold Seal designation six months prior to the two-year anniversary of the Gold Seal designation.

Specific Authority 400.235 FS. Law Implemented 400.235(9) FS. History--New 8-21-01, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Barbara Dombrowski
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Molly McKinstry
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 29, 2006

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.060
RULE TITLE: Dental Services

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference Update January 2007 to the Florida Medicaid Dental Services Coverage and Limitations Handbook. The handbook was revised to include Medicaid coverage of partial dentures for adults, effective July 2006; a revised Behavior Management Report form; and policy clarifications. The effect will be to incorporate by reference Update January 2007 in rule.

In the Notice of Rule Development, published in Vol. 32, No. 33, Florida Administrative Weekly, on August 18, 2006, we stated that the update was effective July 2007. We changed the effective date to January 2007.

SUMMARY: The purpose of the proposed rule amendment is to incorporate by reference Update January 2007 to the Florida Medicaid Dental Services Coverage and Limitations Handbook. The effect will be to incorporate by reference Update January 2007 in rule.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.912 FS.

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

DATE AND TIME: Tuesday, February 27, 2007, 2:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Cerasoli, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida, 32308, (850)922-7328

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.060 Dental Services.

(1) No change.

(2) All dental services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Dental Services Coverage and Limitations Handbook, January 2006, updated January 2007, and the Florida Medicaid Provider Reimbursement Handbook, Dental 111, October 2003, which are incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. All handbooks are available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling the Medicaid fiscal agent Provider Inquiry at (800)377-8216.

(3) The following forms that are included in the Florida Medicaid Dental Services Coverage and Limitations Handbook are incorporated by reference: Medicaid Orthodontic Initial Assessment Form (IAF), AHCA-Med Serv Form 013, January 2006, five pages, located in Appendix A; and the Medical Behavioral Management Report, AHCA-Med Serv Form 012, January 2007 2006, one page, located in Appendix F. The forms are available by photocopying them from the handbook.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.912 FS. History—New 7-10-80, Amended 2-19-81, 10-27-81, 7-21-83, Formerly 10C-7.523, Amended 9-11-90, 11-3-92, Formerly 10C-7.0523, Amended 6-29-93, Formerly 10P-4.060, Amended 7-19-94, 7-16-96, 3-11-98, 10-13-98, 12-28-98, 6-10-99, 4-23-00, 4-24-01, 7-5-01, 2-20-03, 8-5-03, 1-8-04, 10-12-04, 6-28-05, 7-2-06,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mary Cerasoli
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Christa Calamas
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 15, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 18, 2006

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.280
RULE TITLE: Rural Health Clinic Services

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the revised Florida Medicaid Rural Health Clinic Services Coverage and Limitations Handbook, January 2007. The revised handbook contains updated policies for the services that are provided by rural health clinics. The effect will be to incorporate by reference in the rule the Florida Medicaid Rural Health Clinic Services Coverage and Limitations Handbook, January 2007.

In the Notice of Rule Development that was published on September 8, 2006, we stated that the Florida Medicaid Rural Health Clinic Services Coverage and Limitations Handbook was effective October 2006. We changed the effective date to January 2007.

SUMMARY: The purpose of this rule amendment is to incorporate by reference in the rule the Florida Medicaid Rural Health Clinic Services Coverage and Limitations Handbook, January 2007.

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

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

SPECIFIC AUTHORITY: 409.919 FS.
LAW IMPLEMENTED: 409.905, 409.906, 409.908, 409.9081 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Monday, February 26, 2007, 2:00 p.m.
PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Catherine McGrath, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)922-7724

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.280 Rural Health Clinic Services.

(1) No change.

(2) All rural health clinic providers enrolled in the Medicaid program must comply with the Florida Medicaid Rural Health Clinic Services Coverage and Limitations Handbook, January 2007 ~~October 2003~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com> agent. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling the Medicaid fiscal agent at (800)377-8216.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.906, 409.908, 409.9081 FS. History—New 4-14-80, Amended 12-28-80, Formerly 10C-7.51, Amended 8-11-91, 1-19-93, Formerly 10C-7.051, Amended 6-29-94, 6-10-96, 6-24-98, 12-4-00, 5-31-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Catherine McGrath
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Christa Calamas, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 15, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 8, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-18.001
RULE TITLE: Continuing Education Requirements for Certificateholders and Registrants

PURPOSE AND EFFECT: The Board proposes a rule amendment for consideration of modification of continuing education requirements.

SUMMARY: The Board proposed a rule amendment to amend the hours and courses relating to the continuing education requirements for certificateholders and registrants.

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

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

SPECIFIC AUTHORITY: 455.213(6), 455.2177, 455.2178, 455.2179, 489.108 FS.

LAW IMPLEMENTED: 455.2123, 455.213(6), 455.2177, 455.2178, 455.2179, 455.271(6), 489.115, 489.116 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: G.W. Harrell, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-18.001 Continuing Education Requirements for Certificateholders and Registrants.

(1) Each person who is certified or registered by the Board must, as a condition of each renewal of the certificate or registration, obtain at least 14 classroom or interactive distance learning hours of continuing education in one or more courses from a continuing education provider approved by the Board. Of the required 14 hours of continuing education, up to four (4) hours of credit may be earned by attending a meeting of the Board wherein disciplinary cases are considered. At least seven (7) days advance notice of the intent to attend the disciplinary case session must be given to the Board, and the licensee must check in with Board staff prior to the beginning of the disciplinary proceedings. The licensee must sign in and out at breaks and at lunchtime. After the conclusion of the meeting, Board staff will issue a certificate of attendance to the licensee. The licensee must submit documentation of such participation to the Department within five (5) days of the date of issuance of the certificate of attendance. A maximum of four (4) hours will be allowed during a renewal cycle. Credit hours shall be awarded on an hour for hour basis up to a maximum of four hours. Credit hours may not be earned when the licensee attends a disciplinary case session as a party to a disciplinary action.

(2) All registered contractors and certified contractors are required to complete fourteen (14) hours of continuing education each renewal cycle. Of the 14 hours, one hour shall be required in each of the following topics: specialized or advanced module course approved by the Florida Building Commission, or the Board, workplace safety; business practices; workers' compensation; three (3) hours shall be required in courses related specifically to laws and rules regulating the construction industry. The remaining seven (7) ~~10~~ hours may include any of the aforementioned subject matter or general topics as defined hereinafter.

(3) The content of Board approved courses must be business, trade, workers' compensation, laws and rules related to the construction industry, or safety topics relevant to the construction industry. For purposes of this rule:

(a) Business practice topics include bookkeeping and accounting practices; managing cash flow; estimating and bidding jobs; negotiating and interpreting contracts and agreements; processing change orders; controlling purchasing; scheduling; controlling expenses; insurance and bonding related to construction; complying with payroll and sales tax laws; interpreting financial statements and reports related to construction; complying with Florida laws and rules related to construction.

(b) Trade related courses may be used to satisfy the "general" requirements. These courses may include topics considered as contract administration and project management activities, including marketing, management and operation of the day-to-day activities of a construction contracting firm and advanced knowledge of the trade in which the contractor is licensed. Examples include, but are not limited to: preconstruction activities, including design and structural loading; project contracts; permits; plan and specification approvals; construction procedures and operations; methods, materials, tools and equipment as codified in the CSI 16 Division Format or ASTM; maintenance and service; reading plans and specifications; code updates pursuant to Chapter 553, F.S., and related statutes.

(c) Safety courses include courses related to job site safety in the following topics: OSHA safety; workplace safety programs; safety manuals; procedure of testing and use of tools and equipment.

(d) Workers' compensation courses include: Compliance with Chapter 440, F.S.; drug free workplace; calculating and assigning workers' compensation costs; premium modification and adjustments.

(e) Laws and rules related to the construction industry found in Chapter 489, Part I, F.S., Chapter 455, F.S. Rules 61G4, F.A.C.

(4) through (12) No change.

THIS RULE SHALL TAKE EFFECT ON SEPTEMBER 1, 2007.

Specific Authority 455.213(6), 455.2177, 455.2178, 455.2179, 489.108, 489.115 FS. Law Implemented 455.2123, 455.213(6), 455.2177, 455.2178, 455.2179, 455.271(6), 489.115, 489.116 FS. History—New 12-2-93, Amended 5-19-94, 8-16-94, 10-12-94, 1-18-95, 2-4-98, 5-11-99, 7-12-99, 1-23-00, 2-1-00, 12-27-00, 3-25-01, 7-26-04, 9-1-05, 9-27-06, 9-1-07.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 10, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 3, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: 61G6-5.001
 RULE TITLE: Definitions

PURPOSE AND EFFECT: The Board proposes to amend the rule in order to update the definitions of "experience."

SUMMARY: The definition of "experience" will be updated in the rule.

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

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

SPECIFIC AUTHORITY: 489.505(2), 489.507(3), 489.511 FS.

LAW IMPLEMENTED: 489.505(10), (12), 489.511(2)(a)3.c. 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: Anthony Spivey, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-5.001 Definitions.

As used in this chapter:

(1) through (10) No change.

(11) "Experience" means informal exposure to the trade wherein knowledge and skill is obtained ~~via direct observation or~~ by participation in the electrical or alarm contracting trade.

(12) through (16) No change.

Specific Authority 489.505(2), 489.507(3), 489.511 FS. Law Implemented 489.505(10), (12), 489.511(2)(a)3.c. FS. History—New 1-2-80, Amended 2-15-82, Formerly 21GG-5.01, Amended 2-23-86, 3-21-88, 11-26-90, 7-8-91, 5-20-92, 11-3-92, Formerly 21GG-5.001, Amended 12-26-93, 3-24-94, 7-13-95, 5-2-96, 5-6-96, 8-27-96, 2-13-97, 8-3-97, 1-4-98, 9-7-98, 10-1-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrical Contractors' Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 17, 2006
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 29, 2006

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 ENVIRONMENTAL PROTECTION

Division of Recreation and Parks

RULE NO.: 62D-2.014
 RULE TITLE: Activities and Recreation

PURPOSE AND EFFECT: To amend the rule as required by HB 1029 (2006) to "allow the possession of weapons [in State Parks] in compliance with all applicable Florida Statutes." The bill provides that subsection 62D-2.014(10), F.A.C., "shall be amended to indicate that such weapons shall be at all times in the possession of a responsible party or properly secured witin or to a vehicle or temporaty housing, which shall include motor homes, travel trailers, recreational vehicles, campers, tents, or other enclosed structures while in state parks." HB 1029 was designated Ch. 2006-103, Laws of Florida, and was effective October 1, 2006.

SUMMARY: The rule amendment allows possession of weapons in state parks in accordance with HB 1029. The rule amendment provides a definition for "properly secured." The rule amendment provides that use or display of weapons in a state park, and hunting in or shooting into a state park are prohibited, except for capture or control of certain nuisance or exotic animals. The rule amendment clarifies how permission can be obtained to trap or otherwise control certain nuisance or exotic animals within a state park when deemed necessary by the Department for management purposes.

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

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

SPECIFIC AUTHORITY: Ch. 2006-103, Laws of Florida.

LAW IMPLEMENTED: Ch. 2006-103, Laws of Florida.

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

DATE AND TIME: February 28, 2007, 6:00 p.m.

PLACE: Marjory Stoneman Douglas Building, Conference Room A (1st Floor), 3900 Commonwealth Blvd., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Robert Wilhelm, DEP, Bureau of Operational Services, MS 535, 3900 Commonwealth Blvd., Tallahassee FL 32399-3000, (850)245-3076, Robert.Wilhelm@dep.state.fl.us

If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robert Wilhelm at the address above

THE FULL TEXT OF THE PROPOSED RULE IS:

62D-2.014 Activities and Recreation

(1) through (9) No change.

(10) Hunting and Firearms. Hunting, trapping or the pursuit of wildlife is prohibited on all state park property, except in Reserves, as authorized by the Florida Fish and Wildlife Conservation Commission. Weapons shall at all times be in possession of a responsible party or properly secured within or to a vehicle or temporary housing, which shall include motor homes, travel trailers, recreational vehicles, campers, tents, or other enclosed structures, while in state parks. Properly secured means the weapon shall be locked away and not accessible to minors, and if in a tent means the weapon shall be secured in a locked container. No person shall use or openly display, carry, or possess in any state park weapons such as firearms of any type, air rifles, spring guns, cross bows, bows and arrows, gigs (except in areas where gigs may be legally used for saltwater fishing), sling shots, electronic weapons, devices which fire a dart or projectile, or any other forms of weapons or trapping devices potentially dangerous to wildlife or human safety except when such weapons or traps are used for resource management purposes as authorized in this subsection. Shooting weapons into park areas from beyond park boundaries is prohibited. ~~Any device which is employed to kill, immobilize, or capture any wildlife or any device otherwise used in violation of this chapter shall be seized and confiscated by law enforcement officers.~~ The Division may authorize the control of nuisance animals and may remove all nuisance or exotic animals from parks by trapping and other necessary means for park resource management purposes. Such authorization shall be in the form of a letter of authorization, license, permit, or contract negotiated by the parties or made pursuant to an advertised bid by the Division. Authorization may be obtained in the same manner as stated in subsection 62D-2.013(7), F.A.C., herein.

(11) through (18) No change.

Specific Authority 258.007(2) FS. Law Implemented 258.004, 258.007(1), 258.007(2), 258.007(3), 258.014, 258.016, 258.017, 258.037 FS., Ch. 2006-103, Laws of Florida. History--New 4-16-96, Amended 4-14-98, 12-19-99, 10-29-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Robert Wilhelm at the address above
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Michael W. Sole, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: January 8, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 8, 2006

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.:	RULE TITLE:
64B8-1.007	List of Approved Forms; Incorporation

PURPOSE AND EFFECT: The proposed rule amendments are intended to incorporate revised forms into the current forms rule.

SUMMARY: The proposed rule amendments incorporate revised forms into the Board's rule regarding forms.

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

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

SPECIFIC AUTHORITY: 120.55(1)(a), (4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.3475, 458.351(6) FS.

LAW IMPLEMENTED: 456.013, 456.035, 4456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.3475, 458.348, 458.351, 465.0276 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, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-1.007 List of Approved Forms; Incorporation.

The following forms used by the Board in its dealings with the public are listed as follows and are hereby adopted and incorporated by reference, and can be obtained from the Board office by writing to the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753, or by telephoning (850)245-4131:

(1) through (10) No change.

(11) DH-MQA 1014, entitled "~~Florida Statement of Financial Responsibility Form and Exemptions,~~" (12/06) (~~6/02~~).

(12) through (28) No change.

(29) DH-MQA 2000, entitled "Application for Licensure as a Physician Assistant," (12/06) (~~10/06~~).

(30) through (32) No change.

Specific Authority 120.55(1)(a), (4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.312(4), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.3475, 458.351(6) FS. Law Implemented 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.312, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.3475, 458.348, 458.351, 465.0276 FS. History—New 4-17-01, Amended 11-20-01, 8-13-02, 11-10-02, 3-19-03, 6-4-03, 11-17-03, 4-19-04, 1-31-05, 9-29-05, 6-29-06, 12-26-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Council on Physician Assistants, Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 2, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 29, 2006

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-15.001
 RULE TITLE: Continuing Education for Licensure Renewal

PURPOSE AND EFFECT: The Board proposes a rule amendment to delete the language in parenthesis (5) of the rule for the requirements for continuing education for licensure renewal.

SUMMARY: The proposed rule amendment eliminates the language in parenthesis (5) of the rule for the requirements for continuing education for licensure renewal.

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

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

SPECIFIC AUTHORITY: 456.033, 468.1685(1), 468.1715(3), 468.1725 FS.

LAW IMPLEMENTED: 456.013(6), 456.033, 468.1715(3), 468.1725 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-15.001 Continuing Education for Licensure Renewal.

(1) through (4) No change.

~~(5) Licensees shall include either the hours obtained from attendance at the HIV/AIDS course required under Section 456.033(1), F.S., or a course in end of life care and palliative health care that may be taken in lieu of the HIV/AIDS course pursuant to Section 456.033(9), F.S., as part of the hours required for biennial renewal.~~

~~(5)(6)~~ No change.

~~(6)(7)~~ No change.

Specific Authority 456.033, 468.1685(1), 468.1715(3), 468.1725 FS. Law Implemented 456.013(6), 456.033, 468.1715(3), 468.1725 FS. History—New 12-11-80, Amended 2-20-83, 5-2-84, Formerly 21Z-15.01, Amended 12-31-86, 2-26-89, 11-19-91, Formerly 21Z-15.001, 61G12-15.001, Amended 9-4-96, 10-20-96, 7-21-97, Formerly 59T-15.001, Amended 5-15-00, 11-4-02, 5-7-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing Home Administrators

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 6, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2006

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NOS.: 64B15-6.003, 64B15-6.0035
 RULE TITLES: Physician Assistant Licensure, Physician Assistant Licensure Renewal and Reactivation

PURPOSE AND EFFECT: The purpose and effect of the proposed amendment for Rules 64B15-6.003 and 64B15-6.0035, F.A.C., are to conform the requirements for continuing medical education for initial licensure and licensure renewal to the recent amendments to Sections 456.013 and 456.033, F.S.

SUMMARY: The requirements for continuing medical education for initial licensure and licensure renewal are conformed to the recent amendments to Sections 456.013 and 456.033, 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 a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 456.013, 456.033(1), 459.005, 459.022 FS.

LAW IMPLEMENTED: 120.53(1)(a), 456.013, 456.031, 456.033, 459.022 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULES IS:

64B15-6.003 Physician Assistant Licensure.

(1) through (3) No change.

(4) The applicant must submit a statements documenting containing the following information:

~~(a) Completion of three hours of all Category I, American Osteopathic Association or American Medical Association Continuing Medical Education which includes the topics of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome: the disease and its spectrum of clinical manifestations; epidemiology of the disease; related infections including TB; treatment, counseling, and prevention; transmission from healthcare worker to patient and patient to healthcare worker; universal precautions and isolation techniques; and legal issues related to the disease. If the applicant has not already completed the required continuing medical education, upon submission of an affidavit of good cause, the applicant will be allowed six months to complete this requirement.~~

~~(b) Completion of one hour of continuing medical education on domestic violence which includes information on the number of patients in that professional's practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening procedures for determining whether a patient has any history of being either a victim or a perpetrator of domestic violence, and instruction on how to provide such patients with information on, or how to refer such patient to, resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any~~

~~provider of Category I or II American Osteopathic Association or American Medical Association Continuing Medical Education. Home study courses approved by the above agencies will be acceptable. If the applicant has not already completed the required continuing medical education, upon submission of an affidavit of good cause, the applicant will be allowed six months to complete this requirement.~~

(e) completion of two hours of continuing medical education relating to prevention of medical errors which includes a study of root cause analysis, error reduction and prevention, and patient safety, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Osteopathic Association or American Medical Association Continuing Medical Education. One hour of a two hour course which is provided by a facility licensed pursuant to Chapter 395, F.S., for its employees may be used to partially meet this requirement.

(5) No change.

Specific Authority 459.005, 459.022 FS. Law Implemented 120.53(1)(a), 456.013, 456.031, 456.033, 459.022 FS. History—New 10-18-77, Formerly 21R-6.03, Amended 10-28-87, 4-21-88, 4-18-89, 9-26-90, 5-20-91, 10-28-91, 3-16-92, Formerly 21R-6.003, Amended 11-4-93, 3-29-94, Formerly 61F9-6.003, Amended 2-1-95, Formerly 59W-6.003, Amended 6-7-98, 3-10-02, 2-23-04, 10-30-06, _____.

64B15-6.0035 Physician Assistant Licensure Renewal and Reactivation.

(1) No change.

(2) Requirements for Renewal.

(a) through (c) No change.

(d) As part of every third biennial renewal licensure period, For all licensees shall complete two (2) hours no more and no less than one hour shall consist of training in domestic violence which includes information on the number of patients in that professional's practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening procedures for determining whether a patient has any history of being either a victim or a perpetrator of domestic violence, and instruction on how to provide such patients with information on, or how to refer such patients to, resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. Home study courses approved by the above agencies will be acceptable.

(e) Upon a licensee's first renewal of licensure, the licensee must document the completion of one (1) For all licensees one hour of Category I American Medical Association Continuing Medical Education which includes the

topics of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome; the modes of transmission, including transmission from healthcare worker to patient and patient to healthcare worker; infection control procedures, including universal precautions; epidemiology of the disease; related infections including TB; clinical management, prevention; and current Florida law on AIDS and its impact on testing, confidentiality of test results, and treatment of patients. Any hours of said CME may also be counted toward the CME license renewal requirements. In order for a course to count as meeting this requirement, licensees practicing in Florida must clearly demonstrate that the course includes Florida law in HIV/AIDS and its impact on testing, confidentiality of test results, and treatment of patients. Only Category I hours shall be accepted.

~~(f) Notwithstanding the provisions of paragraphs (d) and (e), above, a physician assistant may complete continuing education on end of life care and palliative health care in lieu of continuing education in HIV/AIDS or domestic violence, if that physician assistant has completed the HIV/AIDS or domestic violence continuing education in the immediately preceding biennium. This allows for end-of-life care and palliative health care continuing education to substitute for HIV/AIDS or domestic violence continuing education in alternate biennia.~~

~~(f)(g)~~ Completion of two hours of continuing medical education relating to prevention of medical errors which includes a study of root cause analysis, error reduction and prevention, and patient safety, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. One hour or a two hour course which is provided by a facility licensed pursuant to Chapter 395, F.S., for its employees may be used to partially meet this requirement.

(3) No change.

(4) Reactivation of Inactive License. To reactivate a license that has been inactive for two (2) consecutive biennial cycles, the licensee must:

(a) through (d) No change.

(e) Submit proof of completion of the continuing medical education requirements in compliance with paragraphs 64B15-6.0035(2)(c), (d), (e), and (f) ~~and (g)~~, F.A.C., for each biennium in which the license was inactive; and

(f) No change.

(5) through (8) No change.

Specific Authority 456.013, 456.033(1), 459.005, 459.022 FS. Law Implemented 456.013, 456.031, 459.022(7)(b), (c) FS. History—New 10-28-87, Amended 4-21-88, 1-3-93, Formerly 21R-6.0035, Amended 11-4-93, 3-29-94, Formerly 61F9-6.0035, 59W-6.0035, Amended 6-7-98, 10-16-01, 3-10-02, 7-13-04, 7-27-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Osteopathic Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Osteopathic Medicine
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: November 17, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: January 19, 2007

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NOS.:	RULE TITLES:
64B15-7.001	Anesthesiologist Assistant Licensure Renewal and Reactivation
64B15-7.003	Application for Licensure and Licensure Requirements for Anesthesiologist Assistants

PURPOSE AND EFFECT: The purpose and effect for 64B15-7.003 and 64B15-7.0013, F.A.C., are to conform the requirements for continuing medical education for initial licensure and licensure renewal to the recent amendments to Sections 456.013 and 456.033, F.S.

SUMMARY: The requirements for continuing medical education for initial licensure and licensure renewal are conformed to the recent amendments to Sections 456.013 and 456.033, 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 a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 459.023, 459.005 FS.

LAW IMPLEMENTED: 459.023, 456.013(7), 456.031, 456.033 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULES IS:

64B15-7.001 Anesthesiologist Assistant Licensure Renewal and Reactivation.

(1) An anesthesiologist assistant must renew his licensure on a biennial basis. Upon request by the Board or Department, the licensee must submit satisfactory documentation of compliance with the requirements set forth below.

(2) Requirements for Renewal.

(a) Completion of the anesthesiologist assistant licensure renewal application on the appropriate form provided by the Department.

(b) Submission of a signed, sworn statement of no felony convictions in the previous two years.

(c) Submission of a written statement attesting to completion of 40 hours of Continuing Medical Education in the previous two years, or provide documentation of current certification issued by the NCCAA.

(d) As part of every third biennial renewal of licensure period, all licensees shall complete two (2) hours of training in domestic violence which includes information on the number of patients in that professional's practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening procedures for determining whether a patient has any history of being either a victim or a perpetrator of domestic violence, and instruction on how to provide such patients with information on, or how to refer such patients to, resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. Home study courses approved by the above agencies will be acceptable.

(e) Upon a licensee's first renewal of licensure, the licensee must document the completion of three (3) hours of Category I American Medical Association Continuing Medical Education, which includes the topics of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome; the modes of transmission, including transmission from healthcare worker to patient and patient to healthcare worker; infection control procedures, including universal precautions; epidemiology of the disease; related infections including TB; clinical management; prevention; and current Florida law on AIDS and its impact on testing, confidentiality of test results, and treatment of patients. Any hours of said CME may also be counted toward the CME license renewal requirement. In order for a course to count as meeting this requirement, licensees practicing in Florida must clearly demonstrate that the course includes Florida law on HIV/AIDS and its impact on testing, confidentiality of test results, and treatment of patients. Only Category I hours shall be accepted.

(f) Completion of two hours of continuing medical education relating to prevention of medical errors which includes a study of root cause analysis, error reduction and prevention, and patient safety, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education.

One hour of a two hour course which is provided by a facility licensed pursuant to Chapter 395, F.S., for its employees may be used to partially meet this requirement.

(3) Reactivation of Inactive License. To reactivate an inactive license, the licensee must:

(a) Submit to the Department the original inactive license;

(b) Provide the Department with licensure verification from each state in which the licensee is licensed to practice as an anesthesiologist assistant, or a statement that the licensee is licensed only in Florida;

(c) Provide to the Department a statement of medical activities from the date the licensee became inactive to the present; or, if the licensee has not practiced as an anesthesiologist assistant for at least 2 of the 4 years preceding application for reactivation, the licensee must either:

1. Demonstrate completion of the Nova Southeastern University Anesthesia Competency Assessment or an equivalent anesthesia assessment program approved by the Board; or

2. Re-take and successfully complete the NCCAA certification examination.

(d) Submit to the Department a statement of any criminal or disciplinary actions pending in any jurisdiction;

(e) Submit proof of completion of the continuing medical education requirements in compliance with paragraphs 64B8-31.007(2)(c), (d), (e), and (f), F.A.C., for each biennium in which the license was inactive;

(f) Submit the protocol as set forth in Rule 64B8-31.005, F.A.C.;

(g) Demonstrate financial responsibility as set forth in Rule 64B8-31.006, F.A.C.; and

(h) Pay the appropriate fees, as set forth in Rule 64B8-31.012, F.A.C.

(4) Licensure Renewal or Reactivation.

(a) Application for renewal as a licensed anesthesiologist assistant must be made upon a form supplied by the Department, and incorporated in Rule 64B8-1.007, F.A.C.

(b) Renewal application forms submitted to the Board must be complete in every detail and must be typed or legibly printed in black ink.

(c) Application for reactivation shall be made in writing and in accordance with Section 456.036, F.S.

(5) The renewal or reactivation fees are found in Rule 64B8-31.012, F.A.C.

(6) The failure of any license holder to either renew the license or elect inactive status before the license expires shall cause the license to become delinquent.

(a) The delinquent status licensee must affirmatively apply for active or inactive status during the licensure cycle in which the license becomes delinquent. The failure by the delinquent status licensee to cause the license to be reactivated or made

inactive before the expiration of the licensure cycle in which the license became delinquent shall render the license null and void without further action by the Board or the Department.

(b) The delinquent status licensee who applies for license reactivation or inactive status shall:

1. File with the Department the completed application for inactive status as required by Section 456.036, F.S., or apply for licensure reactivation as required by Section 456.036, F.S.;

2. Pay to the Board either the license reactivation fee or the inactive status fee, the delinquency fee, and if applicable, the processing fee; and

3. If reactivation is elected, demonstrate compliance with the continuing education requirements found in Rule 64B8-31.007, F.A.C.

(7) Licensees who are spouses of members of the Armed Forces of the United States shall be exempt from all licensure renewal provisions for any period of time which the licensee is absent from the State of Florida due to the spouse's duties with the Armed Forces. The licensee must document the absence and the spouse's military status to the Board in order to obtain the exemption. Upon the licensee's return to Florida, the licensee must inform the Department of his or her return within 30 days.

(8) Reactivation of a retired status license. To reactivate the license of a retired status licensee whose license has been on retired status for more than five (5) years or a licensee from another state who has not been in the active practice of medicine within the past five (5) years shall be required to appear before the Board and establish the ability to practice with the care and skill sufficient to protect the health, safety, and welfare of the public. At the time of such appearance, the anesthesiologist assistant must:

(a) Surrender to the Department the original retired status license;

(b) Provide the Department with licensure verification from each state in which the licensee is licensed to practice as an anesthesiologist assistant, or a statement that the licensee is licensed only in Florida;

(c) Provide to the Department a statement of medical activities from the date the licensee entered retired status to the present;

(d) Provide documentation of successful completion of the 16 credit hour Graduate Clerkship offered by Nova Southeastern University Anesthesia Assistant Program or an equivalent program approved by the Board;

(e) Submit proof of completion of the continuing medical education requirements in compliance with paragraphs 64B8-31.007(2)(c)-(g), F.A.C., for each biennium in which the license was inactive; and

(f) Pay the appropriate fees set forth in Section 456.036(4)(b), F.S. and subsections 64B8-31.012(4) and (8), F.A.C.

(g) In lieu of proof of completion of the Graduate Clerkship or the equivalent, the licensee may submit proof of recertification by NCCAA.

(9) The Department shall refuse to reactivate the license of a retired status anesthesiologist assistant who is under investigation or prosecution in any jurisdiction for an action that would constitute a violation of this chapter or the professional practice acts administered by the department and the boards, until 15 days after the Department receives the final results of the investigation or prosecution.

Specific Authority 459.023, 459.005 FS. Law Implemented 459.023, 456.013(7), 456.031, 456.033 FS. History—New

64B15-7.003 Application for Licensure and Licensure Requirements for Anesthesiologist Assistants.

(1) through (2)(c) No change.

(d) The applicant must provide documentation of the following:

~~1. Completion of three hours of all Category I, American Medical Association Continuing Medical Education or American Osteopathic Association approved Category I-A continuing education related to the practice of osteopathic medicine or under osteopathic auspices which includes the topics of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome: the disease and its spectrum of clinical manifestations; epidemiology of the disease; related infections including TB; treatment, counseling, and prevention; clinical management; transmission from healthcare worker to patient and patient to healthcare worker; universal precautions and isolation techniques; and legal issues related to the disease. If the applicant has not already completed the required continuing medical education, upon submission of an affidavit of good cause, the applicant will be allowed six months to complete this requirement.~~

~~2. Completion of one hour of continuing medical education on domestic violence which includes information on the number of patients in that professional's practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening procedures for determining whether a patient has any history of being either a victim or a perpetrator of domestic violence, and instruction on how to provide such patients with information on, or how to refer such patients to, resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education or American Osteopathic Association approved Category I-A continuing education related to the practice of osteopathic medicine or under osteopathic auspices. Home study courses approved by the~~

~~above agencies will be acceptable. If the applicant has not already completed the required continuing medical education, upon submission of an affidavit of good cause, the applicant will be allowed six months to complete this requirement.~~

3- completion of two hours of continuing medical education relating to prevention of medical errors which includes a study of root cause analysis, error reduction and prevention, and patient safety, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education or American Osteopathic Association approved Category I-A continuing education related to the practice of osteopathic medicine or under osteopathic auspices. One hour of a two hour course which is provided by a facility licensed pursuant to Chapter 395, F.S., for its employees may be used to partially meet this requirement.

(e) No change.

(3) No change.

Specific Authority 459.023, 459.005 FS. Law Implemented 459.023, 456.013(7), 456.031, 456.033 FS. History--New 8-2-05, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Osteopathic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 17, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 19, 2007

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.:	RULE TITLES:
64E-26.008	Laundry and Dry Cleaning
64E-26.013	Industries
64E-26.014	Plan Review
64E-26.015	Inspection of State and Local Detention Facilities

PURPOSE AND EFFECT: In 1996, The Department of Health and Rehabilitative Services (HRS), repealed Chapter 10D-7, Florida Administrative Code. In June, 2006, the First District Court of Appeal, affirmed the decision of a lower court, which held that HRS' repeal of the chapter was an invalid exercise of delegated legislative authority. Chapter 10D-7, was thus revived by judicial determination.

Having been repealed before the 1996 and 1999 amendments to the Administrative Procedures Act, this chapter had not previously undergone the scrutiny required by Section 120.542, F.S., (1996-2004), to determine whether there was sufficient legislative authority for existing agency rules. Since the decision reversing the repeal of Chapter 10D-7, F.A.C., the

Department of Health as the successor agency to HRS, has been involved in the process of reviewing what is now Chapter 64E-26, F.A.C., to determine if changes to these rules may be necessary. In the course of this review, the Department has determined that it is without statutory authority to implement Rule 64E-26.014, F.A.C., requiring the department to conduct plan reviews on detention facilities that are built or being remodeled, and Rule 64E-26.015, F.A.C., requiring inspection of state and local detention facilities. The department is also without statutory authority to implement the safety requirements in Rules 64E-26.008 and 64E-26.013, F.A.C.

Thus, the purpose of this proposed rulemaking is to repeal Rules 64E-26.014 and 64E-26.015, F.A.C., and to delete references to safety requirements in Rules 64E-26.008 and 64E-26.013, F.A.C., as they are in excess of the Department's delegated legislative authority. The effect will be that the Department's rules will be in compliance with the Administrative Procedure Act's requirement that each rule of a state agency reflect a specific law the agency is required to implement, interpret, or make specific.

SUMMARY: The Department proposes repeal of Rules 64E-26.014 and 64E-26.015, F.A.C., as the Department has not been given authority by the legislature to perform plan reviews or to inspect state and local detention facilities. The department also proposes to delete references to safety standards related to threshold limit values in Rule 64E-26.008, F.A.C., and safety standards related to noise levels in Rule 64E-26.013, F.A.C.

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

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

SPECIFIC AUTHORITY: 381.006 FS.

LAW IMPLEMENTED: 381.006(6) FS.

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

All written material received by the Department within 21 days of the date of publication of this notice shall be made a part of the official record.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Leslie Harris, Environmental Administrator, Bureau of Community Environmental Health, Bin #A08, 4052 Bald Cypress Way, Tallahassee, Florida 32399-1710. E-mail address is Leslie_Harris@doh.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-26.008 Laundry and Dry Cleaning.

Where laundry facilities are provided, they shall be adequate to insure an ample quantity of clean clothing, bed linens and towels. Laundry facilities shall be of sound construction and shall be kept clean and in good repair. Laundry rooms shall be well lighted and properly ventilated. Clothes dryers and dry cleaning machines shall be vented to the exterior. ~~Exposure to dry cleaning solvents shall not exceed threshold limit values set by the American Conference of Governmental Hygienists.~~ If laundry facilities are not available, sheets and blankets shall be sent to commercial laundries.

Specific Authority 381.006 FS. Law Implemented 381.006(6) FS. History--New 11-18-76, Formerly 10D-7.08, Amended.

64E-26.013 Industries.

Industrial areas shall be kept clean. ~~Noise levels shall not exceed an average of 90dBA on a time weighted average for an eight (8) hour day as measured on the A scale of a sound level meter set at slow response, unless proper ear protection is provided.~~ Thirty (30) foot candles of illumination shall be provided at task levels. Adequate ventilation shall be provided to prevent exposure to dust and toxic gases or fumes.

Specific Authority 381.006 FS. Law Implemented 381.006(6) FS. History--New 11-18-76, Formerly 10D-7.013, Amended.

64E-26.014 Plan Review.

Specific Authority 381.006 FS. Law Implemented 381.006(6) FS. History--New 11-18-76, Formerly 10D-7.014, Repealed.

64E-26.015 Inspection of State and Local Detention Facilities.

Specific Authority 381.006 FS. Law Implemented 381.006(6) FS. History--New 11-18-76, Formerly 10D-7.015, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Leslie Harris, Environmental Administrator, Bureau of Community Environmental Health

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Eric Grimm, Chief, Bureau of Community Environmental Health

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 20, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 18, 2006

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-1.205 RULE TITLE: Eligibility Determination Process

PURPOSE AND EFFECT: The proposed rule amendment clarifies the department's time standards for determining eligibility and eligibility redetermination applicable to public

assistance programs and provides for the use of a paper or web-based application to apply for public assistance. It also removes reference to the Relative Caregiver Program (RCP), as the provision has been moved to Administrative Rule 65A-4.208, F.A.C., as it is only pertinent to individuals who meet Temporary Cash Assistance eligibility factors.

SUMMARY: The proposed rule amendment provides for the use of a paper or web-based application form to apply for public assistance; clarifies the department's eligibility determination and redetermination process applicable to all public assistance programs; and removes reference to the RCP.

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

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

SPECIFIC AUTHORITY: 409.919, 414.45 FS.

LAW IMPLEMENTED: 414.095, 414.31, 409.903, 409.904, 409.919, 410.033 FS.

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

DATE AND TIME: February 28, 2007, 1:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lonna Cichon, Government Operations Consultant II, TANF/Food Stamp Policy, 1317 Winewood Boulevard, Building 3, Room 406, Tallahassee, Florida 32399-0700, telephone (850)488-8004

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.205 Eligibility Determination Process.

(1) The individual ~~receives a Request for Assistance and completes a department application for assistance~~ to the best of the individual's ability, using either the paper form CF-ES 2337, ACCESS Florida Application, May 06, incorporated in Administrative Rule 65A-1.400, F.A.C., or the web-based form, ACCESS Florida Web Application, CF-ES 2353, Mar 06, incorporated in Administrative Rule 65A-1.400, F.A.C., and submits it to an ACCESS Florida office. An The eligibility specialist determines the ~~potential~~ eligibility of each household member for public assistance. ~~and prints out the data on the Common Application Form (CAF) or alternately, Form CF-ES 2327, Common Application Form and Eligibility Questionnaire, May 04, incorporated by reference, can substitute for the CAF. The individual then decides whether or not to apply for assistance. The Common Application Form CF-ES 2327 is signed and dated by the individual to complete~~

~~the process of applying.~~ The applicant must be informed of the department's standards of assistance, penalties for fraud, right to appeal and to have a fair hearing, the civil rights provisions and other rights and responsibilities. An applicant may withdraw the application at any time without affecting their right to reapply at any time.

(a) No change.

~~(b) The eligibility specialist determines eligibility and provides services and benefits using the Florida On Line Recipient Integrated Data Access (FLORIDA) computer system. When the system is unavailable for a 20 minute or for a longer period of time or unresponsive to the point of rendering the system ineffectual and causes a serious backlog of clients, the eligibility specialist will initiate manual procedures to continue unit operations.~~

~~(b)(e) Time standards for processing applications vary by public assistance program in accordance with federal regulations 7 CFR 273.2(g) (food stamps), 45 CFR 206.10(a)(3)(i), (temporary cash assistance), and 42 CFR 435.911 (Medicaid). The Time standards begins on with the date on which the department or an outpost site receives a signed and dated of application and ends on with the date on which benefits are made available or a notice determination of ineligibility is mailed made. For the Medicaid program, the time standard ends on the date an eligibility notice is mailed. Applications must be processed and determinations of eligibility made within the following time frames.~~

Program	Application Processing Time Standards
Expedited Food Stamps	7 days
Food Stamps	30 days
Temporary Cash Assistance, Refugee Assistance and Child In Care Medical Assistance and State Funded Programs for individuals who apply on the basis of disability	45 days
For all other Medical Assistance and State Funded Programs for applicants on the basis of non-disability eligibility, including OSS, OMB, SLMB, and OII	90 days
	45 days

All days counted after the date of application are calendar days. Applicant delay days do not count in determining non-compliance with the time standard. See paragraph ~~(d)(e)~~ of this rule. Information provided on form CF-ES 2930, Screening for Expedited Medicaid Appointments, ~~Oct 05 7/00~~, incorporated by reference in Administrative Rule 65A-1.400, F.A.C., ~~is will be~~ used in determining expedited processing of Medicaid disability-related applications.

~~(c)(d)~~ If the eligibility specialist determines at the interview or at any time during the application process that additional information or verification is required, or that an assistance group member is required to register for employment services, the specialist must grant the assistance group 10 calendar days to furnish the required documentation or to comply with the requirements. For all programs, the verifications are due 10 calendar days from the date of written request (i.e., the date the verification checklist is generated) or 30 days from the date of application, whichever is later. In cases where medical information is requested the return due date is 30 calendar days following the request or 30 days from the date of application whichever is later. If the verification due date falls on a holiday or a weekend, the deadline for the requested information is the next working day. If the verification or information is difficult for the person to obtain, the eligibility specialist must provide assistance in obtaining the verification or information when requested or when it appears necessary. If the required verifications and information are not provided by the deadline date, the application is denied, unless a request for extension is made by the applicant or there are extenuating circumstances justifying an additional extension. The eligibility specialist makes the decision of whether to grant the request for extension based on extenuating circumstances beyond the control of the individual, such as sickness, lack of transportation, etc. When all required information is obtained, the eligibility specialist determines eligibility for the public assistance programs. If the eligibility criteria are met, benefits are authorized.

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

~~(e) For Medicaid, every individual who indicates they are a U.S. citizen must provide documentation of U.S. citizenship and identity. Exceptions are those who receive or have received SSI or Medicare and presumptively eligible women or newborns.~~

~~(f) Copies of brochure CF/PI 165-107 and the form CF-ES 2930 may be obtained from the Economic Self Sufficiency Program Office, 1317 Winewood Boulevard, Building 3, Room 406, Tallahassee, Florida 32399-0700.~~

(2) Eligibility must be redetermined at periodic intervals in accordance with federal regulations for each applicable program in 7 CFR 273.14 (food stamps), 42 CFR 435.916 (Medicaid), 45 CFR 206.10(a)(9)(iii) (temporary cash assistance), and Section 414.095, F.S.

(2)(a) through (4) No change.

(5) Information provided by the applicant or recipient must be substantiated, verified or documented as part of each determination of eligibility. The term verification is used generically to represent this process. For any program, it is the sole discretion of the department to determine if ~~(The factor of~~ eligibility and questionable nature of the information dictates whether or not substantiation, verification or documentation is required. Verification or documentation of substantiated

information is not precluded or prohibited under any circumstances, including circumstances where eligibility information provided by an applicant or recipient appears to have been verified. If verification or documentation is requested, the information about which verification or documentation is sought will not be accepted as proof of the truth, validity, or accuracy of the questioned information if verification or documentation is not received.

(a) through (c) No change.

(6) No change.

~~(7) The Notice of Case Action (denial) (automated notice), Request for Assistance Withdrawal (automated notice), and Appointment Letter (automated notice) used in the eligibility determination process are hereby incorporated by reference. Referral to the Family Safety Program for the caregiver home study as to adequacy and readiness of the caregiver to provide permanent care will be on the Relative Caregiver program Request for Eligibility Consideration, CF ES 2305, Apr 04 (incorporated by reference). Copies of referenced the forms and brochure CF/PI 165-107, Notification of Disability Information and Request may be obtained from the ACCESS Florida Economic Self-Sufficiency Program Office, 1317 Winewood Boulevard, Building 3, Room 406 27, Tallahassee, Florida 32399-0700 or on the department's web site at http://www.state.fl.us/cf_web/publications using the title of the form.~~

Specific Authority 409.919, 414.45 FS. Law Implemented 409.903, 409.904, 409.919, 410.033, 414.045, 414.095, 414.31 FS. History—New 4-9-92, Amended 11-22-93, 8-3-94, Formerly 10C-1.205, Amended 11-30-98, 9-27-00, 7-29-01, 9-12-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lonna Cichon

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Nathan Lewis, Chief, Program Policy, ACCESS Florida

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 23, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 28, 2006

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-4.210
RULE TITLE: Budgeting

PURPOSE AND EFFECT: This rule amendment will revise the number of weeks used to average income budgeting in determining eligibility for Temporary Cash Assistance (TCA).

SUMMARY: The proposed rule amendment provides for changing income averaging from the past eight weeks to the past four weeks to determine TCA eligibility. A longer period of past time may be used if necessary to provide a more accurate indication of anticipated fluctuations in future income. SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.14, 414.085, 424.095(11), (12), (13), (14) FS.

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

DATE AND TIME: February 28, 2007, 1:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lonna Cichon, 1317 Winewood Boulevard, Building 3, Room 406, Tallahassee, Florida, 32399-0700, telephone (850)488-8004

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-4.210 Budgeting.

(1) The department uses a prospective budgeting system. In a prospective budgeting system, eligibility and the amount of temporary cash assistance ~~benefit grant~~ for a payment month ~~are is~~ based on the department's best estimate of the assistance group's projected income and circumstances for that month. This estimate shall be based on the department's reasonable expectation and knowledge of current or future circumstances based on income circumstances in the month for which benefits are being calculated. When eligibility or the benefit amount of assistance is being determined for a month which has passed prior to the month of the application authorization, the actual income and circumstances for that month will be used. In converting ~~weekly~~ income to a monthly income, the conversion factor of 4.3 shall be used for weekly income; ~~in converting biweekly income to monthly income,~~ the conversion factor of 2.15 shall be used for biweekly income; ~~and. Converting the conversion factor of 2 shall be used for semi-monthly income.~~ When averaging income to monthly income, all income from the most recent four ~~eight~~ weeks shall be used if it is representative of the individual's future earnings. A longer period of past time may be used if necessary to provide a more accurate indication of anticipated fluctuations in future income in accordance with 7 CFR

273.10(c)(ii). In budgeting income received by an individual on a contractual basis, at the option of the individual, the income is prorated over the period of the contract or counted when received, in the amount received.

(2) The amount of assistance payment is determined by subtracting the net available income amount, rounded to the nearest dollar, from the applicable payment standard found in Section 414.095(10)(4), F.S.

(3) When a change in the receipt of income or an increase in income is reported and documentation or verification is not received by the eligibility specialist in time to adjust reduce the benefit grant and also give a 10-day adequate prior notice of the change in the benefit amount, the budget is computed based on the individual's statement of the amount of income received. The benefit grant amount will be adjusted; ~~auxiliary payment will be authorized benefit recovery referral will be made and the case will be reopened~~ if it is learned that income was incorrectly budgeted following receipt of the documentation or verification through the authorization of an auxiliary payment or referral to benefit recovery.

(4) Self-Employment Income.

(a) through (f) No change.

(g) Income from self employment must be verified. The applicant or recipient must make all business records available to the eligibility public assistance specialist upon request.

(h) Self-employed individuals have the option of having their average income determined based upon the four eight weeks prior to application or redetermination of eligibility or the last twelve months to determine a representative average. A longer period of past time may be used if necessary to provide a more accurate indication of anticipated fluctuations in future income.

(5) Child support payments, received or expected to be received, are counted as income. Fees charged by the court or another agency for collecting the payments are deducted. Child support payments which are collected by the State and retained to offset the individual's public assistance debt are not considered income in the budget except as required by 45 CFR ~~323.20~~ and 302.51. Non-recurring child support is budgeted in accordance with the department's lump sum policy set forth in paragraph (6) below.

(6) Non-earned lump sum income is treated in accordance with 7 CFR 273.9. Lump sum income received as earned income will be treated as an asset earned income in the month of receipt ~~and as an asset in following months~~.

Specific Authority 414.45 FS. Law Implemented 414.14, 414.085, 414.095(11), (12), (13), (14) FS. History--New 5-3-98, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lonna Cichon, Government Operations Consultant II
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Nathan Lewis, Chief, Program Policy, ACCESS Florida

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 16, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 13, 2006

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

RULE CHAPTER NO.: RULE CHAPTER TITLE:

65G-1 Application for Services

RULE NOS: RULE TITLES:

65G-1.010 Definitions

65G-1.046 Crisis Determination Procedure

65G-1.047 Crisis Status Criteria

PURPOSE AND EFFECT: Currently procedures relating to the crisis enrollment of eligible person with developmental disabilities in the Medicaid Home and Community-Based Services waiver are included in the Florida Medicaid Developmental Disabilities Waiver Services Coverage & Limitations Handbook, incorporated by reference in rule 59G-13-080, F.A.C. During the 2006 legislative session (ch. 2006-227, Laws of Florida), section 393.065, Florida Statutes, was amended to authorize the Agency for Persons with Disabilities to promulgate rules relating to crisis enrollment for waiver services. The purpose of the proposed rule is to adopt rule providing a procedure for persons with developmental disabilities to be considered for enrollment on a Medicaid Home and Community-Based Services waiver if the applicant demonstrates an immediate need for services.

SUMMARY: The proposed rule provides procedures and criteria for crisis enrollment on a Medicaid Home and Community-Based Services waiver.

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

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

SPECIFIC AUTHORITY: 393.501(1), 393.065 FS.

LAW IMPLEMENTED: 20.197(3), 393.065 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Terri McGarrity, Senior Management Analyst Supervisor, Division of Operations, Suite 360, 4030 Esplanade Way, Tallahassee, Florida, 32399-0950; e-mail: terri_mcgarrrity@apd.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULES IS:

65G-1.010 Definitions.

In this chapter, terms and phrases shall have the meanings defined in Chapter 393, F.S., or this section.

(1) "Area Office" means the local office responsible for managing one of the Agency's 14 service areas.

(2) "Central Office" means the Agency's headquarters located at 4030 Esplanade Way, Suite 380, Tallahassee, FL 32399-0950; main phone number (850)488-4257.

(3) "Crisis enrollment" means expedited enrollment on an Agency operated Medicaid waiver regardless of an applicant's date of application for the waiver or placement on the Agency's waitlist.

(4) "Handbook" means the *Florida Medicaid Developmental Disabilities Waiver Services Coverage and Limitations Handbook*, incorporated by reference in Agency for Health Care Administration (AHCA) Rule 59G-13.080, F.A.C. The Handbook can be found at: <http://floridamedicaid.acs-inc.com/index.jsp>.

(5) "Protective Services" means the program in the Department of Children and Family Services which responds to reports made to the department's central abuse hotline alleging abuse, abandonment, neglect, or exploitation pursuant to Chapter 39 or 415, F.S.

(6) "Wait list" means a list, maintained by the Central Office, of persons requesting and waiting for waiver services.

(7) "Waiver" means a Home and Community-Based Services (HCBS) waiver, authorized under section 1915(c) of the federal Social Security Act and Section 409.906, F.S., that provides package of Medicaid-funded home and community-based supports and services to eligible persons with developmental disabilities who live at home or in a home-like setting. The Agency currently operates two HCBS waivers:

(a) The Developmental Disabilities Home and Community-Based Services (DD) waiver, which provides home and community-based supports and services to eligible persons with developmental disabilities who are able to live at home or in a home-like setting. The DD waiver offers services without a dollar cap.

(b) The Family and Supported Living (FSL) waiver, which provides home and community-based supports and services to eligible persons with developmental disabilities who are able to live in their own home or family home. The FSL waiver offers limited services with an annual dollar cap.

Specific Authority 393.501(1), 393.065 FS. Law Implemented 20.197(3), 393.065 FS. History--New _____.

65G-1.046 Crisis Determination Procedure.

(1) Subject to the availability of funding, the Agency will accept oral or written requests for crisis enrollment in a HCBS waiver. Such request may be made by the applicant or the applicant's family, guardian, guardian advocate, or support coordinator.

(2) The request shall be made to the Area Office in the service area where the applicant resides. If the applicant is not already a client of the Agency, or is not already on the waitlist, the applicant must apply and be determined eligible for Agency services as provided in Section 393.065, F.S. No person may be enrolled on the waiver unless the person has been determined by the Agency to have a qualifying diagnosis of a developmental disability and meet waiver criteria as provided in the Handbook.

(3) The Area Office shall collect any pertinent information and supporting documentation relevant to a crisis determination, and conduct an initial assessment based on the crisis status criteria specified in Rule 65G-1.047, F.A.C.

(a) If the Area Office concludes that the applicant does not meet crisis status or that needed services are currently available from other agencies or programs or covered by other third party payors, the Area Office shall deny crisis enrollment and provide notification to the applicant or other authorized representative of the denial in writing.

(b) If the Area Office concludes that the applicant may meet crisis status and does not have access to insurance, or other agencies or programs for needed services, or that programs in which the applicant is currently participating are unable to meet the applicant's service needs, the initial assessment and supporting documentation shall be submitted to the Agency's Central Office for review and final determination as to whether the applicant meets crisis status. Upon request, the applicant, or the person requesting enrollment on behalf of the applicant, may review the information to be sent to the Central Office to determine whether all necessary information is included.

(4) The Central Office shall notify the area offices of the date all crisis enrollment requests that have not been denied must be submitted to the Central Office for consideration of crisis enrollment. Once all crisis applications are received and reviewed by the Central Office, the Central Office will notify the Area Office whether each request is approved or denied. The Area Office shall be responsible for notifying the applicant, or the person requesting enrollment on behalf of the applicant, of the Central Office's decision.

(a) APPROVAL.

1. If funding is available and the applicant is approved for crisis enrollment, the applicant shall be offered placement on the FSL waiver unless the specific identified service needs of

the applicant that qualify the applicant as in crisis cannot reasonably be met by the FSL waiver. In such instances the person may be offered placement on the DD waiver. Factors to be considered are the availability of services that cannot be provided under the FSL waiver that are needed to resolve the crisis situation including the need for residential habilitation services, the need for nursing services beyond the coverage provided through the Medicaid State Plan, or placement in a residential facility.

2. The Area Office shall notify the applicant in writing. If the applicant is not enrolled in Medicaid, the Area Office shall make appropriate referrals for the determination of Medicaid eligibility. Once the applicant is determined eligible for Medicaid, the Area Office shall complete waiver enrollment. If the Area Office subsequently determines that the applicant cannot be enrolled due to Medicaid or waiver ineligibility, the approval will be rescinded.

(b) DENIAL. The Area Office shall notify the applicant in writing of denial of crisis enrollment. If the application was denied due to the lack of documentation and the additional documentation becomes available, or there is a change in the applicant's situation that may affect the applicant's status for crisis determination, the applicant may reapply when funding is available and the Agency is accepting requests.

Specific Authority 393.501(1), 393.065 FS. Law Implemented 20.197(3), 393.065 FS. History—New _____.

65G-1.047 Crisis Status Criteria.

The presence of the following factors are indicators of crisis status. Additional factors to be considered include the severity and immediacy of the need for services.

(1) The applicant does not have a place to live and is homeless, or is living in a temporary or unsafe environment that poses an immediate threat to the health and safety of the applicant or others with whom the applicant is living. The presence of the following factors are indicators of crisis status:

(a) The applicant is currently homeless or living in a homeless shelter.

(b) The applicant is currently staying with friends or relatives, but the situation is temporary and not expected to last beyond the month and no other alternatives are readily available.

(c) The commitment of the applicant's caregiver to shelter the applicant is low.

(d) The applicant's living situation is not providing sufficient supervision and support to prevent the applicant's exposure to perilous situations.

(e) The applicant's living situation is not providing sufficient supervision and support to prevent the applicant's behavior from threatening other vulnerable persons living with the applicant.

(f) Given the presence of others in the home and the size and configuration of the home, there is insufficient room to provide adequate shelter to the applicant or the applicant is sharing a room with another in a situation inappropriate based on the age, sex and condition of the persons sharing the room.

(g) The applicant's present living environment is substandard and the applicant's safety is in peril.

(h) The applicant's health status has been or is in jeopardy because of his or her current living situation.

(i) There has been law enforcement involvement.

(j) Protective Services has been involved.

(2) The applicant is either in danger of abuse or neglect, or poses an immediate threat to the health and safety of others. The presence of the following factors are indicators of crisis status:

(a) There have been confirmed instances of abuse towards the applicant, or others in the home.

(b) The level of care, supervision or services that the applicant is currently receiving are not sufficient to maintain the health and safety of the applicant.

(c) The applicant is exhibiting behaviors that may result in a life-threatening situation for the applicant or others, or result in bodily harm to the applicant or others that will require emergency medical care from a physician.

(d) The frequency and intensity of the applicant's behavior is likely to result in serious injury or permanent damage to the applicant or others.

(e) There is a reasonable possibility for a fatal or life-threatening injury, or there has been documented injury to the applicant or others requiring medical treatment.

(f) Other reasonable behavioral assessments and interventions have been attempted but have proven ineffective.

(g) The relative age, sex, and size of the aggressor and other persons subject to his or her aggression places the others at great risk.

(h) The caregiver has insufficient ability or capabilities to handle the applicant's behavior.

(i) The age or disability of the applicant or caregiver exacerbates the problem.

(j) There has been law enforcement involvement.

(k) Protective Services has been involved.

(3) The applicant's current caregiver is in extreme duress and is no longer able to provide for the applicant's health and safety. The presence of the following factors are indicators of crisis status:

(a) The age, illness or injury of the caregiver prevents rendering necessary care to the applicant.

(b) Due to the caregiver's physical or mental condition, the applicant's health and safety are at imminent risk.

(c) Other caregivers, such as another parent, stepparent, brother, sister or other relative or person willing and able to assume care are not available.

(d) The caregiver's age has resulted in significant impairment of his or her physical or mental ability to provide care and supervision to the applicant.

(e) The caregiver is unable to provide sufficient care due to the age, size or physical, functional, or behavioral demands of the applicant.

(f) The intensity and scope of services that the caregiver can provide results in the applicant's remaining semi-independent or totally dependent.

(g) The caregiver has an unstable economic situation in part because of the care giving demands required by the applicant and the situation is unlikely to change.

(h) The caregiver serves others who also require care, and due to these other demands the caregiver is unable to provide adequate care to the applicant or the demands of providing care to the applicant places the others at risk of insufficient care.

(i) The disability of the caregiver is permanent, or the caregiver is deceased or about to expire.

(j) There has been law enforcement involvement.

(k) Protective Services has been involved.

Specific Authority 393.501(1), 393.065 FS. Law Implemented 20.197(3), 393.065 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Terri McGarrity, Senior Management Analyst Supervisor, Division of Operations, Suite 360, 4030 Esplanade Way, Tallahassee, Florida 32399-0950; e-mail: terri_mcgarrity@apd.state.fl.us.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mac McCoy, Interim Deputy Director of Operations

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Two workshops were noticed. The first was noticed September 29, 2006, Vol. 32, No. 39, p. 4543, and held in Tallahassee on October 17, 2007. The second was noticed October 6, 2006, Vol. 32, No. 40, p. 4701, and held in Orlando on October 24, 2006

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-21.002	Definitions
67-21.003	Application and Selection Process for Developments
67-21.0035	Applicant Administrative Appeal Procedures
67-21.004	Federal Set-Aside Requirements
67-21.0045	Determination of Method of Bond Sale
67-21.006	Development Requirements
67-21.007	Fees

67-21.008	Terms and Conditions of MMRB Loans
67-21.009	Interest Rate on Mortgage Loans
67-21.010	Issuance of Revenue Bonds
67-21.013	Non-Credit Enhanced Multifamily Mortgage Revenue Bonds
67-21.014	Credit Underwriting Procedures
67-21.015	Use of Bonds with Other Affordable Housing Finance Programs
67-21.017	Transfer of Ownership
67-21.018	Refundings and Troubled Development Review
67-21.019	Issuance of Bonds for Section 501(c)(3) Entities

PURPOSE AND EFFECT: The purpose of this Rule Chapter is to establish the procedures by which the Corporation shall administer the Application process, determine bond allocation amounts and implement the provisions of the Multifamily Mortgage Revenue Bond (MMRB) Program authorized by Section 142 of the Code and Section 420.509, F.S.

The intent of this Rule Chapter is to encourage public-private partnerships to invest in residential housing; to stimulate the construction and rehabilitation of residential housing which in turn will stimulate the job market in the construction and related industries; and to increase and improve the supply of affordable housing in the State of Florida.

SUMMARY: Prior to the opening of an Application Cycle, the Corporation (1) researches the market need for affordable housing throughout the state of Florida and (2) evaluates prior Application Cycles to determine what changes or additions should be added to the Rule and/or Application. The proposed amendments to the Rule and adopted reference material include changes that will create a formulated process for selecting Developments that will apply in the 2007 Application Cycle.

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

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

SPECIFIC AUTHORITY: 420.507, 420.508 FS.

LAW IMPLEMENTED: 420.507, 420.508, 420.509 FS.

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

DATE AND TIME: February 23, 2007, 10:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 5 days before the workshop/meeting by contacting: Wayne Conner, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Wayne Conner, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

THE FULL TEXT OF THE PROPOSED RULES IS:

67-21.002 Definitions.

(1) "Acknowledgment Resolution" means the official action taken by the Corporation to reflect its intent to finance a Development provided that the requirements of the Corporation, the terms of the MMRB Loan Commitment, and the terms of the Credit Underwriting Report are met.

(2) "Act" means the Florida Housing Finance Corporation Act, Chapter 420, Part V, F.S.

(3) "Address" means the address assigned by the United States Postal Service and must include address number, street name, city, state and zip code. If the address has not yet been assigned, include, at a minimum, street name and closest designated intersection, city, state and zip code.

(4) "Affiliate" means any person that (i) directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with the Applicant (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.

(5) "ALF" or "Assisted Living Facility" means a Florida licensed living facility that complies with Sections 429.01 ~~400.404~~ through 429.54 ~~400.454~~, F.S., and Rule Chapter 58A-5, F.A.C.

(6) "Annual Household Income" means the gross income of a person, together with the gross income of all persons who intend to permanently reside with such person in the Development to be financed by the Corporation, as of the date of occupancy shown on the Income Certification promulgated by the Corporation.

(7) "Applicant" means any person or legally formed entity that is seeking a loan or funding from the Corporation by submitting an Application for one of the Corporation's programs.

(8) "Application" means the forms and exhibits created by the Corporation for the purpose of providing the means to apply for one or more of the Corporation's programs. A completed Application may include additional supporting documentation provided by an Applicant.

(9) "Application Deadline" means 5:00 p.m., Eastern Time, on the final day of the Application Period.

(10) "Application Period" means a period during which Applications shall be accepted, as posted on the Corporation's website and with a deadline no less than thirty days from the beginning of the Application Period.

(11) "Board" or "Board of Directors" means the Board of Directors of the Corporation.

(12) "Bond Counsel" means the attorney or law firm retained by the Corporation to provide the specialized services generally described in the industry as the role of bond counsel.

(13) "Bond" or "Bonds" means Bond as defined in Section 420.503, F.S.

(14) "Bond Trustee" or "Trustee" means a financial institution with trust powers which acts in a fiduciary capacity for the benefit of the bond holders, and in some instances the Corporation, in enforcing the terms of the Program Documents.

(15) "Calendar Days" means the seven (7) days of the week.

(16) "Catchment Area" means the geographical area covered under a Local Homeless Assistance Continuum of Care Plan, as designated and revised as necessary by the State Office on Homelessness, in accordance with Section 420.624, F.S.

(17) "Commercial Fishing Worker" means Commercial fishing worker as defined in Section 420.503, F.S.

(18) "Commercial Fishing Worker Household" means a household of one or more persons wherein at least one member of the household is a Commercial Fishing Worker at the time of initial occupancy.

(19) "Contact Person" means the person with whom the Corporation will correspond concerning the Application and the Development. This person cannot be a third-party consultant.

(20) "Corporation" means the Florida Housing Finance Corporation as defined in Section 420.503, F.S.

(21) "Cost of Issuance Fee" means the fee charged by the Corporation to the Applicant for the payment of the costs and expenses associated with the sale of Bonds and the loaning of the proceeds, including a fee for the Corporation.

(22) "Credit Enhancement" means a letter of credit, third party guarantee, insurance contract or other collateral or security pledged to the Corporation or its Trustee for a minimum of ten years by a third party Credit Enhancer or financial institution securing, insuring or guaranteeing the repayment of the Mortgage Loan or Bonds under the MMRB Program.

(23) "Credit Enhancer" means a financial institution, insurer or other third party which provides a Credit Enhancement or Guarantee Instrument acceptable to the Corporation securing repayment of the Mortgage Loan or Bonds issued pursuant to the MMRB Program.

(24) "Credit Underwriter" means the independent contractor under contract with the Corporation having the responsibility for providing Credit Underwriting services.

(25) "Credit Underwriting" means an in-depth analysis by the Credit Underwriter of all documents submitted in connection with an Application.

(26) "Credit Underwriting Report" means the report that is a product of Credit Underwriting.

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

(28) "DDA" or "Difficult Development Area" means any area designated by the Secretary of Housing and Urban Development as having high construction, land, and utility costs relative to area median gross income in accordance with section 42(d)(5) of the IRC.

(29) "Developer" means the individual, association, corporation, joint venturer or partnership, which possesses the requisite skill, experience, and credit worthiness to successfully produce affordable housing as required in the Application.

(30) "Developer Fee" means the fee earned by the Developer.

(31) "Development" means Project as defined in Section 420.503, F.S.

(32) "Development Cost" means the total of all costs incurred in the completion of a Development excluding developer fee, ~~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.

(33) "Disclosure Counsel" means the Special Counsel designated by the Corporation to be responsible for the drafting and delivery of the Corporation's disclosure documents such as preliminary official statements, official statements, re-offering memorandums or private placement memorandums and continuing disclosure agreements.

(34) "Elderly" means Elderly as defined in Section 420.503, F.S.

(35) "Elderly Housing", "Elderly Development", or "Elderly Unit" means housing or a unit being occupied or reserved for qualified persons pursuant to the Federal Fair Housing Act and Section 760.29(4), F.S., provided that such Development meets the requirements for an Elderly Development as set forth in the Universal Application Package.

(36) "Family" describes a household composed of one or more persons.

(37) "Farmworker" means Farmworker as defined in Section 420.503, F.S.

(38) "Farmworker Development" means a Development:

(a) Of not greater than ~~80~~ ~~160~~ units, at least 40 ~~percent~~ % of the total residential units of which are occupied or reserved for Farmworker Households;

(b) For which independent market analysis demonstrates a local need for such housing, and;

(39) "Farmworker Household" means a household of one or more persons wherein at least one member of the household is a Farmworker at the time of initial occupancy.

(40) "Financial Advisor" means, with respect to an issue of Bonds, a professional who is either under contract to the Corporation or is engaged by the Applicant who advises on matters pertinent to the issue, such as structure, timing, marketing, fairness of pricing, terms, bond ratings, cash flow, and investment matters.

(41) "Financial Beneficiary" means any Developer and its Principals or the Principals of the Applicant entity who receives or will receive a financial benefit of:

(a) 3 ~~percent~~ % or more of Total Development Cost if Total Development Cost is \$5 million or less; or

(b) 3 ~~percent~~ % of the first \$5 million and 1 ~~percent~~ % of any costs over \$5 million if Total Development Cost is greater than \$5 million.

(42) "Florida Keys Area" means all lands in Monroe County, except:

(a) That portion of Monroe County included within the designated exterior boundaries of the Everglades National Park and areas north of said Park;

(b) All lands more than 250 feet seaward of the mean high water line owned by local, state, or federal governments; and

(c) Federal properties.

(43) "General Contractor" means a person or entity duly licensed in the state of Florida with the requisite skills, experience and credit worthiness to successfully provide the units required in the Application, and which meets the criteria described in Rule 67-21.007, F.A.C.

(44) "Geographic Set-Aside" means the amount of allocation that has been designated by the Corporation to be allocated for Developments located in specific geographical regions within the state of Florida.

(45) "HC" or "Housing Credit Program" means the rental housing program administered by the Corporation in accordance with section 42 of the IRC and Section 420.5099, F.S., under which the Corporation is designated the Housing Credit agency for the state of Florida within the meaning of section 42(h)(7)(A) of the IRC, and Rule Chapter 67-48, F.A.C.

(46) "Homeless" means a Family who lacks a fixed, regular, and adequate nighttime residence or a Family who has a primary nighttime residence that is:

(a) A supervised publicly or privately operated shelter designed to provide temporary living accommodations, including welfare hotels, congregate shelters, and transitional housing;

(b) An institution that provides a temporary residence for individuals intended to be institutionalized; or

(c) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

The term does not refer to any individual imprisoned or otherwise detained pursuant to state or federal law.

(47) "HUD" means the United States Department of Housing and Urban Development.

(48) "HUD Risk Sharing Program" means the program authorized by section 542(c) of the Housing and Community Development Act of 1992, which is adopted and incorporated herein by reference.

(49) "Identity of Interest" means, for the purpose of the HUD Risk Sharing Program, any person or entity that has a one percent or more financial interest in the Development and in any entity providing services for a fee to the Development.

(50) "IRC" is the Internal Revenue Code of 1986, as in effect on the date of this rule chapter, together with corresponding and applicable final, temporary or proposed regulations and revenue rulings issued or amended with respect thereto by the Treasury Department or Internal Revenue Service of the United States, and is adopted and incorporated herein by reference and available on the Corporation's Website under the [2007 ~~2006~~ Universal Application link](#) labeled Related Information and Links.

(51) "Issuer" means the Florida Housing Finance Corporation.

(52) "Lead Agency" means a Local Government or Non-Profit serving as the point of contact and accountability to the State Office on Homelessness with respect to the Local Homeless Assistance Continuum of Care Plan, in accordance with Section 420.624, F.S.

(53) "Local Government" means Local government as defined in Section 420.503, F.S.

(54) "Local Homeless Assistance Continuum of Care Plan" means a plan for developing and implementing a framework for a comprehensive and seamless array of housing and services to address the needs of homeless persons and persons at risk for homelessness, in accordance with Section 420.624, F.S.

(55) "Local Public Fact Finding Hearing" means a public hearing requested by any person residing in the county or municipality in which the proposed Development is located and which is conducted by the Corporation for the purpose of receiving public comment or input regarding the financing of a proposed Development with Bonds by the Corporation.

(56) "Lower Income Residents" means Families whose annual income does not exceed either 50 percent or 60 percent depending on the minimum set-aside elected of the area

median income as determined by HUD with adjustments for household size. In no event shall occupants of a Development unit be considered to be Lower Income Residents if all the occupants of a unit are students as defined in section 151(c)(4) of the IRC or if the residents do not comply with the provisions of the IRC defining Lower Income Residents. (See section 142 of the IRC.)

(57) "MMRB Funding Cycle" means the period of time established by the Corporation pursuant to this rule chapter and concluding with the issuance of allocations to Applicants who applied during a given Application Period.

(58) "MMRB LURA" or "MMRB Land Use Restriction Agreement" means an agreement among the Corporation, the Bond Trustee and the Applicant which sets forth certain set-aside requirements and other Development requirements under Rule Chapter 67-21, F.A.C.

(59) "MMRB Loan" means the loan made by the Corporation to the Applicant from the proceeds of the Bonds issued by the Corporation.

(60) "MMRB Loan Agreement" means the Program Documents or Loan Documents wherein the Corporation and the Applicant agree to the terms and conditions upon which the proceeds of the Bonds shall be loaned and the terms and conditions for repayment of the Loan.

(61) "MMRB Loan Commitment" means the Program Documents or Loan Documents executed by the Corporation and the Applicant after the issuance of a favorable Credit Underwriting Report that defines the conditions under which the Corporation agrees to lend the proceeds of the Bonds to the Applicant for the purpose of financing a Development.

(62) "MMRB Program" means the Corporation's Multifamily Mortgage Revenue Bond Program.

(63) "MMRB Rehabilitation Development" means a Development, the Rehabilitation Expenditures with respect to which equal or exceed 15 percent % of the portion of the cost of acquiring such Development to be financed with Bond proceeds.

(64) "Mortgage" means Mortgage as defined in Section 420.503, F.S.

(65) "Mortgage Loan" means Mortgage loan as defined in Section 420.503, F.S.

(66) "Note" means a unilateral agreement containing an express and absolute promise to pay to the Corporation a principal sum of money on a specified date, which provides the interest rate and is secured by a Mortgage.

(67) "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.

(68) "Private Placement" or "Limited Offering" means the sale of the Corporation Bonds directly or through an underwriter or placement agent to 35 or fewer initial

purchasers who are not purchasing the Bonds with the intent to offer the Bonds for retail sale and who are Qualified Institutional Buyers.

(69) "Program Documents or Loan Documents" means the MMRB Loan Commitment, MMRB Loan Agreement, Note, Mortgage, Credit Enhancement, MMRB Land Use Restriction Agreement, Trust Indenture, Preliminary and Final Official Statements, Intercreditor Agreement, Assignments, Bond Purchase Agreement, Compliance Monitoring Agreement, Mortgage Servicing Agreement and such other ordinary and customary documents necessary to issue and secure repayment of the Bonds and Mortgage sufficient to protect the interests of the Bond owners and the Corporation.

(70) "QCT" or "Qualified Census Tract" means any census tract which is designated by the Secretary of Housing and Urban Development as having either 50 percent % or more of the households at an income which is less than 60 percent % of the area median gross income, or a poverty rate of at least 25 percent %, in accordance with section 42(d)(5)(C) of the IRC.

(71) "Qualified Institutional Buyer" is sometimes called a "sophisticated investor" and specifically includes the following:

(a) Any of the following entities, acting for its own account or the accounts of other Qualified Institutional Buyers that, in the aggregate, own and invest on a discretionary basis at least \$100 million in securities of issuers that are not affiliated with the entity:

1. Any insurance company as defined in section 2(13) of the Securities Exchange Act, which is adopted and incorporated herein by reference;

2. Any investment company registered under the Investment Company Act of 1940 or any business development company as defined in section 80a-2(a)(48) of that Act, which is adopted and incorporated herein by reference;

3. Any Small Business Investment Company licensed by the U.S. Small Business Administration under sections 301(c) or (d) of the Small Business Investment Act of 1958, which is adopted and incorporated herein by reference;

4. Any plan established and maintained by a state or state agency or any of its political subdivisions, on behalf of their employees;

5. Any employee benefit plan within the meaning of Title I of the Employee Retirement Income Security Act of 1974, which is adopted and incorporated herein by reference;

6. Trust funds of various types, except for trust funds that include participants' individual retirement accounts or H.R. 10 plans;

7. Any business development company as defined in section 80b-2(a)(22) of the Investment Advisors Act of 1940, which is adopted and incorporated herein by reference;

8. Any organization described in section 501(c)(3) of the IRC, corporation (except a bank or savings and loan defined in section 3(a)(2) or 3(a)(5)(A) of the Securities and Exchange Act, which is adopted and incorporated herein by reference, or a foreign bank or savings and loan or similar institution), partnership, Massachusetts or similar business trust, or any investment adviser registered under the Investment Advisors Act, which is adopted and incorporated herein by reference.

(b) Any dealer registered under section 15 of the Securities Exchange Act, which is adopted and incorporated herein by reference, acting on its own behalf or on the behalf of other Qualified Institutional Buyers who in the aggregate own and invest at least \$10 million of securities of issuers not affiliated with the dealer (not including securities held pending public offering).

(c) Any dealer registered under section 15 of the Securities Exchange Act, which is adopted and incorporated herein by reference, acting in a riskless principal transaction on behalf of a Qualified Institutional Buyer.

(d) Any investment company registered under the Investment Company Act, which is adopted and incorporated herein by reference, that is part of a family of investment companies that together own at least \$100 million in securities of issuers, other than companies with which the investment company or family of investment companies is affiliated.

(e) Any entity, all of whose equity owners are Qualified Institutional Buyers.

(f) Any bank or savings and loan defined in section 3(a)(2) or 3(a)(5)(A) of the Securities Exchange Act, which is adopted and incorporated herein by reference, or foreign bank or savings and loan or similar institution that, in aggregate with the other Qualified Institutional Buyers, owns and invests in at least \$100 million in securities of affiliates that are not affiliated with it and that has an audited net worth of at least \$25 million as demonstrated during the 16 to 18 months prior to the sale.

(72) "Qualified Lending Institution" means any lending institution designated by the Corporation.

(73) "Qualified Project Period" means Qualified Project Period as defined in Section 142(d) of the IRC.

(74) "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.

(75) "Rehabilitation Expenditures" has the meaning set forth in section 147(d)(3) of the IRC.

(76) "SBA" or "State Board of Administration" means the State Board of Administration created by and referred to in s. 9, Article XII of the State Constitution.

(77) "Scattered Sites" for a single Development means a Development consisting of real property in the same county (i) any part of which is not contiguous ("non-contiguous parts") or

(ii) any part of which is divided by a street or easement (“divided parts”) and (iii) it is readily apparent from the proximity of the non-contiguous parts or the divided parts of the real property, chain of title, or other information available to the Corporation that the non-contiguous parts or the divided parts of the real property are part of a common or related scheme of development.

(78) “Single Room Occupancy” or “SRO” means housing consisting of single room dwelling units that is the primary residence of its occupant or occupants. An SRO does not include facilities for students.

(79) “Special Counsel” means any attorney or law firm retained by the Corporation, pursuant to an RFQ, to serve as counsel to the Corporation, including Disclosure Counsel.

(80) “State Bond Allocation” means the allocation of the state private activity bond volume limitation pursuant to Chapter 159, Part VI, F.S., administered by the Division of Bond Finance and allocated to the Corporation for the issuance of Tax-exempt Bonds by either the SFMRB or MMRB Programs.

(81) “State Office on Homelessness” means the office created within the Department of Children and Family Services under Section 420.622, F.S.

(82) “Taxable Bonds” means those Bonds on which the interest earned is included in gross income of the owner for federal income tax purposes pursuant to the IRC.

(83) “Tax Exempt Bond-Financed Development” means a Development which has been financed by the issuance of tax-exempt bonds subject to applicable volume cap pursuant to Section 42(h)(4) of the IRC.

(84) “Tax-exempt Bonds” means those Bonds on which all or part of the interest earned is excluded from gross income of the owner for federal income tax purposes pursuant to the IRC.

(85) “Tie-Breaker Measurement Point” means a single point selected by the Applicant on the proposed Development site that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development. For a Development which consists of Scattered Sites, this means a single point on one of the Scattered Sites which comprise the Development site that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development. In addition, the Tie-Breaker Measurement Point must be located on the site with the most units if any of the Scattered Sites has more than 4 units.

(86) “TEFRA Hearing” means a public hearing held pursuant to the requirements of the IRC and in accordance with the Tax Equity and Fiscal Responsibility Act (TEFRA), section 147(f) of the IRC, at which members of the public or interested persons are provided an opportunity to present evidence or written statements or make comments regarding a requested application for Tax-exempt Bond financing of a Development by the Corporation.

(87) “Total Development Cost” means the sum total of all costs incurred in the construction of a Development all of which shall be subject to the review and approval by the Credit Underwriter and the Corporation pursuant to this rule chapter.

(88) “Universal Cycle” means any funding cycle provided for in this or previous versions of this rule chapter.

~~(89)~~(88) “Urban In-Fill Development” means a Development (i) in a site or area that is targeted for in-fill housing or neighborhood revitalization by the local, county, state or federal government as evidenced by its inclusion in a HUD Empowerment/Enterprise Zone, a HUD-approved Neighborhood Revitalization Strategy, Florida Enterprise Zone, area designated under a Community Development Block Grant (CDBG) or area designated as a HOPE VI or Front Porch Florida Community or a Community Redevelopment Area as described and defined in the Florida Community Redevelopment Act of 1969, or the proposed Development is located in a Qualified Census Tract and the development of which contributes to a concerted community revitalization plan, and (ii) in a site which is located in an area that is already developed and part of an incorporated area or existing urban service area.

~~(90)~~(89) “Website” means the Florida Housing Finance Corporation’s website, the Universal Resource Locator (URL) of which is www.floridahousing.org.

Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.502, 420.503, 420.503(4), 420.507, 420.508, 420.5099 FS. History—New 12-3-86, Amended 2-22-89, 12-4-90, 11-23-94, 2-6-97, 1-7-98, Formerly 9I-21.002, Amended 1-26-99, 11-14-99, 2-11-01, 3-17-02, 4-6-03, 10-5-03, 3-21-04, 2-7-05, 1-29-06, _____.

67-21.003 Application and Selection Process for Developments.

(1) When submitting an Application, Applicants must utilize the Universal Application in effect at the Application Deadline.

(a) The Universal Application Package or UA1016 (Rev. ~~3-07~~ ~~4-06~~) is adopted and incorporated herein by reference and consists of the forms and instructions, obtained from the Corporation, for a fee, at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, or available, without charge, on the Corporation’s Website under the 2007 ~~2006~~ Universal Application link labeled Instructions and Application, which shall be completed and submitted to the Corporation in accordance with this rule chapter in order to apply for the MMRB Program.

(b) All Applications must be complete, legible and timely when submitted, except as described below. Corporation staff may not assist any Applicant by copying, collating, or adding documents to an Application nor shall any Applicant be permitted to use the Corporation’s facilities or equipment for purposes of compiling or completing an Application.

(2) Failure to submit an Application completed in accordance with the Application instructions and these rules will result in the failure to meet threshold, rejection of the Application, a score less than the maximum available, or a combination of these results in accordance with the instructions in the Application and this rule chapter.

(3) Each submitted Application shall be evaluated and preliminarily scored using the factors specified in the Universal Application Package and these rules. Preliminary scores shall be transmitted to all Applicants.

(4) Applicants who wish to notify the Corporation of possible scoring errors relative to another Applicant's Application must file with the Corporation, within 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 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 of the notice set forth in subsection (5) above is sent by overnight delivery by the Corporation, each Applicant shall be allowed to cure its Application by submitting additional documentation, revised pages and such other information as the Applicant deems appropriate to address the issues raised pursuant to subsections (3) and (5) above that could result in ~~failure to meet threshold rejection of the Application~~ or a score less than the maximum available. A new form, page or exhibit provided to the Corporation during this period shall be considered a replacement of that form, page or exhibit if such form, page or exhibit was previously submitted in the Applicant's Application. Pages of the Application that are not revised or otherwise changed may not be resubmitted, except that documents executed by third parties must be submitted in their entirety, including all attachments and exhibits referenced therein, even if only a portion of the original document was revised. Where revised or additional information submitted by the Applicant creates an inconsistency with another item in that Application, the Applicant shall also be required in its submittal to make such other changes as necessary to keep the Application consistent as revised. To be considered by the Corporation, the Applicant must submit an original and three copies of all additional documentation and revisions, and

~~such. Only~~ revisions, changes and other information must be 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 of the Applicant submitting the NOAD, the assigned Application number of the Application in question, the pages and the documents in question, as well as describe the alleged deficiencies in detail. Each NOAD is limited to the review of only one Applicant's submission. However, there is no limit to the number of NOADs which may be submitted. NOADs which seek the review of more than one Applicant's submission will be considered improperly filed and ineligible for review. The Corporation will only review each written NOAD Received timely.

(8) The Corporation shall transmit a copy of all NOADs to the affected Applicant.

(9) Following the receipt and review by the Corporation of the documentation described in subsections (5), (6) and (7) above, the Corporation shall then prepare final scores. In determining such final scores, no Application shall ~~fail threshold 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 of the Application, threshold failure, or reduction of points, as appropriate. Notwithstanding the foregoing, any deficiencies in the mandatory elements set forth in subsection (14) below can be identified at any time prior to sending the final scores to Applicants and will result in rejection of the Application. The Corporation shall then transmit final scores to all Applicants.

(10) Based on the order of the ranked Applications after informal appeals and the availability of State Bond Allocation designated by the Board of Directors for multifamily housing, the Board of Directors shall designate Applications for funding and offer the opportunity to enter Credit Underwriting, and shall designate those that are below the funding line on the MMRB ranked list. Any additional allocation designated by the Board of Directors for MMRB shall be applied to the next unfunded Application(s) on the ranked list, but only to the extent said Application's request can be fully funded. Any remaining allocation designated by the Board of Directors for multifamily housing, which as of December 1 of each year is

insufficient to fully fund the next ranked Application shall be offered to the next ranked Applicant, continuing down the ranked list until sufficient to fully fund a proposed Development. After December 1, Applicants shall be permitted to downsize their allocation request by up to 15 percent % of the original allocation request for the purpose of becoming fully funded but may not reduce the number of units or the unit sizes in the development. Any unused allocation shall, at the option of the Board of Directors, be carried over and applied to the next calendar year allocation or applied to single family housing. The Corporation may, after the cure period and upon a determination that such is necessary to assure timely processing of Applicants, invite Applicants who meet threshold into Credit Underwriting at their own risk. Applicants shall be notified in writing of the opportunity to enter Credit Underwriting. A detailed timeline for submitting required fees and information to the Credit Underwriter shall be included. Failure to meet the deadlines established by such timeline shall result in the immediate termination of Credit Underwriting activities and the Application shall be moved to the bottom of the ranked list. Applicants electing to proceed to Credit Underwriting without designation for funding do so at their own risk, and said opportunity does not ensure that the Application will be funded. Any Applicant that declines invitation to Credit Underwriting, when invited by the Board of Directors, shall be removed from the ranked list.

(12) If the Board of Directors determines that any Applicant or any Affiliate of an Applicant:

(11) Except for Local Government-issued Tax-Exempt Bond-Financed Developments that submit a separate Application for non-competitive Housing Credits, Applications shall be limited to one submission per subject property. Two or more Applications, submitted in the same Funding Cycle, that have the same demographic commitment and one or more of the same Financial Beneficiaries will be considered submissions for the same Development if any of the following is true: (i) any part of any of the property sites is contiguous with any part of any of the other property sites, or (ii) any of the property sites are divided by a street or easement, or (iii) it is readily apparent from the Applications, proximity, chain of title, or other information available to the Corporation that the properties are part of a common or related scheme of development. If two or more Applications are considered to be submissions for the same Development, the Corporation will reject all such Applications except the Application with the highest (worst) lottery number. The Application with the lowest lottery number will still be rejected even if the Applicant withdraws the Application with the highest (worst) lottery number. Financial Beneficiary, as defined in Rule 67-21.002, F.A.C., does not include third party lenders, third party management agents or companies, housing credit syndicators, Credit Enhancers who are regulated by a state or

federal agency and who do not share in the profits of the Development or contractors whose total fees are within the limit described in Rule 67-21.007, F.A.C.

(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 of Directors makes such determination. Such determination shall be either pursuant to a proceeding conducted pursuant to Sections 120.569 and 120.57, F.S., or as a result of a finding by a court of competent jurisdiction.

(13) The Corporation shall reject an Application if, following the submission of the additional documentation, revised pages and other information as the Applicant deems appropriate as described in subsection (6) above:

(a) The Development is inconsistent with the purpose of the MMRB Program or does not conform to the Application requirements specified in this rule chapter;

(b) The Applicant fails to achieve the threshold requirements as detailed in these rules, the applicable Application and Application instructions;

(c) The Applicant fails to file all applicable Application pages and exhibits that are provided by the Corporation and adopted under this rule chapter;

(d) 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.

(14) Notwithstanding any other provision of these rules, there are certain items that must be included in the Application and cannot be revised, corrected or supplemented after the Application Deadline. Failure to submit these items in the Application at the time of the Application Deadline shall result in rejection of the Application without opportunity to submit additional information. Any attempted changes to these items will not be accepted. Those items are as follows:

(a) Name of Applicant; notwithstanding the foregoing, the name of the Applicant may be changed only by written request of an Applicant to Corporation staff and approval of the Board after the Applicant has been invited to enter credit underwriting;

(b) Identity of each Developer, including all co-Developers; notwithstanding the foregoing, the identity of the Developer(s) may be changed only by written request of an Applicant to Corporation staff and approval of the Board after the Applicant has been invited to enter credit underwriting;

(c) Program(s) applied for;

(d) Applicant applying as a Non-Profit or for-profit organization;

(e) Site for the Development;

(f) Development Category;

(g) Development Type;

(h) Designation selection;

(i) County;

(j) Total number of units;

(k) Funding request, except for Taxable Bonds and as provided in subsection 67-21.003(10), F.A.C.; notwithstanding the foregoing, requested amounts exceeding the Corporation and program funding limits can be reduced by the Applicant to reflect the maximum request amount allowed (and no other changes to this amount will be allowed);

(l) The Total Set-Aside Percentage as stated in the last row of the total set-aside breakdown chart for the program(s) applied for in the Set-Aside Commitment section of the Application;

(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 and TEFRA fee by the Application Deadline.

All other items may be submitted as cures pursuant to subsection (6) above.

(o) The Application labeled "Original Hard Copy" must include a properly completed Applicant Certification and Acknowledgement form reflecting original signatures.

All other items may be submitted as cures pursuant to subsection (6) above.

With regard to paragraphs (a) and (b) above, the Board shall consider the facts and circumstances of each Applicant's request and any credit underwriting report, if available, prior to determining whether to grant the requested change.

(15) A Development will be withdrawn from funding and any outstanding commitments for funds will be rescinded if at any time the Board of Directors determines that the Applicant's Development or Development team is no longer the Development or Development team described in the Application, and the changes made are prejudicial to the Development or to the market to be served by the Development.

(16) If an Applicant or any Principal, Affiliate or Financial Beneficiary of an Applicant or a Developer has any existing Developments participating in any Corporation programs that remain in non-compliance with the IRC, this rule chapter, or

applicable loan documents, and any applicable cure period granted for correcting such non-compliance has ended as of the time of submission of the Application or at the time of issuance of a Credit Underwriting Report, the requested allocation will, upon a determination by the Board of Directors that such non-compliance substantially increases the likelihood that such Applicant 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 Application instructions.

(18) At no time during the Application, scoring and appeal process may Applicants or their representatives contact members of the Board of Directors concerning their own Development or any other Applicant's Development. At no time from the Application Deadline until after issuance of the final scores as set forth in subsection (9) above, may Applicants or their representatives verbally contact Corporation staff concerning their own Application or any other Applicant's Application. If an Applicant or its representative does contact a member of the Board of Directors in violation of this section, the Board of Directors shall, upon a determination that such contact was deliberate, disqualify such Applicant's Application.

(19) Applicants may withdraw an Application from consideration only by submitting a written notice of withdrawal to the Corporation Clerk. Applicants may not rescind any notice of withdrawal that was submitted to the Corporation Clerk. For ranking purposes, the Corporation shall disregard any withdrawal that is submitted after 5:00 p.m., Eastern Time, 14 Calendar Days prior to the date the Board of Directors is scheduled to convene to consider approval of the final rankings of the Applications and such Application shall be included in the ranking as if no notice of withdrawal had been submitted. After the Board of Directors has approved the final ranking, any notice of withdrawal submitted during the time period prohibited above and before the Board of Directors approves the final ranking, shall be deemed withdrawn immediately after Board approval of the final ranking. If an Applicant has applied for two or more programs, the withdrawal by the Applicant from any one program will be deemed by the Corporation to be a withdrawal of the Application from all programs.

(20) The name of the Development provided in the Application may not be changed or altered after submission of the Application during the history of the Development with the Corporation unless the change is requested in writing and approved in writing by the Corporation. The Corporation shall

consider the facts and circumstances of each Applicant's request and any credit underwriting report, if available, prior to determining whether to grant such request.

(21) If an Applicant or any Affiliate of an Applicant has offered or given consideration, other than the consideration to provide affordable housing, with respect to a local contribution and this is discovered prior to Board of Directors approval of the ranking, the Corporation shall reject the Application and any other Application submitted by the same Applicant and any Affiliate of the Applicant. If discovered after the Board of Directors approves final ranking, any tentative funding or allocation for the Application and any other Application submitted in the same cycle by the same Applicant and any Affiliate of the Applicant will be withdrawn. Such Applicant and any of such Applicant's Affiliates will be ineligible for funding or allocation in any program administered by the Corporation for a period of up to two years, which will begin the date the Board of Directors issues a final order on such matter in a proceeding conducted pursuant to Sections 120.569 and 120.57, F.S.

(22) The Corporation shall initiate TEFRA Hearings on the proposed Developments whose Applications were Received ~~received~~ by the Application Deadline. Neither the TEFRA Hearing, the invitation into Credit Underwriting, nor the Acknowledgment Resolution obligate the Corporation to finance the proposed Development in any way.

(23) Upon receipt of the Credit Underwriting Report, the Corporation shall submit the Application to its Financial Advisor for a preliminary recommendation of the method of bond sale for each Development pursuant to Rule 67-21.0045, F.A.C.

(24) Proposed Developments that are ranked, but not selected by the Board of Directors to enter Credit Underwriting, shall remain on the ranked list in the event State Bond Allocation becomes available to fund additional Developments. If the current year's State Bond Allocation designated by the Board of Directors for the MMRB Program is insufficient to fully finance a Development, subject to the provisions of subsection 67-21.003(10), F.A.C., permitting reduction of the requested amount, a new Application must be filed to be eligible for a future year's State Bond Allocation.

(25) The Corporation shall notify the Applicant, in writing, of the Board of Directors determination related to approval of the Credit Underwriting Report and require the Applicant to submit one-half of the Good Faith Deposit within 7 Calendar Days from the receipt of such notice.

(26) Upon favorable recommendation of the Credit Underwriting Report and preliminary recommendation of the method of bond sale from the Corporation's Financial Advisor, the Board of Directors shall designate by resolution the method of bond sale considered appropriate for financing. The Board of Directors shall consider authorizing the execution of the Loan Commitment and shall consider final Board of Directors

approval reserving State Bond Allocation for a Development. Requests for Taxable Bonds shall be considered by the Board of Directors in an amount recommended by the Credit Underwriter. The Board of Directors shall also assign a bond underwriter, structuring agent, or Financial Advisor and any other professionals necessary to complete the transaction. Staff shall assign the Corporation Bond Counsel and Special Counsel and Trustee as needed.

(27) Following receipt of one-half of the Good Faith Deposit, the Corporation's assigned Special Counsel shall begin preparation of the Loan Commitment.

(28) Upon execution of a Loan Commitment, Applicant shall pay the balance of the Good Faith Deposit and the Corporation shall authorize Bond Counsel and Special Counsel to prepare the Program Documents.

(29) For computing any period of time allowed by this rule, the day of the event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday.

Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.502, 420.507(4), (13), (14), (18), (19), (20), (21), (24), 420.508 FS. History--New 12-3-86, Amended 12-4-90, 11-23-94, 9-25-96, 1-7-98, Formerly 9I-21.003, Amended 1-26-99, 11-14-99, 2-11-01, 3-17-02, 4-6-03, 3-21-04, 2-7-05, 1-29-06,_____.

67-21.0035 Applicant Administrative Appeal Procedures.

(1) At the conclusion of the review and scoring process established by Rule 67-21.003, F.A.C., each Applicant will be provided with its final score and notice of rights, which shall constitute the point of entry to contest any issue related to the Applicant's Application for the MMRB Program.

(2) Each Applicant that wishes to contest its final score must file a petition with the Corporation within 21 Calendar Days after the date the Applicant receives its notice of rights. The petition must conform to subsection 28-106.201(2) or 28-106.301(2), and subsection 67-52.002(3), F.A.C., and specify in detail each issue and score sought to be challenged. If the petition does not raise a disputed issue of material fact, the challenge will be conducted pursuant to Section 120.57(2), F.S. If the petition raises one or more disputed issues of material fact, a formal administrative hearing will be conducted pursuant to Section 120.57(1), F.S. At the conclusion of any administrative hearing, a recommended order shall be entered by the designated hearing officer which will then be considered by the Board of Directors.

(3) Any Applicant who wishes to challenge the findings and conclusions of the recommended order entered pursuant to a Section 120.57(2), F.S., proceeding concerning its own Application shall be allowed the opportunity to submit written arguments to the Board. Any written argument should be typed and double-spaced with margins no less than one inch in either

Times New Roman 14-point or Courier New 12-point font and may not exceed five (5) pages, excluding the caption and certificate of service. Written arguments must be filed with Florida Housing Finance Corporation's Clerk at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, no later than 5:00 p.m., Eastern Time, no later than five (5) Calendar Days from the date of issuance of ~~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) Following the entry of final orders in all petitions filed pursuant to Section 120.57(2), F.S., and in accordance with Rule Chapter 67-21, F.A.C., the Corporation shall issue final rankings. For an Applicant that filed a petition pursuant to Section 120.57(1), F.S., which challenged the scoring of its own Application but has not had a final order entered as of the date the final rankings are approved by the Board of Directors, the Corporation shall, if any such Applicant ultimately obtains a final order that modifies the score so that its Application would have been in the funding range of the applicable final ranking had it been entered prior to the date the final rankings were presented to the Board of Directors, provide the requested allocation from the next available allocation, whether in the current year or a subsequent year. Nothing contained herein shall affect any applicable Credit Underwriting requirements.

(5) Each Applicant will be provided with a final ranking of all Applications and notice of rights, which shall constitute the point of entry to contest any ranking or scoring issue related to any other Applications for the MMRB Program. An Applicant that wishes to contest the final ranking or score of another Applicant may do so only if:

(a) The competing Applicant files a petition on or before the 21st Calendar Days after the receipt of the notice of rights pursuant to this subsection (5). The petition must conform to subsection 28-106.201(2) or 28-106.301(2), and subsection 67-52.002(3), F.A.C., and specify in detail each issue, score or ranking sought to be challenged.

(b) For any Application cycle closing after January 1, 2002, if the contested issue involves an error in scoring, the contested issue must (i) be one that could not have been cured pursuant to subsection 67-21.003(14), F.A.C., or (ii) be one that could have been cured, if the ability to cure was not solely within the Applicant's control. The contested issue cannot be one that was both curable and within the Applicant's sole control to cure. With regard to curable issues, a petitioner must prove that the contested issue was not feasibly curable within the time allowed for cures in subsection 67-21.003(6), F.A.C.

(c) The competing Applicant alleges facts in its petition sufficient to demonstrate that, but for the specifically identified threshold, scoring or ranking errors in the challenged

Application, its Application would have been in the funding range at the time the Corporation provided the Applicant with its final ranking.

(d) If the petition does not raise a disputed issue of material fact, the appeal will be conducted pursuant to Section 120.57(2), F.S. If the petition raises one or more disputed issues of material fact, a formal administrative hearing will be conducted pursuant to Section 120.57(1), F.S. At the conclusion of any administrative hearing, a recommended order shall be entered which will then be considered by the Board of Directors.

(6) Any Applicant who wishes to challenge the findings and conclusions of the recommended order entered pursuant to a Section 120.57(2), F.S., proceeding as described in subsection (5) above concerning the final ranking of another Application, shall be allowed the opportunity to submit written arguments to the Board. Any written arguments should be typed and double-spaced with margins no less than one inch in either Times New Roman 14-point or Courier New 12-point font and may not exceed five (5) pages, excluding the caption and certificate of service. Written arguments must be filed with Florida Housing Finance Corporation's Clerk at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, no later than 5:00 p.m., Eastern Time, no later than five (5) Calendar Days from the date of issuance of ~~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.

(7) For those Applicants that have filed a petition pursuant to subsection (5) above, the Corporation shall, if any such Applicant ultimately obtains a final order that demonstrates that its Application would have been in the funding range of the applicable final ranking, provide the requested allocation from the next available allocation, whether in the current year or a subsequent year. Nothing contained herein shall affect any applicable credit underwriting requirements. The filing of a petition pursuant to subsection (5) above shall not stay the Corporation's provision of funding to Applicants per the final rankings referenced in subsection (4) above.

Specific Authority 420.507, 420.508 FS. Law Implemented 120.569(2)(b), 120.57, 420.502, 420.507, 420.508 FS. History—New 11-14-99, Amended 2-11-01, 3-17-02, 10-8-02, 12-4-02, 4-6-03, 3-21-04, 2-7-05, 1-29-06, _____.

67-21.004 Federal Set-Aside Requirements.

Each Application shall designate one of the following minimum federal set-aside requirements that the Development shall meet commencing with the first day on which at least 10 percent of the units in the property are occupied:

(1) Twenty percent of the residential units in the Development shall be occupied by or reserved for occupancy by a Family whose Annual Household Income does not exceed 50 percent of the area median income limits adjusted for Family size (the 20/50 set-aside); or

(2) Forty percent of the residential units in the Development shall be occupied by or reserved for occupancy by a Family whose Annual Household Income does not exceed 60 percent of the area median income limits adjusted for Family size (the 40/60 set-aside).

(3) For Developments financed solely through the issuance of Taxable Bonds or refundings of Tax-exempt Bonds originally issued under section 103(b)(4)(A) of the Internal Revenue Code of 1954, as amended, which is adopted and incorporated herein by reference, 20 percent of the residential units in the Development shall be occupied by or reserved for occupancy by a Family whose Annual Household Income does not exceed 80 percent of the area median income limits adjusted for Family size (the 20/80 set-aside).

Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.502, 420.507(4), (6), (12), (13), (14), (18), (19), (21), 420.508 FS History—New 12-3-86, Amended 2-22-89, 12-4-90, 11-23-94, 9-25-96, 2-6-97, 1-7-98, Formerly 9I-21.004, Amended 1-26-99, 11-14-99, 2-11-01, 3-17-02, Repromulgated 4-6-03, 3-21-04, 2-7-05, 1-29-06,_____.

67-21.0045 Determination of Method of Bond Sale.

(1) The Corporation may sell Bonds for the purpose of financing a proposed Development through a negotiated sale, competitively bid sale or Private Placement. Prior to the sale of Bonds for a Development, the Board of Directors shall authorize a resolution specifying the method of sale.

(2) Following receipt of the Credit Underwriting Report, staff shall provide the Corporation’s Financial Advisor copies of such report for review and preparation of a written recommendation for the method of Bond sale.

(3) In preparing a recommendation for the method of sale to the Board of Directors, the Financial Advisor shall consider the following:

- (a) The cost components of the sale, including interest costs and financing costs. The purpose of the analysis is to determine how these costs are affected by the alternative forms of sale.
- (b) The anticipated credit and security structure of the transaction.
- (c) The proposed financing structure of the transaction.
- (d) The financing experience of the Applicant.
- (e) The Corporation’s programmatic objectives.
- (f) Market stability.
- (g) Other factors identified by staff, counsel, or the Applicant.

(4) The written recommendation shall include an identification of the Development, the recommended method of sale, and a summary statement as to why the particular method of sale is being recommended.

(5) For those transactions that the Corporation’s Financial Advisor recommends as candidates for a competitive sale, the Corporation shall engage a structuring agent. The Applicant may, at its sole expense, engage a Financial Advisor for the transaction. Any cost to the Applicant for the Financial Advisor in excess of \$18,000 must be paid out of Developer Fee.

(6) For those transactions that the Corporation’s Financial Advisor recommends for a negotiated sale, the Corporation shall appoint a bond underwriter.

Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.507(4), (13), (19), (20), 420.508, 420.509(12) FS. History—New 1-7-98, Formerly 9I-21.0045, Amended 1-26-99, Repromulgated 11-14-99, 2-11-01, Amended 3-17-02, Repromulgated 4-6-03, Amended 3-21-04, 2-7-05, Repromulgated 1-29-06,_____.

67-21.006 Development Requirements.

A Development shall at a minimum meet the following requirements or an Applicant shall be able to certify that the following requirements shall be met with respect to a Development:

(1) Must provide safe, sanitary and decent multifamily residential housing for lower, middle and moderate income persons or families.

(2) Must be owned, managed and operated as a Development to provide multifamily residential rental property comprised of a building or structure or several proximate buildings or structures, each containing five or more dwelling units and functionally related facilities, in accordance with section 142(d) of the IRC.

(3) The Development shall consist of similar units, containing complete facilities for living, sleeping, eating, cooking and sanitation for a Family.

(4) None of the units in the Development shall be used on a transient basis, nor shall they be knowingly leased for a period of less than 180 days unless a determination is made by the Corporation that there is a specific need in that particular area for leasing arrangements of less than 180 days, but in no event shall a lease be for a period less than 30 days, nor shall a Development be used as a hotel, motel, dormitory, fraternity house, sorority house, rooming house, hospital, sanitarium, nursing home or rest home or trailer court or park.

(5) All of the dwelling units shall be rented or shall be available for rent on a continuous basis to members of the general public, and the Applicant shall not give preference to any particular class or group in renting the dwelling units in the Development, except to the extent that dwelling units are required to be occupied in compliance with the IRC or are being held for Elderly Persons, Commercial Fishing Workers, Homeless Persons or Farmworkers.

(6) The Applicant shall have no present plan to convert the Development to any use other than the use as affordable residential rental property.

(7) None of the units shall at any time be occupied by the owner of the Development or an individual related to the owner as such terms are defined by the Code; provided, however, that in Developments containing more than 50 residential units, such owner or related person may occupy up to one unit per each 100 units in a Development and such owner or related person must reside in a unit that is in a building or structure which contains at least five residential units.

(8) Commencing with the date on which at least 10 percent of the units in the Development are occupied:

(a) At least 20 percent or 40 percent, whichever is applicable based on Applicant's selection of the minimum federal set-aside, of the occupied and completed residential units in the Development shall be occupied by Lower Income Residents, prior to the satisfaction of which no additional units shall be rented or leased, except to a Family that is also a Lower Income Resident;

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

(c) After initial rental occupancy of such residential units by Lower Income Residents, at least 20 percent or 40 percent, whichever is applicable based on Applicant's selection of the minimum federal set-aside, of the completed residential units in the Development at all times shall be rented to and occupied by Lower Income Residents as required by section 142(d) of the IRC, if the Development is financed with the proceeds of Tax-exempt Bonds, or as required by the Act, if the Development is financed with the proceeds of Taxable Bonds, or held available for rental if previously rented to and occupied by a Lower Income Resident.

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

(10) The Applicant shall not take, permit, or cause to be taken any action which would adversely affect the exemption from federal income taxation of the interest on Tax-exempt Bonds, nor shall the Applicant fail to take any action which is necessary to preserve the exemption from federal income taxation of the interest on Tax-exempt Bonds.

(11) The Applicant shall take such action or actions as shall be necessary to comply fully with the IRC, Florida Statutes, and the Corporation's Rules.

(12) The Applicant may limit the leasing of units in a Development to Elderly Persons, Commercial Fishing Workers, Homeless Persons or Farmworkers as permitted hereby.

(13) In the event that the Applicant has determined that the market no longer supports the Development as Elderly Housing and desires to rent to younger persons or families, the following criteria must be met:

(a) A viable marketing plan is submitted to and is acceptable to the Corporation showing a good faith effort to market the unit as Elderly Housing.

(b) The Applicant demonstrates that a good faith effort was made to lease the unit as Elderly Housing and that such effort was made for at least six months after the certificate of occupancy for the relevant unit was issued.

(c) The Applicant has requested and received Board of Directors' approval that the Development no longer qualifies as Elderly Housing.

(14) The Applicant and Developer of a proposed Rehabilitation Development shall make every effort to rehabilitate existing housing (i) without displacing existing tenants or (ii) by temporarily moving existing tenants to unaffected units within the Development until the renovation of affected units is completed.

(15) The owner of a Development must notify the Corporation of an intended change in the management company. The Corporation must approve, pursuant to subsection 67-53.003(3), F.A.C., the Applicant's selection of a management agent prior to such company assuming responsibility for the Development. A key management company representative must attend a Corporation-sponsored training workshop on certification and compliance procedures prior to the leasing of any units in the Development.

(16) The Applicant shall use cost certifications with respect to each Development as required by the United States Department of Housing and Urban Development ("HUD") in connection with Developments financed by HUD, including the HUD Risk Sharing Program.

(17) The Applicant shall provide annually to the Trustee not later than 120 days after the end of the Applicant's fiscal year, audited financial statements prepared by an independent certified public accounting firm, consolidated or consolidating, on the Development and any other information required by the Corporation to comply with continuing disclosure requirements imposed by law.

(18) Unless otherwise approved by the Board of Directors, Cross-collateralization shall not be allowed.

Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.502, 420.507(9), (11), (14), (18), (19), (20), (21), 420.508 FS. History—New 12-3-86, Amended 2-22-89, 12-4-90, 9-25-96, 1-7-98, Formerly 9I-21.006, Amended 1-26-99, 11-14-99, 2-11-01, 3-17-02, Repromulgated 4-6-03, Amended 3-21-04, 2-7-05, Repromulgated 1-29-06,_____.

67-21.007 Fees.

In addition to the fees specified in the Universal Application Package, the Corporation shall collect the following fees and charges in conjunction with the MMRB Program:

(1) TEFRA Fee: Applicants shall submit a non-refundable TEFRA fee to the Corporation in the amount of \$500 by the Application Deadline, or, for refundings or 501(c)(3) Applicants, upon submission of the Application or request for refunding. This fee shall be applied to the actual cost of publishing required newspaper advertisements and Florida Administrative Weekly notices of TEFRA Hearings. If the actual cost of the required publishing exceeds \$500.00, Applicant shall be invoiced for the difference. If a Local Public Fact Finding Hearing is requested, the Applicant shall be responsible for payment of any fees incurred by the Corporation. If the first TEFRA approval period has expired and a second TEFRA notice and hearing are required, Applicant is responsible for all costs associated with the additional TEFRA process.

(2) Credit Underwriting and Appraisal Fee: Applicants shall submit the required non-refundable Credit Underwriting and Appraisal Fee for each Development to the Credit Underwriter designated by the Corporation within seven Calendar Days of the date the Applicant accepts the invitation by the Corporation to enter the Credit Underwriting process and prior to final credit review by the Credit Underwriter. The Credit Underwriting fee shall be determined pursuant to a contract between the Corporation and the Credit Underwriter.

(3) Good Faith Deposit means a total deposit equal to one percent of the Loan amount reflected in the Loan Commitment paid by the Applicant to Florida Housing. The Applicant shall pay a total deposit equal to one percent of the aggregate principal amount of proposed Taxable and Tax-exempt Bonds, or \$75,000, whichever is greater, to the Corporation, which deposit may be applied toward the Cost of Issuance Fee. The maximum Good Faith Deposit required is \$175,000. The Good Faith Deposit is payable in two equal installments: the first installment (one-half of one percent) is due within seven Calendar Days of the date the Board of Directors approves the Credit Underwriting Report. The balance is payable no later than the date when the Applicant executes the Loan Commitment. If the Good Faith Deposit is exhausted, the Applicant shall be required to pay, within three days of notice, an additional deposit to ensure payment of the expenses associated with the processing of the Application, the sale of the Bonds, including document production and the securitization of the Loan. The Good Faith Deposit shall be remitted by certified check or wire transfer. In the event the MMRB Loan does not close, the unused portion of the Good Faith Deposit shall be refunded to the Applicant. Notwithstanding the foregoing, the Applicant is responsible for all expenses incurred in preparation for loan closing. Any and all costs of the Corporation will be deducted from the Good Faith Deposit prior to refunding any unused funds to the Applicant. In the event that additional invoices are received by the Corporation subsequent to a determination that the MMRB Loan will not close and refunding any unused funds to the

Applicant, which invoices related to costs incurred prior to such determination and refunding, Applicant shall be responsible for payment of the balance due as invoiced.

(4) Cost of Issuance Fee: the Corporation shall require Applicants or participating Qualified Lending Institutions selected for participation in the program, to deliver to the Corporation, or, at the request of the Corporation, directly to the Trustee, before the date of delivery of the Bonds, a Cost of Issuance Fee in an amount determined by the Corporation to be sufficient to pay the costs and expenses relating to issuance of the Bonds, which amount shall be deposited into an account to be held by the Trustee. The Corporation shall provide the Applicant with a good faith estimate of the Cost of Issuance Fee prior to closing. The Applicant shall pay all costs and expenses incurred by the Corporation in connection with the issuance of the Bonds, the expenditure of the MMRB Loan proceeds, and provision of Credit Enhancement, if any, even if such costs and expenses exceed the Cost of Issuance Fee. Any amounts remaining in this account at the time the balance is transferred and the account closed pursuant to the Trust Indenture shall be returned to the Applicant.

(5) HUD Risk Sharing Fees: Applicants also using the HUD Risk Sharing Program for the Development shall be responsible for associated fees, as follows:

(a) Format II Environmental Review Fee – The fee the Applicant shall pay will be determined by contract between the Corporation and the environmental professional.

(b) Subsidy Layering Review Fee – The fee the Applicant shall pay will be determined by the contract between the Corporation and the Credit Underwriter.

(6) Compliance Monitoring Fees: The annual monitoring fee the Applicant shall pay will be determined by contract between the Corporation and the monitoring agent.

(7) Permanent Loan Servicing Fees: The annual servicing fee the Applicant shall pay will be determined by contract between the Corporation and the servicer.

(8) Financial Monitoring Fees: The annual financial monitoring fee the Applicant shall pay will be determined by contract between the Corporation and the monitoring agent.

(9) Other Corporation Program Fees:

(a) Housing Credit Fees – If Housing Credits are used for the Development, the Compliance Monitoring Fee for that program shall be collected from the Applicant in conjunction with the Compliance Monitoring Fee for the program.

(b) Florida Affordable Housing Guarantee Program Fees – If the Guarantee Program is used in the Development, the same fee schedule described in Rule Chapter 67-39, F.A.C., shall apply and be paid by the Applicant to the Corporation.

(10) Developer Fee shall be limited to 18 percent of Total Development Cost excluding land and, for rehabilitation, building acquisition costs. A Developer Fee on the building acquisition cost shall be limited to 4 ~~percent~~ % of the cost of the building(s) exclusive of land cost. Consulting fees, if any,

must be paid out of the Developer Fee. Consulting fees include payments for Application consultants, construction management or supervision, or Local Government consultants. Fees of the Applicant's or Developer's attorney(s) awarded in conjunction with litigation against the Corporation with respect to a Development shall also not be included in Total Development Costs. Fees for services provided by architects, accountants, appraisers, engineers or Financial Advisors may be included as part of the Total Development Costs, except that those fees for a Financial Advisor that are in excess of \$18,000 must be paid out of the Developer Fee. In the event of extraordinary circumstances, Applicant may petition the Board for relief from the cap on Financial Advisor fees. The Corporation shall not authorize fees to be paid for duplicative services or duplicative overhead.

(11) General Contractor's Fees are inclusive of general requirements, profit and overhead and shall be limited to 14 percent of hard costs, excluding any hard cost contingencies. For the purpose of the HUD Risk Sharing Program, if there exists an Identity of Interest as defined herein between the Applicant or Developer and the General Contractor, the allowable fees shall in no case exceed the amount allowable pursuant to the HUD subsidy layering review requirements. Additionally, fees shall be allowed to be paid only to the person or entity that actually meets the definitional requirements to be considered a General Contractor. The Corporation shall not allow fees for duplicative services or duplicative overhead. The General Contractor must meet the following conditions:

(a) Employ a Development superintendent and charge the costs of such employment to the general requirements line item of the General Contractor's budget;

(b) Charge the costs of the Development construction trailer, if needed, and other overhead to the general requirements line item of the General Contractor's budget;

(c) Secure building permits, issued in the name of the General Contractor;

(d) Secure a payment and performance bond (or approved alternate security for General Contractor's performance, such as a letter of credit), issued in the name of the General Contractor, from a company rated at least "A-" by AMBest & Co.;

(e) Ensure that none of the General Contractor duties to manage and control the construction of the Development are subcontracted; and

(f) Ensure that not more than 20 percent of the construction cost is subcontracted to any one entity unless otherwise approved by the Board for a specific Development.

Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.507(4), (19) FS. History--New 12-3-86, Amended 1-7-98, Formerly 9I-21.007, Amended 1-26-99, 11-14-99, 2-11-01, 3-17-02, 4-6-03, 3-21-04, 2-7-05, 1-29-06, Repromulgated.

67-21.008 Terms and Conditions of MMRB Loans.

(1) Each Mortgage Loan for a Development made by the Corporation shall:

(a) Be evidenced by a properly executed Note or other evidence of indebtedness and be secured by a recorded Mortgage;

(b) Provide for a fully amortized payment of the Mortgage Loan in full beginning on the earlier of 36 months after closing, or stabilized occupancy, or conversion to permanent financing under the loan documents and ending no later than the expiration of the useful life of the property, and in any event, no later than 45 years from the date of the Mortgage Loan;

(c) Not exceed 95 percent of the Total Development Cost;

(d) If the Mortgage Loan is to provide financing for the construction of a Development, have each advance thereof secured, insured, or guaranteed in such manner as the Corporation determines shall protect its interest and those of the Bond holders;

(e) Have the initial review, approval, and origination process accomplished by a Qualified Lending Institution;

(f) Be serviced by such Qualified Lending Institution or other private entity engaged in the business of servicing mortgage loans in Florida as the Corporation shall approve; and

(g) Require the submission to the Corporation of an annual audited financial statement for the Development, and for the Applicant if revenue from multiple projects is being pledged. An annual financial statement compiled or reviewed by a licensed Certified Public Accountant may be submitted in lieu of an audited financial statement for the Development prior to the issuance of a certificate of occupancy for any unit in the Development, provided that the subsequent annual audited financial statement shall include all operations since inception.

(h) If Credit Enhancement is used, a Credit Enhancement instrument of less than ten years must be approved by the Board of Directors.

(2) Upon approval, execution, and satisfaction of the terms of the Program Documents by the Applicant and the Corporation, the Bond sale and the MMRB Loan shall be scheduled for closing.

(3) The Applicant may obtain construction financing from an alternative source with the Bond proceeds being invested in accordance with an investment agreement subject to the requirements of the IRC for Tax-exempt Bonds.

(4) The Applicant shall also establish and maintain escrow deposits sufficient to pay any insurance premiums and applicable taxes.

(5) The Corporation shall charge such program administration fees as are required to pay the cost of administering the program during the life of the Bonds and MMRB Loan.

(6) The interest rate on the MMRB Loan shall be determined by the Corporation at the time of sale of the Bonds based on the financing structure and the interest rate on the Bonds.

(7) Prepayments shall be permitted only in accordance with the terms and conditions of the Program Documents.

(8) The Corporation shall appoint a Trustee and servicing agent when necessary to administer the program and service the MMRB Loan.

(9) All MMRB Loans are contingent upon:

(a) The sale, issuance and delivery of the Bonds and the availability of Bond proceeds.

(b) The Applicant obtaining title insurance on the property.

(c) The Applicant obtaining all governmental approvals for constructing and operating the Development as a multifamily housing Development.

(d) The Applicant providing to the Corporation, Bond Counsel and Special Counsel the Note, Mortgage, financing statements, survey, hazard insurance policies, liability insurance policies, escrow agreement, investment agreements, opinions of counsel including preference opinions, if required, and such other documents as are necessary to ensure that the Corporation has a properly secured Mortgage as required under the Act and to protect the holders of the Bonds.

(e) If required by Bond Counsel in order to deliver their opinion in connection with the issuance of the Bonds or at the request of the Corporation, the Bonds being validated pursuant to Chapter 75, F.S., and a certificate of no appeal issuing.

(f) Receipt of TEFRA approval for Tax-exempt Bonds.

(10) All MMRB Loans shall be reviewed and originated by a servicer designated by the Corporation, in conformance with the Act.

(11) The Applicant shall agree to execute or cause to be executed all of the MMRB Program Loan Documents required by the Corporation to secure the unconditional payment of the MMRB Loan and to retain the tax-exempt status of the Bonds, if Bonds are issued as Tax-exempt Bonds.

(12) The Applicant shall, prior to the requested date for funding, or as requested during Credit Underwriting, supply in draft form to the Corporation the following documents with respect to the Development being financed, together with any other documents required by the MMRB Loan Agreement:

(a) A survey, as described in the Application, dated within 90 days of the date submitted showing the location of all improvements, encroachments, easements and rights-of-way, and a site plan which has been approved by all governmental authorities.

(b) A fully completed, executed and sealed surveyors' certification to the Corporation.

(c) Written evidence of appropriate zoning and governmental approvals.

(d) Plans and specifications bearing the seal of a licensed engineer.

(e) Policies of insurance and evidence of payment of premiums.

(f) Required opinions of counsel necessary for the issuance of the Bonds.

(g) A commitment for mortgagee title insurance in favor of the Corporation or its Trustee or designated servicer, with only standard exceptions and such other exceptions as are usually permitted in Mortgage Loans of this nature and that are acceptable to the Corporation. Such policy shall be in an amount not less than the MMRB Loan amount plus an amount sufficient to cover any debt service reserve required by the Corporation.

(h) A copy of the deed or form of deed conveying the land for the Development to the Applicant or a copy of the lease creating a long-term leasehold in favor of the Applicant acceptable to the Corporation and the Credit Underwriter.

(i) Evidence as to the status of liens, including mechanic's liens, recorded against the property and the permission of the Corporation to allow any liens to remain recorded against the land or the Development.

(j) Such other documents as shall be reasonably required by the Corporation, by the MMRB Loan Commitment, or by the Corporation's respective counsel to protect the interest of the Corporation in the financing.

(13) The Borrower shall not sell, transfer, or otherwise assign any of its interest in the Development without the prior written consent of the Corporation.

(14) The Corporation shall require all MMRB Loans to be secured to the extent necessary to protect the Corporation and Bond holders.

(15) Any MMRB Loan financed with proceeds of Tax-exempt Bonds, except for 501(c)(3) Bonds, shall provide that the portion of any debt service reserve fund associated therewith to be financed with the Tax-exempt Bonds shall not exceed six months of debt service on the Bonds.

Specific Authority 420.507(12), 420.508(3)(c) FS. Law Implemented 420.502, 420.507(4), (6), (9), (11), (21), 420.508 FS. History—New 12-3-86, Amended 12-4-90, 11-23-94, 9-25-96, 1-7-98, Formerly 9I-21.008, Amended 1-26-99, 11-14-99, 2-11-01, 3-17-02, 4-6-03, 3-21-04, 2-7-05, Repromulgated 1-29-06,_____.

67-21.009 Interest Rate on Mortgage Loans.

The Corporation shall establish the interest rate on Mortgage Loans at the time of sale of the Bonds. The interest rate shall in no event exceed the arbitrage limit which is legally allowed without jeopardizing the tax exempt status of the Bonds, if Bonds are issued as Tax-exempt Bonds.

Specific Authority 420.507(12), 420.508(3)(c) FS. Law Implemented Chapter 75, 420.507, 420.508 FS. History—New 12-3-86, Amended 1-7-98 Formerly 9I-21.009, Amended 1-26-99, 11-14-99, Repromulgated 2-11-01, 3-17-02, 4-6-03, 3-21-04, Amended 2-7-05, Repromulgated 1-29-06,_____.

67-21.010 Issuance of Revenue Bonds.

The Corporation shall fund Mortgage Loans with the proceeds from the sale of Bonds. The issuance and sale of the Bonds shall be governed by resolutions adopted by the Corporation and by applicable law and rule. If Bonds cannot be sold or cannot be sold in an amount or at an interest rate or under conditions which satisfy the Credit Underwriting Report, as the same may be amended, the Corporation shall terminate its MMRB Loan Commitment and such other agreements as were executed in conjunction with the proposed MMRB Loan.

Specific Authority 420.507(12), 420.508(3)(c) FS. Law Implemented 420.507(6), 420.508, 420.509 FS. History—New 12-3-86, Amended 1-7-98, Formerly 9I-21.010, Amended 1-26-99, 11-14-99, 2-11-01, 3-17-02, Repromulgated 4-6-03, 3-21-04, Amended 2-7-05, Repromulgated 1-29-06,_____.

67-21.013 Non-Credit Enhanced Multifamily Mortgage Revenue Bonds.

Any issuance of non-Credit Enhanced revenue Bonds shall be sold only to a Qualified Institutional Buyer. Such non-Credit Enhanced revenue Bonds may only be utilized for financings where the Applicant has demonstrated that the issuance produces a substantial benefit to the Development not otherwise available from Credit Enhancement structures. The analysis of the substantial benefit must be provided in a format acceptable to the Corporation and shall include the initial issuer cost of issuance, underwriter's discount or placement agent fee, annual debt service, total debt service and any other factors necessary and appropriate to demonstrate that the issuance produces a substantial benefit to the Development. This analysis must be provided both prior to the review of the method of Bond sale conducted by the Corporation's Financial Advisor, and again prior to the pricing of the Bonds, showing any changes affecting the original estimated substantial benefit. The Corporation shall designate the bond underwriter or placement agent with respect to such Bonds, who shall be on the Corporation's approved bond underwriters list. The Corporation, in its discretion, will allow only an underwriting discount or a placement agent fee, but not both. Unless such Bonds are rated in one of the four highest rating categories by a nationally recognized rating service, such Bonds shall not be held in a full book-entry system (but may be DTC-Eligible) and shall comply with at least one of the following criteria:

(1) The Bonds shall be issued in minimum denominations of \$100,000 (subject to reduction by means of redemption) and each purchaser of such Bond, including subsequent purchasers unless the requirements of subsection (2) or (3) below are met, shall certify to the Corporation prior to any purchase or transfer of any Bond that such purchaser is a Qualified Institutional Buyer; or

(2) The Bonds shall be issued in minimum denominations of \$250,000 (subject to reduction by means of redemption) and an investment letter satisfactory to the Corporation and its counsel shall be obtained from each initial purchaser of the

Bonds (including any purchaser purchasing such Bonds in an immediate resale from an underwriter), but shall not be required of subsequent purchasers of the Bonds, to the effect that, among other things, such purchaser is a Qualified Institutional Buyer, is purchasing such Bonds for its own account and not for immediate resale to other than another Qualified Institutional Buyer, and has made an independent investment decision as a sophisticated or institutional investor; or

(3) The Bonds shall be issued in minimum denominations of \$250,000 (subject to reduction by means of redemption) and an investment letter satisfactory to the Corporation and its counsel shall be obtained from each initial purchaser of the Bonds and from each subsequent transferee of the Bonds prior to any transfer thereof, to the effect that such purchaser is a Qualified Institutional Buyer.

Specific Authority 420.507(12), 420.508(3)(c) FS. Law Implemented 420.507(4), (5), (6), (9), (11), (14), (16), (18), (19), (20), (21) FS. History—New 11-23-94, Amended 1-7-98, Formerly 9I-21.013, Amended 1-26-99, 11-14-99, 2-11-01, 3-17-02, 4-6-03, 3-21-04, 2-7-05, Repromulgated 1-29-06,_____.

67-21.014 Credit Underwriting Procedures.

(1) An invitation into Credit Underwriting shall require that the Applicant submit the Credit Underwriting and Appraisal Fee and information required to complete the Credit Underwriting, to the Credit Underwriter in accordance with the schedule established by the Corporation upon the recommendation of the Credit Underwriter. Failure to submit the Credit Underwriting and Appraisal Fee or meet the deadlines as set forth in the schedule shall result in the immediate termination of Credit Underwriting activities and the Application shall be moved to the bottom of the ranked list.

(2) The Credit Underwriter shall in Credit Underwriting analyze and verify all information in the Application, or any proposed changes made subsequent thereto, in order to make a recommendation to the Board of Directors on the feasibility of the Development, without taking into account the willingness of a Credit Enhancer to provide Credit Enhancement. Credit Underwriting services shall include, for example, a comprehensive analysis of the Applicant, the real estate, the economics of the Development, the ability of the Applicant and the Development team to proceed, and the evidence of need for affordable housing in order to determine that the Development meets the MMRB Program requirements. The Credit Underwriter shall determine a recommended Bond amount that should be made to a Development, whether an initial loan or a refunding.

(a) If the Credit Underwriter determines that special expertise is required to review information submitted to the Credit Underwriter which is beyond the scope of normal underwriting procedures, the cost of such expertise shall be borne by the Applicant.

(b) The Credit Underwriter shall review the proposed financing structure to determine whether the MMRB Loan is feasible.

(c) In addition to operating expenses, the Credit Underwriter must include an estimate for replacement reserves when calculating the final net operating income available to service the debt. A minimum amount of \$200 per unit must be deposited annually in the replacement reserve account for all Developments. An Applicant may choose to fund a portion of the replacement reserves at closing from moneys other than the proceeds of the Bonds. This partial funding cannot exceed 50 percent of the required replacement reserves for two years and must be placed in escrow with the Bond Trustee at closing. Applicants with Credit Enhancement may employ a different replacement reserve structure with the Corporation's approval.

(d) The Corporation shall consider the following when determining the need for construction completion guarantees based on the recommendations of the Credit Underwriter:

1. Liquidity of any guarantee provider.
2. Applicant's, Developer's and General Contractor's history in successfully completing Developments of similar type.
3. The past performance of the Applicant, Developer, General Contractor, or management agent, in developing, constructing or managing Developments financed by the Corporation or its predecessor, including, by way of example and not limitation, nonpayment of fees and noncompliance with program requirements.
4. Percentage of the Corporation's funds utilized compared to Total Development Costs. At a minimum, the corporate general partner of the borrowing entity shall provide a personal guarantee for completion of construction. In addition, a letter of credit or payment and performance bond shall be required if the Corporation determines upon recommendation of the Credit Underwriter after evaluation of conditions in subparagraphs 1. through 3., above, that additional surety is needed.

(e) The Credit Underwriter shall review and make a recommendation to the Corporation whether the number of existing loans and construction commitments of the Applicant and its Principals will impede its ability to proceed with the successful development of each proposed Corporation Development.

(f) The Credit Underwriter shall consider the appraisal of the Development and other market study documentation to make a recommendation as to whether the market exists to support both the demographic and income restriction set-asides committed to within the Application. The Credit Underwriter shall consider the market study and other documentation to make a recommendation of whether to approve or disapprove an allocation when the proposed Development would financially impair an existing Development previously funded by the Corporation.

(g) If the Credit Underwriter requires additional clarifying materials in the course of the underwriting process to complete the Credit Underwriting Report, the Credit Underwriter shall notify the Corporation and request the information from the Applicant. Such requested information shall be submitted within ten business days of receipt of the request therefor. Failure for any reason to submit required information on or before the specified deadline shall result in the Application being moved to the bottom of the ranked list.

(h) At a minimum, the Credit Underwriter shall require the following information during Credit Underwriting:

1. For Credit Enhancers, audited financial statements for their most recent fiscal year ended, if published; otherwise the previous year's audited statements will be provided until the current statements are published or Credit Underwriting is complete.

2. For guarantors, audited financial statements or financial statements compiled or reviewed by a licensed Certified Public Accountant for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. If audited financial statements are not available, unaudited financial statements prepared 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 2007 ~~2006~~ Universal Application link labeled Related Information and Links, and the two most recent years tax returns. If the entities are newly formed (less than 18 months in existence as of the date that credit underwriting information is requested), a copy of any and all tax returns with related supporting notes and schedules.

3. For the General Contractor, audited financial statements or financial statements compiled or reviewed by a licensed Certified Public Accountant for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. The audited or compiled statements may be waived if a payment and performance bond equal to 100 percent % of the total construction cost is issued in the name of the General Contractor by a company rated at least "A-" by AMBest & Co.

4. For the Applicant and General Partner, audited financial statements or financial statements compiled or reviewed by a licensed Certified Public Accountant for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. If the entities are newly formed (less than 18 months in existence as of the date that Credit Underwriting information is requested), a copy of any and all tax returns with related supporting notes and schedules.

(i) The Credit Underwriter shall require an operating deficit guarantee. The operating deficit guarantee will be released when the Development achieves a minimum 1.10 debt

service coverage ratio on the MMRB Loan and 90 percent % occupancy and 90 percent % of the gross potential rental income, all for six consecutive months as certified by an independent Certified Public Accountant, and verified by the Credit Underwriter.

(j) The Credit Underwriter shall also require environmental indemnity and recourse obligation guarantees.

(k) Required appraisals, market studies, pre-construction analyses, physical needs assessments, and environmental studies (other than Phase I Environmental Site Assessments) shall be completed by professionals approved by the Credit Underwriter. Approval of appraisers and contractors to complete market and environmental studies shall be based upon review of qualifications, professional designations held, references and prior experience with similar types of Developments.

(l) A full or self-contained appraisal as defined by the Uniform Standards of Professional Appraisal Practice, which is adopted and incorporated herein by reference, and a separate market study shall be ordered by the Credit Underwriter from an appraiser qualified for the geographic area and product type not later than when an Application enters Credit Underwriting. The Credit Underwriter shall review the appraisals to properly evaluate the MMRB Loan request in relation to the property value.

(m) Appraisals and separate market studies which have been ordered and submitted by third party Credit Enhancers or syndicators and which meet the above requirements and are acceptable to the Credit Underwriter may be used instead of the appraisal or market study referenced above.

(n) The Credit Underwriting Report shall include a thorough analysis of the proposed Development and a statement as to whether a MMRB Loan is recommended, and if so, the amount recommended. The Credit Underwriter or the Corporation may request such additional information as is necessary to properly analyze the credit risk being presented to the Corporation and the Bond holders.

(3) The Applicant shall review and provide written comments on the draft Credit Underwriting Report to the Corporation and the Credit Underwriter within the time frame established by the Corporation. The Corporation shall provide comments on the draft report and, as applicable, on the Applicant's comments to the Credit Underwriter. The Credit Underwriter shall then review and incorporate the Corporation's and, if deemed appropriate, the Applicant's comments and release the revised report to the Corporation and the Applicant. Any additional comments from the Applicant shall be received by the Corporation and the Credit Underwriter within the established time frame. Then, the Credit Underwriter shall provide a final report, which shall address comments made by the Applicant to the Corporation.

(4) After approval by the Board of Directors following presentation of the Credit Underwriting Report and payment of one-half of the Good Faith Deposit, Corporation staff and Special Counsel shall begin negotiations of the MMRB Loan Commitment with the Applicant.

(5) At a minimum, a 10 percent % retainage will be held by the Trustee or the servicer administering the construction loan funds until the Development is 50 percent % complete. At 50 percent % completion, no additional retainage will be held from the remaining draws. The total retainage dollars will be held by the Trustee or the servicer and released pursuant to the terms of the construction loan agreement.

Specific Authority 420.507(12), 420.508(3)(c) FS. Law Implemented 420.507, 420.508, 420.508(3)(b)3., 420.509 FS. History—New 1-7-98, Formerly 9I-21.014, Amended 1-26-99, 11-14-99, 1-26-00, 2-11-01, 3-17-02, 4-6-03, 3-21-04, 2-7-05, 1-29-06,_____.

67-21.015 Use of Bonds with Other Affordable Housing Finance Programs.

(1) Applicants may submit one Application for the MMRB Program, SAIL, HOME Rental, competitive housing credits and non-competitive housing credits, subject to the restrictions set forth in the Universal Application Package.

(2) Applicants that receive funding from other programs and the Multifamily Mortgage Revenue Bond Program shall comply with the requirements of the applicable program rule and this rule.

Specific Authority 420.507(12), 420.508(3)(c) FS. Law Implemented 420.507, 420.508 FS. History—New 1-7-98, Formerly 9I-21.015, Amended 1-26-99, 11-14-99, 2-11-01, 3-17-02, Repromulgated 4-6-03, 3-21-04, 2-7-05, 1-29-06,_____.

67-21.017 Transfer of Ownership.

(1) Any transfer of ownership of any Development shall be subject to compliance with the provisions of this section, provided that transfers of the limited partnership interest or limited liability company interest in the owner to a tax credit syndicator, or the transfer of ownership to a creditor by means of foreclosure or deed in lieu of foreclosure, need not comply with this provision. The determination of whether a transfer of ownership of a Development shall be deemed to take place for purposes of this rule shall be made in accordance with the provisions of the MMRB Land Use Restriction Agreement and other Program Documents for such Development. Owners shall advise the Corporation in writing of any change of ownership of the owner aggregating 50 percent or more of ownership interests in the owner within any six-month period.

(2) A request for transfer of ownership shall be submitted to the Corporation in writing and include evidence that the current owner has agreed to the proposed sale. A detailed opinion letter from the legal counsel for the current owner or prospective purchaser describing the scope of the proposed transaction must also be provided. The Corporation shall review the letter and, if acceptable, assign a Credit

Underwriter. The Credit Underwriter will notify the current owner and prospective purchaser of any additional information necessary to complete its Credit Underwriting Report.

(3) Upon demonstration of compliance with the provisions of this section, and favorable consideration by the Board of Directors of the Credit Underwriting Report, the Corporation shall assign a Bond Counsel, Special Counsel, and other professionals as needed to effect the transfer.

(4) Prior to the transfer of ownership:

(a) The Credit Underwriter shall conduct a Credit Underwriting of the prospective purchaser upon any transfer of ownership. Additionally, the prospective purchaser shall be notified that any refunding of Bonds associated with such Development shall require a full Credit Underwriting of the Development. The prospective purchaser and the conditions of the assumption of the Program Documents must be approved by the Credit Underwriter as meeting the terms of its Credit Underwriting Report, Bond Counsel and Special Counsel as complying with all applicable legal requirements, and the Corporation as meeting the stated purposes of the Corporation,

(b) All outstanding fees owing to the Corporation or any of its assigned professionals shall be paid,

(c) The Development shall be in compliance with all existing regulatory requirements imposed by the Corporation or its predecessor, and

(d) If the set-aside requirements in the MMRB Land Use Restriction Agreement are expired or have less than 12 months remaining, such agreement shall be extended for a minimum of two years from the date of closing. All transfer of ownership transactions shall be subject to all conditions of the Credit Underwriting Report including the requirements for a guarantee of recourse obligations and an environmental indemnity from the assuming owner.

(5) The prospective purchaser or current owner shall be responsible for payment of all fees for professional services rendered in association with the transfer of ownership.

Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.507, 420.508, 420.508(3)(a) FS. History--New 1-7-98, Formerly 9I-21.017, Amended 1-26-99, 11-14-99, 2-11-01, 3-17-02, Repromulgated 4-6-03, Amended 3-21-04, 2-7-05, Repromulgated 1-29-06,_____.

67-21.018 Refundings and Troubled Development Review.

(1) Refunding of previously issued Bonds shall in all instances be at the option of the Corporation and not an obligation of the Corporation.

(2) The Corporation shall endeavor where feasible to refund Bonds which are either in default or face a pending default.

(3) Approval by the Corporation for a refunding of an issue of Bonds for reasons related to pending default shall be subject to the following:

(a) Determination of the likelihood of the impending default;

(b) Submission of a sworn certificate of impending default by the owner or Credit Enhancer;

(c) Submission of sworn certificate from the owner or Credit Enhancer that conditions causing default are likely to continue;

(d) Submission of certified information from a certified public accountant concerning cash contributions to the Development, financial condition of the Development, including analysis of tax benefits derived from Development losses, and the financial condition of the owner or Credit Enhancer;

(e) Independent evidence of market conditions in the Development location;

(f) Evidence of effort by the owner or Credit Enhancer to procure other sources of capital infusion;

(g) Statement by the owner or Credit Enhancer of the continued public purpose to be achieved by refunding;

(h) Agreement by the owner or Credit Enhancer to update the MMRB Land Use Restriction Agreement, including retention of state and federal income limits;

(i) New Credit Underwriting by the Corporation, with new Bond amount determined by the Corporation based upon real estate underwriting criteria and equal to the lesser of the amount determined by the Corporation or the Credit Enhancer, to provide assurance that a similar default condition will not present itself in the future;

(j) The full risk of refunding is taken by the Credit Enhancer through full indemnification of the Corporation; with consideration given to personal indemnification from the owner if sufficient financial strength can be demonstrated;

(k) All costs of refunding are paid by the owner or the Credit Enhancer outside of Bond proceeds, including all applicable fees;

(l) Retention of annual fees by the Corporation;

(m) Provision of other evidence of the immediacy of default;

(n) Retention of the Credit Enhancement, or an acceptable non-Credit Enhancement structure; and

(o) Management of the Development is reviewed and approved by the Corporation.

(4) In connection with all refundings, the following shall apply:

(a) All outstanding fees of the Corporation and any of its assigned professionals shall be paid in connection with the refunding;

(b) The set-asides required by the original MMRB Land Use Restriction Agreement shall be increased by an amount and extended for a period determined by the Corporation;

(c) A Credit Underwriting Report shall be required, which may incorporate any Credit Underwriting undertaken within the past twelve months in connection with a transfer of ownership of the same Development;

(d) A guarantee of recourse obligations and an environmental indemnity shall be required;

(e) Additional operating deficit or other guarantees and establishment of replacement reserves or increase in existing reserves may be required as specified in the Credit Underwriting Report;

(f) The MMRB Loan shall immediately, on the earlier of 24 months after closing or stabilized occupancy in the case of major rehabilitation, begin full amortization over the remaining life of the Bonds; and in no event shall it exceed the economic remaining life of the property, provided that, in the case of a refunding relating to a pending financial default, such amortization may be delayed to the extent recommended in the Credit Underwriting Report;

(g) Any material changes to the underlying documents shall be deemed to constitute a refunding for purposes hereof;

(h) Any extension or extensions of maturity cumulatively exceeding 60 months shall be deemed to constitute a refunding for purposes hereof; and

(i) The owner of the Development must provide a written request for the refunding and a detailed opinion from Applicant's counsel describing the scope of the transaction. It shall not be necessary to complete an Application in connection with a refunding request.

Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.507, 420.508 FS. History--New 1-7-98, Formerly 9I-21.018, Amended 1-26-99, 11-14-99, 2-11-01, 3-17-02, Repromulgated 4-6-03, 3-21-04, 2-7-05, 1-29-06, _____.

67-21.019 Issuance of Bonds for 501(c)(3) Entities.

(1) The Corporation shall entertain requests, on a non-competitive basis, for it to serve as the issuer of Tax-exempt 501(c)(3) Bonds for the acquisition or construction of multifamily housing to be owned by a not-for-profit entity organized under section 501(c)(3) of the IRC.

(2) In connection with all Bonds issued pursuant to this section, Applicants shall be required to comply with the applicable provisions of Rules 67-21.0045 through 67-21.018, F.A.C., Florida Statutes, and the IRC, including all safe harbor provisions.

(3) In addition, Applicant shall submit the following:

(a) An initial Bond Counsel fee of \$1,000 along with IRS Form 1023, which is adopted and incorporated herein by reference, and all attachments and correspondence to and from the IRS relative to section 501(c)(3) status of the Applicant. A copy of IRS Form 1023 is available on the IRS web site at www.irs.gov; and

(b) An opinion from Applicant's counsel at Applicant's sole expense evidencing the Applicant's qualifications as a section 501(c)(3) entity and Applicant's authority to incur bond debt for multifamily housing; and

(c) If a Development to be acquired is intended to be exempt from ad valorem taxes, evidence that it has notified all local ad valorem taxing authorities of the acquisition of the proposed Development by a section 501(c)(3) entity.

(d) The completed Universal Application in effect at the time the Applicant submits the Application. Applicants must meet all threshold requirements of the Application as well as achieve 50 percent % of all points (excluding tie-breaker points) available in the Application.

Specific Authority 420.507(12) FS. Law Implemented 420.502, 420.507(14), (24), 420.508 FS. History--New 11-14-99, Amended 2-11-01, 3-17-02, Repromulgated 4-6-03, 3-21-04, Amended 2-7-05, Repromulgated 1-29-06, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Wayne Conner, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Stephen P. Auger, Executive Director, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 26, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 32, No. 34, August 25, 2006

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-48.001	Purpose and Intent
67-48.002	Definitions
67-48.004	Application and Selection Procedures for Developments
67-48.005	Applicant Administrative Appeal Procedures
67-48.007	Fees
67-48.0072	Credit Underwriting and Loan Procedures
67-48.0075	Miscellaneous Criteria
67-48.009	SAIL General Program Procedures and Restrictions
67-48.0095	Additional SAIL Application Ranking and Selection Procedures
67-48.010	Terms and Conditions of SAIL Loans
67-48.0105	Sale, Transfer or Refinancing of a SAIL Development
67-48.013	SAIL Construction Disbursements and Permanent Loan Servicing

- 67-48.014 HOME General Program Procedures and Restrictions
- 67-48.015 Match Contribution Requirement for HOME Allocation
- 67-48.017 Eligible HOME Activities
- 67-48.018 Eligible HOME Applicants
- 67-48.019 Eligible and Ineligible HOME Development Costs
- 67-48.020 Terms and Conditions of Loans for HOME Rental Developments
- 67-48.0205 Sale, Transfer or Refinancing of a HOME Development
- 67-48.022 HOME Disbursements Procedures and Loan Servicing
- 67-48.023 Housing Credits General Program Procedures and Requirements
- 67-48.027 Tax-Exempt Bond-Financed Developments
- 67-48.028 Carryover Allocation Provisions
- 67-48.029 Extended Use Agreement
- 67-48.030 Sale or Transfer of a Housing Credit Development
- 67-48.031 Termination of Extended Use Agreement and Disposition of Housing Credit Developments

PURPOSE AND EFFECT: The purpose of this Rule Chapter is to establish the procedures by which the Corporation shall:

- (1) Administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the State Apartment Incentive Loan (SAIL) Program authorized by Section 420.5087, Florida Statutes; and the HOME Investment Partnerships (HOME) Program authorized by Section 420.5089, Florida Statutes; and
- (2) Administer the Application process, determine Housing Credit amounts and implement the provisions of the Housing Credit (HC) Program authorized by Section 42 of the IRC and Section 420.5099, Florida Statutes.

The intent of this Rule Chapter is to encourage public-private partnerships to invest in residential housing; to stimulate the construction and rehabilitation of residential housing which in turn will stimulate the job market in the construction and related industries; and to increase and improve the supply of affordable housing in the state of Florida.

SUMMARY: Prior to the opening of an Application Cycle, the Corporation (1) researches the market need for affordable housing throughout the state of Florida and (2) evaluates prior Application Cycles to determine what changes or additions should be added to the Rule, Application and/or QAP. The proposed amendments to the Rule and adopted reference material include changes that will create a formulated process for selecting Developments that will apply in the 2007 Application Cycle.

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

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

SPECIFIC AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.5087, 420.5089, 420.5099 FS.

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

DATE AND TIME: February 23, 2007, 10:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Blake Poston-Carson If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Vicki Robinson, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

THE FULL TEXT OF THE PROPOSED RULES IS:

PART I ADMINISTRATION

67-48.001 Purpose and Intent.

The purpose of this rule chapter is to establish the procedures by which the Corporation shall:

- (1) Administer the Application process, determine loan amounts, make and service mortgage loans for new construction or Rehabilitation of affordable rental units under the State Apartment Incentive Loan (SAIL) Program authorized by Section 420.5087, F.S., and the HOME Investment Partnerships (HOME) Program authorized by Section 420.5089, F.S.; and
- (2) Administer the Application process, determine Housing Credit amounts and implement the provisions of the Housing Credit (HC) Program authorized by Section 42 of the IRC and Section 420.5099, F.S.

Specific Authority 420.507 FS. Law Implemented 420.5087, 420.5089(2), 420.5099 FS. History—New 7-22-96, Amended 12-23-96, 1-6-98, Formerly 91-48.001, Amended 11-9-98, Repromulgated 2-24-00, 2-22-01, Amended 3-17-02, Repromulgated 4-6-03, 3-21-04, Amended 2-7-05, Repromulgated 1-29-06_____.

67-48.002 Definitions.

(1) "Act" means the Florida Housing Finance Corporation Act as found in Chapter 420, Part V, F.S.

(2) "Address" means the address assigned by the United States Postal Service and must include address number, street name, 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) "Adjusted Income" means, with respect to a HOME Development, the gross income from wages, income from assets, regular cash or noncash contributions, and any other resources and benefits determined to be income by HUD, adjusted for family size, minus the deductions allowable under 24 CFR § 5.611, which is adopted and incorporated herein by reference and available on the Corporation's Website under the 2007 ~~2006~~ Universal Application link labeled Related Information and Links.

(4) "Affiliate" means any person that, (i) directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with the Applicant, (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.

(5) "ALF" or "Assisted Living Facility" means a Florida licensed living facility that complies with Sections 429.01 ~~400.401~~ through 429.54 ~~400.454~~, F.S., and Chapter 58A-5, F.A.C.

(6) "Allocation Authority" means the total dollar volume of Competitive Housing Credits available for distribution by the Corporation and authorized pursuant to Section 42 of the IRC.

(7) "Applicable Fraction" means Applicable Fraction as defined in Section 42(c)(1)(B) of the IRC.

(8) "Applicant" means any person or legally formed entity that is seeking a loan or funding from the Corporation by submitting an Application for one or more of the Corporation's programs.

(9) "Application" means the forms and exhibits created by the Corporation for the purpose of providing the means to apply for one or more Corporation programs. A completed Application may include additional supporting documentation provided by an Applicant.

(10) "Application Deadline" means 5:00 p.m., Eastern Time, on the final day of the Application Period.

(11) "Application Period" means a period during which Applications shall be accepted as posted on the Corporation's Website and with a deadline no less than thirty days from the beginning of the Application Period.

(12) "Binding Commitment" means, with respect to a Housing Credit Development, an agreement between the Corporation and an Applicant by which the Corporation

allocates and the Applicant accepts Housing Credits from a later year's Allocation Authority in accordance with Section 42(h)(1)(C) of the IRC.

(13) "Board of Directors" or "Board" means the Board of Directors of the Corporation.

(14) "Building Identification Number" means, with respect to a Housing Credit Development, the number assigned by the Corporation to describe each building in a Housing Credit Development, pursuant to Internal Revenue Service Notice 88-91, which is incorporated by reference and available on the Corporation's Website under the 2007 ~~2006~~ Universal Application link labeled Related Information and Links.

(15) "Calendar Days" means, the seven (7) days of the week.

(16) "Carryover" means the provision under Section 42 of the IRC and Rule 67-48.028, F.A.C., which allows a Development to receive a Housing Credit Allocation in a given calendar year and be placed in service by the close of the second calendar year following the calendar year in which the allocation is made.

(17) "Catchment Area" means the geographical area covered under a Local Homeless Assistance Continuum of Care Plan, as designated and revised as necessary by the State Office on Homelessness, in accordance with Section 420.624, F.S.

(18) "CHDOs" or "Community Housing Development Organizations" means Community housing development organizations as defined in Section 420.503, F.S., and 24 CFR Part 92.

(19) "Commercial Fishing Worker" means Commercial fishing worker as defined in Section 420.503, F.S.

(20) "Commercial Fishing Worker Household" means a household of one or more persons wherein at least one member of the household is a Commercial Fishing Worker at the time of initial occupancy.

(21) "Competitive Housing Credits" or "Competitive HC" means those Housing Credits which come from the Corporation's annual Allocation Authority.

(22) "Compliance Period" means a period of time that the Development shall conform to all set-aside requirements as described further in the rule chapter and agreed to by the Applicant in the Application.

(23) "Consolidated Plan" means the plan prepared in accordance with 24 CFR Part 91, which is adopted and incorporated herein by reference and available on the Corporation's Website under the 2007 ~~2006~~ Universal Application link labeled Related Information and Links, and which describes needs, resources, priorities and proposed activities to be undertaken with respect to certain HUD programs, including the HOME Program.

(24) "Contact Person" means the person with whom the Corporation will correspond concerning the Application and the Development. This person cannot be a third-party consultant.

(25) "Corporation" means the Florida Housing Finance Corporation as defined in Section 420.503, F.S.

(26) "Credit Underwriter" means the independent contractor under contract with the Corporation having the responsibility for providing stated credit underwriting services.

(27) "Department" means the Department of Community Affairs as defined in Section 420.503, F.S.

(28) "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.

(29) "Development" means Project as defined in Section 420.503, F.S.

(30) "Development Cash Flow" means, with respect to SAIL Developments, cash flow of a SAIL Development as calculated in the statement of cash flows prepared in accordance with generally accepted accounting principles ("GAAP") and as adjusted for items including any distribution or payment to the 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.

(31) "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.

(32) "Development Expenses" means, with respect to SAIL Developments, usual and customary operating and financial costs, such as the compliance monitoring fee, the financial monitoring fee, replacement reserves, the servicing fee and the debt service reserves. As it relates to SAIL Developments and to the application of Development Cash Flow described in subsections 67-48.010~~(5)(3)~~ and ~~(6)(4)~~, F.A.C., the term includes only those expenses disclosed in the operating pro forma included in the final credit underwriting report, as approved by the Board.

(33) "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.

(34) "Document" means electronic media, written or graphic matter, of any kind whatsoever, however produced or reproduced, including records, reports, memoranda, minutes, notes, graphs, maps, charts, contracts, opinions, studies,

analysis, photographs, financial statements and correspondence as well as any other tangible thing on which information is recorded.

(35) "Draw" means the disbursement of funds to a Development.

(36) "Elderly" means Elderly as defined in Section 420.503, F.S.

(37) "ELI Household" or "Extremely Low Income Household" means a household of one or more persons wherein the annual adjusted gross income for the Family is equal to or below the percentage of area median income for ELI Persons.

(38) "ELI Persons" or "Extremely Low Income Persons" means Extremely low income persons as defined in Section 420.0004(8), F.S., and for the Universal Cycle, will be as outlined in the ELI County Chart included in the Set-Aside Commitments section of the Universal Application instructions.

(39) "ELI Set-Aside" or "Extremely Low Income Set-Aside" means the number of units designated to serve ELI Households.

~~(40)(37)~~ "Eligible Persons" means one or more natural persons or a family, irrespective of race, creed, national origin, or sex, determined by the Corporation to be of Low Income or Very Low Income, as further described in Rule 67-48.0075, F.A.C.

~~(41)(38)~~ "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.

~~(42)(39)~~ "Executive Director" means the Executive Director of the Corporation.

~~(43)(40)~~ "Family" describes a household composed of one or more persons.

~~(44)(41)~~ "Farmworker" means Farmworker as defined in Section 420.503, F.S.

~~(45)(42)~~ "Farmworker Household" means a household of one or more persons wherein at least one member of the household is a Farmworker at the time of initial occupancy.

~~(46)(43)~~ "Final Housing Credit Allocation" means, with respect to a Housing Credit Development, the issuance of Housing Credits to an Applicant upon completion of construction or Rehabilitation of a Development and submission to the Corporation by the Applicant of a completed and executed Final Cost Certification Application pursuant to Rule 67-48.023, F.A.C.

~~(47)(44)~~ "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 Rule 67-48.0075, F.A.C.:

(a) ~~3 percent~~ % or more of Total Development Cost if Total Development Cost is \$5 million or less; or

(b) 3 ~~percent~~ % of the first \$5 million and 1 ~~percent~~ % of any costs over \$5 million if Total Development Cost is greater than \$5 million.

~~(48)(45)~~ “Financial Institution” means Lending institution as defined in Section 420.503, F.S.

~~(49)(46)~~ “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.

~~(50)(47)~~ “Funding Cycle” means the period of time commencing with the Notice of Funding Availability or Notice of Credit Availability pursuant to this rule chapter and concluding with the issuance of allocations or loans to Applicants who applied during a given Application Period.

~~(51)(48)~~ “General Contractor” means a person or entity duly licensed in the state of Florida with the requisite skills, experience and credit worthiness to successfully provide the units required in the Application, and which meets the criteria described in Rule 67-48.0072, F.A.C.

~~(52)(49)~~ “Geographic Set-Aside” means the amount of Allocation Authority or funding which has been designated by the Corporation to be allocated for Developments located in specific geographical regions within the state of Florida.

~~(53)(50)~~ “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.

~~(54)(51)~~ “HOME” or “HOME Program” means the HOME Investment Partnerships Program administered by the Corporation pursuant to 24 CFR Part 92, which is adopted and incorporated herein by reference and available on the Corporation’s Website under the ~~2007~~ ~~2006~~ Universal Application link labeled Related Information and Links, and Section 420.5089, F.S.

~~(55)(52)~~ “HOME-Assisted Unit” means the specific units that are funded with HOME funds. HOME units shall adhere to rent controls and income targeting requirements pursuant to 24 CFR § 92.252.

~~(56)(53)~~ “HOME Development” means any Development which receives financial assistance from the Corporation under the HOME Program.

~~(57)(54)~~ “HOME Rental Development” means a Development proposed to be constructed or rehabilitated with HOME funds.

~~(58)(55)~~ “HOME Rent-Restricted Unit” means the maximum allowable rents designed to ensure affordability on the HOME-Assisted Units.

~~(59)(56)~~ “Homeless” means a Family who lacks a fixed, regular, and adequate nighttime residence or a Family who has a primary nighttime residence that is:

(a) A supervised publicly or privately operated shelter designed to provide temporary living accommodations, including welfare hotels, congregate shelters, and transitional housing;

(b) An institution that provides a temporary residence for individuals intended to be institutionalized; or

(c) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

The term does not refer to any individual imprisoned or otherwise detained pursuant to state or federal law.

~~(60)(57)~~ “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.

~~(61)(58)~~ “Housing Credit Allocation” means the amount of Housing Credits determined by the Corporation as necessary to make a Development financially feasible and viable throughout the Development’s Compliance Period pursuant to Section 42(m)(2)(A) of the IRC.

~~(62)(59)~~ “Housing Credit Development” means the proposed or existing rental housing Development(s) for which Housing Credits have been applied or received.

~~(63)(60)~~ “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.

~~(64)(61)~~ “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.

~~(65)(62)~~ “Housing Credit Rent-Restricted Unit” means, with respect to a Housing Credit Development, a unit for which the gross rent does not exceed 30 ~~percent~~ % of the imputed income limitation applicable to such unit as chosen by the Applicant in the Application and in accordance with Section 42 of the IRC.

~~(66)~~~~(63)~~ “Housing Credit Set-Aside” means the number of units in a Housing Credit Development necessary to satisfy the percentage of units set-aside at 60 percent % of the Area Median Income (AMI) or less as chosen by the Applicant in the Application.

~~(70)~~~~(64)~~ “Housing Credit Syndicator” means a person, partnership, corporation, trust or other entity that regularly engages in the purchase of interests in entities that produce Qualified Low Income Housing Projects [as defined in Section 42(g) of the Internal Revenue Code] and provides at least one written reference in the Application that such person, partnership, corporation, trust or other entity has performed its obligation under the partnership agreements and is not currently in default under those agreements.

~~(68)~~~~(65)~~ “Housing Provider” means, with respect to a HOME Development, Local Government, consortia approved by HUD under 24 CFR Part 92, for-profit and Non-profit Developers, and qualified CHDOs, with demonstrated capacity to construct or rehabilitate affordable housing.

~~(69)~~~~(66)~~ “HUD” means the United States Department of Housing and Urban Development.

~~(70)~~~~(67)~~ “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 2007 ~~2006~~ Universal Application link labeled Related Information and Links.

~~(71)~~~~(68)~~ “Lead Agency” means a Local Government or Non-Profit serving as the point of contact and accountability to the State Office on Homelessness with respect to the Local Homeless Assistance of Continuum of Care Plan, in accordance with Section 420.624, F.S.

~~(72)~~~~(69)~~ “Local Government” means Local government as defined in Section 420.503, F.S.

~~(73)~~~~(70)~~ “Local Homeless Assistance Continuum of Care Plan” means a plan for developing and implementing a framework for a comprehensive and seamless array of housing and services to address the needs of homeless persons and persons at risk for homelessness, in accordance with Section 420.624, F.S.

~~(74)~~~~(71)~~ “Low Income” means the Adjusted Income for a Family which does not exceed 80 percent % of the area median income.

~~(75)~~~~(72)~~ “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.

~~(76)~~~~(73)~~ “Match” means non-federal contributions to a HOME Development eligible pursuant to 24 CFR Part 92.

~~(77)~~~~(74)~~ “Mortgage” means Mortgage as defined in Section 420.503, F.S.

~~(78)~~~~(75)~~ “Non-Profit” means a qualified non-profit entity as defined in Section 42(h)(5)(C), subsection 501(c)(3) or 501(c)(4) of the IRC and organized under Chapter 617, F.S., if a Florida Corporation, or organized under similar state law if organized in a jurisdiction other than Florida, to provide housing and other services on a not-for-profit basis, which owns at least 51 percent % of the ownership interest in the Development held by the general partner or managing member entity and which entity is acceptable to federal and state agencies and financial institutions as a Sponsor for affordable housing, as further described in Rule 67-48.0075, F.A.C.

~~(79)~~~~(76)~~ “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.

~~(80)~~ “PBRA” or “Project-Based Rental Assistance” means a rental subsidy through a contract with HUD or RD in a property that is 20 or more years of age.

~~(81)~~~~(77)~~ “Portfolio Diversification” means a distribution of SAIL and HOME Program loans to Developments in varying geographic locations with varying design structures and sizes and with different types and identity of Sponsors.

~~(82)~~~~(78)~~ “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.

~~(83)~~~~(79)~~ “Preliminary Determination” means an initial determination by the Corporation of the amount of Housing Credits outside the Allocation Authority needed from the Treasury to make a Tax-Exempt Bond-Financed Development financially feasible and viable.

~~(84)~~ “Preservation” means, with respect to a Competitive HC Development, Rehabilitation of existing developments receiving PBRA.

~~(85)~~~~(80)~~ “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.

~~(86)~~~~(81)~~ “Progress Report” or “Form Q/M Report” means, with respect to a Housing Credit Development, a report format that is required to be completed and submitted to the Corporation pursuant to Rule 67-48.028, F.A.C., and is adopted and incorporated herein by reference, effective January 2007 ~~2005~~. A copy of such form is available on the Corporation’s Website under the 2007 ~~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.

~~(87)~~~~(82)~~ “Project” or “Property” means Project as defined in Section 420.503, F.S.

~~(88)~~(83) “QAP” or “Qualified Allocation Plan” means, with respect to the HC Program, the 2007 ~~2006~~ Qualified Allocation Plan which is adopted and incorporated herein by reference, effective upon approval by the Governor of the state of Florida, pursuant to Section 42(m)(1)(B) of the IRC and sets forth the selection criteria and the preferences of the Corporation for Developments which will receive Housing Credits. The QAP is available on the Corporation’s Website under the 2007 ~~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.

~~(89)~~(84) “QCT” “Qualified Census Tract” means any census tract which is designated by the Secretary of Housing and Urban Development as having either 50 percent % or more of the households at an income which is less than 60 percent % of the area median gross income, or a poverty rate of at least 25 percent, in accordance with Section 42(d)(5)(C) of the IRC.

~~(90)~~(85) “RD” or “Rural Development” means Rural Development Services (formerly the “Farmer’s Home Administration” or “FmHA”) of the United States Department of Agriculture.

~~(91)~~(86) “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.

~~(92)~~(87) “Rehabilitation” means, with respect to the HOME and Housing Credit Program(s), the alteration, improvement or modification of an existing structure, as further described in Rule 67-48.0075, F.A.C.

~~(93)~~(88) “Review Committee” means a committee established pursuant to Sections 420.5087 and 420.5089, F.S.

~~(94)~~ “RRLP” or “RRLP Program” means the Rental Recovery Loan Program which was created pursuant to Section 3, Chapter 2005-92, and Section 31, Chapter 2006-69, L.O.F. to facilitate the allocation of RRLP loans.

~~(95)~~(89) “SAIL” or “SAIL Program” means the State Apartment Incentive Loan Program created pursuant to Sections 420.507(22) and 420.5087, F.S.

~~(96)~~(90) “SAIL Development” means a residential development comprised of one or more residential buildings, each containing five or more dwelling units and functionally related facilities, proposed to be constructed or substantially rehabilitated with SAIL funds for Eligible Persons.

~~(97)~~(91) “SAIL Minimum Set-Aside Requirement” means the least number of set-aside units in a SAIL Development which must be held for Very Low-Income persons or households pursuant to the category (i.e., Family, Elderly, Homeless, or Farmworker and Commercial Fishing Worker) under which the Application has been made, as further described in Rule 67-48.009, F.A.C.

~~(98)~~(92) “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.

~~(99)~~(93) “Section 8 Eligible” means a Family with an income which meets the income eligibility requirements of Section 8 of the United States Housing Act of 1937, which is adopted and incorporated herein by reference and available on the Corporation’s Website under the 2007 ~~2006~~ Universal Application link labeled Related Information and Links.

~~(100)~~(94) “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.

~~(101)~~(95) “Sponsor” means Sponsor as defined in Section 420.503, F.S.

~~(102)~~(96) “State Office on Homelessness” means the office created within the Department of Children and Family Services under Section 420.622, F.S.

~~(103)~~(97) “Substantial Rehabilitation” means, with respect to the SAIL Program, to bring a Development back to its original state with added improvements, where the value of such repairs or improvements (excluding the costs of acquiring or moving a structure) exceeds 40 percent % of the appraised as is value (excluding land) of such Development before repair. 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.

~~(104)~~(98) “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.

~~(105)~~(99) “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.

~~(106)~~(100) “Total Development Cost” means the total of all costs incurred in the completion of a Development, all of which shall be subject to the review and approval by the Credit Underwriter and the Corporation pursuant to this rule chapter, and as further described in Rule 67-48.0075, F.A.C.

~~(107)~~(104) “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.

~~(108)~~ “Universal Cycle” means any funding cycle provided for in this or previous versions of this rule chapter.

~~(109)~~(102) “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.

~~(110)~~(103) “Very Low-Income” means

(a) With respect to the SAIL Program,

1. If using tax-exempt bond financing for the first mortgage, income which meets the income eligibility requirements of Section 8 of the United States Housing Act of 1937, as in effect on the date of this rule chapter; or

2. If using taxable financing for the first mortgage, total annual gross household income which does not exceed 50 percent % of the median income adjusted for family size, or 50 percent % of the median income adjusted for family size for households within the metropolitan statistical area (MSA), within the county in which the Family resides, or within the state of Florida, whichever is greater; or

3. If used in a Development using Housing Credits, income which meets the income eligibility requirements of Section 42 of the IRC; or

(b) With respect to the HOME Program, income which does not exceed 50 percent % of the median income for the area, as determined by HUD, with adjustments for family size, except that HUD may establish income ceilings higher or lower than 50 percent % of the median for the area on a basis of HUD findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes.

~~(111)~~(104) “Website” means the Florida Housing Finance Corporation’s website, the Universal Resource Locator (URL) for which is www.floridahousing.org.

Specific Authority 420.507 FS. Law Implemented 420.5087, 420.5089(2) FS. History—New 7-22-96, Amended 12-23-96, 7-10-97, 1-6-98, Formerly 91-48.002, Amended 11-9-98, 2-24-00, 2-22-01, 3-17-02, 4-6-03, 3-21-04, 2-7-05, 1-29-06, _____.

67-48.004 Application and Selection Procedures for Developments.

(1) When submitting an Application, Applicants must utilize the Universal Application in effect at the Application Deadline.

(a) The Universal Application Package or UA1016 (Rev. ~~3-07~~ 1-06) is adopted and incorporated herein by reference and consists of the forms and instructions, obtained from the Corporation, for a fee, at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, or available, without charge, on the Corporation’s Website under the 2007 ~~2006~~ Universal Application link labeled Instructions and Application, which shall be completed and submitted to the Corporation in accordance with this rule chapter in order to apply for the SAIL, HOME, HC, or SAIL and HC Program(s).

(b) All Applications must be complete, legible and timely when submitted, except as described below. Corporation staff may not assist any Applicant by copying, collating, or adding documents to an Application nor shall any Applicant be permitted to use the Corporation’s facilities or equipment for purposes of compiling or completing an Application.

(2) Failure to submit an Application completed in accordance with the Application instructions and these rules will result in the failure to meet threshold, rejection of the Application, a score less than the maximum available, or a combination of these results in accordance with the instructions in the Application and this rule chapter.

(3) Each submitted Application shall be evaluated and preliminarily scored using the factors specified in the Universal Application Package and these rules. Preliminary scores shall be transmitted to all Applicants.

(4) Applicants who wish to notify the Corporation of possible scoring errors relative to another Applicant’s Application must file with the Corporation, within eight (8) Calendar Days of the date of 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 ~~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 of the notice set forth in subsection (5) above is sent by overnight delivery by the Corporation, each Applicant shall be allowed to cure its Application by submitting additional documentation, revised pages and such other information as the Applicant deems appropriate to address the issues raised pursuant to subsections (3) and (5) above that could result in failure to meet threshold rejection of the Application or a score less than the maximum available. A new form, page or exhibit provided to the Corporation during this period shall be considered a replacement of that form, page or exhibit if such form, page or exhibit was previously submitted in the Applicant's Application. Pages of the Application that are not revised or otherwise changed may not be resubmitted, except that documents executed by third parties must be submitted in their entirety, including all attachments and exhibits referenced therein, even if only a portion of the original document was revised. Where revised or additional information submitted by the Applicant creates an inconsistency with another item in that Application, the Applicant shall also be required in its submittal to make such other changes as necessary to keep the Application consistent as revised. To be considered by the Corporation, the Applicant must submit an original and three copies of all additional documentation and revisions and such—Only revisions, changes and other information must be 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 of the Applicant submitting the NOAD, the assigned Application number of the Application in question, the pages and the documents in question, as well as describe the alleged deficiencies in detail. Each NOAD is limited to the review of only one Applicant's submission. However, there is no limit to the number of NOADs which may be submitted. NOADs which seek the review of more than one Applicant's submission will be considered improperly filed and ineligible for review. The Corporation will only review each written NOAD Received timely.

(8) The Corporation shall transmit a copy of all NOADs to the affected Applicant.

(9) Following the receipt and review by the Corporation of the documentation described in subsections (5), (6) and (7) above, the Corporation shall then prepare final scores. In determining such final scores, no Application shall fail threshold 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 of the Application, threshold failure, or reduction of points, as appropriate. Notwithstanding the foregoing, any deficiencies in the mandatory elements set forth in subsection (14) below can be identified at any time prior to sending the final scores to Applicants and will result in rejection of the Application. The Corporation shall then transmit final scores to all Applicants.

(10) The availability of any remaining funds or Allocation Authority shall be noticed or offered to a Development as approved by the Board of Directors. With respect to the HC Program, in the event there remains Allocation Authority after the Corporation has exhausted its waiting list of Applications during a Funding Cycle and time requirements preclude an Application Period and notice thereof, the Corporation shall allocate any unused Allocation Authority to any eligible Development meeting the requirements of Section 42 of the IRC and in accordance with the Qualified Allocation Plan.

(11) Except for Local Government-issued Tax-Exempt Bond-Financed Developments that submit a separate Application for non-competitive Housing Credits, Applications shall be limited to one submission per subject property. Two or more Applications, submitted in the same Funding Cycle, that have the same demographic commitment and one or more of the same Financial Beneficiaries, will be considered submissions for the same Development if any of the following is true: (i) any part of any of the property sites is contiguous with any part of any of the other property sites, or (ii) any of the property sites are divided by a street or easement, or (iii) it is readily apparent from the Applications, proximity, chain of title, or other information available to the Corporation that the properties are part of a common or related scheme of development. If two or more Application are considered to be submissions for the same Development, the Corporation will reject all such Applications except the Applications 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 SAIL, HOME, or HC Program(s) or does not conform to the Application requirements specified in this rule chapter;

(b) The Applicant fails to achieve the threshold requirements as detailed in these rules, the applicable Application, and Application instructions;

(c) The Applicant fails to file all applicable Application pages and exhibits which are provided by the Corporation and adopted under this rule chapter;

(d) 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. For purposes of the SAIL and HOME Programs, this rule subsection does not include permissible deferral of SAIL or HOME interest.

(14) Notwithstanding any other provision of these rules, there are certain items that must be included in the Application and cannot be revised, corrected or supplemented after the Application Deadline. Failure to submit these items in the Application at the time of the Application Deadline shall result in rejection of the Application without opportunity to submit additional information. Any attempted changes to these items will not be accepted. Those items are as follows:

(a) Name of Applicant; notwithstanding the foregoing, the name of the Applicant may be changed only by written request of an Applicant to Corporation staff and approval of the Board after the Applicant has been invited to enter credit underwriting;

(b) Identity of each Developer, including all co-Developers; notwithstanding the foregoing, the identity of the Developer(s) may be changed only by written request of an Applicant to Corporation staff and approval of the Board after the Applicant has been invited to enter credit underwriting;

(c) Program(s) applied for;

(d) Applicant applying as a Non-Profit or for-profit organization;

(e) Site for the Development;

(f) Development Category;

(g) Development Type;

(h) Designation selection;

(i) County;

(j) Total number of units; notwithstanding the foregoing, for Competitive HC only Applications the total number of units may be increased after the Applicant has been invited to enter credit underwriting, subject to written request of an Applicant to Corporation staff and approval of the Corporation;

(k) With regard to the SAIL and HC Programs, the ELI Set-Aside commitment on the total set-aside breakdown chart for the program(s) applied for in the Set-Aside Commitment section of the Application;

~~(l)~~ With regard to the SAIL and HC Programs, the Total Set-Aside Percentage as stated in the last row of the total set-aside breakdown chart for the program(s) applied for in the Set-Aside Commitment section of the Application. With regard to the HOME Program, the Total Set-Aside Percentage as stated in the Set-Aside Commitment section of the Application, unless the change results from the revision allowed under paragraph ~~(n)~~ below;

~~(m)~~ CHDO election for the HOME Program;

~~(n)~~ Funding Request (except for Taxable Bonds) amount; notwithstanding the foregoing, requested amounts can be changed only as follows:

1. Reduced by the Applicant to reflect the maximum request amount allowed in those instances where an Applicant requested more than its request limit, or

2. When the county in which the Development is located is newly designated as a Difficult Development Area (DDA) after the Application Deadline but prior to the end of the cure period outlined in Rule 67-48.004, F.A.C.: (i) an Applicant, who has not failed threshold for exceeding its Competitive HC request limit, may increase its Competitive HC request by an amount equaling 30 percent %, rounded to whole dollars, of the remainder of the Applicant's initial request amount ~~minus the Applicant's Deep Targeting Incentive Amount~~ or, (ii) an Applicant, that failed threshold during preliminary scoring for requesting more than its Competitive HC request limit because the Development was not then designated as being in a DDA, may increase its Competitive HC request amount to the maximum allowable amount for the Development.

(o)(~~n~~) Submission of one original hard copy with the required number of photocopies of the Application by the Application Deadline;

(p)(~~o~~) Payment of the required Application fee by the Application Deadline:-

(q) The Application labeled "Original Hard Copy" must include a properly completed Applicant Certification and Acknowledgement form reflecting original signatures.

All other items may be submitted as cures pursuant to subsection (6) above.

With regard to paragraphs (a) and (b) above, the Board shall consider the facts and circumstances of each Applicant's request and any credit underwriting report, if available, prior to determining whether to grant the requested change.

(15) A Development will be withdrawn from funding and any outstanding commitments for funds or HC will be rescinded if, at any time, the Board determines that the Applicant's Development or Development team is no longer the Development or Development team described in the Application, and the changes made are prejudicial to the Development or to the market to be served by the Development.

(16) If an Applicant or 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, this rule chapter, or applicable loan documents, and any applicable cure period granted for correcting such non-compliance has ended as of the time of submission of the Application or at the time of issuance of a credit underwriting report, the requested allocation will, upon a determination by the Board that such non-compliance substantially increases the likelihood that such Applicant 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) With respect to the SAIL, HOME and HC Program Applications, when two or more Applications receive the same numerical score, the Applications will be ranked as outlined in the Application instructions.

(18) At no time during the Application, scoring and appeal process may Applicants or their representatives contact Board members concerning their own Development or any other Applicant's Development. At no time from the Application Deadline until the issuance of the final scores as set forth in subsection (9) above, may Applicants or their representatives verbally contact Corporation staff concerning their own Application or any other Applicant's Application. If an Applicant or its representative does contact a Board member in

violation of this section, the Board shall, upon a determination that such contact was deliberate, disqualify such Applicant's Application.

(19) Applicants may withdraw an Application from consideration only by submitting a written notice of withdrawal to the Corporation Clerk. Applicants may not rescind any notice of withdrawal that was submitted to the Corporation Clerk. For ranking purposes, the Corporation shall disregard any withdrawal that is submitted after 5:00 p.m., Eastern Time, 14 Calendar Days prior to the date the Board is scheduled to convene to consider approval of the final ranking of the Applications and such Application shall be included in the ranking as if no notice of withdrawal had been submitted. After the Board has approved the final ranking, any notice of withdrawal submitted during the time period prohibited above and before the Board approves the final ranking, shall be deemed withdrawn immediately after Board approval of the final ranking. If an Applicant has applied for two or more programs, the withdrawal by the Applicant from any one program will be deemed by the Corporation to be a withdrawal of the Application from all programs.

(20) The name of the Development provided in the Application may not be changed or altered after submission of the Application during the history of the Development with the Corporation unless the change is requested in writing and approved in writing by the Corporation. The Corporation shall consider the facts and circumstances of each Applicant's request and any credit underwriting report, if available, prior to determining whether to grant such request.

(21) If an Applicant or any Affiliate of an Applicant has offered or given consideration, other than the consideration to provide affordable housing, with respect to a local contribution and this is discovered prior to Board approval of the final ranking, the Corporation shall reject the Application and any other Application submitted by the same Applicant and any Affiliate of the Applicant. If discovered after the Board approves final ranking, any tentative funding or allocation for the Application and any other Application submitted in the same cycle by the same Applicant and any Affiliate of the Applicant will be withdrawn. Such Applicant and any of such Applicant's Affiliates will be ineligible for funding or allocation in any program administered by the Corporation for a period of up to two years, which will begin the date the Board issues a final order on such matter, in a proceeding conducted pursuant to Sections 120.569 and 120.57, F.S.

Specific Authority 420.507, 420.507(22)(f) FS. Law Implemented 420.5087, 420.5087(6)(c), 420.5089, 420.5089(6), 420.5099, 420.5099(2) FS. History—New 7-22-96, Amended 12-23-96, 7-10-97, 1-6-98, Formerly 9I-48.004, Amended 4-7-98, 11-9-98, 2-24-00, 2-22-01, 3-17-02, 4-6-03, 3-21-04, 2-7-05, 1-29-06,_____.

67-48.005 Applicant Administrative Appeal Procedures.

(1) At the conclusion of the review and scoring process established by Rule 67-48.004, F.A.C., each Applicant will be provided with its final score and notice of rights, which shall constitute the point of entry to contest any issue related to the Applicant's Application for the SAIL Program, the HOME Program or the HC Program.

(2) Each Applicant that wishes to contest its final score must file a petition with the Corporation within 21 Calendar Days after the date Applicant receives its notice of rights. The petition must conform to subsection 28-106.201(2) or 28-106.301(2), and subsection 67-52.002(3), F.A.C., and specify in detail each issue and score sought to be challenged. If the petition does not raise a disputed issue of material fact, the challenge will be conducted pursuant to Section 120.57(2), F.S. If the petition raises one or more disputed issues of material fact, a formal administrative hearing will be conducted pursuant to Section 120.57(1), F.S. At the conclusion of any administrative hearing, a recommended order shall be entered by the designated hearing officer which will then be considered by the Board.

(3) Any Applicant who wishes to challenge the findings and conclusions of the recommended order entered pursuant to a Section 120.57(2), F.S., proceeding concerning its own Application shall be allowed the opportunity to submit written arguments to the Board. Any written argument should be typed and double-spaced with margins no less than one inch in either Times New Roman 14-point or Courier New 12-point font and may not exceed five (5) pages, excluding the caption and certificate of service. Written arguments must be filed with Florida Housing Finance Corporation's Clerk at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, no later than 5:00 p.m., Eastern Time, no later than five (5) Calendar Days from the date of issuance of ~~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) Following the entry of final orders in all petitions filed pursuant to Section 120.57(2), F.S., and in accordance with the prioritization of the QAP and Rule Chapter 67-48, F.A.C., the Corporation shall issue final rankings. For an Applicant that filed a petition pursuant to Section 120.57(1), F.S., which challenged the scoring of its own Application but has not had a final order entered as of the date the final rankings are approved by the Board, the Corporation shall, if any such Applicant ultimately obtains a final order that modifies the score so that its Application would have been in the funding range of the applicable final ranking had it been entered prior to the date the final rankings were presented to the Board, provide the requested funding, allocation, or both, from the next available funding, allocation, or both, whether in the

current year or a subsequent year. If the final order is executed on or before the Corporation issues the current year's final scores, the funding, allocation, or both, will come from the current year. If the final order is executed after the Corporation issues the current year's final scores, the funding, allocation, or both, will come from the subsequent year. Funding refers to SAIL or HOME and allocation refers to HC. Nothing contained herein shall affect any applicable credit underwriting requirements.

(5) Each Applicant will be provided with a final ranking of all Applications and notice of rights, which shall constitute the point of entry to contest any ranking or scoring issue related to any other Applications for the SAIL Program, the HOME Program or the HC Program. An Applicant that wishes to contest the final ranking or score of another Applicant may do so only if:

(a) The competing Applicant files a petition on or before the 21st Calendar Day after the receipt of the notice of rights pursuant to this subsection (5). The petition must conform to subsection 28-106.201(2) or 28-106.301(2), and subsection 67-52.002(3), F.A.C., and specify in detail each issue, score or ranking sought to be challenged.

(b) For any Application cycle closing after January 1, 2002, if the contested issue involves an error in scoring, the contested issue must (i) be one that could not have been cured pursuant to subsection 67-48.004(14), F.A.C., or (ii) be one that could have been cured, if the ability to cure was not solely within the Applicant's control. The contested issue cannot be one that was both curable and within the Applicant's sole control to cure. With regard to curable issues, a petitioner must prove that the contested issue was not feasibly curable within the time allowed for cures in subsection 67-48.004(6), F.A.C.

(c) The competing Applicant alleges facts in its petition sufficient to demonstrate that, but for the specifically identified threshold, scoring or ranking errors in the challenged Application, its Application would have been in the funding range at the time the Corporation provided the Applicant with its final ranking.

(d) If the petition does not raise a disputed issue of material fact, the appeal will be conducted pursuant to Section 120.57(2), F.S. If the petition raises one or more disputed issues of material fact, a formal administrative hearing will be conducted pursuant to Section 120.57(1), F.S. At the conclusion of any administrative hearing, a recommended order shall be entered which will then be considered by the Board.

(6) Any Applicant who wishes to challenge the findings and conclusions of the recommended order entered pursuant to a Section 120.57(2), F.S., proceeding as described in subsection (5) above concerning the final ranking of another Application, shall be allowed the opportunity to submit written arguments to the Board. Any written arguments should be typed and double-spaced with margins no less than one inch in

either Times New Roman 14-point or Courier New 12-point font and may not exceed five (5) pages, excluding the caption and certificate of service. Written arguments must be filed with Florida Housing Finance Corporation's Clerk at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, no later than 5:00 p.m., Eastern Time, no later than five (5) Calendar Days from the date of issuance of ~~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.

(7) For those Applicants that have filed a petition pursuant to subsection (5) above, the Corporation shall, if any such Applicant ultimately obtains a final order that demonstrates that its Application would have been in the funding range of the applicable final ranking, provide the requested funding, allocation, or both from the next available funding, allocation, or both, whether in the current year or a subsequent year. If the final order is executed on or before the Corporation issues the current year's final scores, the funding, allocation, or both, will come from the current year. If the final order is executed after the Corporation issues the current year's final scores, the funding, allocation, or both, will come from the subsequent year. Funding refers to SAIL or HOME and allocation refers to HC. Nothing contained herein shall affect any applicable credit underwriting requirements. The filing of a petition pursuant to subsection (5) above shall not stay the Corporation's provision of funding to Applicants per the final rankings referenced in subsection (4) above.

Specific Authority 420.507 FS. Law Implemented 120.569, 120.57, 420.5087, 420.5089, 420.5099 FS. History—New 7-22-96, Amended 12-23-96, 1-6-98, Formerly 9I-48.005, Amended 4-7-98, 11-9-98, 2-24-00, 2-22-01, 3-17-02, 10-8-02, 12-4-02, 4-6-03, 3-21-04, 2-7-05, 1-29-06,_____.

67-48.007 Fees.

The Corporation, the Credit Underwriter or the environmental provider shall collect via check or money order the following fees and charges in conjunction with the SAIL, HOME and/or HC Program, as outlined in the Universal Application instructions:

- (1) Universal Application Package fee, if applicable.
- (2) Application fee.
- (3) Credit Underwriting fees.
- (4) Administrative fees.
- (5) Commitment fees.
- (6) Compliance monitoring fees.
- (7) Loan servicing fees.
- (8) Construction inspection fees.
- (9) Financial monitoring fees.
- (10) Tax-exempt mortgage financing fees.
- (11) HUD environmental fees.

(12) Qualified Contract Package fees.

(13) Assumption/Renegotiation fees.

(14) Loan Closing Extension fees.

All of the fees set forth above with respect to the SAIL Program are part of Development Cost and can be included in the Development Cost pro forma and paid with SAIL loan proceeds. Failure to pay any fee shall cause the firm loan commitment under any program to be terminated or shall constitute a default on the respective loan documents.

Specific Authority 420.507 FS. Law Implemented 420.5087, 420.5099 FS. History—New 7-22-96, Amended 12-23-96, 1-6-98, Formerly 9I-48.007, Amended 11-9-98, 2-24-00, 2-22-01, 3-17-02, 4-6-03, Repromulgated 3-21-04, Amended 2-7-05, 1-29-06,_____.

67-48.0072 Credit Underwriting and Loan Procedures.

The credit underwriting review shall include a comprehensive analysis of the Applicant, the real estate, the economics of the Development, the ability of the Applicant and the Development team to proceed, the evidence of need for affordable housing in order to determine that the Development meets the program requirements and determine a recommended SAIL or HOME loan amount, Housing Credit allocation amount or a combined SAIL loan amount and Housing Credit Allocation amount, if any. Corporation funding will be based on appraisals of comparable developments, cost benefit analysis, and other documents evidencing justification of costs. As part of the credit underwriting review, the Credit Underwriter will consider the applicable provisions of Rule Chapter 67-48, F.A.C.

(1) After the final rankings are approved by the Board, the Corporation shall offer all Applicants within the funding range an invitation to enter credit underwriting. The Corporation shall select the Credit Underwriter for each Development.

(2) For SAIL and HOME Applicants and Applicant's eligible for a supplemental loan, the invitation to enter credit underwriting constitutes a preliminary commitment.

(3) A response to the invitation to enter credit underwriting must be received by the Corporation and the Credit Underwriter not later than seven (7) Calendar Days after the date of the letter of invitation.

(4) If the credit underwriting invitation is accepted:

(a) The Applicant shall submit the credit underwriting fee to the Credit Underwriter within seven (7) Calendar Days of the date of the letter of invitation.

(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 Universal Application instructions. For HOME Applicants that apply and qualify as a Non-Profit entity, the Corporation shall bear the cost of the credit underwriting review and environmental review. However, if the HOME commitment is canceled for failure to adhere to rule

deadlines or for reasons within the Applicant's control, the Development will be responsible for reimbursing the Corporation for fees incurred for credit underwriting and environmental review processing.

(c) For SAIL and HOME Applicants and Applicant's eligible for a supplemental loan, the loan(s) must close within 14 months of the issuance of the preliminary commitment. Applicants may request one (1) extension of up to 10 months. All extension requests must be submitted in writing to the program administrator and contain the specific reasons for requesting an extension and shall detail the time frame to close the loan. The written request will then be submitted to the Corporation's Board for consideration. The Board shall consider the facts and circumstances of each Applicant's request and any credit underwriting report, if available, prior to determining whether to grant the requested extension. The Corporation shall charge a non-refundable extension fee of 1 percent of each loan amount if the Board approves the request to extend the commitment beyond the initial 14 month period. In the event the loan does not close within 24 months of the issuance of the preliminary commitment, the preliminary commitment or firm commitment, as applicable, will be deemed void and the funds will be deobligated.

(d)(e) A Tax-Exempt Bond-Financed Development that has previously received an allocation of Competitive HC for the proposed Development shall, as part of its acceptance to enter credit underwriting for SAIL (if the proposed Development will be funded with Local Government-issued tax-exempt bonds) or MMRB and SAIL (if the proposed Development will be funded with Corporation-issued tax-exempt bonds and SAIL), also acknowledge to the Corporation that it is returning any previously received allocation of Competitive HC for the proposed Development.

(5) 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.

(6) If an Applicant or Developer or any Financial Beneficiary of an Applicant or Developer has been a party of any Development which has been or is in the process of being foreclosed upon, the Credit Underwriter will consider this and other past performance issues in determining whether or not to provide a positive recommendation.

(7)(6) The Credit Underwriter shall report any inconsistencies or discrepancies or changes made to the Applicant's Application during credit underwriting.

(8)(7) The Applicant will be responsible for all fees in connection with the documentation submitted to the Credit Underwriter.

(9)(8) If the Credit Underwriter determines that special expertise is required to review information submitted to the Credit Underwriter which is beyond the scope of the Credit Underwriter's expertise, the fee for such services shall be borne by the Applicant.

(10)(9) 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 ~~SAIL or HOME~~ loan, a Housing Credit Allocation, ~~or~~ a combined SAIL loan and Housing Credit Allocation, or a Housing Credit Allocation and supplemental 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.

(11)(40) The proposed Development must demonstrate, based on current rates, that it can meet minimum 1.10 debt service coverage (DSC) requirements with all first and second mortgages for Competitive Housing Credits and non-competitive Housing Credits without SAIL. For HOME Applications, the minimum debt service coverage shall be 1.10 for the HOME loan, including all superior mortgages. ~~Developments receiving first mortgage funding from the United States Department of Agriculture Rural Development (RD) are not required to meet the debt service coverage standards if RD is providing rental assistance and has acknowledged that rents will be set at an amount sufficient to pay all operating expenses, replacement reserve requirements and debt service on the first and second mortgages.~~ For SAIL Applications, the minimum debt service coverage shall be 1.10 for the SAIL loan, including all superior mortgages. However, if the Applicant defers at least 35 percent % of its ~~their~~ developer fee for at least 6 months following construction completion, the minimum debt service coverage shall be 1.00 for the SAIL loan, including all superior mortgages. For SAIL and HOME Applications, the maximum debt service coverage shall be 1.50 for the SAIL or HOME loan, including all superior mortgages. In extenuating circumstances, such as when the Development has deep or short term subsidy, the debt

service coverage may exceed 1.50 if the Credit Underwriter's favorable recommendation is supported by the projected cash flow analysis. Developments receiving first mortgage funding from the United States Department of Agriculture Rural Development (RD) are not required to meet the debt service coverage standards if RD is providing rental assistance and has acknowledged that rents will be set at an amount sufficient to pay all operating expenses, replacement reserve requirements and debt service on the first and second mortgages.

~~(12)(H)~~ The Corporation's assigned Credit Underwriter shall require a guaranteed maximum price or stipulated sum construction contract, which may include change orders for changes in cost or changes in the scope of work, or both, if all parties agree, and shall order, at the Applicant's sole expense, and review a pre-construction analysis for all new construction or a physical needs assessment for Rehabilitation or Substantial Rehabilitation and ~~a review of~~ the Development's costs.

~~(13)(I)~~ 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 percent % of the required replacement reserves for two (2) years and must be placed in escrow at closing.

~~(14)(J)~~ For SAIL, HOME, and HC Applications, the underwriters may request additional information, but at a minimum for SAIL and HOME, the following will be required during the underwriting process:

(a) For credit enhancers, audited financial statements for their most recent fiscal year ended, if published; otherwise the previous year's audited statements will be provided until the current statements are published or credit underwriting is complete. The audited statements may be waived if the credit enhancer is rated at least "A-" by Moody's, Standard and Poor's or Fitch.

(b) For the Applicant, general partner(s), and guarantors, audited financial statements or financial statements compiled or reviewed by a licensed Certified Public Accountant for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. If audited financial statements or financial statements compiled or reviewed by a licensed Certified Public Accountant are not available, unaudited financial statements prepared within the last 90 days and reviewed by the Credit Underwriter in accordance with Part III, Sections 604 through 607, of the Fannie Mae Multifamily Delegated Underwriting and Servicing (DUS) Guide, effective November 6, 2003, which is incorporated by reference and available on the Corporation's Website under the

~~2007 2006~~ Universal Application 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 percent % of the total construction cost whose terms do not adversely affect the Corporation's interest, and is issued in the name of the General Contractor by a company rated at least "A-" by AMBest & Co.

~~(15)(K)~~ The Credit Underwriter shall consider the following when determining the need for construction completion guarantees:

(a) Liquidity of the guarantor.

(b) Developer and General Contractor's history in successfully completing Developments of similar nature.

(c) Problems encountered previously with Developer or contractor.

(d) Exposure of Corporation funds compared to Total Development Cost.

At a minimum, the Credit Underwriter shall require a personal guarantee for completion of construction from the principal individual or the corporate general partner of the borrowing entity. In addition, a letter of credit or payment and performance bond whose terms do not adversely affect the Corporation's interest will be required if the Credit Underwriter determines after evaluation of paragraphs (a)-(d) in this subsection that additional surety is needed. However, a completion guarantee will not be required if SAIL funds are not drawn until evidence of lien free completion is provided.

~~(16)(L)~~ For all Developments, the Developer fee and General Contractor's fee shall be limited to:

(a) The Developer fee shall be limited to 16 percent % of Development Cost. ~~A Developer fee on the building acquisition cost shall be limited to 4% of the cost of the building exclusive of land.~~ A total Developer fee of 18 percent % of Development Cost shall be allowed if the proposed Development is qualified for Housing Credits pursuant to Rule 67-48.027, F.A.C., pertaining to Tax-Exempt Bond-Financed Developments. However, the Developer fee shall be limited to 10 percent % 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 Preliminary Allocation/Determination for other construction work within 14 ~~fourteen~~ years of the Application Deadline.

(b) The General Contractor's fee shall be limited to a maximum of 14 percent % of the actual construction cost.

~~(17)(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 whose terms do not adversely affect the Corporation's interest (or approved alternate security for General Contractor's performance, such as a letter of credit), issued in the name of the General Contractor, from a company rated at least "A-" by AMBest & Co.;

(e) Ensure that none of the General Contractor duties to manage and control the construction of the Development are subcontracted; and

(f) Ensure that not more than 20 percent of the construction cost is subcontracted to any one entity unless otherwise approved by the Board for a specific Development.

~~(18)(17)~~ For SAIL and HOME Applications, the Credit Underwriter shall require an operating deficit guarantee, to be released upon achievement of 1.10 ~~1.00~~ debt service coverage for a minimum of six (6) consecutive months for the combined permanent first mortgage and SAIL or HOME loan. ~~For HOME Applications, the Credit Underwriter shall require an operating deficit guarantee, to be released upon achievement of 1.10 debt service coverage for a minimum of six (6) consecutive months for the combined permanent first mortgage and HOME loan.~~ An operating deficit guarantee, to be released upon achievement of 1.00 debt service coverage for a minimum of six (6) consecutive months for the combined permanent first mortgage and SAIL or HOME loan will be required for Developments receiving first mortgage funding from the United States Department of Agriculture Rural Development (RD) if RD is providing rental assistance and has acknowledged that rents will be set at an amount sufficient to pay all operating expenses, replacement reserve requirements and debt service on the SAIL or HOME loan and all superior mortgages.

~~(19)(18)~~ Contingency reserves which total no more than 5 percent % of hard and soft costs for new construction and no more than 15 percent % of hard and soft costs for Rehabilitation or Substantial Rehabilitation may be included within the Total Development Cost for Application and underwriting purposes. Contingency reserves shall not be paid from SAIL or HOME funds.

~~(20)(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.

~~(21)(20)~~ All Applicants must provide the items required by the Credit Underwriter within 10 months of the Applicant's acceptance to enter credit underwriting. For HC Developments, all preliminary items required for by the Credit Underwriter's preliminary HC allocation recommendation must be provided to the Credit Underwriter within 21 ~~35~~ Calendar Days of ~~notification from the date of the invitation to enter credit underwriting~~ 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 in writing, failure to submit the required credit underwriting information by the specified deadline(s) shall result in withdrawal of the preliminary commitment or, if applicable, the HC invitation to enter credit underwriting, and the funds will be distributed made available to the next eligible Applicant as outlined in the Universal Application instructions. The Board shall consider the facts and circumstances of each Applicant's request and any credit underwriting report, if available, prior to determining whether to grant the requested extension.

~~(22)(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 select additional Application(s) as outlined in the Universal Application instructions.

~~(23)(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.

~~(24)~~~~(23)~~ For SAIL and HOME Applications and HC Applications eligible for a supplemental loan, the Credit Underwriter's loan recommendations will be sent to the Board for approval.

~~(25)~~~~(24)~~ After approval of the Credit Underwriter's recommendation for funding by the Board, the Corporation shall issue a firm ~~SAIL or HOME~~ loan commitment.

~~(26)~~~~(25)~~ For SAIL and HOME Applications and HC Applications eligible for a supplemental loan, other mortgage loans related to the construction of the Development and the ~~SAIL or HOME~~ loan(s) must close within 60 Calendar Days of the date of the firm ~~SAIL or HOME~~ loan commitment(s) unless an extension is approved by the Board. All extension requests must be submitted in writing to the program administrator and contain the specific reasons for requesting an extension and shall detail the time frame to close the loan. ~~The written request will then be submitted to the Corporation's Board for consideration. The Board shall consider the facts and circumstances of each Applicant's request and any credit underwriting report, if available, prior to determining whether to grant the requested extension.~~ For SAIL and HOME Applications, the Corporation shall charge an extension fee of one-half of one percent of the SAIL or HOME loan amount if the Board approves the request to extend the SAIL or HOME commitment beyond the period outlined in this rule chapter.

~~(27)~~~~(26)~~ At least five (5) Calendar Days prior to any ~~SAIL or HOME~~ loan closing:

(a) The Applicant must provide evidence of all necessary consents or required signatures from first mortgagees or subordinate mortgagees to the Corporation and its counsel, and

(b) The Credit Underwriter must have received all items necessary to release its letter confirming that all closing contingencies have been met, including the finalized sources and uses of funds and Draw schedule.

~~(28)~~~~(27)~~ For Housing Credit Applications, the Credit Underwriter shall use the following procedures during the credit underwriting evaluation:

(a) The Credit Underwriter, in determining the amount of Housing Credits a Development is eligible for when using the qualified basis calculation, shall use a Housing Credit percentage of:

1. Thirty (30) basis points over the percentage as of the date of invitation to credit underwriting up to 2 nine percent (~~9%~~) for 2 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 4 four percent (~~4%~~) for 4 four percent (~~4%~~) credits for acquisition and federally subsidized Developments. A percentage of fifteen (~~15~~) basis points over the percentage as of the date of invitation to final credit underwriting up to 4 four percent (~~4%~~) will be used for Developments receiving tax-exempt bonds.

(b) Costs such as syndication fees and brokerage fees cannot be included in eligible basis. All consulting fees ~~and the cost of the independent market study~~ must be paid out of the Developer fee. Consulting fees ~~and the cost of the independent market study~~ cannot cause the Developer fee to exceed the maximum allowable fee as set forth in subsection 67-48.0072~~(16)~~~~(15)~~, F.A.C.

(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. In the event the Credit Underwriter is making a recommendation for non-competitive Housing Credits, the recommendation will be the lesser of the qualified basis calculation result or the gap calculation result.

~~(29)~~~~(28)~~ If the Credit Underwriter recommends that Housing Credits be allocated to the Development, the Corporation shall determine the credit amount, if any, necessary to make the Development financially feasible and viable throughout the Housing Credit Extended Use Period and shall issue a Preliminary Allocation certificate or a Preliminary Determination of Housing Credits in the case of Tax-Exempt Bond-Financed Developments. If the Credit Underwriter recommends that no credits be allocated to the Development and the Executive Director accepts the recommendation, the Applicant shall be notified that no Housing Credits will be allocated to the Development. No Preliminary Allocation certificate shall be issued on a RD (formerly FmHA) Development which competed for Housing Credits within the RD set-aside and has not received an Obligation of Funding (~~RD or FmHA Form RD 3560-51, Rev. 02-05~~), an Assumption Agreement (Form RD 3560-21, Rev. 02-05), a Reamortization Agreement (Form RD 3560-16, Rev. 02-05), or a combination of these RD forms by October 1st of the year the Applicant is invited into credit underwriting. The RD Forms 3560-51, 3560-21 and 3560-16 are Obligation of Funding (RD or FmHA Form 3560-51), Rev. 02-05, is adopted and incorporated herein by reference and available on the Corporation's Website under the 2007 2006 Universal Application link labeled Related Information and Links. All contingencies required in the Preliminary Allocation shall be met or satisfied by the Applicant within 45 Calendar Days from the date of issuance or as otherwise indicated on the certificate unless an extension of this deadline is requested in writing by the Applicant and is granted by the Corporation in writing for good cause.

Specific Authority 420.507 FS. Law Implemented 420.5087, 420.5089, 420.5099 FS. History--New 2-7-05, Amended 1-29-06,_____.

67-48.0075 Miscellaneous Criteria.

(1) In addition to the alteration, improvement or modification of an existing structure, Rehabilitation with respect to the HOME Program and Rehabilitation or Preservation with respect to the Housing Credit Programs also includes:

(a) For HOME Developments, moving an existing structure to a foundation constructed with HOME funds. Rehabilitation may include adding rooms outside the existing walls of a structure, but adding a housing unit is considered new construction.

(b) For Housing Credit Developments, what is stated in Section 42(e) of the IRC, with the exception of Section 42(e)(3)(A)(ii)(II), which, for the purposes of Competitive HC, is changed to read: "II. The requirement of this subclause is met if the qualified basis attributable to such amount, when divided by the number of low-income units, in the building, is \$20,000 or more," and, for the purposes of all other HC, is changed to read: "II. The requirement of this subclause is met if the qualified basis attributable to such amount, when divided by the number of low-income units, in the building, is \$10,000 or more."

(2) For purposes of this rule chapter, in accordance with Section 42 of the IRC, a for-profit entity wholly owned by one or more qualified non-profit organizations will constitute a Non-Profit entity. The purpose of the Non-Profit must be, in part, to foster low-income housing and such purpose must be reflected in the Articles of Incorporation of the Non-Profit entity. To evidence its qualification as a Non-Profit entity, the Applicant must provide within its Application a written opinion from legal counsel. The total cost of securing this written legal opinion will be borne entirely by the Applicant. A Non-Profit entity shall own an interest in the Development, either directly or indirectly; shall not be affiliated with or controlled by a for-profit Corporation; and shall materially participate in the development and operation of the Development throughout the total affordability period as stated in the Land Use Restriction Agreement and the Extended Use Agreement. If an Applicant applies to the Corporation as a Non-Profit entity but does not qualify as such, the Application will fail threshold ~~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, or reconstruction of the Development.

(f) The cost of the construction, rehabilitation, and equipping of the Development.

(g) The cost of land improvements, such as landscaping and offsite improvements related to the Development, whether such costs are paid in cash, property, or services. However, offsite improvements are not eligible to be paid with HOME funds.

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

(i) Allowances for ~~working capital~~, contingency reserves ~~and~~, 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 Rule 67-48.002, F.A.C., does not include third party lenders, third party management agents or companies, Housing Credit Syndicators, credit enhancers who are regulated by a state or federal agency and who do not share in the profits of the Development or contractors whose total fees are within the limit described in Rule 67-48.0072, F.A.C.

(6) For computing any period of time allowed by this rule chapter, the day of the event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday.

(7) Supplemental loans will be subject to the credit underwriting provisions outlined in Rule 67-48.0072, F.A.C., and the loan provisions outlined below:

(a) The terms and conditions of the supplemental loan shall be as follows:

1. The supplemental loan shall be (i) based on each ELI Set-Aside unit above the minimum ELI Set-Aside threshold requirement in the Universal Application instructions; and (ii) non-amortizing at 0 percent simple interest per annum over the life of the loan, with the principal forgivable provided the units for which the supplemental loan amount is awarded are targeted to ELI Households for at least 15 years.

2. Any sale, conveyance, assignment, or other transfer of interest or the grant of a security interest in all or any part of the title to the Development other than a superior mortgage shall be subject to the Corporation's prior written approval. The Board shall consider the facts and circumstances of each Applicant's request and any credit underwriting report, if available, prior to determining whether to grant such request.

3. The supplemental loan shall be serviced either directly by the Corporation or by the servicer on behalf of the Corporation.

4. The Corporation shall monitor compliance of all terms and conditions of the supplemental loan and shall require that certain terms and conditions be embodied in the Land Use Restriction Agreement and recorded in the public records of the county wherein the Development is located. Violation of any material term or condition of the documents evidencing or securing the supplemental loan shall constitute a default during the term of the supplemental loan. The Corporation shall take appropriate legal action to effect compliance if a violation of any material term or condition relative to the set-aside of units for ELI Households is discovered during the course of compliance monitoring or by any other means.

5. The Corporation shall require adequate insurance to be maintained on the Development as determined by the first mortgage lender or the Corporation's servicer, but which shall, in any case, include fire, hazard and other insurance sufficient to meet the standards established in Part V, Section 106 of the Fannie Mae DUS Guide, effective August 10, 2006, which is adopted and incorporated herein by reference and available on the Corporation's Website under the 2007 Universal Application link labeled Related Information and Links.

6. All supplemental loans shall be in conformance with applicable federal and state statutes, including the Fair Housing Act as implemented by 24 CFR Part 100, which is adopted and incorporated herein by reference, and Titles II and III of the Americans with Disabilities Act of 1990 as implemented by 28 CFR Part 35, which is adopted and incorporated herein by reference. These provisions are available on the Corporation's Website under the 2007 Universal Application link labeled Related Information and Links. The Corporation shall allow units dedicated to occupancy by the Elderly in a Development

designed for occupancy by elderly households pursuant to authorization by HUD under the Fair Housing Amendments of 1988 as implemented by 24 CFR Part 100.

7. Rent controls for the ELI Set-Aside units for which the supplemental loan is issued shall be restricted at the level applicable for federal Housing Credits.

8. The documents creating, evidencing or securing each supplemental loan must provide that any violation of the terms and conditions described in Rule Chapter 67-48, F.A.C., constitutes a default under the supplemental loan documents allowing the Corporation to accelerate its loan and to seek foreclosure as well as any other remedies legally available to it.

(b) The supplemental loan shall be assumable upon sale or transfer of the Development if the following conditions are met:

1. The proposed transferee meets all specific Applicant identity criteria which were required as conditions of the original loan;

2. The proposed transferee agrees to maintain all ELI Set-Asides and other requirements of the supplemental loan for the period originally specified or longer; and

3. The proposed transferee and release of transferor receives a favorable recommendation from the Credit Underwriter and approval by the Board of Directors of the Corporation.

All assumption requests must be submitted in writing to the Director of Special Assets and contain the specific details of the transfer and assumption. In addition to any related professional fees, the Corporation shall charge a non-refundable assumption fee as outlined in the Universal Application instructions.

(c) Supplemental loan construction disbursements and permanent loan servicing shall be based on the following:

1. Supplemental loan proceeds shall be disbursed during the construction phase in an amount per Draw which does not exceed the ratio of the supplemental loan to the Total Development Cost, unless approved by the Credit Underwriter.

2. Ten (10) business days prior to each Draw, the Applicant shall supply the Corporation's servicer, as agent for the Corporation, with a written request executed by the Applicant for a Draw. The request shall set forth the amount to be paid and shall be accompanied by documentation specified by the Corporation's servicer including claims for labor and materials to date of the last inspection.

3. The Corporation and its servicer shall review the request for a Draw, and the servicer shall provide the Corporation with approval of the request or an alternative recommendation, after the title insurer provides an endorsement to the policy of title insurance updating the policy to the date of the current Draw and increasing the insurance coverage to an amount equal to the sum of all prior Draws and the current Draw, without additional exceptions, except those specifically approved in writing by the Corporation.

4. The Corporation shall disburse construction Draws through Automated Clearing House (ACH). The Applicant may request disbursement of construction Draws via a wire transfer. The Applicant will be charged a fee of \$10 for each wire transfer requested. This charge will be netted against the Draw amount.

5. The Corporation shall elect to withhold any Draw or portion of any Draw, notwithstanding any documentation submitted by the Applicant in connection with the request for a Draw, if:

a. The Corporation or the Corporation's servicer determines at any time that the actual cost budget or progress of construction differs from that as shown on the loan documents; or

b. The percentage of progress of construction of the improvements differs from that shown on the request for a Draw.

6. The servicer may request submission of revised construction budgets.

7. Based on the Applicant's progress of construction, if the Corporation determines that further analysis by the Credit Underwriter is required prior to the release of the final Draw, the Applicant shall pay to the Credit Underwriter a fee based on an hourly rate determined pursuant to the contract between the Corporation and the Credit Underwriter.

8. Retainage in the amount of 10 percent per Draw shall be held by the servicer during construction until the Development is 50 percent complete. At 50 percent completion, no additional retainage shall be held from the remaining Draws. Release of funds held by the Corporation's servicer as retainage shall occur pursuant to the supplemental loan agreement.

(8) For purposes of this rule chapter, rent controls for ELI Households shall consist of the Gross Rent Floor, as defined in Section 42(g)(2)(A) of the IRC and in accordance with IRS Revenue Procedure 94-57, minus the lesser of (i) the utility allowance in effect by the applicable local Public Housing Authority (PHA) at the date the last building in the Development is placed-in-service or (ii) the current utility allowance applicable to the building (as outlined in 26 CFR 1.42-10, this may include either the local utility company estimate or the applicable PHA utility allowance). Notwithstanding the preceding sentence, the rent charged to any ELI Household may not exceed the maximum rent level permitted under Section 42(g)(2)(A) IRC for the applicable unit occupied by such household. IRS Revenue Procedure 94-57 and 26 CFR 1.42-10 are incorporated by reference and are available on the Corporation's Website under the 2007 Universal Application link labeled Related Information and Links.

Specific Authority 420.507 FS. Law Implemented 420.5087, 420.5089, 420.5099 FS. History--New 2-7-05, Amended 1-29-06, _____.

PART II STATE APARTMENT INCENTIVE LOAN PROGRAM

67-48.009 SAIL General Program Procedures and Restrictions.

(1) Loans shall be in an amount not to exceed 25 percent % of the Total Development Cost except as described in subsections (2) and (3) below, or the minimum amount required to make the Development economically feasible, whichever is less, as determined by the Credit Underwriter.

(2) The following types of Sponsors are eligible to apply for loans in excess of 25 percent % of Total Development Cost pursuant to Section 420.507(22), F.S.:

(a) Non-Profit and public Sponsors which are able to secure grants, donations of land, or contributions from other sources collectively totaling at least 10 percent % of Total Development Cost; ~~and or~~

(b) Sponsors that ~~set aside at least maintain an~~ 80 percent % of their total units for occupancy of residents qualifying as Farmworkers as defined in Section 420.503(18), F.S., Commercial Fishing Workers as defined in Section 420.503(5), F.S., or the Homeless as defined in Section 420.621(4), F.S., over the life of the loan.

(3) The following types of Sponsors are eligible to apply for loans that do not exceed 35 percent of Total Development Cost:

(a) Applicants requesting both SAIL and Competitive HC that commit to set aside more than 10 percent of the total units for ELI Households; and

(b) Applicants requesting SAIL without Competitive HC that commit to set aside at least 5 percent of the total units for ELI Households.

~~(4)(3)~~ At a minimum, the percentage of set-aside units committed to in the Application must be held for Very Low-Income persons or households for a period of time equal to the greater of the following:

(a) The term of the SAIL loan; or

(b) 12 years; or

(c) Such longer term agreed to by the Applicant in the Application.

~~(5)(4)~~ Unless the Board approves a competitive allocation process outside the Universal Cycle, a An Applicant is not eligible to apply for SAIL Program funding if any of the following pertain to the proposed Development:

(a) Construction or construction-permanent financing of the costs associated with construction or Substantial Rehabilitation of the Development, including tax-exempt bonds or conventional financing with conversion clauses, has closed as of January 1, 2005;

(b) The Applicant has received an allocation of Housing Credits or a Competitive Housing Credit commitment for the proposed Development, unless (i) the Applicant is also applying for Corporation-issued tax exempt bonds in the

current Application cycle or provides evidence of a Local Government-issued tax exempt bond commitment as stated in the Universal Application Instructions, or (ii) the Applicant has provided written notice to the Corporation prior to the Application Deadline for the current cycle that it is withdrawing its acceptance and returning its HC funding from the prior cycle; or (iii) the Application was successful in receiving SAIL funding for the proposed Development for the first time in the ~~2006~~ 2005 Universal Application cycle, in which case it may receive additional SAIL funding for the same Development as provided in the End-of-the-Line SAIL section of the Universal Application Instructions;

(c) The Applicant has already accepted a preliminary commitment of funding for the proposed Development through the SAIL Program ~~from a prior Funding Cycle~~, unless the Applicant has provided written notice to the Corporation prior to the Application Deadline for the current cycle that it is withdrawing its acceptance and returning its prior SAIL funding ~~from such prior cycle~~, with one exception. That exception being that a proposed Development that was successful in receiving SAIL funding for the first time in the ~~2006~~ 2005 Universal Application cycle may receive additional SAIL funding for the same Development as provided in the End-of-the-Line SAIL section of the Universal Application Instructions.

(d) The Applicant has already accepted a preliminary commitment of funding for the proposed Development through the 2005 or 2006 RRLP Program, unless the Applicant has provided written notice to the Corporation prior to the Application Deadline for the current cycle that it is withdrawing its acceptance and returning its RRLP funding from such prior cycle.

(e) The proposed Development site or any part thereof is subject to any Land Use Restriction Agreement or Extended Use Agreement, or both, in conjunction with any Corporation affordable housing financing, excluding Predevelopment Loan Program funds, intended to foster the development or maintenance of affordable housing.

~~(6)~~(5) The SAIL Minimum Set-Aside Requirement is:

(a) 20 percent % of the SAIL Development's units set-aside for residents with annual household incomes at or below 50 percent % of the area, metropolitan statistical area ("MSA") or state or county median income, whichever is higher, adjusted for family size, or

(b) 40 percent % of the SAIL Development's units set-aside for residents with annual household incomes at or below 60 percent % of the area, MSA or state or county median income, whichever is higher, adjusted for family size. Sponsors of SAIL-funded Developments shall have the option of selecting this minimum set-aside only if the SAIL Development is scheduled to be assisted with Housing Credits, in addition to the SAIL loan, or

(c) 100 percent % of the SAIL Development's units set aside for residents with annual household incomes below 120 percent % of the state or local median income, whichever is higher, adjusted for family size. Sponsors of SAIL-funded Developments shall have the option of selecting this minimum set aside only if the SAIL Development is located in the Florida Keys Area.

Specific Authority 420.507 FS. Law Implemented 420.5087 FS. History—New 7-22-96, Amended 12-23-96, 7-10-97, 1-6-98, Formerly 9I-48.009, Amended 11-9-98, 2-24-00, 2-22-01, 3-17-02, 4-6-03, 3-21-04, 2-7-05, 1-29-06, _____.

67-48.0095 Additional SAIL Application Ranking and Selection Procedures.

(1) During the first six (6) months following the publication date of the first Notice of Funding Availability published each year within the state of Florida, SAIL funds shall be allocated in accordance with the ranking and selection process set forth in the Universal Application Package and based upon the requirements specified in Section 420.5087(3), F.S., which specifies the required funding within the four demographic categories of:

- (a) Family;
- (b) Elderly;
- (c) Homeless; and
- (d) Commercial Fishing Workers and Farmworkers.

(2) 10 percent % of the funds reserved for Applicants in the Elderly category shall be reserved to provide loans to Sponsors of housing for the Elderly for the purpose of making life-safety or security-related repairs or improvements to such housing which are required by federal, state or local regulation, as further specified in Section 420.5087, F.S.

(3) Program funds designated for Commercial Fishing Workers and Farmworkers will be allocated through a request for proposal (RFP), the Universal Application Package, or both.

(4) The Corporation shall assign, in order of ranking, tentative loan amounts to the Applications in each demographic and geographic category, up to the total amount available. However, the Corporation shall make adjustments to ensure that minimum funding distribution levels by geographic category are met, as required by Section 420.5087(1), F.S., and further described in the SAIL Notice of Funding Availability.

(5) In the event that the 10 percent % of program funds required to be allocated to counties with a population of 100,000 or less remains unallocated at the conclusion of a successive three-year cycle, the unallocated funds shall be equitably distributed pursuant to the instructions included in the Universal Application Package.

(6) Selection for SAIL Program participation is contingent upon fund availability at the conclusion of the appeals process as set forth in Rule 67-48.005, F.A.C.

Specific Authority 420.507 FS. Law Implemented 420.5087 FS. History—New 12-23-96, Amended 1-6-98, Formerly 91-48.0095, Amended 11-9-98, 2-24-00, 2-22-01, 3-17-02, 4-6-03, 3-21-04, 2-7-05, 1-29-06,_____.

67-48.010 Terms and Conditions of SAIL Loans.

(1) The proceeds of all SAIL loans shall be used for new construction or Substantial Rehabilitation of affordable, safe and sanitary multifamily rental housing units.

(2) The SAIL loan may be in a first, second, or other subordinated lien position. For purposes of this rule, mortgages securing a letter of credit as credit enhancement for the bonds financing the first mortgage shall be considered a contingent liability and part of the first mortgage lien, provided that the Applicant's counsel furnishes an opinion regarding the contingent nature of such mortgage satisfactory to the Corporation and its counsel.

(3) The loans shall be non-amortizing and shall have interest rates as follows:

(a) 0 percent ~~1%~~ simple interest per annum on loans to Developments that set aside at least maintain an 80 percent of their units for % occupancy of residents qualifying as Farmworkers, Commercial Fishing Workers or Homeless, over the life of the loan;

(b) 0 percent simple interest per annum on loans based on the pro rata share of units set aside for homeless residents if the total of such units is less than 80 percent of the units and 1 percent simple interest per annum on the remaining units;

~~(c)(b)~~ 1 percent ~~3%~~ simple interest per annum on loans to Developments other than those identified in paragraphs (a) and (b) above;

~~(4)(e)~~ Except as provided in Section 420.5087(5), F.S., the amount of any superior mortgages combined with the SAIL mortgage shall be less than the appraised value of the Development. Any debt service reserve requirement associated with a superior mortgage shall be excluded from the amount of the superior mortgage for purposes of this calculation.

~~(5)(d)~~ Payment on the loans shall be based upon the Development Cash Flow, as determined pursuant to the SAIL Cash Flow Reporting Form SR-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 SAIL loan interest payment, as calculated in the SAIL Cash Flow Reporting Form SR-1, for the purpose of determining interest due. Interest may be deferred as set forth in subsection 67-48.010~~(8)(6)~~, F.A.C., without constituting a default on the loan.

~~(6)(4)~~ The loans described in subsection paragraphs 67-48.010(3)(a) and (b), F.A.C., above shall be repaid from all Development Cash Flow, and if the SAIL loan is not a first

mortgage loan, each year, subject to the provisions of subsection ~~(8)(6)~~ below, Development Cash Flow shall be applied to pay the following items in order of priority:

(a) All superior mortgage fees and debt service;

(b) Development Expenses on the SAIL loan, including up to 20 percent % of total Developer fees per year;

(c) Interest payment on SAIL loan balance equal to 1 percent % as stated in paragraphs ~~(3)(a) above and equal to 3% as stated in paragraph (3)(b) and (c) above~~ over the life of the SAIL loan;

(d) Interest payments on the SAIL loan deferred from previous years;

(e) Mandatory payment on subordinate mortgages.

After the full SAIL loan interest has been paid, the Applicant shall retain all remaining monies, unless the Applicant chooses to prepay a portion of the loan balance.

~~(7)(5)~~ If the SAIL loan is secured by a first mortgage lien, each year, subject to the provisions of subsection ~~(8)(6)~~ below, Development Cash Flow shall be applied to pay the following items in order of priority:

(a) First mortgage fees and interest payment on the SAIL loan balance equal to the percentages 1% as stated in paragraph ~~(3)(a) above and equal to 3% as stated in paragraph (3)(b) above~~ over the life of the SAIL loan;

(b) Development Expenses on the SAIL loan including up to 20 percent % of total Developer fees per year;

(c) Interest payments on the SAIL loan deferred from previous years;

(d) Mandatory payment on subordinate mortgages.

After the full SAIL loan interest has been paid, the Applicant shall retain all remaining monies, unless the Applicant chooses to prepay a portion of the loan balance.

~~(8)(6)~~ The determination of Development Cash Flow, determination of payment priorities, and payment of interest on SAIL loans shall occur annually. Any payments of accrued and unpaid interest due annually on SAIL loans shall be deferred to the extent that Development Cash Flow is insufficient to make said payments pursuant to the payment priority schedule established in this rule chapter. If Development Cash Flow is under-reported and such report causes a deferral of SAIL interest, such under-reporting shall constitute an event of default on the SAIL loan. A penalty of 5 percent % of any required payment shall be assessed.

(a) By May 31 of each year of the SAIL loan term, the Applicant shall provide the Corporation with audited financial statements and a certification detailing the information needed to determine the annual payment to be made. However, this certification requirement will be waived until May 31 following the calendar year within which the first unit is occupied. The certification shall require submission of audited financial statements and the SAIL annual reporting form, Cash Flow Reporting Form SR-1, Rev. 9/05, which is incorporated by reference. Form SR-1 can be obtained from the Credit

Underwriter acting as the assigned servicer or on the Corporation's Website under the 2007 2006 Universal Application 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 SAIL loan term. Failure to submit the required audited financial statements and certification by May 31 of each year of the SAIL loan term shall constitute an event of default on the SAIL loan. The Applicant shall furnish to the Corporation or its servicer, unaudited statements, certified by the Applicant's principal financial or accounting officer, covering such financial matters as the Corporation or its servicer may reasonably request, including without limitation, monthly statements with respect to the Development.

For SAIL loans applied for prior to February 22, 2001, the Corporation will extend the annual filing deadline for submission of the audited financial statements and certification detailing the information needed to determine the annual payment to be made, pursuant to subsection 67-48.010(8)(6), F.A.C., to May 31 of each year of the SAIL loan term. The Corporation servicer shall issue a billing for interest due on the SAIL loan for the immediately preceding calendar year by July 31 of each calendar year of the SAIL loan. In addition, for SAIL loans applied for prior to December 23, 1996, so long as the executed loan agreements contain a provision to assess a late fee for failure to provide the audited financial statement and certification detailing the information needed to determine the annual payment due, such fee will be assessed by the Corporation as outlined above.

(b) The Corporation servicer shall issue a billing for interest due on the SAIL loan for the immediately preceding calendar year by July 31 of each calendar year of the SAIL loan.

(c) The Applicant shall remit the interest due to the Corporation servicer no later than August 31 of each year of the SAIL loan term. The first payment of SAIL interest will be due no later than August 31 following the calendar year within which the first unit is occupied. The first payment of interest shall include all interest for the period which begins accruing on the date of the first Draw and ends on December 31 of the calendar year during which the first unit is occupied.

~~(9)(7)~~ After maturity or acceleration, the Note shall bear interest at the Default Interest Rate from the due date until paid. Unless the Corporation has accelerated the SAIL loan, the Applicant shall pay the Corporation a late charge of 5 percent % of any required payment that is not received by the Corporation within 15 days of the due date.

~~(8) Any sale, conveyance, assignment, or other transfer of interest or the grant of a security interest in all or any part of the title to the Development other than a superior mortgage shall be subject to the Corporation's prior written approval.~~

~~(10)(9)~~ The final billing for the purpose of payoff of the SAIL loan shall also include a billing for compliance fees to cover monitoring of SAIL Program requirements beyond the maturity date of the Note. Such fees shall be computed by determining the present value of the annual compliance monitoring fee and multiplying that by the number of years for which the Development will have a set-aside for Very Low-Income persons or households beyond the repayment date. The present value discount rate shall be 2.75 percent % per annum. Such amount shall be reduced by the amount of any compliance monitoring fees for other programs collected by the Corporation for the Development provided:

(a) The compliance monitoring fee covers some or all of the period following the anticipated SAIL loan repayment date; and

(b) The Development has substantially equivalent set-asides for Very Low-Income persons or households mandated through another Corporation program for which the compliance monitoring fee was collected.

~~(11)(10)~~ The SAIL loans shall be serviced either directly by the Corporation or by the servicer on behalf of the Corporation.

~~(12)(11)~~ The Corporation shall monitor compliance of all terms and conditions of the SAIL loan and shall require that certain terms and conditions be embodied in the Land Use Restriction Agreement and recorded in the public records of the county wherein the Development is located. Violation of any material term or condition of the documents evidencing or securing the SAIL loan shall constitute a default during the term of the SAIL loan. The Corporation shall take appropriate legal action to effect compliance if a violation of any material term or condition relative to the set-asides of units for Very Low-Income persons or households is discovered during the course of compliance monitoring or by any other means.

~~(13)(12)~~ The Corporation shall require adequate insurance to be maintained on the Development as determined by the first mortgage lender or the Corporation's servicer, but which shall, in any case, include fire, hazard and other insurance sufficient to meet the standards established in Part V, Section 106 of the Fannie Mae DUS Guide, effective August 10, 2006 ~~November 3, 2003~~, which is adopted and incorporated herein by reference

and available on the Corporation's Website under the 2007 2006 Universal Application link labeled Related Information and Links.

~~(14)(13)~~ The SAIL loan term shall be for a period of not more than 15 years. However, if both a SAIL loan and federal Housing Credits are to be used to assist a Development, the Corporation may set the SAIL loan term for a period commensurate with the investment requirements associated with the Housing Credit syndication. The term of the loan term 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 loan 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.

~~(14)~~ Upon maturity of the SAIL loan, the Corporation may renegotiate and extend the loan in order to extend the availability of housing for the target population. Such extensions shall be based upon:

(a) Performance of the Applicant during the SAIL loan term;

(b) Availability of similar housing stock for the target population in the area;

(c) Documentation and certification by the Applicant that funds are not available to repay the Note upon maturity;

(d) A plan for the repayment of the loan at the new maturity date; and

(e) Assurance that the security interest of the Corporation will not be jeopardized by the extension.

(15) After accepting a preliminary commitment, the Applicant shall not refinance, increase the principal amount, or alter any terms or conditions of any mortgage superior or inferior to the SAIL mortgage without prior approval of the Corporation's Board of Directors. However, an Applicant may reduce the interest rate on any superior or inferior mortgage loan without the Board's permission, provided that no other terms of the loan are changed. The Corporation must be notified in writing of any such change.

~~(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)~~ Following construction completion, the Board shall deny requests to increase the amount of any superior mortgage, unless the criteria outlined in subsection 67-48.0105(5) paragraph 67-48.010(15)(a), F.A.C., are met, the original combined loan to value ratio for the superior mortgage and the SAIL mortgage is maintained or improved, and a proportionate amount of the increase in the superior mortgage is used to reduce the outstanding SAIL loan balance. To calculate the proportionate amount of the increase in the superior mortgage

which must be paid toward the reduction of the SAIL loan balance, the following calculation shall be used: divide the amount of the original SAIL mortgage by the combined amount of the original SAIL mortgage and the original superior mortgage; then multiply the quotient by the amount of the increase in the superior mortgage from the current balance after deducting refinancing costs. For example, if the amount of the original SAIL mortgage is \$2,000,000, the original superior mortgage is \$4,000,000, with a but the current balance of is \$3,000,000, a the proposed new superior mortgage of is \$5,000,000, and refinancing costs of 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 SAIL loan balance would be \$594,000. This \$594,000 would be applied first to accrued interest and then to principal.

~~(e)~~ The Board shall deny requests for mortgage loan refinancing which require extension of the SAIL loan term or otherwise adversely affect the security interest of the Corporation unless the criteria outlined in paragraph 67-48.010(15)(a), F.A.C., are met, the Credit Underwriter recommends that the approval of such a request is crucial to the economic survival of the Development or unless the Board determines that public policy will be better served by the extension as a result of the Applicant agreeing to further extend the Compliance Period or provide additional amenities or resident programs suitable for the resident population. Further, the Board shall limit any approved extension to a minimum term which makes the Development feasible and which does not exceed an industry standard term.

(16) All SAIL loans shall be in conformance with applicable federal and state statutes, including the Fair Housing Act as implemented by 24 CFR Part 100, which is adopted and incorporated herein by reference, and Titles II and III of the Americans with Disabilities Act of 1990 as implemented by 28 CFR Part 35, which is adopted and incorporated herein by reference. These provisions are available on the Corporation's Website under the 2007 2006 Universal Application link labeled Related Information and Links. The Corporation shall allow units dedicated to occupancy by the Elderly in a Development designed for occupancy by elderly households pursuant to authorization by HUD under the Fair Housing Amendments of 1988 as implemented by 24 CFR Part 100.

(17) Rent controls shall not be allowed on any Development except (i) as required in conjunction with the issuance of tax-exempt bonds or federal Housing Credits and (ii) when the Sponsor has committed to set aside units for ELI Persons, in which case rents for such units shall be restricted at the level applicable for federal Housing Credits ~~however, rents must be determined to be reasonable by the Credit Underwriter.~~

(18) The documents creating, evidencing or securing each SAIL loan must provide that any violation of the terms and conditions described in Rule Chapter 67-48, F.A.C., constitutes a default under the SAIL loan documents allowing the Corporation to accelerate its loan and to seek foreclosure as well as any other remedies legally available to it.

(19) A failure to pay any principal or interest due under the terms of this section shall constitute a default on the SAIL loan.

(20) If, after a four-month rent-up period commencing after issuance of the last certificate of occupancy on the units, an Applicant is unable to meet the agreed-upon demographic commitment for Elderly, Homeless, Farmworker or Commercial Fishing Worker, the Applicant may request to rent such units to Very Low-Income persons or households without demographic restriction.

(a) The written request must provide documentation of marketing efforts implemented over the past four-month period which demonstrate the inclusion of sources of potential residents, advertising to be used, other means of encouraging residents to rent at the Development, and priority to the original targeted group of residents. If the Corporation determines that prior marketing efforts were insufficient, a revised plan which is satisfactory to the Corporation must be submitted and implemented for a four-month period prior to reconsideration.

(b) The Board will require Applicants to provide additional amenities or resident programs suitable for the proposed resident population.

(c) The Board will require Applicants with 0 percent ~~4%~~ loans, as described in paragraphs 67-48.010(3)(a) and (b), F.A.C., to modify loan documents to conform to the terms and conditions of 1 percent ~~3%~~ loans, as described in paragraphs 67-48.010(3)(b) and (c), F.A.C., or to accelerate payments of SAIL loan principal or interest.

(21) The Applicant shall provide to the Corporation an annual budget of income and expenses for the Development, certified as accurate by an officer of the Development, no later than 30 days prior to the beginning of the Development's fiscal year.

(22) Failure to provide the Corporation and its servicer with the SAIL available Cash Flow Statement detailing the information needed to determine the annual payment to be made pursuant to this rule chapter shall constitute a default on the SAIL loan.

(23) For SAIL loans applied for prior to March 17, 2002, at the borrower's request, the Corporation will include up to 20 percent ~~%~~ of total Developer fees per year as a Development Expense when calculating the interest due on the SAIL loan for the 2003 calendar year for the billing issued in 2004 pursuant to paragraph 67-48.010(~~8~~)(~~6~~)(b), F.A.C., and for the billing for interest due each calendar year thereafter. Development Expense will not include Developer fees for determination of

payment of interest on SAIL loans applied for prior to March 17, 2002 for the 2002 calendar year or any previous calendar year. For purposes in this paragraph, Development Expense has the same meaning as Project Expense and Eligible Project Expense as those terms are used in SAIL loans applied for prior to March 17, 2002.

(24) The Compliance Period for a SAIL Development shall be, at a minimum, a period of 12 years from the date the first residential unit is occupied. For SAIL Developments 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 closing of the SAIL loan.

Specific Authority 420.507 FS. Law Implemented 420.5087 FS. History—New 7-22-96, Amended 12-23-96, 7-10-97, 1-6-98, Formerly 9I-48.010, Amended 11-9-98, 2-24-00, 2-22-01, 3-17-02, 4-6-03, 3-21-04, 2-7-05, 1-29-06, _____.

67-48.0105 Sale, ~~or~~ Transfer or Refinancing of a SAIL Development.

(1) Any sale, conveyance, assignment, or other transfer of interest or the grant of a security interest in all or any part of the title to the Development other than a superior mortgage shall be subject to the Corporation's prior written approval. The Board shall consider the facts and circumstances of each Applicant's request and any credit underwriting report, if available, prior to determining whether to grant such request.

~~(2)~~(4) The SAIL loan shall be assumable upon sale or transfer of the Development if the following conditions are met:

(a) The proposed transferee meets all specific Applicant identity criteria which were required as conditions of the original loan;

(b) The proposed transferee agrees to maintain all set-asides and other requirements of the SAIL loan for the period originally specified or longer; and

(c) The proposed transferee and release of transferor receives a favorable recommendation from the Credit Underwriter and approval by the Board of Directors of the Corporation.

All assumption requests must be submitted in writing to the Director of Special Assets and contain the specific details of the transfer and assumption. In addition to any related professional fees, the Corporation shall charge a non-refundable assumption fee as outlined in the Universal Application instructions.

~~(3)~~(2) If the SAIL loan is not assumed since the buyer does not meet the criteria for assumption of the SAIL loan, the SAIL loan (principal and any outstanding interest) shall be repaid from the proceeds of the sale in the following order of priority:

- (a) First mortgage debt service, first mortgage fees;
- (b) SAIL compliance and loan servicing fees;

(c) An amount equal to the present value of the compliance monitoring fee, as computed by the Corporation and its servicer, times the number of payment periods for which the Development will have a set-aside for Very Low-Income persons or households beyond the repayment date. The present value discount rate shall be 2.75 percent % per annum. Such amount shall be reduced by the amount of any compliance monitoring fees collected by the Corporation for the Development, provided:

1. The compliance monitoring fee covers some or all of the period following the anticipated SAIL repayment date; and

2. The Development has substantially equivalent set-asides for Very Low-Income persons or households mandated through another program of the Corporation for which the compliance monitoring fee was collected.

(d) Unpaid principal balance of the SAIL loan;

(e) Any interest due on the SAIL loan;

(f) Expenses of the sale;

(g) If there will be insufficient funds available from the proposed sale of the Development to satisfy paragraphs (3)(2)(a)-(f) above, the SAIL loan shall not be satisfied until the Corporation has received:

1. An appraisal prepared by an appraiser selected by the Corporation or the Credit Underwriter indicating that the purchase price for the Development is reasonable and consistent with existing market conditions;

2. A certification from the Applicant that the purchase price reported is the actual price paid for the Development and that no other consideration passed between the parties and that the Development Cash Flow reported to the Corporation during the term of the SAIL loan was true and accurate;

3. A certification from the Applicant that there are no Development funds available to repay the SAIL loan, including any interest due, and the Applicant knows of no source from which funds could or would be forthcoming to pay the SAIL loan; and

4. A certification from the Applicant detailing the information needed to determine the final billing for SAIL loan interest. Such certification shall require submission of financial statements and other documents that may be required by the Corporation and its servicer.

(4) The Corporation may renegotiate and extend the loan in order to extend or retain the availability of housing for the target population. Such renegotiations shall be based upon:

(a) Performance of the Applicant during the SAIL loan term;

(b) Availability of similar housing stock for the target population in the area;

(c) Documentation and certification by the Applicant that funds are not available to repay the Note upon maturity;

(d) A plan for the repayment of the loan at the new maturity date;

(e) Assurance that the security interest of the Corporation will not be jeopardized by the new term(s); and

(f) Industry standard terms which may include amortizing loans requiring regularly scheduled payments of principal and interest.

All loan renegotiation requests, including requests for extension, must be submitted in writing to the Director of Special Assets and contain the specific details of the renegotiation. In addition to any related professional fees, the Corporation shall charge a non-refundable renegotiation fee as outlined in the Universal Application instructions.

(5) The Board shall approve requests for mortgage loan refinancing only if Development Cash Flow is improved, the Development's economic viability is maintained, the security interest of the Corporation is not adversely affected, and the Credit Underwriter provides a positive recommendation.

(6) The Board shall deny requests for mortgage loan refinancing which require extension of the SAIL loan term or otherwise adversely affect the security interest of the Corporation, unless the criteria outlined in subsection 67-48.0105(5), F.A.C., are met, the Credit Underwriter recommends that the approval of such a request is crucial to the economic survival of the Development, or unless the Board determines that public policy will be better served by the extension as a result of the Applicant agreeing to further extend the Compliance Period or provide additional amenities or resident programs suitable for the resident population. Further, the Board shall limit any approved extension to a minimum term which makes the Development feasible and which does not exceed an industry standard term.

The Board shall deny requests to increase the amount of any superior mortgage, unless the criteria outlined in subsection 67-48.010(15), F.A.C., are met, the original combined loan to value ratio for the superior mortgage and the SAIL mortgage is maintained or improved, and a proportionate amount of the increase in the superior mortgage is used to reduce the outstanding SAIL loan balance.

Specific Authority 420.507 FS. Law Implemented 420.5087 FS. History—New 12-23-96, Amended 1-6-98, Formerly 9I-48.0105, Amended 11-9-98, Repromulgated 2-24-00, Amended 2-22-01, 3-17-02, Repromulgated 4-6-03, Amended 3-21-04, Repromulgated 2-7-05, Amended 1-29-06,_____.

67-48.013 SAIL Construction Disbursements and Permanent Loan Servicing.

(1) SAIL loan proceeds shall be disbursed during the construction phase in an amount per Draw which does not exceed the ratio of the SAIL loan to the Total Development Cost, unless approved by the Credit Underwriter.

(2) Ten (10) business days prior to each Draw, the Applicant shall supply the Corporation's servicer, as agent for the Corporation, with a written request executed by the Applicant for a Draw. The request shall set forth the amount to

be paid and shall be accompanied by documentation specified by the Corporation's servicer including claims for labor and materials to date of the last inspection.

(3) The Corporation and its servicer shall review the request for a Draw, and the servicer shall provide the Corporation with approval of the request or an alternative recommendation, after the title insurer provides an endorsement to the policy of title insurance updating the policy to the date of the current Draw and increasing the insurance coverage to an amount equal to the sum of all prior Draws and the current Draw, without additional exceptions, except those specifically approved in writing by the Corporation.

(4) The Corporation ~~shall~~ ~~with~~ disburse construction Draws through Automated Clearing House (ACH). The Applicant may request disbursement of construction Draws via a wire transfer. The Applicant will be charged a fee of \$10 for each wire transfer requested. This charge will be netted against the Draw amount.

(5) The Corporation shall elect to withhold any Draw or portion of any Draw, notwithstanding any documentation submitted by the Applicant in connection with the request for a Draw, if

(a) The Corporation or the Corporation's servicer determines at any time that the actual cost budget or progress of construction differs from that as shown on the loan documents; or

(b) The percentage of progress of construction of the improvements differs from that shown on the request for a Draw.

(6) The servicer may request submission of revised construction budgets.

(7) ~~Based on the Applicant's progress of construction, if~~ the Corporation determines that further analysis by the Credit Underwriter is required prior to the release of the final Draw, the Applicant shall pay to the Credit Underwriter a fee based on an hourly rate determined pursuant to the contract between the Corporation and the Credit Underwriter.

(8) Retainage in the amount of 10 percent % per Draw shall be held by the servicer during construction until the Development is 50 percent % complete. At 50 percent % completion, no additional retainage shall be held from the remaining Draws. Release of funds held by the Corporation's servicer as retainage shall occur pursuant to the SAIL loan agreement.

Specific Authority 420.507 FS. Law Implemented 420.5087 FS. History--New 7-22-96, Amended 12-23-96, 7-10-97, 1-6-98, Formerly 9I-48.013, Amended 11-9-98, 2-24-00, 2-22-01, 3-17-02, Repromulgated 4-6-03, 3-21-04, 2-7-05, 1-29-06, Amended

PART III HOME INVESTMENT PARTNERSHIPS PROGRAM

67-48.014 HOME General Program Procedures and Restrictions.

(1) Unless otherwise provided in the Application instructions, the Corporation shall utilize up to 10 percent % of the HOME allocation for administrative costs pursuant to 24 CFR Part 92.

(2) The Corporation shall utilize at least 15 percent % of the HOME allocation for CHDOs pursuant to 24 CFR Part 92. In order to apply under the CHDO set-aside, the CHDO must have at least 51 percent % ownership interest in the Development held by the General Partner entity and meet all other CHDO requirements as defined by HUD in 24 CFR Part 92 and other Corporation requirements identified in the CHDO Checklist. The CHDO Checklist is adopted and incorporated herein by reference, effective 10-17-2006 ~~11/02~~, and is available on the Corporation's Website under the 2007 ~~2006~~ Universal Application link labeled Related Information and Links or by contacting the HOME-Rental Program at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

(3) Within the rental cycle administered pursuant to Rule Chapter 67-48, F.A.C., the Corporation will distribute funds as provided in the Universal Application instructions, through a competitive request for proposal (RFP) process, or both.

(4) The maximum per-unit subsidy amount of HOME funds that the Corporation shall invest on a per-unit basis in affordable housing shall not exceed the per-unit dollar limits established by the Corporation as identified in the current Application instructions and included on the HOME Rental FHFC HUD Subsidy Limits chart, which is adopted and incorporated by reference, effective 10-16-2006 ~~09-09-2005~~. A copy of such chart is available on the Corporation's Website under the 2007 ~~2006~~ Universal Application link labeled Related Information and Links or by contacting the HOME-Rental Program at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

(5) The minimum amount of HOME funds that must be invested in a Rental Development is \$1,000 times the number of HOME-Assisted Units in the Development.

(6) A Development qualifies as affordable housing and for HOME funds if, with respect to income and occupancy:

(a) 80 percent % of the HOME-Assisted Units are occupied by families whose annual income does not exceed 60 percent % of the median family income for the area, as determined by HUD, with adjustments for family size, and

(b) 20 percent % of the HOME-Assisted Units are occupied by families whose annual income does not exceed 50 percent % of the median family income for the area, as determined by HUD, with adjustments of family size.

(c) When the income of a resident increases above 80 percent % of area median income, the next unit that becomes available in the Development must be rented to a HOME income-eligible resident. If the income of a Very Low-Income household increases above the limits for a Very Low-Income household, then the Developer must rent the next available unit to a Very Low-Income household. The amount of rent the resident whose income has increased must pay is the lesser of the amount payable by resident under state or local law or 30 percent % of the adjusted monthly income for rent and utilities.

(d) High HOME rent means 80 percent % of the HOME-Assisted Units in a Development must have rents set at no more than the lesser of the Section 8 Fair Market Rent (FMRs) or rents that are 30 percent % for a Family at 65 percent % of median income limit, minus resident-paid utilities. Low HOME rent means 20 percent % of the HOME-Assisted Units in a Development must have rents set at no more than the lesser of the Section 8 Fair Market Rent (FMRs), or 30 percent % of the gross income of a Family at 50 percent % of the area median income, minus resident-paid utilities. With respect to rent limits, the HOME Rent Chart at 65 percent % or 50 percent %, or the Fair Market Rent, less the applicable utility allowance, is the maximum rent that can be charged for a HOME Rent-Restricted Unit. HOME-Assisted Units with Section 8 subsidy must compare the Section 8 gross rent (resident rent, subsidy amount, and utility allowance) to the maximum applicable HOME high or low rent limit minus utilities. However, Developments with project-based rental assistance may utilize the project-based rents as compared to the HOME High and Low rents. Compliance with the HOME rent restrictions will take precedence over the Developer's acceptance of a full Section 8 (resident-based) subsidy for the HOME-Assisted Units.

(e) The minimum Compliance Period for Rehabilitation Developments is 15 years from the date the first residential unit is occupied. For Developments that contain occupied units at the time of closing, the Compliance Period shall begin not later than 60 days from the termination of the last annual lease in effect at the time of closing of the HOME loan. The Compliance Period will be extended until the loan is repaid as enumerated in subsection 67-48.020(1), F.A.C.

(f) The minimum Compliance Period for newly-constructed rental housing is 20 years from the date the first residential unit is occupied. The Compliance Period will be extended until the loan is repaid as enumerated in subsection 67-48.020(1), F.A.C.

(g) The minimum percentage of HOME-Assisted Units within a Development must be at least equal to the percentage (ratio) calculated by dividing the HOME loan amount by the Total Development Cost. This percentage will be utilized to determine the minimum number of HOME-Assisted Units required within a Development. HOME-Assisted Units must be identified at the time of Application. For purposes of

meeting affordable housing requirements for a Development, the HOME-Assisted Units counted may be changed over the Compliance Period, so long as the total number of HOME-Assisted Units remains the same, and the substituted units are, at a minimum, comparable in terms of size, features, and number of bedrooms to the original HOME-Assisted Units.

(h) The Development will remain affordable, pursuant to commitments documented within the executed Land Use Restriction Agreement without regard to the term of the mortgage or to transfer of ownership.

(7) The Development must comply with all applicable provisions of 24 CFR Part 92 and Rule Chapter 67-48, F.A.C.

(8) A Development that is under construction may be eligible to apply for HOME funds only if the final building permit is dated no earlier than six (6) months prior to the Application Deadline, the Development is able to provide evidence of compliance with federal labor standards (if 12 or more HOME-Assisted Units are developed under a single contract) for any work already completed, and the Development is able to provide evidence of compliance with HUD environmental requirements as well as all other federal HOME regulations as listed in Rule 67-48.014, F.A.C., and 24 CFR Part 92. The federal requirements may require completion of activities prior to submission of an Application for HOME funding.

(9) Any single contract for the development (rehabilitation or new construction) of affordable housing with 12 or more HOME-Assisted Units under the HOME Program must contain a provision requiring that not less than the wages prevailing in the locality, as predetermined by the United States Secretary of Labor pursuant to the Davis-Bacon Act, 40 U.S.C. §§ 3142 – 3144, 3146 and 3147 (2002), which is adopted and incorporated herein by reference, 24 CFR § 92.354, 24 CFR Part 70 (volunteers), which is adopted and incorporated herein by reference, and 40 U.S.C. § 3145 (2002), which is adopted and incorporated herein by reference, will be paid to all laborers and mechanics employed for the construction or rehabilitation of the Development, and such contracts must also be subject to the overtime provisions of the Contract Work Hours and Safety Standards Act, 40 U.S.C. §§ 3701 – 3706 and 3708 (2002), which is adopted and incorporated herein by reference, the Copeland Act (Anti-Kickback Act), 40 U.S.C. § 3145 (2002), and the Fair Labor Standards Act of 1938, as amended (29 U.S.C. § 201 et seq.), which is adopted and incorporated herein by reference. The foregoing provisions are available on the Corporation's Website under the 2007 ~~2006~~ Universal Application link labeled Related Information and Links.

(10) All HOME Developments must conform to the following federal requirements which are available on the Corporation's Website under the 2007 ~~2006~~ Universal Application link labeled Related Information and Links:

(a) Equal Opportunity and Fair Housing as enumerated in 24 CFR § 92.202 and 92.250, Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.), which is adopted and incorporated herein by reference, Fair Housing Act (42 U.S.C. §§ 3601-3620), which is adopted and incorporated herein by reference, Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101), which is adopted and incorporated herein by reference, Executive Order 11063 (amended by Executive Order 12259), which is adopted and incorporated herein by reference, and 24 CFR § 5.105(a), which is adopted and incorporated herein by reference.

(b) Affirmative Marketing as enumerated in 24 CFR § 92.351.

(c) Environmental Review as enumerated in 24 CFR § 92.352, 24 CFR Part 58, which is adopted and incorporated herein by reference, and National Environmental Policy Act of 1969, which is adopted and incorporated herein by reference.

(d) Displacement, Relocation, and Acquisition as enumerated in 24 CFR § 92.353, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. §§ 4201-4655), which is adopted and incorporated herein by reference, 49 CFR Part 24, which is adopted and incorporated herein by reference, 24 CFR Part 42 (Subpart C), which is adopted and incorporated herein by reference, and Section 104(d) "Barney Frank Amendments," which is adopted and incorporated herein by reference.

(e) Lead-based Paint as enumerated in 24 CFR § 92.355, and 24 CFR Part 35, which is adopted and incorporated herein by reference.

(f) Conflict of Interest as enumerated in 24 CFR § 92.356, 24 CFR §§ 85.36 and 84.42, which are adopted and incorporated herein by reference.

(g) Debarment and Suspension as enumerated in 24 CFR Part 24, which is adopted and incorporated herein by reference.

(h) Flood Insurance as enumerated in Section 202 of the Flood Disaster Protection Act of 1973 (42 U.S.C. § 4106), which is adopted and incorporated herein by reference.

(i) Handicapped Accessibility as enumerated in Section 504 of the Rehabilitation Act of 1973 (implemented in 24 CFR Part 8) and 24 CFR § 100.205, which are adopted and incorporated herein by reference.

(j) Americans with Disabilities Act as enumerated in 42 U.S.C. § 12131; and 47 U.S.C. §§ 155, 201, 218 and 225, which are adopted and incorporated herein by reference.

(k) Equal Opportunity Employment as enumerated in Executive Order 11246 (implemented in 41 CFR Part 60), which is adopted and incorporated herein by reference.

(l) Economic Opportunity as implemented in 24 CFR Part 135, which is adopted and incorporated herein by reference.

(m) Minority/Women Employment as enumerated in 24 CFR § 85.36(e) and Executive Orders 11625, 12432, and 12138, which are adopted and incorporated herein by reference.

(n) Site and Neighborhood Standards as enumerated in 24 CFR § 983.6(b), which is adopted and incorporated herein by reference.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History—New 7-22-96, Amended 12-23-96, 1-6-98, Formerly 91-48.014, Amended 11-9-98, Repromulgated 2-24-00, Amended 2-22-01, 3-17-02, 4-6-03, 3-21-04, 2-7-05, 1-29-06,_____.

67-48.015 Match Contribution Requirement for HOME Allocation.

(1) The Corporation is required by HUD to match non-federal funds to the HOME allocation as specified in 24 CFR Part 92.

(2) A Match Credit Fund funded by the state of Florida has been appropriated to the Corporation. The funds are to be used for demonstration Developments, pilot programs, or other Developments selected and approved by the Corporation's Board of Directors. Such pilot programs or Developments shall be counted as the Corporation's required match for HUD purposes and may be any eligible activity acceptable to 24 CFR Part 92 and approved by the Corporation's Board of Directors.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(4) FS. History—New 7-22-96, Amended 12-23-96, 1-6-98, Formerly 91-48.015, Amended 11-9-98, Repromulgated 2-24-00, Amended 2-22-01, 3-17-02, 4-6-03, Repromulgated 3-21-04, Amended 2-7-05, Repromulgated 1-29-06,_____.

67-48.017 Eligible HOME Activities.

HOME funds may be used for acquisition (must include new construction and/or Rehabilitation), new construction, reconstruction, or moderate or substantial rehabilitation of non-luxury housing with suitable amenities or for tenant based rental assistance pursuant to 24 CFR Part 92.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(3) FS. History—New 7-22-96, Repromulgated 12-23-96, 1-6-98, Formerly 91-48.017, Amended 11-9-98, Repromulgated 2-24-00, 2-22-01, 3-17-02, Amended 4-6-03, Repromulgated 3-21-04, Amended 2-7-05, Repromulgated 1-29-06,_____.

67-48.018 Eligible HOME Applicants.

(1) Unless the Board approves a competitive allocation process outside the Universal Cycle, an Applicant is not eligible to apply for HOME Program funding if any of the following pertain to the proposed Development:

(a) The Applicant has received an allocation of Housing Credits or a Competitive Housing Credit commitment for the proposed Development, unless the Applicant has provided written notice to the Corporation prior to the Application Deadline for the current cycle that it is withdrawing its acceptance and returning the HC funding from a prior cycle;

(b) The Applicant has already accepted a preliminary commitment of funding for the proposed Development through the HOME Program, the SAIL Program, or the RRLP Program, unless the Applicant has provided written notice to

the Corporation prior to the Application Deadline for the current cycle that it is withdrawing its acceptance and returning its prior HOME Program, SAIL Program, or RRLP Program funding.

(c) The proposed Development site or any part thereof is subject to any Land Use Restriction Agreement or Extended Use Agreement, or both, in conjunction with any Corporation affordable housing financing, excluding Predevelopment Loan Program funds, intended to foster the development or maintenance of affordable housing.

~~(2)(4) Applicants for HOME loans may include CHDOs, public housing authorities, local governments, Non-Profit organizations, and private for-profit organizations. The Applicant must be a legally-formed, existing entity at the time of Application Deadline. Pursuant to 24 CFR Part 92, Applicants may not request additional HOME funding during the period of affordability. However, additional funds may be committed to a Development up to one year after Development completion provided the amount does not exceed the maximum per-unit subsidy and the additional amount is not used to pay for Developer fees.~~

~~(3)(2) For tenant based rental assistance, eligible public housing authorities shall be limited to those public housing authorities that provide a copy of their most recent Section Eight Management Assessment Program (SEMAP) and can demonstrate compliance with 24 CFR § 982.401, which is incorporated by reference and available on the Corporation's Website under the 2007 2006 Universal Application link labeled Related Information and Links.~~

(a) Eligible public housing authorities shall use the HOME Investment Partnership Program, state of Florida, TBRA Agreement (Rev. 09/06 09/05), which is incorporated herein by reference and available on the Corporation's Website under the 2007 2006 Universal Application link labeled Related Information and Links.

(b) An eligible public housing authority's request for funding shall be based upon demonstration of recipient need.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(3) FS. History--New 7-22-96, Amended 12-23-96, 1-6-98, Formerly 9I-48.018, Amended 11-9-98, Repromulgated 2-24-00, 2-22-01, Amended 3-17-02, 4-6-03, Repromulgated 3-21-04, Amended 2-7-05, 1-29-06,_____.

67-48.019 Eligible and Ineligible HOME Development Costs.

(1) HOME funds may be used to pay for the following eligible costs as enumerated in 24 CFR Part 92:

(a) Development hard costs as they directly relate to the identified HOME Assisted Units only for:

1. New construction, the costs necessary to meet local and state of Florida building codes and the Model Energy Code referred to in 24 CFR Part 92;

2. Rehabilitation, the costs necessary to meet local and state of Florida rehabilitation building codes and at a minimum, the Section 8 Housing Quality Standards under 24 CFR Part 92;

3. Both new construction and rehabilitation, costs to demolish existing structures, improvements to the Development site and utility connections;

(b) The cost of acquiring improved or unimproved real property. A HOME Development and HOME loan that involves acquisition must include Rehabilitation or new construction in order to be an eligible Development.

(c) Soft costs as they relate to the identified HOME-Assisted Units. The costs must be reasonable, as determined by the Corporation and the Credit Underwriter, and associated with the financing, development, or both. These costs may include:

1. Architectural, engineering or related professional services required to prepare plans, drawings, specifications or work write-ups;

2. Costs to process and settle the HOME financing for a Development, such as credit reports, fees for evidence of title, recordation, building permits, attorney fees, cost certifications, and estimates;

3. Developer's and General Contractor's fees as described in Rule 67-48.0072, F.A.C.;

4. Impact fees;

5. Costs of Development audits required by the Corporation;

6. Affirmative marketing and fair housing costs;

7. Temporary relocation costs as required under 24 CFR Part 92;

(2) HOME funds shall not be used to pay for the following ineligible costs:

(a) Development reserve accounts for replacements, unanticipated increases in operating costs, or operating subsidies, except as described in 24 CFR § 92.206(d)(5);

(b) Public housing;

(c) Administrative costs;

(d) Developer fees unless the HOME funds include Rehabilitation or new construction; or

(e) Any other expenses not allowed under 24 CFR Part 92.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(3) FS. History--New 7-22-96, Amended 12-23-96, 7-10-97, 1-6-98, Formerly 9I-48.019, Amended 11-9-98, 2-24-00, Repromulgated 2-22-01, Amended 3-17-02, 4-6-03, Repromulgated 3-21-04, Amended 2-7-05, Repromulgated 1-29-06,_____.

67-48.020 Terms and Conditions of Loans for HOME Rental Developments.

All HOME Rental Development loans shall be in compliance with the Act, 24 CFR Part 92 and, at a minimum, contain the following terms and conditions:

(1) The HOME loan may be in a first, second, or subordinated lien position. The term of the loan shall be for a minimum period of 15 years for Rehabilitation Developments and 20 years for new construction Developments. The term of the HOME loan may be extended to coterminate with the first mortgage term upon the recommendation of the Credit Underwriter and approval by the Corporation.

(2) The annual interest rate will be determined by the following:

(a) All for-profit Applicants that own 100 percent % of the ownership interest in the Development held by the general partner entity will receive a 1.5 percent % per annum interest rate loan.

(b) All qualified non-profit Applicants that own 100 percent % of the ownership interest in the Development held by the general partner entity will receive a 0 percent % interest rate loan. For purposes of determining the annual HOME interest rate, the definition of Non-Profit found at Rules 67-48.002 and 67-48.0075, F.A.C., shall not apply; instead, qualified non-profit Applicants shall be those entities defined in 24 CFR Part 92, Section 42(h)(5)(c), subsection 501(c)(3) or 501(c)(4) of the IRC and organized under Chapter 617, F.S., if a Florida corporation, or organized under similar state law if organized in a jurisdiction other than Florida.

(c) All Applicants consisting of a non-profit and for-profit partnership will receive a 0 percent % interest rate loan on the portion of the loan amount equal to the qualified non-profit's ownership interest in the Development held by the general partner entity. A 1.5 percent % interest rate shall be charged for loans on the portion of the loan amount equal to the for-profit's interest in the Development held by the general partner entity. After closing, should the Applicant sell any portion of the Development ownership, the loan interest rate ratio will be adjusted to conform to the new percentage of ownership.

(3) The loans shall be non-amortizing and repayment of principal shall be deferred until maturity, unless otherwise recommended by the Credit Underwriter and approved by the Corporation. Interest payments on the loan shall be paid to the Corporation's servicer annually on the date specified in the Note.

(4) As approved by the Board of Directors, loans which finance demonstration Developments or Developments located in a state or federally declared disaster area may be provided with forgivable terms.

(5) The accumulation of all Development financing, including the HOME loan and all existing debt within a Development, may not exceed the Total Development Cost, as determined and certified by the Credit Underwriter.

(6) Before disbursing any HOME funds, there must be a written agreement with the Applicant ensuring compliance with the requirements of the HOME Program pursuant to this rule chapter and 24 CFR Part 92.

(7) A representative of the Applicant and the managing agent of the Development must attend a Corporation-sponsored training session on income certification and compliance procedures.

(8) If the Development has 12 or more HOME-Assisted Units to be developed under a single contract, the General Contractor and all available subcontractors shall attend a Corporation-sponsored preconstruction conference regarding federal labor standards provisions.

(9) The Corporation shall require adequate insurance to be maintained on the Development as determined by the first mortgage lender or the Corporation's servicer, but which shall, in any case, include fire, hazard and other insurance sufficient to meet the standards established in Part V, Section 106 of the Fannie Mae DUS Guide, effective August 10, 2006 ~~November 3, 2003~~, which is adopted and incorporated herein by reference and available on the Corporation's Website under the 2007 ~~2006~~ Universal Application link labeled Related Information and Links.

(10) All loans must provide that any violation of the terms and conditions described in this rule chapter or 24 CFR Part 92 constitute a default under the HOME loan documents allowing the Corporation to accelerate its loan and seek foreclosure as well as any other remedies legally available to it.

(11) If a default on a HOME loan occurs, the Corporation will commence legal action to protect the interest of the Corporation. The Corporation shall acquire real and personal property or any interest in the Development if that acquisition is necessary to protect any HOME loan; sell, transfer, and convey any such property to a buyer without regard to the provisions of Chapters 253 and 270, F.S.; and, if that sale, transfer, or conveyance cannot be consummated within a reasonable time, lease the Development for occupancy by Eligible Persons.

(12) The Corporation or its servicer shall monitor the compliance of each Development with all terms and conditions of the HOME loan and shall require that such terms and conditions be recorded in the public records of the county where the Development is located. Violation of any term or condition shall constitute a default during the term of the HOME loan.

(13) The Applicant shall not refinance, increase the principal amount, or alter any terms or conditions of any mortgage superior or inferior to the HOME mortgage without prior approval of the Corporation's Board of Directors. However, an Applicant may reduce the interest rate on any superior or inferior mortgage loan without the Board's permission, provided that no other terms of the loan are changed. The Corporation must be notified of any such change.

~~(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) Following construction completion, the Board shall deny requests to increase the amount of any superior mortgage, unless the criteria outlined in subsection 67-48.0205(3) paragraph 67-48.020(13)(a), F.A.C., are met, the original combined loan to value ratio for the superior mortgage and the HOME mortgage is maintained or improved, and a proportionate amount of the increase in the superior mortgage is used to reduce the outstanding HOME loan balance. To calculate the proportionate amount of the increase in the superior mortgage which must be paid toward the reduction of the HOME loan balance, the following calculation shall be used: divide the amount of the original HOME mortgage by the combined amount of the original HOME mortgage and the original superior mortgage; then multiply the quotient by the amount of the increase in the superior mortgage from the current balance after deducting refinancing costs. For example, if the amount of the original HOME mortgage is \$2,000,000, the original superior mortgage is \$4,000,000, with a but the current balance of is \$3,000,000, a the proposed new superior mortgage of is \$5,000,000, and refinancing costs of 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 HOME 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 HOME loan term or otherwise adversely affect the security interest of the Corporation unless the criteria outlined in paragraph 67-48.020(13)(a), F.A.C., are met, the Credit Underwriter recommends that the approval of such a request is crucial to the economic survival of the Development or unless the Board determines that public policy will be better served by the extension as a result of the Applicant agreeing to further extend the Compliance Period or provide additional amenities or resident programs suitable for the resident population. Further, the Board shall limit any approved extension to a minimum term which makes the Development feasible and which does not exceed an industry standard term.~~

Specific Authority 420.507(12) FS. Law Implemented 420.5089(7), (8), (9) FS. History—New 7-22-96, Amended 12-23-96, 7-10-97, 1-6-98, Formerly 9I-48.020, Amended 11-9-98, 2-24-00, 2-22-01, 3-17-02, 4-6-03, 3-21-04, 2-7-05, 1-29-06,_____.

67-48.0205 Sale, ~~or~~ Transfer or Refinancing of a HOME Development.

(1) The HOME loan shall be assumable upon Development sale, transfer or refinancing if the following conditions are met:

(a) The proposed transferee meets all specific Applicant identity criteria which were required as conditions of the original loan;

(b) The proposed transferee agrees to maintain all set-asides and other requirements of the HOME loan for the period originally specified; and

(c) The proposed transferee and Application receives a favorable recommendation from the Credit Underwriter and approval by the Corporation's Board of Directors.

All assumption requests must be submitted in writing to the Director of Special Assets and contain the specific details of the transfer and assumption. In addition to any related professional fees, the Corporation shall charge a non-refundable assumption fee as outlined in the Universal Application instructions.

(2) If the Development is sold and the proposed transferee does not meet the criteria for assumption of the loan, the HOME loan shall be repaid from the proceeds of the sale. If there will be insufficient funds available from the proposed sale of the Development, the HOME loan shall not be satisfied until the Corporation has received:

(a) An appraisal prepared by an appraiser selected by the Corporation indicating that the purchase price for the Development is reasonable and consistent with existing market conditions;

(b) A certification from the Applicant that the purchase price reported is the actual price paid for the Development and that no other consideration passed between the parties and that the income reported to the Corporation during the term of the loan was true and accurate; and

(c) A certification from the Applicant that there are no Development funds available to repay the loan and the Applicant knows of no source from which funds could or would be forthcoming to pay the loan.

(3) The Board shall approve requests for mortgage loan refinancing only if Development cash flow is improved, the Development's economic viability is maintained, the security interest of the Corporation is not adversely affected, and the Credit Underwriter provides a positive recommendation.

(4) The Board shall deny requests for mortgage loan refinancing which require extension of the HOME loan term or otherwise adversely affect the security interest of the Corporation unless the criteria outlined in subsection 67-48.0205(3), F.A.C., are met, the Credit Underwriter recommends that the approval of such a request is crucial to the economic survival of the Development or unless the Board determines that public policy will be better served by the extension as a result of the Applicant agreeing to further extend

the Compliance Period or provide additional amenities or resident programs suitable for the resident population. Further, the Board shall limit any approved extension to a minimum term which makes the Development feasible and which does not exceed an industry standard term.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(7), (8), (9) FS. History--New 12-23-96, Amended 1-6-98, Formerly 9I-48.0205, Amended 11-9-98, Repromulgated 2-24-00, Amended 2-22-01, Repromulgated 3-17-02, 4-6-03, 3-21-04, 2-7-05, 1-29-06, Amended _____.

67-48.022 HOME Disbursements Procedures and Loan Servicing.

(1) HOME loan proceeds shall be disbursed during the construction/rehabilitation phase in an amount per Draw on a pro-rata basis with the other financing unless otherwise approved by the Corporation or the Credit Underwriter.

(2) Ten (10) business days prior to each Draw, the Applicant shall supply the Corporation's servicer, as agent for the Corporation, with a written request executed by the Applicant for a Draw in a form and substance acceptable to the Corporation's servicer.

(3) The request shall set forth the amount to be paid and shall be accompanied by documentation as specified by the Corporation's servicer. Such documentation shall include invoices for labor and materials to date of the last inspection.

(4) The Corporation's servicer and the Corporation shall review the request for Draw and the Corporation's servicer shall provide the Corporation with approval of the request or an alternative recommendation of an amount to be paid after the title insurer provides an endorsement to the policy of title insurance updating the policy to the date of the current Draw and increasing the insurance coverage to an amount equal to the sum of all prior Draws and the current Draw, without additional exceptions, except those specifically approved in writing by the Corporation. For all Developments consisting of 12 or more HOME-Assisted Units to be developed under a single contract, the borrower shall submit weekly payrolls of the General Contractor and subcontractors in accordance with Federal Labor Standards as enumerated in 24 CFR § 92.354.

(5) Retainage in the amount of 10 percent % per Draw shall be held by the servicer during construction until the Development is 50 percent % complete. At 50 percent % completion, no additional retainage shall be held from the remaining draws. Release of funds held as retainage shall occur in accordance with the HOME loan documents.

(6) The Corporation or its servicer shall elect to withhold any Draw or portion of any Draw, in addition to the retainage, notwithstanding any documentation submitted by the borrower in connection with a request for a Draw, if:

(a) The Corporation or the servicer determines at any time that the actual cost budget or progress of construction differs from that shown on the loan documents.

(b) The percentage of progress of construction of improvements differs from that shown on the request for a Draw.

(c) Developments subject to and not in compliance with Federal Labor Standards.

(7) To the extent excess HOME funds in the budget remain unused, the Corporation has the right to reduce the HOME loan by that amount.

(8) If 100 percent % of the loan proceeds have not been expended within six (6) months prior to the HUD deadline pursuant to 24 CFR § 92.500, the funds shall be recaptured by the Corporation.

(9) The request for final disbursement of HOME funds, excluding retainage, shall be submitted within 60 days of completion of construction as evidenced by certificates of occupancy.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(1) FS. History--New 7-22-96, Amended 12-23-96, 7-10-97, 1-6-98, Formerly 9I-48.022, Amended 11-9-98, 2-24-00, 2-22-01, 3-17-02, 4-6-03, Repromulgated 3-21-04, 2-7-05, 1-29-06, Amended _____.

PART IV HOUSING CREDIT PROGRAM

67-48.023 Housing Credits General Program Procedures and Requirements.

~~In order for a Development to qualify for Housing Credits it shall, at a minimum, meet or comply with the following:~~

(1) Unless the Board approves a competitive allocation process outside the Universal Cycle, an Applicant is not eligible to apply for Competitive Housing Credits if any of the following pertain to the proposed Development:

(a) The Applicant has received an allocation of Housing Credits or a Competitive Housing Credit commitment for the proposed Development, unless the Applicant has provided written notice to the Corporation prior to the Application Deadline for the current cycle that it is withdrawing its acceptance and returning the HC funding from a prior cycle;

(b) The Applicant has already accepted a preliminary commitment of funding for the proposed Development through the SAIL Program, the HOME Program, or the RRLP Program, unless the Applicant has provided written notice to the Corporation prior to the Application Deadline for the current cycle that it is withdrawing its acceptance and returning the prior SAIL Program, HOME Program, or RRLP Program funding.

(c) The proposed Development site or any part thereof is subject to any Land Use Restriction Agreement or Extended Use Agreement, or both, in conjunction with any Corporation affordable housing financing, excluding Predevelopment Loan Program funds, intended to foster the development or maintenance of affordable housing.

~~(2)~~(4) Each Applicant shall comply with this rule chapter and with Section 42 of the IRC and federal regulations issued pursuant thereto and in effect at the time of the Funding Cycle. Noncompliance, outside of the compliance cure period, by an Applicant, or any Principal, Affiliate or Financial Beneficiary of an Applicant or Developer shall result in disqualification from participation in the current HC Funding Cycle and for a period of not less than one year. The Applicant and its Principals, Affiliates and Financial Beneficiaries will continue to be ineligible to participate in future HC Funding Cycles until such time as all noncompliance issues are cured.

~~(3)~~(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 percent % of the units for occupancy by persons or families whose income does not exceed 50 percent % of the area median income, or the reservation of 40 percent % of the units for occupancy by persons or families whose income does not exceed 60 percent % of the area median income. Further, each Housing Credit Development shall comply with any additional Housing Credit Set-Aside chosen by the Applicant in the Application.

~~(4)~~(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/Preliminary Determination to the Applicant and all contingencies of such documents are satisfied. Allocations are further contingent on the Applicant complying with its Application commitments, Rule Chapter 67-48, F.A.C., and Section 42 of the IRC.

~~(5)~~(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 2007 ~~2006~~ Universal Application link labeled Related Information and Links.

~~(6)~~(5) Each Competitive Housing Credit Development that receives a Carryover Allocation Agreement and each HC Development financed with tax-exempt bonds shall complete the Final Cost Certification Application within 75 Calendar Days after all the buildings in the Development have been

placed in service. All other Developments shall complete the Final Cost Certification Application no later than the date that is 30 Calendar Days before the end of the calendar year for which the Final Housing Credit Allocation is requested. The Corporation may grant extensions for good cause upon written request.

~~(7)~~(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 Rule 67-48.0072, F.A.C. Such form shall be completed, executed and submitted to the Corporation, along with the executed Extended Use Agreement, IRS Forms 8821 for all Financial Beneficiaries, a copy of the syndication agreement disclosing the rate and all terms, the required certified public accountant opinion letter, an unqualified audit report prepared by an independent certified public accountant, photographs of the completed Development, the monitoring fee, and documentation of the placed-in-service date as specified in the Form FCCA instructions. The Final Housing Credit Allocation will not be issued until such time as all required items are received and processed by the Corporation. The Final Cost Certification Application is adopted and incorporated herein by reference, effective January 2007 ~~2005~~, and is available on the Corporation's Website under the 2007 ~~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 32301-1321. IRS Form 8821, Rev. April 2004, is adopted and incorporated herein by reference and available on the Corporation's Website under the 2007 ~~2006~~ Universal Application link labeled Related Information and Links.

~~(8)~~(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 Rule 67-48.029, F.A.C., 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 ~~11-2003~~, is adopted and incorporated herein by reference and available on the Corporation's Website under the 2007 ~~2006~~ Universal Application 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 420.507(12) FS. Law Implemented 420.5099 FS. History—New 7-22-96, Amended 12-23-96, 7-10-97, 1-6-98, Formerly 9I-48.023, Amended 11-9-98, 2-24-00, 2-22-01, 3-17-02, Repromulgated 4-6-03, Amended 3-21-04, 2-7-05, 1-29-06_____.

67-48.027 Tax-Exempt Bond-Financed Developments.

(1) Tax-Exempt Bond-Financed Developments, as defined in Section 42(h)(4)(B) of the IRC, which applied for 4 percent % Housing Credits when applying for tax exempt bonds from the Corporation in calendar year 2000 or later shall:

(a) Have 50 percent % or more of the aggregate basis of any building and the land on which the building is located financed by tax-exempt bonds;

(b) Be subject to the monitoring and credit underwriting fees as stated in Chapter 67-21, F.A.C.;

(c) Be deemed to have met all HC Program scoring threshold requirements upon the closing of the bonds with the Corporation;

(d) Receive a Preliminary Determination upon the Corporation's issuance of a loan commitment in reference to the tax-exempt bonds;

(e) Be subject to the provisions of this rule chapter, specifically the applicable provisions of Part I and Part IV, except for Rules 67-48.026 and 67-48.028, F.A.C.;

(f) Receive Building Identification Numbers from the Corporation upon satisfying the requirements of this section and the Final Cost Certification Application requirements of Rule 67-48.023, F.A.C.;

(g) Provide an IRS Form 8821 for each Financial Beneficiary of the Development prior to Final Housing Credit Allocation; and

(h) Pay the assigned Credit Underwriter for a comprehensive market study of the housing needs of Low Income individuals in the area to be served by the Development. The market study must be completed by a disinterested third party and a copy of the completed market study must be on file with the Corporation prior to the Final Housing Credit Allocation.

(2) Tax-Exempt Bond-Financed Developments, as defined in Section 42(h)(4)(B) of the IRC, seeking to obtain Housing Credits from the Treasury receiving the bonds from the Corporation prior to calendar year 2000 or receiving bonds from another source other than the Corporation, and not competing for Housing Credits under the state of Florida Allocation Authority shall:

(a) Have 50 percent % or more of the aggregate basis of any building and the land on which the building is located financed by tax-exempt bonds;

(b) Be subject to the Application fee specified in this rule chapter;

(c) Meet the HC Program threshold requirements pursuant to the Qualified Allocation Plan and shall have completed loan closings on all required financing;

(d) Participate in the credit underwriting process pursuant to this rule chapter, unless such Development has received its tax-exempt bond financing through the Corporation, in which

case the Development must be underwritten to the extent necessary to determine Development feasibility and Housing Credit need;

(e) Be subject to the credit underwriting fees as set forth in this rule chapter;

(f) Be subject to the administrative fee specified in this rule chapter;

(g) Receive a Preliminary Determination from the Corporation upon satisfying the requirements of paragraphs (a) through (f) above. A Development may receive a Preliminary Determination prior to the bonds being issued and the submission of an Application, if the Corporation receives a credit underwriting report prepared by one of the Corporation's contracted Credit Underwriters which recommends a Housing Credit Allocation and the issuance of tax-exempt bonds, and receives evidence of a loan commitment in reference to the tax-exempt bonds. The administrative fee must be paid within seven days of the date of the Preliminary Determination;

(h) Be subject to a Developer fee limitation as specified in this rule chapter;

(i) Be subject to the provisions of this rule chapter, specifically the applicable provisions of Part I and Part IV, except for Rule 67-48.028, F.A.C.;

(j) Provide an IRS Form 8821 for each Financial Beneficiary of the Development prior to Final Housing Credit Allocation;

(k) Be subject to the provisions in this rule chapter, pertaining to the required Extended Use Agreement;

(l) Be subject to the monitoring fee specified in this rule chapter, unless such Development has received tax-exempt bond financing through the Corporation;

(m) After bonds are issued to the Development, make Application to the Corporation as required in Rules 67-48.004 and 67-48.026, F.A.C. Applicant shall submit its Application completed in accordance with the Universal Application Package instructions for receipt by the Corporation no later than July 1 of the year the Development is placed in service; and

(n) Receive Building Identification Numbers from the Corporation upon satisfying the requirements of this section and the Final Cost Certification Application requirements of Rule 67-48.023, F.A.C.

Specific Authority 420.507(12) FS. Law Implemented 420.5099 FS. History—New 7-22-96, Amended 12-23-96, 1-6-98, Formerly 9I-48.027, Amended 11-9-98, 2-24-00, 2-22-01, 3-17-02, Repromulgated 4-6-03, 3-21-04, Amended 2-7-05, Repromulgated 1-29-06, Amended.

67-48.028 Carryover Allocation Provisions.

(1) If an Applicant cannot complete its Development by the end of the year in which the Preliminary Allocation is issued, the Applicant must enter into a Carryover Allocation Agreement with the Corporation by December 29th of the year

in which the Preliminary Allocation is issued. The Carryover Allocation allows the Applicant up to the end of the second year following the Carryover Allocation to have the Development placed-in-service.

(2) An Applicant shall have tax basis in the Housing Credit Development which is greater than 10 percent % of the reasonably expected basis in the Housing Credit Development within six (6) months of the date of the execution of the Carryover Allocation Agreement or the Housing Credits will be deemed to be returned to the Corporation. Certification that the Applicant has met the greater than 10 percent % basis requirement shall be signed by the Applicant’s attorney or certified public accountant.

(3) All supporting Carryover documentation and the signed certification evidencing the required basis must be submitted to the Corporation within six (6) months of the date of the execution of the Carryover Allocation Agreement 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 420.507(12) FS. Law Implemented 420.5099 FS. History–New 7-22-96, Repromulgated 12-23-96, Amended 1-6-98, Formerly 9I-48.028, Amended 11-9-98, 2-24-00, 2-22-01, 3-17-02, 4-6-03, Repromulgated 3-21-04, Amended 2-7-05, Repromulgated 1-29-06, Amended _____.

67-48.029 Extended Use Agreement.

(1) Pursuant to Section 42(h)(6) of the IRC, the Applicant and the Corporation shall enter into an Extended Use Agreement. The purpose of the Extended Use Agreement is to set forth the Housing Credit Extended Use Period, the Compliance Period, and to evidence commitments made by the Applicant in the Application. Such commitments, for example, include the Housing Credit Set-Aside commitment, resident programs, and Development amenities.

(2) The following provisions shall be included in the Extended Use Agreement:

(a) The Applicable Fraction for Housing Credit Set-Aside units for each taxable year in the Housing Credit Extended Use Period shall not be less than the Applicable Fraction;

(b) Eligible Persons occupying set-aside units shall have the right to enforce in any state of Florida court the extended use requirement for set-aside units;

(c) The Extended Use Agreement shall be binding on all successors and assigns of the Applicant; and

(d) The Extended Use Agreement shall be executed prior to the issuance of a Final Housing Credit Allocation to an Applicant. Following execution, the Extended Use Agreement shall be recorded pursuant to Florida law as a restrictive covenant.

Specific Authority 420.507(12) FS. Law Implemented 420.5099 FS. History–New 7-22-96, Repromulgated 12-23-96, 1-6-98, Formerly 9I-48.029, Amended 11-9-98, 2-24-00, Repromulgated 2-22-01, 3-17-02, 4-6-03, Amended 3-21-04, 2-7-05, Repromulgated 1-29-06, _____.

67-48.030 Sale or Transfer of a Housing Credit Development.

An owner of a Housing Credit Development, its successor or assigns which has been granted a Final Housing Credit Allocation shall not sell the Housing Credit Development without having first notified the Treasury of the impending sale and complying with the Treasury’s procedure or procedures for completing the transfer of ownership and utilizing the Housing Credit Allocation. The owner of a Housing Credit Development shall notify the Corporation in writing of an impending sale and of compliance with any requirements by the Treasury for the transfer of the Housing Credit Development. The owner of a Housing Credit Development shall notify the Corporation in writing of the name and address of the party or parties to whom the Housing Credit Development was sold within 14 Calendar Days of the transfer of the Housing Credit Development.

Specific Authority 420.507(12) FS. Law Implemented 420.5099 FS. History–New 7-22-96, Repromulgated 12-23-96, Amended 1-6-98, Formerly 9I-48.030, Amended 11-9-98, Repromulgated 2-24-00, Amended 2-22-01, Repromulgated 3-17-02, 4-6-03, 3-21-04, 2-7-05, 1-29-06, _____.

67-48.031 Termination of Extended Use Agreement and Disposition of Housing Credit Developments.

The Housing Credit Extended Use Period for any building shall terminate upon the date a building is acquired through foreclosure or instrument in lieu of foreclosure or if no buyer can be found who is willing to maintain the Housing Credit Set-Aside of the Development. In the event the applicant is unable to locate a buyer willing to maintain the set-aside

provisions of the Extended Use Agreement, the following steps shall be taken, as set forth in Section 42(h)(6) of the IRC, before a building is converted to market-rate use:

(1) After the fourteenth year of the Compliance Period, unless otherwise obligated under the Extended Use Agreement, a Land Use Restriction Agreement under another Corporation program, or if applicant has already knowingly and voluntarily waived its right to request the Corporation find a buyer to acquire the applicant's interest in the Housing Credit Set-Aside portion of the building, an applicant may submit a written request to the Corporation to find a buyer to acquire the applicant's interest in the Housing Credit Set-Aside portion of the building. When submitting a written request, applicants shall utilize the Qualified Contract Package in effect at the time of the written request and shall remit payment of the required Qualified Contract Package fee. The Qualified Contract Package consists of the forms and instructions, obtained from the Corporation at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, or on the Corporation's Website under the 2007 ~~2006~~ Universal Application link labeled Related Information and Links, which shall be completed and submitted to the Corporation in accordance with this rule chapter in order to request the Corporation find a buyer to acquire the applicant's interest in the Housing Credit Set-Aside portion of the building. The Qualified Contract Package, Rev. 09-06 ~~09-05~~, is adopted and incorporated herein by reference.

(2) All information contained in a Qualified Contract Package request is subject to independent review, analysis and verification by the Corporation or its agents. The Corporation shall request additional information to document the qualified contract price calculation or other information submitted, if the submitted documentation does not support the price indicated by the certified public accountant (CPA) hired by the owner. The Corporation shall then engage its own CPA to perform a qualified contract price calculation. Cost of such service shall be paid for by the owner. Following the Corporation's receipt and complete review of the completed Qualified Contract Package, the Corporation shall have one year to present a "qualified contract", as defined in Section 42(h)(6)(F) of the IRC, for the Development. The one year time period shall commence upon the Corporation's receipt and final review of all of the accompanying information required by the Qualified Contract Package and the Corporation and the owner have agreed to the qualified contract price in writing.

(3) At the conclusion of the review process established by Rule 67-48.031, F.A.C., each applicant will be provided with its qualified contract price calculation and notice of rights.

(4) Written arguments to any recommended order entered pursuant to a Section 120.57(2), F.S., proceeding concerning its qualified contract price calculation shall be typed and double-spaced with margins no less than one inch in either Times New Roman 14-point or Courier New 12-point font and

may not exceed five 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. The one year time period the Corporation has to present a "qualified contract" will toll upon the filing of a petition to contest a qualified contract price calculation and will recommence upon the issuance of the Board's final order.

(5) The applicant shall cooperate with the Corporation and its agents with respect to the Corporation's efforts to present a "qualified contract" for the purchase of the applicant's interest in the Housing Credit Set-Aside portion of the Development and the applicant's failure to cooperate will toll the one year time period the Corporation has to present a "qualified contract". The Corporation shall actively seek to obtain a qualified buyer for acquisition of the Housing Credit Set-Aside portion of the building for an amount not less than the Applicable Fraction as specified in the Extended Use Agreement of:

(a) The sum of the outstanding indebtedness secured by the building;

(b) The adjusted investor equity in the building; and

(c) Other capital contributions not reflected in the amounts above, and reduced by cash distributions from the Development.

(6) If the Corporation presents a "qualified contract" and the applicant fails to enter into a bona fide contract to acquire the Development, as defined in Section 42(h)(6)(F) of the IRC, the applicant shall irrevocably waive any right to further request that the Corporation present a "qualified contract" for the purchase of the applicant's interest in the Housing Credit Set-Aside portion of the Development and the Development will remain subject to the requirements of the Extended Use Agreement.

(7) In the event no buyer is found to acquire the Housing Credit Set-Aside portion of the building within one year as described herein, the Housing Credit Extended Use Period shall be terminated, and the units converted to market-rate.

(8) 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 420.507(12) FS. Law Implemented 420.5099 FS. History—New 7-22-96, Repromulgated 12-23-96, 1-6-98, Formerly 9I-48.031, Amended 11-9-98, Repromulgated 2-24-00, 2-22-01, 3-17-02, 4-6-03, 3-21-04, Amended 2-7-05, 1-29-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Vicki Robinson, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Stephen P. Auger, Executive Director, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 26, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol 32, No. 34, August 25, 2006

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF LAW ENFORCEMENT

Division of Criminal Justice Information Systems

RULE NO.: RULE TITLE:
11C-6.010 Retention of Applicant Fingerprints

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 50, December 15, 2006 issue of the Florida Administrative Weekly has been withdrawn.

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."

PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLE:
25-40.001 Exceptions to the Uniform Rules of Procedure

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 33, No. 1, January 5, 2007 issue of the Florida Administrative Weekly.

Notice is hereby given that the following correction has been made to Rule 25-40.001, which was noticed as a proposed rule in Vol. 33, No. 1, January 5, 2007, issue of the Florida Administrative Weekly. The Rule Development Notice was published in Vol. 32, No. 50, December 15, 2006, instead of

Vol. 32, No. 44, November 3, 2006, as stated in the Notice of Rule Proposal. The foregoing correction does not affect the substance of the rule.

THE PERSON TO BE CONTACTED REGARDING THE ABOVE CORRECTION IS: Larry D. Harris, Associate General Counsel, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0852, Telephone (850)413-6076. Docket No. 050108-OT.

DEPARTMENT OF MANAGEMENT SERVICES

Division of State Purchasing

RULE NO.: RULE TITLE:
60A-1.041 Solicitation Requirements

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. 32, August 11, 2006, issue of the Florida Administrative Weekly. These changes are in response to written material received on or before the date of the final public hearing, comments received by the Department during the final public hearing and comments received from staff of the Joint Administrative Procedures Committee.

The above-mentioned rules are changed as follows:

60A-1.041 Solicitation Requirements.

(1) through (3) No change.

(4) Certification of Contract Negotiators – Persons seeking certification as a contract negotiator shall complete and submit to the Department Form PUR 2011 #### (0#/07 06), "Application for Certification as Contract Negotiator." Applicants shall either scan the completed form and submit it electronically to PURCertification@dms.state.fl.us, fax the form to the Department as provided in the PUR 2011 or mail the completed form to State Purchasing, Department of Management Services, 4050 Esplanade Way, Ste. 360, Tallahassee, FL 32399-0950. The Department shall certify as a contract negotiator any state or political subdivision employee who satisfies the following criteria:

(a) Any person certified by the Department as a Florida Certified Negotiator prior to the effective date of this administrative rule shall retain their contract negotiator status. The Department will issue to each prior-certified negotiator a new certificate reflecting his or her status as a Certified Contract Negotiator. Submission of Form PUR 2011 #### will not be required;

(b) Any person who has: (1) completed either the National Institute of Governmental Purchasing ("NIGP") NIGP General Public Procurement seminar or the NIGP Sourcing in the Public Sector seminar or Department-approved equivalent; (2) completed the NIGP Negotiation Strategies seminar offered by the Department or Department-approved equivalent; (3) completed the Department's Negotiation in Florida seminar or

Department-approved equivalent training by another agency of the State of Florida; (4) worked a minimum of twelve (12) months as either a purchasing agent, contract manager or contract administrator for the State of Florida or one of its political subdivisions where the job description for the position required that at least half of the individual's designated duties included: procuring commodities or services; or their participating in contract negotiation, or contract management or contract administration; or working ~~worked~~ as a state or political subdivision agency attorney whose duties included providing legal counsel to an agency's purchasing or contracting staff; and (5) led at least one federal, state or local government negotiation team through a negotiated procurement or served on at least three federal, state or local government negotiation teams;

(c) Any person holding a Masters in Business Administration or other graduate level business degree from a state accredited college or university an M.B.A. (or similar graduate degree) who has: (1) completed either the NIGP General Public Procurement seminar, the NIGP Sourcing in the Public Sector seminar or Department-approved equivalent; (2) completed a semester-long business school or graduate level class on negotiation, the Negotiation Strategies seminar offered by the Department, or Department-approved equivalent; (3) completed the Department's Negotiation in Florida seminar or Department-approved equivalent training by another agency of the State of Florida; (4) worked a minimum of twelve (12) months as either a purchasing agent, contract manager, or contract administrator for the State of Florida or one of its political subdivisions where the job description for the position required that at least half of the individual's designated duties included: procuring commodities or services; their participating in contract negotiations, contract management or contract administration; or working as a state or political subdivision agency attorney whose duties included providing legal counsel to an agency's purchasing or contracting staff; and (5) led at least one a federal, state or local government negotiation team through a negotiated procurement or served on at least three federal, state or local government negotiation teams; (2) ~~completed either a semester long business school or graduate level class on negotiation;~~ and (3) ~~completed the Department's Negotiations in Florida class;~~ or

(d) Any state or political subdivision agency attorney currently licensed by the Florida Bar who has: (1) completed either the NIGP General Public Procurement seminar, the NIGP Sourcing in the Public Sector seminar or Department-approved equivalent; ~~led a federal, state or local government negotiation team through a procurement or served on at least three federal, state or local government negotiation teams;~~ (2) completed a semester-long business school or graduate level class on negotiation, the Negotiation Strategies seminar offered by the Department, or Department-approved equivalent; and (3) completed the Department's Negotiations in Florida seminar class or Department-approved equivalent

training by another agency of the State of Florida; (4) worked a minimum of twelve (12) months as a state or political subdivision agency attorney whose duties included providing legal counsel to an agency's purchasing or contracting staff; and (5) led at least one federal, state or local government negotiation team through a negotiated procurement or served on at least three federal, state or local government negotiation teams.

(5) Department-Approved Negotiation Training Equivalent is training in the form of classes or seminars taken to ensure that certified contract negotiators are: trained in effective negotiation strategies; are capable of successfully implementing those strategies during contract negotiations; and familiar with what is required of them in their role in the procurement process as a contract negotiator. In satisfying the equivalent training requirement, employees seeking certification or recertification may either select training classes from the state term contract or other Department listing that identifies pre-approved negotiation training courses or may, on a case-by-case basis, request that the Department separately approve a course or courses not listed on the state term contract or elsewhere by the Department, by completing and submitting to the Department Form PUR 2012 #### (0#/07 06), "Request for Approval of Department Approved Equivalent Certified Negotiator Training Course."

(a) Approval of the PUR 2012 #### shall be granted by the Department only if the course(s) identified on the form offers training that meets or exceeds the training standards established in subsection (5).

(b) Approval of the PUR 2012 #### may be granted by the Department either before or after the employee takes the class, so long as the course(s) meets or exceeds the training standards established in subsection (5).

(6) No change.

(7) Recertification of Contract Negotiators – Persons seeking recertification as a contract negotiator shall complete and submit to the Department PUR 2013 (0#/07), "Application for Recertification as Contract Negotiator." Applicants shall either scan the completed form and submit it electronically to PURCertification@dms.state.fl.us, fax the form to the Department as provided in the PUR 2013 or mail the completed form to State Purchasing, Department of Management Services, 4050 Esplanade Way, Ste. 360, Tallahassee, FL 32399-0950. Recertification of contract negotiators by the Department shall be effective for five (5) years from the date the employee is recertified. The date of recertification shall be reflected on the certified contract negotiator certificate issued by the Department to the employee. If the certified contract negotiator fails to recertify before the end of the 5 year certification time period, their certification will expire until they are recertified by the Department.

(a) To become recertified as a contract negotiator, the person seeking recertification must have originally been certified by the Department as provided in this rule and shall be required to complete 16 hours of recertification courses offered through the Department, or, on a case-by-case basis, may request that the Department approve a course or courses not offered by the Department by completing and submitting to the Department Form PUR 2012. ##### (0#/06), ~~“Request for Approval of Certified Negotiator Training Course.”~~ The person seeking recertification shall indicate on the form that the course or courses are presented for purposes of recertification. Further, recertification applicants must have led or participated in three or more federal, state or local government negotiated procurements during their proceeding five (5) year certification period and must be currently employed in a state or local government position in which the job description for the position includes contract negotiation as part of the job description.

(b) Approval of the PUR 2012 ##### submitted for recertification shall be granted by the Department only if the course(s) identified on the form offers training that meets or exceeds the training standards established in subsection (5).

(c) Approval of the PUR 2012 ##### may be granted by the Department either before or after the employee takes the recertification class or classes, as long as the course(s) meets or exceeds the training standards established in subsection (5).

(8) Appointment of Project Management Professional (“PMP”)- If the value of the prospective contract will exceed \$10 million in any fiscal year, at least one member of the negotiation team shall be a PMP Project Management Professional, as certified by the Project Management Institute. The Department shall maintain a list of agency personnel certified as PMPs so certified, and assist agencies in determining their PMP needs and assist agencies with preparing identifying and training state agency employees for PMP employees who are suited for the certification.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony W. Garcia, Department of Management Services, 4050 Esplanade Way, Suite 360, Tallahassee, Florida 32399-0950, (850)488-8440, garciaa@dms.state.fl.us

DEPARTMENT OF MANAGEMENT SERVICES

State Technology Office

RULE NO.: RULE TITLE:
60DD-1.002 Rural County Grants
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.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE NO.: RULE TITLE:
61G18-12.019 Reinstatement of a Null and Void Licensee Fee
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 35, September 1, 2006 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: RULE TITLE:
61G19-9.004 Approval of Courses
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 41, October 13, 2006 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 ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:
62-730.186 Universal Pharmaceutical Waste
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 37, September 15, 2006 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.: RULE TITLE:
64B32-4.002 Reactivation of Retired Status License
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. 45, November 9, 2006 issue of the Florida Administrative Weekly.

The Board held a public hearing on this rule on April 7, 2006, in Jacksonville, Florida, and determined a change to this rule should be made.

The changes are as follows:

64B32-4.002 Reactivation of Retired Status License.

(1) A retired status licensee for less than five years may change to active status provided:

(a) A licensee pay any renewal fees imposed on an active status license for all biennial licensure periods during which the licensee was on retired status.

(b) A licensee must provide evidence of licensure as either a Certified Respiratory Therapist (CRT) or a Registered Respiratory Therapist (RRT), pursuant to Section 468.358, Florida Statutes.

(c) A licensee must meet the continuing educational requirements for Rule 64B32-6.001, Florida Administrative Code, for each biennium the licensee was in retired status.

(d) A licensee must attend HIV and medical errors courses pursuant to Rule 64B32-6.007, F.A.C.

(2) A retired status licensee for five years or more may change to active status provided:

(a) A licensee pay any renewal fees imposed on an active status license for all biennial licensure periods during which the licensee was on retired status.

(b) A licensee must provide evidence of licensure as either a Certified Respiratory Therapist (CRT) or a Registered Respiratory Therapist (RRT), pursuant to Section 468.358, Florida Statutes.

(c) A licensee must meet the continuing educational requirements for Rule 64B32-6.001, Florida Administrative Code for each biennium the licensee was in retired status.

(d) A licensee is required to provide evidence of attendance of a Board-approved comprehensive review course, within six months prior to reactivation of license, in order to ensure that he or she has the sufficient skills to re-enter the profession.

(e) A licensee must attend HIV and medical errors courses pursuant to Rule 64B32-6.007.

(3) Board-approved comprehensive review course means any course or courses which includes, at a minimum, fourteen (14) direct contact education hours in the topics and number of hours as follows. For the purpose of this section, home study courses are not permitted.

<u>Patient assessment</u>	<u>3 hours</u>
<u>Hemodynamics</u>	<u>2 hours</u>
<u>Pulmonary function</u>	<u>1 hour</u>
<u>Arterial blood gases</u>	<u>1 hour</u>
<u>Respiratory equipment</u>	<u>2 hour</u>
<u>Airway care</u>	<u>1 hour</u>
<u>Mechanical ventilation</u>	<u>2 hours</u>
<u>Emergency care/special procedures</u>	<u>1 hour</u>
<u>General respiratory care (including medication)</u>	<u>1 hour</u>

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susie Love, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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)

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. These changes are being made to address changes requested by the Joint Administrative Procedures Committee (JAPC).

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.~~ 2006~~4~~, 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~~ by clicking on the forms link.

~~(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) An 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 pursuant to Section 402.313(3), F.S. 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 Form 1649A, January 2007, An Attestation 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 by clicking on the forms link.

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.

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

(I) 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.

(II) 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.

(III) 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, 402.302(13) 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.

1. Florida Child Care Professional Credential Training Program Providers.

a. Birth through Five FCCPC Training Providers.

I. 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 by clicking on the forms link. Training providers must submit a completed CF-FSP Form 5191 to the department for approval.

II. 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.

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

(d) "National Early Childhood Credential (NECC)" pursuant to Section 402.305(3)(c), F.S., is an early childhood credential 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 by clicking on the training link.

(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.

(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; 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 (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, 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 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 s. 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~~ 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 (2003), 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. A copy of ASTM F1346-91 (2003), Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Hot Tubs, and Spas, may be obtained from the licensing authority or on the Department of Children and Family Services' website at www.myflorida.com/childcare by clicking on the forms link. The exterior wall of the home, ~~if it has~~ with an 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)(g) 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 an individual 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)(e)~~ 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~~ 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 nor 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. 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) ~~(a)~~ 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 Rule 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, 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, DH 680 (July 2001), or the Religious Exemption from Immunization form, DH 681 (May 1999), which are incorporated herein by reference, from the custodial parent or legal guardian. DH Form 680 and DH Form 681 may be obtained from the local health department. 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 operator is responsible for obtaining, for each child in care, a current, complete and properly executed Student Health Examination form, DH 3040 (June 2002), incorporated herein by reference, 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:~~

~~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.~~

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) No change.

Specific Authority 402.313 FS. Law Implemented 402.313, 402.319 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, for the purposes of this rule, means a home that must have been licensed in the State of Florida as and meet 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 in Section 402.3131, F.S., and in 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.

~~(c) "Large Family Child Care Home," is defined by Section 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 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.

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.

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.

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.

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.

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.

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(3)(a), 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-sub-paragraph 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.

(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. 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.

(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.

(V) 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 operators 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; 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 (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; 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 (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.

~~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 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, 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.~~

~~(c) 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.~~

~~(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, 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.~~(c) 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, 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, 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 by clicking on the forms link. 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) LFCCCH 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. 402.302(8), 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 Sections s. 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. 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 ~~at~~ 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 drivers log is complete.

(g) 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 ~~plae~~ 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 ~~must of the large family child care home 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.

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,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Carrie Pafford, Government Operations Consultant II
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Don Winstead, Deputy Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 26, 2006
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 13, 2006

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

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. These changes are being made to address changes requested by the Joint Administrative Procedures Committee (JAPC).

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 by clicking on the forms link.

(b) Each completed CF-FSP Form 5017 application must be submitted with the licensure fee pursuant to Section 402.315, F.S.

(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, 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, 402.315 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, 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, pursuant to Section 402.305(6), F.S.

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

(e) 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 a 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 an individual 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~~)(~~j~~), 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 for each 30~~ 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 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 402.305 FS. Law Implemented 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 consisting 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 calendar 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.

(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.

(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.

(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.

(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.

~~(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, 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).

~~(e) 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)(4) 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; 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 (/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 completiong 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 Modules who meet one (1) of the following educational qualifications:~~

~~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.~~ CF-FSP 5267 may be obtained from the licensing authority or on the Department of Children and Family Services' website at www.myflorida.com/childcare by clicking on the training link.

(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 must meet, modules at a minimum, must meet the following qualifications:

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

(b) Have completed 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.(4)~~ Family child care trainers may meet the qualifications referenced listed above in paragraphs 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-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. ~~S~~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-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.

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.

e. 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. 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. 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.~~

~~(II) 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 children or that 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 credentialing 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 credential 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 subparagraph 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 credentialing requirement for every 20 children in care, as mandated in Section 402.305(3), F.S.,~~

3.4. 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 200605, 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. 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.

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.

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.

(e) 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 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. 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 must be maintained. The director credential must be posted in a conspicuous location at the facility for review by the licensing authority.

(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)(c)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)(h) 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, 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)(c)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)(4) 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. A list of approved "Overview of Child Care Management" courses may must be obtained on 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 subparagraphs 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, 402.309 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. 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. 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 who 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)(a)~~ 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)(b)~~ 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. 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 DH 3040 (June 2002), which is incorporated herein by reference, from the parent or legal guardian or 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 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, DH 680 (July 2001), or the DH Form 681, Religious Exemption from Immunization form, DH 681 (May 1999), which are incorporated herein by reference, from the custodial parent or legal guardian. DH Form 680 and DH Form 681 may be obtained from the local county health department. ~~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, rubella, rubella, mumps, and Haemophilus influenza 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 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 promulgated by the Florida Department of Health.~~

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

(e)(~~d~~) 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, 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 1649A, January 2007, A Child Care Attestation of Good Moral Character, which is incorporated by reference, must be completed annually for all child care personnel. CF 1649A 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.

(c) 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.

(e)(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)(g) 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~~ eredentialed staff, pursuant to Section 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~~ 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.

~~(e) "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~~

~~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. 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)(e)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)(1)(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 (c), (3), (5)(e) through (d), (6), (8), and (9), F.A.C.

(b)(d) 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 or 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), (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 (e) and 65C-22.002(4)(a) through (e), 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 must have written documentation from the local Environmental Health Unit that they have either met or have been exempted from local environmental health standards.

(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) 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. 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.

g. All medicine must have child resistant caps and shall be stored separately and locked or out of a child's reach.

(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.

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 must have written documentation from the local Environmental Health Unit that they have either met or have been exempted from local environmental health standards, specified in 64E-11, F.A.C., Food Hygiene, as it pertains to the food preparation area specified in subparagraph 65C-22.008(3)(p)1., F.A.C.

(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, which is incorporated herein by reference, 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.

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. 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.

4. 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.

(I) 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:

(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 1649A, A Child Care Attestation of Good Moral Character, must be completed annually for all child care personnel. CF 1649A may be obtained from the licensing authority or on the Department of Children and Family Services' website at www.myflorida.com/childcare.

(II) 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.

e. Copies of training information and credentials as described in subsection 65C-22.008(4), F.A.C.

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 child cardiopulmonary resuscitation (CPR) procedures must also be maintained in the driver's personnel file.

2. Summary of Records. In addition to the documentation outlined in sub-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 sub-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.~~

~~(m) All provisions under subsections 65C-22.005(1), (2), (3)(a) and (c), 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.~~

~~(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.~~

~~(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.

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.

(b) 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)~~ 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. 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. 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 paragraphs 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.

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.

(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.

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 _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Carrie Pafford, Government Operations Consultant II
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Don Winstead, Deputy Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 26, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 13, 2006

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NOS.:	RULE TITLES:
69O-170.005	Use of Filled Rates
69O-170.013	Filing Procedures for Property and Casualty Insurance Rates, Rules, Underwriting Guidelines, and Forms
69O-170.0142	Ratemaking and Rate Filing Procedures for Commercial Residential Insurance and All Other Lines
69O-170.0155	Forms

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. 31, No. 26, July 1, 2005 issue of the Florida Administrative Weekly.

A Notice of Change was also published in Volume 32. No. 6, February 10, 2006, of the *Florida Administrative Weekly*. These changes are being made to address concerns expressed by the Joint Administrative Procedures Committee.

Rule 69O-170.005(6)(b) has been revised to read as follows:

(b) Notwithstanding the above and following the approval of the filing by the Office, pursuant to Section 627.062 or 627.0651, F.S., the filer may amend the effective date for a “file and use” filing to be shorter than the 90 or 60 days indicated in Section 627.062 or 627.0651, F.S., as long as the amended effective date is subsequent to the approval of the Office and provides the required statutory policyholder notice.

Rule 69O-170.013(6)(c) has been revised to read as follows:

(c) Unless the date is extended by the Office, failure to adequately address the issues by the date stated in the clarification letter will result in a notice of intent to disapprove the filing by the Office.

Rule 69O-170.0142(4)(a) has been revised to read as follows:

~~(4)(7)(a)~~ If the filing adopts a rating organization’s prospective loss costs, the filing shall include Form OIR-B1-583 (pages 1 and 2), “Florida Expense Supplement Calculation of ~~Insurer Company~~ Loss Cost Multiplier” as adopted in Rule 69O-170.0155, F.A.C.

Rule 69O-170.0155 has been revised to read as follows:

The following forms are hereby adopted and incorporated by reference:

(1)(a) OIR-B1-582, “Universal Standardized Data Letter,” (Rev. ~~10/04 07/03~~).

Section IV
Emergency Rules

(b) ~~Form OIR-B1-583, "Florida Expense Supplement Calculation of Insurer Company Loss Cost Multiplier," (Rev. 04/04 07/03).~~

(c) ~~OIR-B1-584, "Florida Property and Casualty – Annual Rate Filing-Exemption," (Rev. 07/03).~~

(d) ~~OIR-B1-586, "Florida Property and Casualty – Annual Rate Filing Certification," (Rev. 07/03).~~

(e) ~~Form OIR-B1-595, "Florida Expense Supplement for Independent Rate Filings," (Rev. 07/03).~~

(f) ~~OIR-B1-HRCS, "Homeowners' Rate Collection System (HRCS)," (07/03).~~

(g) ~~OIR-B1-DRCS, "Dwelling Rate Collection System (DRCS)," (07/03).~~

(h) ~~OIR-B1-ARCS, "Automobile Rate Collection System (ARCS)," (07/03).~~

(i) ~~OIR-B1-RIWBK, "Personal Lines Standardized Rate Indications Workbook," (07/04).~~

(j) ~~OIR-B1-IFILE, "I-File," (11/04).~~

(d) ~~Form OIR-B1-1102, "Florida Homeowners Rating Examples/Annual Rates," (Rev. 07/03).~~

(e) ~~Form OIR-B1-1103, "Florida Statewide Rate Level Effect/Homeowners," with its instructions, (Rev. 07/03).~~

(f) ~~Form OIR-B1-1104, "Florida Rate Level Effect by Type by Territory/ Homeowners," with its instructions, (Rev. 07/03).~~

(g) ~~Form OIR-B1-1193, "Florida Dwelling Rating Examples/Annual Rates," (Rev. 07/03).~~

(h) ~~Form OIR-B1-1194, "Florida Statewide Rate Level Effect/Dwelling," with its instructions, (Rev. 07/03).~~

(i) ~~Form OIR-B1-1195, "Florida Rate Level Effect by Type by Territory/Dwellings," with its instructions, (Rev. 07/03).~~

(k) ~~Effective March 1, 2007, OIR-B1-1655, "Notice of Premium Discounts for Hurricane Loss Mitigation," (Rev. 3/07) is adopted and incorporated herein by reference.~~

(2) All Office of Insurance Regulation forms may be obtained from:

(a) The Office's ~~Department of Financial Service's~~ web site located at ~~https://www.floir.com https://www.flds.com;~~ or

(b) ~~The Bureau of Property and Casualty Product Review Forms and Rates,~~ Office of Insurance Regulation, Larson Building, Tallahassee, FL 32399-0330, (850)413-3146.

Specific Authority 624.308(1), 627.711 FS. Law Implemented 624.307(1), 624.424, 627.062, 627.0645, 627.711 FS. History—New 6-19-03, Formerly 4-170.0155, Amended 2-23-06, _____.

The remainder of the rule reads as previously published.

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.: 53ER07-2
RULE TITLE: Instant Game Number 670, POT LUCK

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 670, "POT LUCK," 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:

53ER07-2 Instant Game Number 670, POT LUCK.

(1) Name of Game. Instant Game Number 670, "POT LUCK."

(2) Price. POT LUCK lottery tickets sell for \$1.00 per ticket.

(3) POT LUCK 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 POT LUCK 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	
ELEVEN	TWELVE	THIRTEEN	FORTY	FIFTY	SIXTY	SEVENTY	EIGHTY	NINETY	HIN

(5) The "LUCKY 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	
ELEVN	TWELV	THRTN	FORTN	FIFTN	SIXTN	SVNTN	EGHTN	NINTN	

(6) The prize symbols and prize symbol captions are as follows:


TICKET	\$1.00	\$2.00	\$5.00	\$10.00	\$20.00
TICKET	ONE	TWO	FIVE	TEN	THENTY
\$25.00	\$50.00	\$100	\$500	\$2,500	
THY FIVE	FIFTY	ONE HUN	FIVE HUN	THY FIV HUN	

(7) The legends are as follows:


 YOUR NUMBERS LUCKY NUMBER

(8) Determination of Prizewinners.

(a) A ticket having a number in the "YOUR NUMBERS" play area that matches any number in the "LUCKY 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, \$20.00, \$25.00, \$50.00, \$100, \$500 and \$2,500.

(b) A ticket having a " HIN" symbol in the "YOUR NUMBERS" play area shall entitle the claimant to a prize of \$25. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$1.00 instant ticket, except as follows. A person who submits by mail a POT LUCK lottery ticket which entitles the claimant to a prize of a \$1.00 instant ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(9) The estimated odds of winning, value and number of prizes in Instant Game Number 670 are as follows:

GAME PLAY	WIN	ODDS OF 1 IN	NUMBER OF WINNERS IN 56 POOLS OF 180,000 TICKETS PER POOL
TICKET	\$1 TICKET	10.00	1,008,000
\$1	\$1	10.00	1,008,000
\$1 x 2	\$2	30.00	336,000
\$1 x 5	\$5	75.00	134,400
\$5	\$5	150.00	67,200
\$2 x 5	\$10	150.00	67,200
\$10	\$10	150.00	67,200
\$25	\$25	300.00	33,600
(CLOVERLEAF)			
\$10 x 5	\$50	3,000.00	3,360
\$50	\$50	3,600.00	2,800
\$20 x 5	\$100	90,000.00	112

\$100	\$100	90,000.00	112
\$500	\$500	180,000.00	56
\$500 x 5	\$2,500	1,440,000.00	7
\$2,500	\$2,500	1,440,000.00	7

(10) The estimated overall odds of winning some prize in Instant Game Number 670 are 1 in 3.69. 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 670, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a POT LUCK lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(13) Payment of prizes for POT LUCK 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 1-19-07.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: January 19, 2007

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER07-3
 RULE TITLE: Instant Game Number 700, MILLION DOLLAR MONOPOLY™.

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 700, "MILLION DOLLAR MONOPOLY™," 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:

53ER07-3 Instant Game Number 700, MILLION DOLLAR MONOPOLY™.

(1) Name of Game. Instant Game Number 700, "MILLION DOLLAR MONOPOLY™."

(2) Price. MILLION DOLLAR MONOPOLY lottery tickets sell for \$20.00 per ticket.

(3) MILLION DOLLAR MONOPOLY 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 MILLION DOLLAR MONOPOLY lottery ticket, the ticket must meet the applicable requirements of Rule 53ER06-4, F.A.C.

(4) The "HOTEL NUMBERS" play symbols and play symbol captions are as follows:

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX	7 SEVEN	8 EIGHT	9 NINE	10 TEN
11 ELEVN	12 THELV	13 THRTN	14 FORTN	15 FIFTN	16 SIXTN	17 SVNTN	18 EGHTN	19 NINTN	20 THENTY
21 THYONE	22 THYTWO	23 THYTHR	24 THYFOR	25 THYFIV	26 THYSIX	27 THYSVN	28 THYEGT	29 THYNIN	30 THIRTY
31 THYONE	32 THYTWO	33 THYTHR	34 THYFOR	35 THYFIV	36 THYSIX	37 THYSVN	38 THYEGT	39 THYNIN	

(5) The "YOUR HOUSE NUMBERS" play symbols and play symbol captions are as follows:

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX	7 SEVEN	8 EIGHT	9 NINE	10 TEN
11 ELEVN	12 THELV	13 THRTN	14 FORTN	15 FIFTN	16 SIXTN	17 SVNTN	18 EGHTN	19 NINTN	20 THENTY
21 THYONE	22 THYTWO	23 THYTHR	24 THYFOR	25 THYFIV	26 THYSIX	27 THYSVN	28 THYEGT	29 THYNIN	30 THIRTY
31 THYONE	32 THYTWO	33 THYTHR	34 THYFOR	35 THYFIV	36 THYSIX	37 THYSVN	38 THYEGT	39 THYNIN	GO DOUBLE
									HIN

(6) The prize symbols and prize symbol captions are as follows:

\$5.00 FIVE THO HUN	\$10.00 TEN THO FIFTY	\$20.00 THENTY FIVE HUN	\$25.00 THY FIV ONE THO	\$40.00 FORTY FIVE THO	\$50.00 FIFTY TEN THO	\$100 ONE HUN IHIL
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(7) The legends are as follows:

HOTEL NUMBERS YOUR HOUSE NUMBERS

(8) Determination of Prizewinners.

(a) A ticket having a number in the "YOUR HOUSE NUMBERS" play area that matches any number in the "HOTEL NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that number.

(b) The prizes are: \$5.00, \$10.00, \$20.00, \$25.00, \$40.00, \$50.00, \$100, \$200, \$250, \$500, \$1,000, \$5,000, \$10,000 and \$1,000,000.

GO

(c) A ticket having a "HIN" symbol in the "YOUR HOUSE NUMBERS" play area shall entitle the claimant to a prize of \$200. A ticket having a "DOUBLE" symbol in the "YOUR HOUSE NUMBERS" play area shall entitle the claimant to double the prize shown.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 700 are as follows:

GAME PLAY:	WIN	ESTIMATED ODDS OF 1 IN	NUMBER OF WINNERS IN 210 POOLS OF 120,000 TICKETS PER POOL
\$5 x 4	\$20	15.00	1,680,000
\$10 (TRAIN)	\$20	30.00	840,000
\$20	\$20	15.00	1,680,000
\$5 x 8	\$40	60.00	420,000
(\$5 x 4) + (\$10 x 2)	\$40	60.00	420,000
\$10 x 4	\$40	85.71	294,000
\$20 (TRAIN)	\$40	85.71	294,000
\$40	\$40	100.00	252,000
\$50	\$50	30.00	840,000
\$5 x 20	\$100	100.00	252,000
\$25 x 4	\$100	150.00	168,000
(\$5 x 4) + (\$20 x 4)	\$100	150.00	168,000
\$50 (TRAIN)	\$100	133.33	189,000
\$100	\$100	400.00	63,000
\$200 (GO)	\$200	150.00	168,000
\$25 x 20	\$500	2,000.00	12,600
\$50 x 10	\$500	2,000.00	12,600
\$20 x 25	\$500	2,000.00	12,600
\$250 (TRAIN)	\$500	500.00	50,400
\$500	\$500	1,500.00	16,800
\$50 x 20	\$1,000	60,000.00	420
\$100 x 10	\$1,000	60,000.00	420
(\$25 x 20) + (\$100 x 5)	\$1,000	60,000.00	420
\$500 (TRAIN)	\$1,000	20,000.00	1,260
\$1,000	\$1,000	30,000.00	840
\$5,000 (TRAIN)	\$10,000	168,000.00	150
\$10,000	\$10,000	168,000.00	150
\$1,000,000	\$1,000,000	4,200,000.00	6

(10) The estimated overall odds of winning some prize in Instant Game Number 700 are 1 in 3.22. 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 700, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a MILLION DOLLAR MONOPOLY lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(13) Payment of prizes for MILLION DOLLAR MONOPOLY 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 1-19-07.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: January 19, 2007

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER07-4
 RULE TITLE: Instant Game Number 701, INSTANT MONOPOLY™

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 701, “INSTANT MONOPOLY™,” 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:

53ER07-4 Instant Game Number 701, INSTANT MONOPOLY™.

(1) Name of Game. Instant Game Number 701, “INSTANT MONOPOLY™.”

(2) Price. INSTANT MONOPOLY lottery tickets sell for \$1.00 per ticket.

(3) INSTANT MONOPOLY 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 INSTANT MONOPOLY lottery ticket, the ticket must meet the applicable requirements of Rule 53ER06-4, F.A.C.

(4) The “HOTEL 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	
LEVN	THELV	THRTN	FORTN	FIFTN	SIXTN	SVNTN	EGHTN	NINTN	HIN

(5) The “HOUSE 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	
ELEVN	THELV	THRTN	FORTN	FIFTN	SIXTN	SVNTN	EGHTN	NINTN	HIN

(6) The prize symbols and prize symbol captions are as follows:

TICKET	\$1.00	\$2.00	\$5.00	\$10.00	\$20.00
TICKET	ONE	TWO	FIVE	TEN	TWENTY
\$25.00	\$50.00	\$100	\$500	\$1,000	\$5,000
THY FIV	FIFTY	ONE HUN	FIVE HUN	ONE THO	FIV THO


(7) The legends are as follows:

HOTEL NUMBERS **YOUR HOUSE NUMBERS**

(8) Determination of Prizewinners.

(a) A ticket having a number in the “HOUSE NUMBERS” play area that matches either number in the “HOTEL NUMBERS” play area shall entitle the claimant to the corresponding prize shown for that number.

(b) The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$500, \$1,000 and \$5,000. A claimant who is entitled to a prize of a “TICKET” shall be entitled to a prize of a \$1.00 instant ticket, except as follows. A person who submits by mail a INSTANT MONOPOLY lottery ticket which entitles the claimant to a prize of a \$1.00 instant ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(c) A ticket having a “ WIN” symbol in the “YOUR NUMBERS” play area shall entitle the claimant to a prize of \$50.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 701 are as follows:

GAME PLAY	WIN	ODDS OF 1 IN	NUMBER OF WINNERS IN 28 POOLS OF 180,000 TICKETS PER POOL
TICKET	\$1 TICKET	10.00	504,000
\$1	\$1	10.00	504,000
\$1 x 2	\$2	30.00	168,000
\$1 x 5	\$5	75.00	67,200
\$5	\$5	150.00	33,600
\$2 x 5	\$10	150.00	33,600
\$10	\$10	150.00	33,600
\$5 x 5	\$25	600.00	8,400

\$25	\$25	600.00	8,400
\$50 (CAR)	\$50	1,800.00	2,800
\$20 x 5	\$100	90,000.00	56
\$100	\$100	90,000.00	56
\$500	\$500	180,000.00	28
\$1,000 x 5	\$5,000	1,680,000.00	3
\$5,000	\$5,000	1,680,000.00	3

(10) The estimated overall odds of winning some prize in Instant Game Number 701 are 1 in 3.70. 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 701, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a INSTANT MONOPOLY lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(13) Payment of prizes for INSTANT MONOPOLY 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 1-19-07.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: January 19, 2007

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

Mental Health Program

RULE NO.: 65EER07-1
 RULE TITLE: Unit Cost Method of Payment

SUMMARY OF THE RULE: This emergency rule amends subsection 65E-14.021(5), Florida Administrative Code, to provide the Department the ability purchase additional forensic beds through the use of a payment method not provided for in the current rule. The emergency rule will enable the

Department to purchase forensic mental health treatment beds from community providers of services who would not be financially able to provide those beds under the existing rule.

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY, AND WELFARE: In fiscal year 2005-2006, the number of individuals committed to the Department of Children and Families increased by an unprecedented 16 percent over the previous fiscal year. As of January 17, 2007, there are 298 individuals awaiting placement in a state forensic facility. All of these individuals are committed to the Department of Children and Families pursuant to Chapter 916, Florida Statutes, as incompetent to proceed, or not guilty by reason of insanity, on a felony offence. Section 916.107(1)(a), Florida Statutes, requires the Department to place individuals in a forensic facility within 15 days of receipt of a commitment package from the courts. Individuals admitted to a secure forensic facility during the first two quarters of the current fiscal year (July-December 2006) waited an average of 81 days in a county jail before admission. This delay in forensic placement also delays necessary mental health treatment for affected individuals.

In response to this situation, on January 10, 2007, the Department received approval from the Legislative Budget Commission to transfer \$16,607,711 in general revenue funds for the immediate treatment of these clients. This funding will allow for an additional 220 secure forensic beds and 140 community residential treatment beds.

Currently, Rule 65E-14.021, Florida Administrative Code, requires that residential services be paid for based on physical occupancy of a client for a 24-hour period. The providers of residential services are able to sell residential capacity to a variety of sources, and compliance with the rule does not create an undue financial burden on providers. In order to serve forensic clients, the Department must be able to guarantee capacity. This means that providers must maintain a certain number of beds for forensic clients, regardless of whether or not the beds are occupied for any given 24-hour period. The Department cannot guarantee that all designated forensic-client beds supplied by community residential providers will be occupied during any given 24-hour period. This limitation has made potential providers of these beds financially incapable of providing them. The current rule is, therefore, preventing the Department from securing additional bed capacity needed to address the crisis situation in the forensic mental health treatment system.

This emergency rule will enable the Department to purchase additional beds to serve forensic clients because it will allow the Department to purchase bed availability. Providers will not be limited to billing for a bed only if each 24-hour period of continuous occupancy. This will enable the Department to more effectively manage the forensic waiting list by more timely effecting appropriate placement of individuals

committed to the Department pursuant to Chapter 916, Florida Statutes. The more timely placements will ensure that incompetent criminal defendants receive appropriate treatment in a more timely manner. Failure to proceed in the manner authorized by this emergency rule will prevent the Department from securing sufficient bed capacity to ensure the timely placement of individuals committed to the Department pursuant to Chapter 916, Florida Statutes.

REASONS FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Department of Children and Families, in utilizing the emergency rule to ensure more timely placement and treatment to criminal defendants with mental illness, will not adversely impact anyone’s substantial interests. Because of the acute nature of the current situation, the Department must reserve the right to control all admissions to beds purchased in this effort to bring the State in compliance with Section 916.107(1)(a), Florida Statutes. In order to exercise that control, it is imperative that the Department reimburse contracted providers based on the availability, rather than the continuous occupancy, of residential bed. For these reasons, the emergency rule is fair under the circumstances.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Amy Johnson, 1317 Winewood Boulevard, Tallahassee, Florida 32399, (850)413-0934

THE FULL TEXT OF THE EMERGENCY RULE IS:

65EER07-1 Unit Cost Method of Payment.

(1) through (4) No change.

(5) Unit Measurements:

(a) through (d) No change.

(e) For residential services where admissions are within the sole discretion of the Department, as contractually agreed to by the Department and the provider, payment may be made based on bed day availability as defined in subparagraph 65E-14-.021(5)(a)5., F.A.C.

(6) through (11) No change.

Specific Authority 394.78(1), (6), 397.321(5) FS. Law Implemented 216.181(16), 394.66(9), (12), 394.74(2)(b), (3)(d), (e), (4), 394.77, 394.78(1),(6), 397.321(10), 402.73(7) FS. History–New 7-1-03, Amended 12-14-03, 1-2-05, 1-19-07.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: January 19, 2007

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN that on January 17, 2007, the Florida Department of Law Enforcement, received a petition for Notice is hereby given that the Officer Professionalism Program, Florida Department of Law Enforcement has received from Miami-Dade College School of Justice on January 17, 2007, a petition for Waiver of paragraphs 11B-35.001(1)(a), (3)(b) and paragraph (c), and subsection (5), F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department waive certain certification and curriculum requirements for courses taught between July 1, 2004 and November 8, 2006.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Comments on this Petition should be filed with: Office of General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, Attention: Assistant General Counsel, Grace A. Jaye. A copy of the Petition may be obtained by contacting Assistant General Counsel, Grace A. Jaye at the above address, or by calling (850)410-7676.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on January 16, 2007 South Florida Water Management District (District) received a petition for waiver from Terry Dean Parker, Application Number 07-0116-3M for issuance of a Modification of Standard Right of Way Occupancy Permit Number 12664 for utilization of Works or Lands of the District known as the C-10 Canal, Broward County, to allow an existing extension to a dock located at the rear of 2667 Coolidge Street, Hollywood, FL 33020, Section 9, Township 51 South, Range 42 East. The petition seeks relief from paragraph 40E-6.221(2)(j), Florida Administrative Code, which governs the minimum low member elevation of pile-supported docking facilities within the 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. 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 33408, Attn: Kathie Ruff, Office of Counsel.

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS HEREBY GIVEN that on January 23, 2007, the Health Care Clinic Unit, Bureau of Health Facility Regulation, Division of Health Quality Assurance of the Agency for Health Care Administration, received a petition for Variance from Rule 59A-33.013, F.A.C. The rule, in part, prohibits the location of clinics a medical and clinic director may supervise that are more than 200 miles from any other health care clinic supervised by the same medical or clinic director. The petitioners, Open Magnetic Imaging, Inc., OMI of Aventura, Inc., OMI of Aventura II, Inc., OMI CT of Aventura, Inc., OMI of Miami Lakes, Inc., OMI CT of Miami Lakes, Inc., OMI of Coral Gables, Inc., OMI of Kendall, Inc., Open Magnetic Imaging of Coral Springs, Ltd., Open Magnetic Imaging of Plantation, Ltd., OMI of Plantation, Inc., OMI CT of Plantation, Inc., OMI of Ft. Lauderdale, Inc., OMI CT of Ft. Lauderdale, Inc., Open Magnetic Imaging of Pembroke Pines, Ltd., OMI of Jupiter, Inc., OMI of Palm Beach, Inc., OMI of Wellington, Inc., OMI of Boynton Beach, Inc., OMI of West Boca, Ltd., OMI of Jacksonville, Inc. and OMI of Orange Park, Inc., request a partial variance of the rule increasing the distance limitation between clinics supervised by the same medical or clinic director from 200 to 400 miles.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Gail Priest, Health Care Clinic Unit, 2727 Mahan Drive, Mail Stop #53, Tallahassee, Florida 32308. The Health Care Clinic Unit 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. (EST).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on January 5, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from Chely's Catering of Orlando. 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 January 17, 2006 and is contingent upon the Petitioner's use of open-air steam table properly covered and air curtain 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(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 the 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 January 12, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Franky's Deli located in Hialeah. 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 has one bathroom facility for patrons and they are requesting a variance to have a seating capacity of sixteen (16).

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.

NOTICE IS HEREBY GIVEN that on January 16, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(1) and 61C-4.010(6), F.A.C., from Manny's Food Service of Orlando. 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.

NOTICE IS HEREBY GIVEN that on January 16, 2007, the Board of Accountancy, received a petition for Raymond B. Borsella, CPA, seeking a variance or waiver of subsection 61H1-31.001(10), Florida Administrative Code, and the requirement that a licensee pay a \$50.00 delinquency fee for submitting a CPE reporting form after July 15th of the licensee's reestablishment period. Petitioner is also seeking a variance or waiver of paragraphs 61H1-33.003(1)(a) and (b), F.A.C., and the requirement that a licensee complete at least four hours of Board-approved continuing education credits in ethics and an additional 8 hours of Accounting and Auditing subjects for not meeting the deadline for obtaining the required continuing education hours by June 30th of the licensee's reestablishment period.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Voloria Kelly, Acting Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN that on December 21, 2006, the Florida Real Estate Commission has issued an order.

The Florida Real Estate Commission hereby gives notice that it has issued an Order on the Petition for Variance of Waiver filed on October 6, 2006, by Allen R. Grossman, Esq., on behalf of Trammell Crow Specialty Realty, Inc. Petitioner's Petition for Variance of Waiver was published in the F.A.W., Vol. 32, No. 45. Petitioner sought a variance or waiver of Rule 61J2-10.034, F.A.C., with respect to the use of Trade names. The

Commission considered the Petition at its meeting held on November 148, 2006, in Orlando, Florida. The Commission's Order, filed on December 21, 2006, granted Petitioner's Petition for Variance or Waiver concluding:

1. Section 120.542(2), Florida Statutes, required FREC to grant such a variance or waiver when the applicant subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means and when application of the rule would create either a substantial hardship or would violated principles of fairness.

2. Petitioner has demonstrated that it meets the purpose of the statute underlying the rule in question. The Commission accepted Petitioner's claims relating to fairness and lack of confusion by the public over the use of the trade name.

A copy of the Order may be obtained by contacting: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801.

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 IS HEREBY GIVEN that on January 19, 2007, the Department of Environmental Protection's South District has issued an order.

Notice of receipt of this petition was published on the Department's website on June 30, 2006. The petition requested a variance from the required 75-foot set back distance for reclaimed water lines from public water supply wells under subsection 62-610.471(3), F.A.C., requesting that the separation between reclaimed water lines and public water supply wells within a certain area of the City of Cape Coral be reduced to 30 feet. No public comment was received. The Order, OGC File # 06-1151, granted the Petition to reduce the separation between reclaimed water lines and public water supply wells within a certain area in the City of Cape Coral to 30 feet, based on a showing that Petitioner demonstrated that a strict application of the rule would result in substantial hardship to Petitioner or would affect Petitioner differently than other similarly situated applicants and because Petitioner had successfully fulfilled the requirements of the underlying statute by other means.

A copy of the Order may be obtained by contacting: Craig Rutherford, Department of Environmental Protection, South District Office, P. O. Box 2549, Fort Myers, Florida 33902-2549, (239)332-6975.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that on December 5, 2006, the Board of Opticianry has issued an order.

The Department of Health hereby gives notice of Intent to Grant Petition for Waiver or Variance of Rule 64B12-9.016, F.A.C., filed by the Office of the Deputy Clerk on December 5, 2006, from Petitioner, Sherrie L. Button. The Board reviewed the Petition at its meeting held on November 4, 2006, in Orlando, Florida. The Board's Order of Intent to Grant Petition for Waiver or Variance, filed in this cause on December 5, 2006, determined that the Petition for Variance or Waiver should be granted on the following grounds:

1. The Petitioner seeks a waiver of Rule 64B12-9.016, F.A.C. Specifically, Petitioner seeks waiver of the rule that states that applicants, who practiced out of state, can only apply for examination within two years of ceasing to practice.
2. Section 120.542(2), Florida Statutes, provides that a petitioner seeking a variance or waiver from a particular administrative rule must show that he or she has met the purpose of the statute underlying the rule from which waiver is sought by some other means and that the application of the rule in question creates a substantial hardship or violates principles of fairness before the agency can grant such petition.
3. The Petitioner has demonstrated that she is entitled to sit for the examination due to family illness.

A copy of the Order may be obtained by contacting: The Board of Opticianry, 405 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259.

Section VI

Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Department of State, Division of Historical Resources** announces a public notice Historic Marker Conference Call to which all interested persons are invited.

DATE AND TIME: Wednesday February 14, 2007, 10:00 a.m. (EST)

PLACE: Room 409, R. A. Gray Building, 500 S. Bronough St., Tallahassee, FL 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: To Review Historical Marker applications.

A copy of the agenda may be obtained by writing to: Florida State Historical Marker Program, Bureau of Historic Preservation, Division of Historical Resources, 500 S. Bronough St., Tallahassee, FL 32399-0250.

Should any person wish to appeal any decision made with respect to the above referenced meeting, she or he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Section 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

The **Friends of Mission San Luis, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, February 5, 2007, 12:00 Noon
 PLACE: Mission San Luis, Education Bldg., 2020 W. Mission Road, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business to be discussed will include fundraising and endowment activities and other board business.

If you have questions or would like a copy of the agenda, please feel free to contact Ms. Elyse Cornelison, (850)487-1666.

The **Department of State, Division of Library and Information Services** announces the Florida Library Network Council meeting to which all interested persons are invited.

DATES AND TIMES: Tuesday, February 20, 2007, 1:00 p.m.;
 Wednesday, February 21, 2007, 9:00 a.m. – 12:00 Noon
 PLACE: The Board Room, The Lexington at Orlando City Place, 304 West Colonial Drive, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the Florida Electronic Library Plan, to review grant applications to the Library Services and Technology Act for plan compliance.

For additional information contact Judith Ring, State Librarian, at (850)245-6603 or Suncom 205-6603.

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)245-6603 or TDD (850)922-4085.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Endangered Plant Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 28, 2007, 1:00 p.m. – 5:00 p.m.

PLACE: Historic Bok Sanctuary, 1151 Tower Boulevard, Lake Wales, Florida 33853

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider the following agenda items:

1. Welcoming and Opening Remarks.
2. Approval of Agenda (Additions, Changes).
3. Review and Approve Minutes of Fall Meeting.
4. Confirmation of Previously Proposed New Listings.
5. New Listing Proposals for Regulated Plant Index.
6. Four Year Interval Review of Regulated Plant Index.
7. Comments or Concerns from Interested Parties.
8. Schedule Next Meeting.

Please contact: Mr. Tyson Emery, Division of Plant Industry, Post Office Box 147100, Gainesville, Florida 32614-7100, (352)372-3505, if you have any questions.

The Florida **Department of Agriculture and Consumer Services** announces the following monthly public meeting of the Pesticide Registration Evaluation Committee to which all interested persons are invited.

DATE AND TIME: March 1, 2007, 9:00 a.m.

PLACE: Bureau of Pesticides, 3125 Conner Boulevard, Building 6, Conference Room 606, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee discusses and makes recommendations on pesticide registration issues impacting human health and safety and the environment.

CONTACT: Charlie L. Clark, Administrator, Pesticide Registration Section, 3125 Conner Boulevard, Bldg. 6, Room 601, Tallahassee, Florida 32399-1650, (850)487-2130. A copy of the meeting agenda may be obtained by contacting the Pesticide Registration Section, (850)487-2130 or from the PREC Web Site at: http://www.flaes.org/pesticide/pesticide_registration.html.

The Florida **Department of Agriculture and Consumer Services** announces the meeting of the Florida Tropical Fruit Advisory Council.

DATE AND TIME: Thursday, February 8, 2007, 10:00 a.m.

PLACE: Miami-Dade Extension Office, 18710 S. W. 288 Street, Homestead, FL 33030

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting. To conduct the general business of the Florida Tropical Fruit Advisory Council.

For additional information or if you need special accommodations, call Louise King at (305)401-1502.

The Florida **Department of Agriculture and Consumer Services, Division of Forestry** announces a meeting of the Florida Forestry Council which is open to all interested persons.

DATE AND TIME: March 21, 2007, 1:00 p.m. – 3:00 p.m.

PLACE: Bear Creek Educational Forest, 8125 Pat Thomas Parkway, Quincy, Florida 32351

GENERAL SUBJECT MATTER TO BE CONSIDERED: Updates on Division of Forestry Programs.

A copy of the agenda may be obtained by contacting: Michael C. Long, Director, Division of Forestry, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)488-4274.

The Private Investigation, **Recovery and Security Advisory Council** announce three public meetings to which all persons are invited.

DATE AND TIME: Thursday, March 22, 2007, 9:00 a.m.

PLACE: Hyatt Regency Jacksonville – Riverfront, 225 East Coast Line Drive, Jacksonville, Florida, (904)588-1234

DATE AND TIME: Thursday, June 7, 2007, 9:00 a.m.

PLACE: Hawthorn Suites Orlando Airport, 7450 Augusta National Drive, Orlando, Florida, (407)438-2121

DATE AND TIME: Thursday, September 6, 2007, 9:00 a.m.

PLACE: Marriott West Palm Beach, 1001 Okeechobee Blvd., West Palm Beach, Florida, (561)833-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: The quarterly meeting of the Council pursuant to the requirement of Section 493.6104(4), Florida Statutes. The Council will conduct a general business meeting.

A copy of the agenda may be obtained by writing: Department of Agriculture and Consumer Services, Division of Licensing, Attention: April Howard, Post Office Box 6687, Tallahassee, Florida 32314-6687, (850)245-5500.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to attend the meeting should contact the Director, Division of Licensing not later than 48 hours prior to the meeting at the address given on the notice.

The **Florida Agriculture in the Classroom, Inc.**, Board of Directors announces a regularly scheduled board meeting to which all interested persons are invited.

DATE AND TIME: Tuesday, February 6, 2007, 10:00 a.m.

PLACE: Florida Citrus Mutual, 302 S. Massachusetts Ave., Lakeland, FL 33801

DEPARTMENT OF EDUCATION

The **University of South Florida**, Lawton and Rhea Chiles Center for Healthy Mothers and Babies announces the Covering Kids and Families Statewide Coalition meeting and Sustainability Retreat to which all persons are invited.

DATE AND TIME: Wednesday, February 21, 2007, 10:00 a.m.

PLACE: The Lawton and Rhea Chiles Center for Healthy Mothers and Babies, University of South Florida, Mike Biliarakis Room 108, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items to be discussed include Policy recommendations; Sustainability report; Membership; strategic plan; and legislative update.

The **Office of Independent Education and Parental Choice** announces a public meeting to which all persons are invited.

DATE AND TIME: February 12, 2007, 9:00 a.m. – until completion

PLACE: LL-03 Capitol Cabinet Meeting Room, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Charter School Appeal Commission Hearing will be hearing the Application Denial of Good Start University vs. St. Johns County School Board and Discovery Education Services d/b/a Discovery Academy of Science vs. Osceola County School Board.

A copy of the agenda may be obtained by contacting: Office of Independent Education and Parental Choice, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399, (850)245-0502.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 day before the workshop/meeting by contacting: Office of Independent Education and Parental Choice, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399, (850)245-0502. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Office of Independent Education and Parental Choice, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399, (850)245-0502.

The **Office of Independent Education and Parental Choice** announces a public meeting to which all persons are invited.

DATE AND TIME: February 16, 2007, 10:00 a.m. – 3:00 p.m.

PLACE: The Florida Department of Education, 325 West Gaines Street, Conference Room 1703-07, Tallahassee, Florida 32399-0400

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Education shall regularly convene a Charter School Review Panel in order to review issues, practices, and policies regarding charter schools.

A copy of the agenda may be obtained by contacting: Office of Independent Education and Parental Choice, Attention: Jacqueline Hitchcock, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399-0400, (850)245-0502.

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 day before the workshop/meeting by contacting: The Office of Independent Education and Parental Choice, Attention: Jacqueline Hitchcock, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399-0400 or by telephone at (850)245-0502. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: The Office of Independent Education and Parental Choice, Attention: Jacqueline Hitchcock, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399-0400 or by telephone (850)245-0502.

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE OF CANCELLATION – The **Florida Building Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: January 22, 2007, 9:00 a.m. – completion

PLACE: Broward County Main Library, 8th Floor, Board Room, 100 South Andrews Avenue, Fort Lauderdale, Florida, (954)357-7544

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Working Group on Continuing Education for the Accessibility Technical Advisory Committee to Review Accessibility Code Training Courses.

A copy of the agenda may be obtained by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, or Fax (850)414-8436, or look on the website at www.floridabuilding.org

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak

Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824 or Fax (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824 or Fax (850)414-8436, or look on the website at www.floridabuilding.org

The **Florida Building Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: February 28, 2007, 9:00 a.m.

PLACE: Doubletree Hotel, 4500 West Cypress Street, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting on energy efficiency and moisture control in the Florida climate.

A copy of the agenda may be obtained by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, at (850)487-1824, or Fax (850)414-8436, or look on the web site at www.floridabuilding.org

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, or Fax (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, or Fax (850)414-8436, or look on the website at www.floridabuilding.org

DEPARTMENT OF TRANSPORTATION

The **Florida Scenic Highways Program** announces a Scenic Highways Advisory Committee meeting to which all persons are invited.

DATE AND TIME: Thursday, February 13, 2007, 1:30 p.m. – 4:00 p.m.

PLACE: Haydon Burns Building, 605 Suwannee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to review and provide a recommendation on the Lemon Bay/Myakka Trail (SR 776) Eligibility Application, Scenic 30-A Eligibility Application, and the Big Bend Scenic Byway-Leon County Extension Application.

INFORMATION: Contact Mr. Mariano Berrios, State Scenic Highways Coordinator, Environmental Management Office, Florida Department of Transportation, 605 Suwannee Street, MS-37, Tallahassee, Florida 32399-0450, (850)414-5250, e-mail mariano.berrios@dot.state.fl.us, or Fax (850)414-4443.

SPECIAL ACCOMMODATIONS: Special accommodation requests should be made at least seven (7) days prior to the meeting.

The **Commercial Motor Vehicle Review Board** announces a public meeting to which all persons are invited.

DATE AND TIME: February 15, 2007, 8:30 a.m.

PLACE: Hampton Inn & Suites, Ft. Lauderdale Airport, 2500 Stirling Road, Hollywood, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a monthly meeting of the Commercial Motor Vehicle Review Board for the purpose of reviewing penalties imposed upon any vehicle or person under the provisions of Chapter 316, Florida Statutes, relating to weights imposed on the highway by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations.

Any person aggrieved by the imposition of a civil penalty pursuant to Section 316.3025 or 316.550, Florida Statutes, may apply to the Commercial Motor Vehicle Review Board for a modification, cancellation, or revocation of the penalty.

Anyone needing an agenda or public hearing information or special accommodations under the Americans with Disabilities Act of 1990 should write to the address given below or call Christine Jones at (850)245-7914.

Special accommodation requests under the Americans with Disabilities Act should be made at least 48 hours prior to the public meeting.

A copy of the agenda may be obtained by writing to: Christine Jones, Executive Assistant, Commercial Motor Vehicle Review Board, 325 John Knox Rd., Bldg. K, Tallahassee, FL 32303.

The **Department of Transportation**, District One announces a second public hearing to which all persons are invited.

DATE AND TIMES: Monday, February 26, 2007, 7:00 p.m.; Open House, 6:00 p.m.

PLACE: East Lee County Regional Library, 881 Gunnery Road, Lehigh Acres, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To afford interested persons the opportunity to express their views concerning the revised SR 82 Corridor Access Management Plan (CAMP) and the proposed access classification change from 3 to 2 along SR 82 from Wallace Avenue in Lee County through Hendry County to SR 29 in Collier County.

A copy of the CAMP and the hearing agenda may be obtained by writing to Mr. Czerepak.

Anyone needing special accommodations under the Americans with Disabilities Act (ADA) of 1990 should write to: John Czerepak, District Growth Management Coordinator, Florida Department of Transportation, District One, Post Office Box 1249, Bartow, Florida, 33831, call (863)519-2343, email john.czerepak@dot.state.fl.us. Special accommodation requests under the ADA should be made 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."

The **Department of Environmental Protection**, Office of Coastal and Aquatic Managed Areas announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, February 12, 2007, 6:00 p.m. – 9:00 p.m.

PLACE: Ann Kolb Nature Center, West Lake Park, 751 Sheridan Street, Hollywood, FL 33019 (Broward County)

DATE AND TIME: Tuesday, February 13, 2007, 6:00 p.m. – 9:00 p.m.

PLACE: Loggerhead Marine Life Center, 14200 U.S. Highway One, Juno Beach, FL 33048 (Palm Beach County)

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Southeast Florida Coral Reef Initiative (SEFCRI) will hold two public meetings to receive input from the public on projects implemented to protect the coral reefs of southeast Florida, from Miami-Dade through Martin County. Attendees will receive information about completed and ongoing projects and will have the opportunity to provide feedback.

Citizens who cannot attend may submit their comments or suggestions by February 16, 2007, via email to coral@dep.state.fl.us or by post to: Florida Department of Environmental Protection, Coral Reef Conservation Program, 1277 N. E. 79th Street Causeway, Miami, FL 33138.

For additional information on SEFCRI visit: www.dep.state.fl.us/coastal/programs/coral/ or www.southeastfloridareefs.net

A copy of the agenda may be obtained by contacting: the Coral Reef Conservation Program Coordinator, Nikki Poulos, (305)795-2111.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting the Coral Reef Conservation Program Coordinator, Nikki Poulos, (305)795-2111. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

STATE BOARD OF ADMINISTRATION

NOTICE IS HEREBY GIVEN by the Florida Hurricane Catastrophe Fund, which is administered by the **State Board of Administration**, announces a meeting to which all persons are invited.

DATE AND TIME: February 13, 2007, 9:00 a.m. – conclusion
PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide permission for the Florida Hurricane Catastrophe Fund to file a Notice of Proposed Rulemaking so that a rule hearing can be held to address proposed changes to Rule 19-8.010, F.A.C., Reimbursement Contract, Rule 19-8.029, F.A.C., Insurer Reporting Requirements, and Rule 19-8.030, F.A.C., Insurer Responsibilities. The Trustees will also address other general business.

The proposed rules and incorporated forms are available on the Florida Hurricane Catastrophe Fund website: www.sbafla.com/fhcf under "fhcf rules." Anyone with questions or comments should contact: Tracy Allen, Florida Hurricane Catastrophe Fund, P. O. Drawer 13300, Tallahassee, FL 32317-3300, or by telephone at (850)413-1341.

The **Florida Prepaid College Board** announces a public meeting to which all interested parties are invited to attend.

DATE AND TIME: Friday, February 12, 2007, 9:00 a.m. – recessing at the end of each session and reconvening, as necessary the next business day at 9:00 a.m. or such other time and date as is posted at the meeting room, prior to 9:00 a.m. of the day proceeding the day of the meeting, until business has been concluded.

PLACE: Florida Prepaid College Board Office, 2nd Floor, 1801 Hermitage Blvd., Suite 210, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and score responses received from the Invitation to Negotiate for Large Capitalization Value-Oriented Domestic Equity Investment Manager Services, ITN #06-01.

If any person decides to appeal any decision made by the Committee with respect to any matter considered at this meeting, he may need to ensure that a verbatim record of the proceedings is made, which will include the testimony and evidence upon which the appeal is based.

SPECIAL ACCOMMODATION: Any person requiring special accommodations at the meeting because of a disability should Fax a written request for same to: Thomas J. Wallace, Executive Director, Florida Prepaid College Board, (850)488-3555, no later than five (5) days prior to the meeting.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 14, 2007, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery and Control Release matters as well as other Commission business.

A copy of the agenda may be obtained by contacting: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450.

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.

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 five days before the workshop/meeting by contacting: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450, (850)488-3417. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Parole Commission, 2601 Blair Stone Road, Tallahassee, Florida 32399-2450.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, February 20, 2007, 6:00 p.m.

PLACE: Nalcrest Foundation Auditorium, 3428 Nalcrest Road, #1 Towncenter, Nalcrest, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to give customers and other interested persons an opportunity to offer comments to the Public Service Commission staff regarding the quality of service the utility provides, the proposed rate increase, and to ask questions or make comments on other issues. Commission staff will be available to address and coordinate customers' comments and to assist members of the public. A representative from the utility may also be in attendance. At the beginning of the meeting, procedures will be established for the order of comments. The Public Service Commission staff will have sign-up sheets, and customers will be called in the order that they sign up to speak. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in the meeting.

Emergency Cancellation of Customer Meeting. If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the meeting will also be provided on the Commission's website <http://www.psc.state.fl.us> under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting the Division of the Commission Clerk and Administrative Services at (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Katherine Fleming, Office of the General Counsel, (850)413-6218.

The Florida **Public Service Commission**, in Docket No. 050958-EI, announces a public meeting to which all persons are invited.

DATE AND TIME: February 22, 2007, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

Any person requiring some accommodation at this prehearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (850)413-6770, at least 48 hours prior to the prehearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Public Service Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 28, 2007, 1:00 p.m.

PLACE: Tarpon Bar, Useppa Island, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To give customers and other interested persons an opportunity to offer comments regarding the quality of service the Utility provides, the proposed rate increase, and to ask questions and comment on other issues. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in this meeting.

Emergency Cancellation of Customer Meeting. If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the meeting will also be provided on the Commission's website <http://www.psc.state.fl.us> under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel, (850)413-6199.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Division of the Commission Clerk and Administrative Services, at (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Ralph Jaeger, Office of the General Counsel, (850)413-6234.

EXECUTIVE OFFICE OF THE GOVERNOR

The **Gubernatorial Fellows Board** announces a public conference call meeting to which all persons and interested media are invited, except as provided under Section 288.9551, Fla.Stat. (2003).

DATE and TIME: Monday, February 5, 2007, 1:00 p.m.

PLACE: Conference Call-In Number: (770)659-9299, when prompted, Pass Code: 4130909 LEADER: Sara Struhs, Chair

GENERAL SUBJECT MATTER TO BE CONSIDERED: At this call meeting, the board will discuss issues related to the future of the Gubernatorial Fellows Program.

For a copy of the working agenda and more information about how to attend the meeting, contact Mark Nelson at mark.nelson@vfffund.org or (850)410-0696.

The **Governor's Faith-Based and Community-Based Advisory**, Council's Education and Evaluation Subcommittee announces a public conference call meeting to which all persons and interested media are invited, except as provided under Section 288.9551, F.S. (2003).

DATE AND TIME: Tuesday, February 6, 2007, 3:00 p.m.

PLACE: Conference Call 1(888)808-6959, Pass Code 4130909; Leaders: Andre Estevez and Yvonne Sawyer

GENERAL SUBJECT MATTER TO BE CONSIDERED: At this meeting, the Subcommittee will discuss future education/training opportunities, as well as discuss tools for delivery of educational opportunities.

For a copy of the agenda and more information about how to attend the meeting contact Mark Nelson at mark.nelson@vfffund.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 Faith-Based and Community-Based Advisory Council** announces a meeting between council members Linda King and Raeanne Hance to which all persons and interested media are invited, except as provided under Section 288.9551, Fla.Stat. (2003).

DATE AND TIME: Thursday, February 8, 2007, 10:00 a.m.

PLACE: Denny's Restaurant, 14697 Duval Road, Jacksonville, Florida 32218

GENERAL SUBJECT MATTER TO BE CONSIDERED: At this meeting, the Subcommittee will discuss future education/training opportunities, as well as discuss tools for delivery of educational opportunities.

For more information about how to attend the meeting, please contact Mark Nelson at mark.nelson@vfffund.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 **Office of Film and Entertainment** and the Florida Film and Entertainment Advisory Council Standing Rules Task Force Committee will convene in meeting via conference call. This is a public meeting to which all persons are invited.

DATE AND TIME: Friday, February 2, 2007, 10:00 a.m.
 PLACE: Governor's Office of Film and Entertainment, The Capitol, Suite 2001, Tallahassee, FL 32399-0001
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss parameters of public comments at the end of meetings as brought up at the FFEAC 3rd Quarter Meeting in Key West. Should any person wish to appeal any decision made with respect to the above referenced meeting, he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review. Pursuant to Section 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact the Commission at least 48 hours prior to the meeting in order to request any special assistance.

REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: February 16, 2007, 9:30 a.m.

PLACE: Board Room, Shands at University of Florida, 1600 S. W. Archer Road, Gainesville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the North Central Florida Local Emergency Planning Committee.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by calling (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: February 16, 2007, 1:30 p.m.

PLACE: Charles F. Justice Conference Room, North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Regional Hazardous Materials Response Team Policy Board.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida 32653-1603.

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by calling (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Withlacoochee Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 15, 2007, 7:00 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 Southwest 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Council.

A copy of the agenda may be obtained by contacting: The Executive Director, Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

NOTICE OF RESCHEDULING – The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIMES: The LEPC meeting previously advertised for Friday, February 2, 2007, has been rescheduled for Friday, February 9, 2007, 10:00 a.m. Please be advised there will be a Training Committee meeting at 9:00 a.m.

PLACE: ECFRPC Offices, 631 North Wymore Road, Suite 100, Maitland, FL 32751 (Please call (407)623-1075 to confirm date, time, and place)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular quarterly meeting of the Local Emergency Planning Committee.

A copy of the agenda may be obtained by writing to: Ms. Teri Hualp, LEPC Coordinator, East Central Florida Regional Planning Council, 631 North Wymore Road, Suite 100, Maitland, Florida 32751 or by visiting www.ecfrpc.org.

The ECFRPC desires to accommodate persons with disabilities. Accordingly, any physically handicapped person, pursuant to Section 286.26 Florida Statutes, should, at least 48

hours prior to the meeting, submit a written request to the Council that the physically handicapped person desires to attend the meeting.

The **Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: March 14, 2007, 9:30 a.m.

PLACE: American Compliance Technologies, Inc., Office 1875 West Main Street, Bartow, FL 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: The regular bi-monthly meeting of the LEPC.

A copy of the agenda may be obtained by contacting: Chuck Carter, Local Emergency Manager, Central Florida Regional Planning Council, 555 East Church Street, Bartow, FL 33830, (863)534-7130.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Chuck Carter, Local Emergency Manager, Central Florida Regional Planning Council, 555 East Church Street, Bartow, FL 33830.

The **Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: March 14, 2007, 9:30 a.m.

PLACE: DeSoto County Commission Chambers, 201 East Oak Street, Room 103, Arcadia, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The regular monthly meeting of the Central Florida Regional Planning Council, or it's Executive Committee.

A copy of the agenda may be obtained by contacting: Patricia M. Steed, Executive Director, Central Florida Regional Planning Council, 555 East Church Street, Bartow, FL 33830.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Patricia M. Steed, Central Florida Regional Planning Council, 555 East Church Street, Bartow, FL 33830.

The **Regional Business Alliance** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 14, 2007, 2:00 p.m. – 4:00 p.m.

PLACE: Sun-Sentinel, 3333 South Congress Avenue, Delray Beach, Florida

A copy of the agenda may be obtained by contacting: Isabel Cosio Carballo, (954)985-4416, isabelc@sfrpc.com

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 day before the workshop/meeting by contacting: Isabel Cosio Carballo, (954)985-4416, isabelc@sfrpc.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Isabel Cosio Carballo, (954)985-4416, isabelc@sfrpc.com

The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: February 8, 2007, 12:00 Noon – 5:00 p.m.

PLACE: Florida Atlantic University, 500 N. W. California Boulevard, Port St. Lucie, FL 34986

GENERAL SUBJECT MATTER TO BE CONSIDERED: Topics for discussion will include SB 360, interlocal agreements, comprehensive planning, and regulatory procedures.

A copy of the agenda may be obtained by contacting Liz Gulick at (772)221-4060.

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Liz Gulick, TCRCP, (772)221-4060, lgulick@tcrpc.org

The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: February 16, 2007, 9:30 a.m.

PLACE: Wolf High – Technology Center, Indian River Community College Chastain Campus, 2400 S. E. Salerno Road, Stuart, FL 34997

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 East Ocean Boulevard, Suite 300, Stuart, Florida 34994, Liz Gulick, (772)221-4060.

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Southwest Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 15, 2007, 9:00 a.m.

PLACE: Southwest Florida Regional Planning Council, First Floor, Conference Room, 1926 Victoria Avenue, Fort Myers, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Regular Board Meeting of the Southwest Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: Mrs. Nichole L. Gwinnett, Executive Assistant, email: ngwinnett@swfrpc.org, website: www.swfrpc.org, (239)338-2550, ext. #232.

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Mrs. Nichole L. Gwinnett, Executive Assistant, email: ngwinnett@swfrpc.org, (239)338-2550, ext. #232. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Mrs. Nichole Gwinnett, Executive Assistant, email: ngwinnett@swfrpc.org, website: www.swfrpc.org, (239)338-2550, ext. #232.

The **Southwest Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: February 22, 2007, 9:30 a.m.

PLACE: Southwest Florida Regional Planning Council, First Floor, Conference Room, 1926 Victoria Avenue, Fort Myers, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Region IX – Local Emergency Planning Committee (LEPC) Board Meeting to discuss and implement provisions of the Emergency Planning and Community Right To Know Act.

A copy of the agenda may be obtained by contacting: Mr. John Gibbons, LEPC Coordinator, Southwest Florida Regional Planning Council, (239)338-2550, ext. #229, jgibbons@swfrpc.org

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mr. John Gibbons, LEPC Coordinator, Southwest Florida Regional Planning Council, (239)338-2550, ext. #229, jgibbons@swfrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

WATER MANAGEMENT DISTRICTS

The **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, February 12, 2007, 9:00 a.m.

PLACE: Tampa Service Office, 7601 U.S. Highway 301 North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consider Basin business. The meeting will be preceded by a Memorial Service to honor a former Governing Board member.

A copy of the agenda may be obtained by contacting: SWFWMD Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or (352)796-7211, extension 4606.

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting General Services Department, 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only

1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: SWFWMD Executive Department at the address above.

The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, February 12, 2007, 3:00 p.m.

PLACE: Lecanto Government Building, 3600 West Sovereign Path, Room 166, Lecanto, Florida 34461

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Task Force business.

A copy of the agenda may be obtained by contacting: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604, (352)796-7211 or 1(800)423-1476 (Florida only), extension 4227.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting 1(800)423-1476 (Florida), or (352)796-7211, extension 4226; Fax (352)797-5806; TDD ONLY 1(800)231-6103 (Florida). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 14, 2007, 9:00 a.m.

PLACE: Sarasota Service Office, 6750 Fruitville Road, Sarasota, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consider Basin business.

A copy of the agenda may be obtained by contacting: SWFWMD Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or (352)796-7211, extension 4606.

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting General Services Department, 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only

1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact SWFWMD Executive Department at the address above.

The **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 15, 2007, 9:00 a.m.

PLACE: District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consider Basin business.

A copy of the agenda may be obtained by contacting: SWFWMD Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or (352)796-7211, extension 4606.

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting General Services Department, 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact SWFWMD Executive Department at the address above.

The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 15, 2006, 9:30 a.m.

PLACE: Tampa Service Office, 7601 Highway 301 North, Tampa, Florida 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss issues and conduct committee business of the Green Industry Advisory Committee.

A copy of the agenda may be obtained by contacting: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604, (352)796-7211 or 1(800)423-1476 (Florida only), extension 4402.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting 1(800)423-1476 (Florida only), or (352)796-7211,

extension 4402, Fax (352)754-6749, TDD ONLY 1(800)231-6103 (Florida only). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 15, 2007, 1:00 p.m.

PLACE: District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consider Basin business.

A copy of the agenda may be obtained by contacting: SWFWMD Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or (352)796-7211, extension 4606.

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting General Services Department, 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact SWFWMD Executive Department at the address above.

The **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, February 16, 2007, 9:30 a.m.

PLACE: Bartow Service Office, 170 Century Boulevard, Bartow, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consider Basin business.

A copy of the agenda may be obtained by contacting: SWFWMD Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or (352)796-7211, extension 4606.

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting General Services Department, 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact SWFWMD Executive Department at the address above.

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: February 15, 2007, 9:00 a.m.

PLACE: SFWMD, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board Meeting to discuss and consider District business, including regulatory and non-regulatory matters and workshop items. Governing Board action may be taken at either the Workshop or regular Governing Board meeting.

A copy of the agenda may be obtained by contacting: <http://www.sfwmd.gov/agenda.html>

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: February 15, 2007, 9:00 a.m. – complete

PLACE: SFWMD, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Section 286.011(8), F.S. (2005), to discuss strategy related to litigation expenditures in *United States of America v. South Florida Water Management District, et al.* United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. The subject matter shall be confined to the pending litigation.

ATTENDEES: Governing Board Members I. Bague, M. Burt-Stewart, A. Carlson, M. Collins, N. Gutiérrez, L. Lindahl, K. McCarty, H. Thornton; Executive Director C. Wehle; District attorneys S. Wood, S. Echemendia, R. Panse, S. Nall, C. Linton, K. Burns.

A copy of the agenda may be obtained by contacting: <http://www.sfwmd.gov/agenda.html>

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact Garrett Wallace, (561)682-6371.

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: February 15, 2007, 9:00 a.m. – complete

PLACE: SFWMD, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Closed door attorney-client session pursuant to Section 286.011(8), F.S. (2005), to discuss strategy related to litigation expenditures in Friends of the Everglades, Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 02-80309-CV-Altonaga/Turnoff; Miccosukee Tribe of Indians of Florida v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 98-6056-CIV-Lenard/Klein; and Friends of the Everglades v. South Florida Water Management District, United States District Court, Southern District of Florida, Case No. 98-6057-CIV-Lenard/Klein. The subject matter shall be confined to the pending litigation.

ATTENDEES: Governing Board Members I. Bague, M. Burt-Stewart, A. Carlson, M. Collins, N. Gutiérrez, L. Lindahl, K. McCarty, H. Thornton; Executive Director C. Wehle; District attorneys S. Wood, S. Echemendia, S. Nall, R. Panse, J. Nutt, E. Artau, M. Compagno, R. Olian.

A copy of the agenda may be obtained by contacting <http://www.sfwmd.gov/agenda.html>

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact Garrett Wallace, (561)682-6371

The **St. Johns River Water Management District**, **Southwest Florida Water Management District**, and **South Florida Water Management District** announces a workshop to which all persons are invited.

DATE AND TIME: February 20, 2007, 10:00 a.m. – 12:00 Noon

PLACE: 9150 Curry Road, Orange County Utilities Administration Building, 1st Floor, Public Meeting Room, Orlando, Florida 32825

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consumptive use permit criteria and conditions applicable to public water supply applicants in the Central Florida Coordination Area. The Central Florida Coordination Area includes Polk, Orange, Osceola, and Seminole counties, southern Lake County, and the City of Cocoa's public supply service in Brevard County. The Notices of Proposed Rule Development for Rule 40E-2.091, F.A.C., were published in the F.A.W., on November 3, 2006, Vol. 32, No. 44, pages 5129-5132.

A copy of the agenda may be obtained by contacting: Jan Sluth, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, ext. 6299, or (561)682-6299, email: jsluth@sfwmd.gov.

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting South Florida Water Management District Clerk, 1(800)432-2045, ext. 2087, or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces an Allocation Technical Working Group meeting to which all persons are invited.

DATE AND TIME: Friday, February 9, 2007, 9:00 a.m. – until completion

PLACE: Hyatt Regency Tampa, 211 North Tampa Street, Tampa, FL 33602, (813)225-1234. Conference Call Number: 1(888)808-6959, Conference Code: 524736

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review proposed data elements for future funding allocations. In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the

meeting or an agenda should contact Nikki Smith, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435. The meeting is subject to change upon chairperson's request.

REGIONAL UTILITY AUTHORITIES

The **Tampa Bay Water** announces a public meeting to which all persons are invited.

DATE AND TIMES: Monday, February 19, 2007, 9:00 a.m.; Attorney/Client Briefing, 11:00 a.m.

PLACE: 2575 Enterprise Road, Clearwater, FL 33763

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Meeting and an private Attorney/Client briefing session between the Tampa Bay Water Board of Directors and legal counsel pursuant to Section 286.011(8), Florida Statutes, to discuss possible settlement and litigation strategies in Tampa Bay Water v. Hydranautics, Fidelity of Maryland, Zurich American, King Engineering and Delaware Engineering, P.C. The Board of Directors of Tampa Bay Water approved the Attorney/Client session at its regularly scheduled meeting on December 18, 2006.

The entire Attorney/Client briefing session will be recorded by a certified court reporter, transcribed within a reasonable time after the meeting, and filed with Tampa Bay Water's Records Manager. The transcript of the private session shall be made part of the public record upon the conclusion of the litigation.

A copy of the agenda may be obtained by contacting Tampa Bay Water, or can be accessed on the Web at www.tampabaywater.org. 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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting Holly Wells at (727)796-2355. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE OF CANCELLATION – The **Agency for Health Care Administration** announces a hearing to which all persons are invited.

DATE AND TIME: February 7, 2007, 10:00 a.m.

PLACE: 2727 Mahan Drive, Building 3, Conference Room B, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Specific to the Gold Seal Program including defining quality of care scoring, advertising and marketing criteria, the application review process, quality of care scoring and ranking, criteria for turnover rate and renewal application receipt.

A copy of the agenda may be obtained by contacting: Barbara Dombrowski, Bureau of Long-Term Care Services, 2727 Mahan Drive, Mail Stop #51, Tallahassee, Florida 32308, (850)414-9707.

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF MANAGEMENT SERVICES

The Florida **Department of Management Services** announces a meeting of the Florida State Employees' Charitable Campaign (FSECC) Statewide Steering Committee to which all persons are invited.

DATE AND TIME: February 14, 2007, 2:00 p.m.

PLACE: 4050 Esplanade Way, Suite 280K, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the FSECC Steering Committee to determine Direct Local Services by participating charities.

For more information about the meeting, for a copy of the agenda, or if special accommodations are needed to attend this meeting because of a disability, please contact: John Kuczanski, Department of Management Services, 4050 Esplanade Way, Suite 280, Tallahassee, FL 32399-0950, (850)413-7448.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Department of Business and Professional Regulation, Board of Employee Leasing Companies**, announces an official general business meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 21, 2007, 10:00 a.m. or soon thereafter

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0767, (850)487-1395

GENERAL SUBJECT MATTER TO BE CONSIDERED:
General Business Meeting of the Board.

A copy of the agenda may be obtained by writing to: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767, or by calling their office at (850)487-1395.

If any person decides to appeal any decision made with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the board office at (850)487-1395. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771(TDD).

For further information, contact: Florida Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

The Florida **Board of Pilot Commissioners** announces the following meetings, to which all persons are invited to attend.

DATE AND TIME: February 12, 2007, 9:00 a.m.

PLACE: Marriott Tampa Westshore, 1001 N Westshore Boulevard, Tampa, FL 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED:
General Board and Business meeting.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Pilot Commissioners, 1940 N. Monroe St., Tallahassee, Florida 32399.

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 Board office at (850)922-6096, 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, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Accountancy**, Committee on Continuing Professional Education announces the following public meeting to which all persons are invited.

DATE AND TIME: Tuesday, February 20, 2007, 9:00 a.m.

PLACE: Via Conference Call

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review reporting forms and requests for course approval.

If you wish to participate in this meeting or receive a copy of the agenda, please contact: Karan Lee, Board of Accountancy, 240 N. W. 76th Drive, Suite A, Gainesville, Florida 32607, (850)487-1395.

The **Florida Real Estate Commission** announces a public Workshop to which all persons are invited at the time, date, and place shown below.

DATE AND TIME: Tuesday, February 20, 2007, 2:00 p.m. (Central Standard Time) or soonest thereafter

PLACE: Hilton Garden Inn, Royal Palm Ballroom, 12 Via de Luna Drive, Pensacola Beach, Florida 32561, (850)916-2999

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the workshop is to tentatively discuss the following topics: 1) Term "Qualifying Broker" as it relates to form DBPR RE-2050 – Request for Change of Status; 2) Rule 61J2-5.014 – Registration of Corporation, Florida Administrative Code; and 3) Rule 61J2-3.010, Florida Administrative Code, relating to License Reactivation Education for Brokers and Sales Associates.

Any person requiring a special accommodation at this workshop because of a disability or physical impairment should contact the Division of Real Estate at (407)481-5632 (between the hours of 9:00 a.m. and 4:00 p.m.), at least five calendar days prior to the workshop. If you are hearing or speech impaired, please call the Florida Real Estate Commission 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: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801.

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."

The William W. "Bill" Hinkley Center for **Solid and Hazardous Waste Management**, Advisory Board, Research Selection Committee announces a Conference Call to which all interested persons are invited.

DATE AND TIME: February 5, 2007, 10:00 a.m.

PLACE: Please call (352)392-6264 to obtain the call in number, or visit the Center's web page at www.hinkleycenter.org

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pre-proposals received in response to the Center's RFP.

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a workshop to which all persons are invited.

DATE AND TIME: Thursday, February 15, 2007, 1:00 p.m. (ET)

PLACE: Larry R. Jackson Branch of Lakeland Public Library, 1700 N. Florida Avenue, Lakeland, Florida 33805

GENERAL SUBJECT MATTER TO BE CONSIDERED: Presentation and discussion regarding preparation of Florida's 2007 Statewide Comprehensive Outdoor Recreation Plan (SCORP).

A copy of the agenda may be obtained by contacting: Ms. Patricia Evans, Florida Department of Environmental Protection, Division of Recreation and Parks, Office of Park Planning, Mail Station #525, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399, (850)245-3068 or email patricia.evans@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Ms. Patricia Evans at (850)245-3068 or email patricia.evans@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, February 20, 2007, 6:00 p.m. – 9:00 p.m.

PLACE: The University of Florida's Glades County Extension, Doyle Conner Agricultural Civic Center, 900 U.S. 27, Moore Haven, Glades County, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Pursuant to Section 403.50663, F.S., Glades County will be conducting an information meeting on this date and during this timeframe. The Department's representatives will be present to answer questions and provide information regarding the Department's permitting processes and Florida Power & Light Company's permit application for a proposed solid-fueled (coal and up to 20% petcoke) power plant. The proposed project will add two nominal 980 Megawatt solid-fueled boilers and other ancillary equipment. The project is or may be subject to a number of Department permitting requirements including (but not limited to): preconstruction review for the Prevention of Significant Deterioration (PSD) of Air Quality pursuant to Rule 62-212.400, F.A.C.; Underground Injection Control (UIC) permitting, pursuant to Chapter 62-528, F.A.C.; and certification under the Florida Electrical Power Plant Siting Act pursuant to Sections 403.501-.518, F.S. The air

permit application can be viewed at <http://www.dep.state.fl.us/Air/permitting/construction/fplglades>. The site certification application can be viewed at http://www.dep.state.fl.us/siting/Highlights/applications_in_process.htm. A complete project file is available at the following physical address for the Siting Coordination Office, Department of Environmental Protection, 2600 Blair Stone Road, Suite 653A, Tallahassee, Florida 32399 and also at the Department's South District Office located at 2295 Victoria Avenue, Suite 364, P. O. Box 2549, Fort Myers, FL 33902-2549.

A copy of the agenda may be obtained by contacting Mike Halpin at (850)245-8002.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Mike Halpin at (850)245-8002. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Mike Halpin at (850)245-8002.

The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: February 21, 2007, 9:00 a.m.

PLACE: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899

GENERAL SUBJECT MATTER TO BE CONSIDERED: This public meeting is the fifth meeting of the Technical Advisory Committee which was formed to provide technical assistance to DEP in the development of the proposed revisions to Chapter 62-640, F.A.C., Domestic Residuals. The committee will discuss some general issues and then review potential rule changes proposed by the Department for Chapter 62-640, F.A.C.

A copy of the agenda may be obtained by contacting: Maurice Barker, Department of Environmental Protection, MS #3540, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8614, maurice.barker@dep.state.fl.us

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the above person. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection, Bureau of Invasive Plant Management** announces a public meeting to which all persons are invited.

DATE AND TIME: February 22, 2007, 10:00 a.m. – completion of business

PLACE: University of Tampa, 200 Poe Parkway, Ferman Conference Center, Vaughn Center, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: A public meeting to discuss the implementation of the Statewide Invasive Species Management Plan for Florida, a comprehensive plan that coordinates the responsibilities of the state agencies to manage and prevent biological invasions.

A copy of the agenda may be obtained by contacting: Don C. Schmitz, Department of Environmental Protection, Division of State Lands, Bureau of Invasive Plant Management, 3900 Commonwealth Boulevard, M.S. 705, Tallahassee, FL 32399, (850)245-2809.

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Don C. Schmitz, (850)245-2809. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF JUVENILE JUSTICE

The **Department of Juvenile Justice** announces a hearing to which all persons are invited.

DATE AND TIME: Monday, February 26, 2007, 10:00 a.m.

PLACE: DJJ Headquarters, 2737 Centerview Dr., General Counsel's Conference Room 312, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Amendments to the proposed Rules 63C-1.001, Nonjudicial Procedures for Families Needing Services; 63C-1.002, Coordinating Children-In-Need-of Services Programs; 63C-1.003, NULL, governing children/families in need of services programs. Incorporating additional detail on the operation and administration of such programs.

A copy of the agenda may be obtained by contacting: John Milla, 2737 Centerview Dr., Ste. 312, Tallahassee, FL 32399-3100, e-mail: john.milla@djj.state.fl.us

DEPARTMENT OF HEALTH

The Florida **Board of Medicine**, Probable Cause Panel (South), announces a telephone conference call to be held via meet me number.

DATE AND TIME: February 9, 2007, 2:00 p.m.

PLACE: Meet me Number: Contact Florida Board of Medicine, (850)245-4131 for the meet me number

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing to: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

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.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required.

The Medical Litigation Section may be contacted at: P. O. Box 14229, Tallahassee, Florida 322317-4229, (850)922-2414, 1(800)955-8771(TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

The **Board of Osteopathic Medicine** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, February 23, 2007, 10:00 a.m. or soon thereafter

PLACE: NOVA, 3301 College Avenue, Ft. Lauderdale, FL 33314, 1(888)808-6959, Conference Code 2454587

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review those cases on which a determination of existence of probable cause has already been made.

A copy of the PUBLIC portion of the agenda may be obtained by writing to: Kathryn Price, Senior Attorney, Department of Health, Prosecution Services, 4052 Bald Cypress Way, #C-65, Tallahassee, FL 32399.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Practitioner Regulation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Practitioner Regulation Section may be contacted at 4052 Bald Cypress Way, #C-65, Tallahassee, FL 32399, 1(800)955-8771 (TDD) or 1(800)955-8770 via Florida Relay Service.

The **Board of Osteopathic Medicine** announces a public meeting to which all persons are invited.

DATES AND TIMES: Friday, February 23, 2007, 4:00 p.m. or shortly thereafter; Saturday, February 24, 2007, 9:00 a.m. or shortly thereafter

PLACE: NOVA, 3301 College Avenue, Ft. Lauderdale, FL 33314, 1(800)541-6682

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board business.

A copy of the agenda may be obtained by contacting: Pamela King, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, or you may call (850)488-0595.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records includes the testimony and evidence upon which the appeal is to be based. You will be charged seventeen cents per page for the number of copies desired.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Christy Robinson, (850)488-0595, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Christy Robinson using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Speech-Language Pathology and Audiology** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, February 20, 2007, 9:00 a.m. or soon thereafter

PLACE: Embassy Suites Hotel, 1100 S. E. 17th Street, Ft. Lauderdale, FL 33316, (954)527-2700

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

A copy of the agenda may be obtained by writing to: Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, Bin C-06, Tallahassee, Florida 32399-3256.

Please note, that if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact the Board of Speech-Language Pathology and Audiology, (850)245-4161, at least five (5) 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, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Council on Homelessness** announces a series of conference call meetings of its Barriers and Support Services, Data Collections, Supportive Housing Development, and Executive Committees, to which all persons are invited.

COMMITTEE: Barriers & Support Services

DATE AND TIME: 1st Tuesday, February 6, 2007, 2:00 p.m. – 3:00 p.m.

PLACE: Conference Call 1(888)808-6959, Conference Code 9229760

COMMITTEE: Data Collection

DATE AND TIME: 1st Wednesday, February 7, 2007, 10:00 a.m. – 11:00 a.m.

PLACE: Conference Call 1(888)808-6959, Conference Code 9229760

COMMITTEE: Planning/Executive

DATE AND TIME: 1st Monday, February 5, 2007, 3:00 p.m. – 4:00 p.m.

PLACE: Conference Call 1(888)808-6959, Conference Code 9229760

COMMITTEE: Supportive Housing

DATE AND TIME: 2nd Thursday, February 8, 2007, 2:00 p.m. – 3:00 p.m.

PLACE: Conference Call 1(888)808-6959, Conference Code 9229760

GENERAL SUBJECT MATTER TO BE CONSIDERED: These conference calls will address the committees' continued development of policy recommendations and work tasks to address the Council's Strategic Plan to reduce the number of persons who may be facing homelessness in Florida.

A copy of the agenda for the conference calls may be obtained by contacting: Tom Pierce, State Office on Homelessness, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)922-9850, Tom_Pierce@dcf.state.fl.us.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to access this meeting who may be in need of special assistance should contact the Office on Homelessness (850)922-4691, at least 48 hours in advance of this meeting.

The **Interagency Services Committee for Youth and Young Adults with Disabilities** announces the second meeting to which all interested persons are invited.

DATE AND TIME: February 8, 2007, 8:30 a.m. – 12:00 Noon

PLACE: 4030 Esplanade Way, Room 301, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will focus on the establishment of the process for nominating two community members to participate on the committee (one individual with a disability and one parent of an individual with a disability); establishment of committee staffing; establishment of standard operating processes and procedures; and the creation of a preliminary outline/associated assignments for the first committee report due to the Governor and the Legislature on March 1, 2007.

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 27, 2007, 10:00 a.m. – 12:00 Noon

PLACE: Conference Call: 1(888)808-6959. When prompted, enter Conference Code: 3884197 followed by the # key

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a follow up to a Rule Development Workshop held on January 26, 2007, to discuss the rule, application and timeline for the 2007 cycle of the Farmworker Housing Recovery Program and the Special Housing and Development Program.

For questions or copies of the agenda, please contact Rob Dearduff, Florida Housing Finance Corporation, (850)488-4197.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Leslie Warren, Florida Housing Finance Corporation, at (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

FLORIDA INSURANCE GUARANTY ASSOCIATION

The **Florida Insurance Guaranty Association** announces a Nomination Committee meeting to which all interested parties are invited to attend.

DATE AND TIME: February 6, 2007, 4:30 p.m. (Eastern Time) – recessing as soon as business has been concluded

PLACE: Grand Hyatt Tampa Bay, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Nomination Committee will meet regarding the election of Board officers.

For further information contact Cathy Irvin at (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.

TREASURE COAST EDUCATION, RESEARCH AND DEVELOPMENT AUTHORITY

The **Treasure Coast Education, Research and Development Authority** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Wednesday, February 7, 2007, 8:00 a.m.

PLACE: University of Florida Indian River Research and Education Center, 2199 South Rock Road, Fort Pierce, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conceptual Master Plan RFP, Strategic Assessment, signage, committee reports, and such other business as the Authority may deem appropriate.

Those who desire a copy of the agenda or more information should contact Linda W. Cox, Chairman, at (772)595-9999.

Anyone with a disability requiring accommodation to attend this meeting should contact Jackie Bylsma, (772)467-3107, at least forty-eight (48) hours prior to the meeting.

The **Treasure Coast Education, Research and Development Authority** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Tuesday, February 7, 2007, 10:00 a.m.

PLACE: University of Florida Indian River Research and Education Center, 2199 South Rock Road, Fort Pierce, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Strategic Assessment Worksession with the Authority’s consultant, Vernon George.

Those who desire a copy of the agenda or more information should contact Linda W. Cox, Chairman, at (772)595-9999.

Anyone with a disability requiring accommodation to attend this meeting should contact Jackie Bylsma. (772)467-3107, at least forty-eight (48) hours prior to the meeting.

TAMPA BAY ESTUARY PROGRAM

The **Tampa Bay Estuary Program** (TBEP) announces scheduling of a Management Board Meeting to which all persons are invited.

DATE AND TIME: Friday, February 9, 2007, 9:00 a.m.

PLACE: Tampa Bay Regional Planning Council, 4000 Gateway Centre Boulevard, Suite 100, Pinellas Park, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Action will be taken on conceptual approval of the draft FY 07/08 annual workplan and budget. There will be discussion on progress toward CCMP goals, as well as a non-profit update.

Please note that if a person decides to appeal any decision made by the Tampa Bay Estuary Program Management Board to any matter considered at the above-cited meeting, he will

need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **Tampa Bay Estuary Program (TBEP)** announces scheduling of a Policy Board Meeting to which all persons are invited.

DATE AND TIME: Friday, February 9, 2007, 2:00 p.m.

PLACE: Tampa Bay Regional Planning Council, 4000 Gateway Centre Boulevard, Suite 100, Pinellas Park, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Action will be taken on conceptual approval of the draft FY 07/08 annual workplan and budget. There will be discussion on progress toward CCMP goals, as well as a non-profit update.

Please note that if a person decides to appeal any decision made by the Tampa Bay Estuary Program Policy Board to any matter considered at the above-cited meeting, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

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

NOTICE IS GIVEN that the Agency for Health Care Administration has received a petition for declaratory statement from Morton Plant Hospital Association, Inc., d/b/a Morton Plant Hospital. The petition seeks a declaratory statement from the Agency as to the applicability of paragraph 59A-3.066(2)(e), Fla. Admin. Code, subsection 59A-3.079(3), Fla. Admin. Code, and 59A-3.081(11), Fla. Admin. Code, to the Petitioner's intended development of a freestanding emergency department at a location off the premises of Morton Plant Hospital. Additionally, the petition seeks a declaratory statement from the Agency as to whether the Agency will add the proposed freestanding emergency department to Morton Plant's Class I Hospital license as an offsite outpatient facility upon Morton Plant's satisfaction of applicable statutory and regulatory requirements.

A copy of the petition may be obtained by writing to: Richard J. Shoop, Esquire, Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #3, Tallahassee,

Florida 32308. Please refer all comments to: Michael O. Mathis, Esquire, Assistant General Counsel, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #3, Tallahassee, Florida 32308.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued an order disposing of the petition for declaratory statement filed by Inverness Village Condominium Association, Inc.; Docket No. 2006056782 on November 22, 2006. The following is a summary of the agency's disposition of the petition:

The Division declares that directors and officers of Inverness Village Condominium Association, Inc. who directly participated in the clean up and code compliance efforts following Hurricane Wilma may be compensated for their work in accordance with the bylaws by 75% vote of the unit owners, which bylaws are authorized by Section 718.112(20)(a)1., Florida Statutes. Further, because the bylaws prohibit the directors voting on their compensation, Section 718.111(1)(b), Florida Statutes, does not apply; however, the directors to be compensated may vote as unit owners at a member meeting on their compensation under Sections 718.106(2)(d) and 718.112(2)(d), Florida Statutes.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: the Division Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT that the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from In Re: Petition for Declaratory Statement, Cynthia L. Gleason, Unit Owner, Gulf Island Beach & Tennis Club Condominium Association I, Inc.; Docket Number 2007001248. The petition seeks the agency's opinion as to the applicability of Section 718.112(2)(a)1., Florida Statutes, as it applies to the petitioner.

Whether the board of directors of The Gulf Island Owners Association, Inc. is composed of three or five members under Section 718.112(2)(a)1., Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued an order disposing of the petition for declaratory statement filed by Maison Grande Condominium Association, Inc., Petitioner; Docket No. 2006051291 on October 6, 2006. The following is a summary of the agency's disposition of the petition:

The Division declares that Maison Grande Condominium Association, Inc. may not remove a board member for failing to meet an eligibility requirement of residence of 9 or more months a year under Section 718.112(2)(d), Florida Statutes.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida has received the petition for declaratory statement from In Re: Petition for Declaratory Statement, Joseph White, Petitioner, Seabrook Place Condominium Association, Inc.; Docket No. 2006064922. The petition seeks the agency's opinion as to the applicability of Section 718.303(2), Florida Statutes, as it applies to the petitioner.

Whether Seabrook Place Condominium Association, Inc. is required by Section 718.303(2), Florida Statutes, to give a unit owner an opportunity for a hearing and a reasonable time to correct the violation after the hearing, and then only impose a fine if it is not corrected.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by In Re: Petition for Declaratory Statement, James T. Schultz, Unit Owner, Gardens V at Waterside Village, Inc.; Docket No. 2006062410 on November 29, 2006. The following is a summary of the agency's declination of the petition: The Division denies the Petition for Declaratory Statement because the parties have amicably resolved the issues and the need for a declaratory statement is moot.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

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

NOTICE IS HEREBY GIVEN THAT Board of Nursing has received the petition for declaratory statement from Karen Beatty, LPN. The petition seeks the agency's opinion as to the applicability of Section 464.003, F.S. and Chapter 64B9-12, F.A.C., as it applies to the petitioner.

The Petitioner seeks the Board's interpretation of the application of Section 464.003, F.S. and Chapter 64B9-12, F.A.C. Specifically, the Petitioner requests that the Board issue a Declaratory Statement determining under the provisions of Section 464.003, F.S. and Chapter 64B9-12, F.A.C., whether it is within the scope of practice for an LPN to perform in psychiatric treatment intramuscular injection of Haldol decanoate, Prolixin decanoate, and Risperdal Consta to patients in their homes without an RN or MD present directly on the premises but available immediately by cell phone. This petition will be considered at the April 2007 meeting of the Board.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259.

Please refer all comments to: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259.

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

COMMITTEE MEETING AGENDA
 February 5, 2007
 301 Senate Office Building
 3:30 p.m. – 5:30 p.m.

SAME AGENDA AS SCHEDULED FOR THE JANUARY 22, 2007, MEETING WHICH WAS CANCELLED DUE TO A CONFLICT WITH SPECIAL SESSION.

CALL TO ORDER AND ROLL CALL

TAB 1 STATUS REPORT

REPORT ON PREVIOUS OBJECTIONS:

TAB 2 64B1-3.001(6), Definitions.
 Department of Health; Board of Acupuncture

02-06-06 Objection Voted.

03-21-06 Received letter from the Counsel for the Board: Will Amend.

05-05-06 FAW Notice of Proposed Rulemaking.

06-29-06 Received Notice of Change; Objectionable Subsection (6) Deleted.

07-07-06 FAW Notice of Change.

08-17-06 Adopted. MODIFIED

09-06-06 Effective.

64B1-9.005 Definitions.
 Department of Health; Board of Acupuncture

02-06-06 Objection Voted.

03-21-06 Received letter from the Counsel for the Board: Will Amend.

07-28-06 FAW Notice of Proposed Rulemaking (Repeal).

08-30-06 Adopted. REPEALED

09-19-06 Effective.

NEW OBJECTIONS:

TAB 3 Department of Management Services

60H-1.003(3)(a)1., Standard Lease Agreement Form.

60H-1.001(13), Definitions.

60H-1.017(1), (2)(a)2.a., Turnkey (Lease) Construction Program.

60H-1.022(2), Prior Approval of Space Need.

60H-1.015(1)(b)5., Leases of 5,000 Square Feet or More.

TAB 4 Demonstration of Committee F.A.L.C.O.N. Website

REPORTS AND APPEARANCES

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF EDUCATION

NOTICE TO PROFESSIONAL CONSULTANTS

Florida State University, State of Florida, announces that professional services for minor projects are required in the discipline of civil engineering. Minor projects are specific projects for construction, renovation, alterations or additions that have a basic construction budget estimated to be \$1,000,000 or less; or studies for which the fee for professional services is \$100,000 or less. Campus Service contracts for

minor projects provide that the consultant will be available on an as-needed basis. The University intends to award multiple contracts for the upcoming fiscal year through June 30, 2008. At the option of the University and the consultant, the contract may be renewed for up to two additional one year periods.

INSTRUCTIONS

Firms desiring to provide professional services shall apply by letter specifying the campus service agreement for which they are applying. Proximity of location will be a prime factor in the selection of the firm.

Attach to each letter of application:

1. A completed Florida State University "Professional Qualifications Supplement," dated August 8, 2003. Applications on any other form, or on versions dated prior to 08/08/03, will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered in the State of Florida to practice the required profession at the time of application. If the applicant is a corporation, it must be properly 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 will not be considered.

Application material will not be returned.

The plans and specifications for campus service 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 \$50,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualification Supplements, descriptive project information, and selection criteria may be obtained on line at www.fpc.fsu.edu or by contacting:

Lynetta Mills, Facilities Design & Construction
109 Mendenhall Building A
Florida State University
Tallahassee, Florida 32306-4152
(850)644-2843, (850) 644-8351 Facsimile

Submittals must be received at the above location, by 2:00 p.m. (local time), on Tuesday, March 6, 2007. Facsimile (FAX) submittals are not acceptable and will not be considered.

For further information on campus service projects, contact:

Kelli Everett, Facilities Design & Construction
125 Mendenhall Building A
Florida State University
Tallahassee, Florida 32306-4153
Office Location: 107 Mendenhall Building A
(850)645-7124, (850)644-4807 Facsimile

Notice of Bid/Request for Proposal

RFQ

For CONSTRUCTION MANAGEMENT SERVICES

The University of North Florida – Board of Trustees, a public body corporate, announces that Construction Management Services will be required for the construction of a new College of Education and Human Services Building located at the University of North Florida, Jacksonville, Florida.

The project consists of approximately 97,000 gross square feet. This facility is to be sited on the West side of the campus core between the new Library addition and the proposed Student Union Building which is currently in the Construction Document Phase. Interior spaces to be provided include teaching labs, offices, and support space. The estimated construction budget for this project is \$20,000,000.

Firms interested in providing construction management services for this project shall submit a letter of application and a complete "University of North Florida Construction Manager Qualifications Supplement". No submittal material will be returned.

Minority Business participation is strongly recommended and supported by the University of North Florida.

As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

UNF Construction Manager Qualifications Supplement forms and additional information may be obtained by contacting:

Dottie Fischetti
University of North Florida
4567 St. Johns Bluff Road, South
Jacksonville, Florida 32224
(904)620-2016, Fax (904)620-2020
Email address dfischet@unf.edu

Submit eight (8) copies of application to: University of North Florida, Facilities Planning Office, Attn: Dottie Fischetti, Portable 832B, 4567 St. Johns Bluff Road South, Jacksonville, Florida 32224-2648. Application packages must be received no later than 2:00 p.m. (Local Time), March 6, 2006. Facsimile (FAX) submittals are not acceptable and will not be considered.

Architectural Services
AE07-017

Pursuant to the provisions of Section 287.055, Florida Statutes, the "Consultants' Competitive Negotiations Act", Daytona Beach Community College hereby publicly announces it will consider qualified professional firms, registered to do work in the State of Florida, for a project requiring architectural and engineering services.

The project is the Building 100 – 1st Floor Major Remodel + 2nd Floor Partial on the Daytona Beach Campus. The scope of work will include architectural design services including electrical, mechanical and other associated engineering services.

The facility is approximately 45,000 gross square feet. The estimated construction budget is \$2,500,000.00 inclusive of design fees and furnishings.

Proposals are due by 12:00 Noon, February 14, 2007. Interested parties may obtain information by contacting DBCC Facilities Planning Department, (386)506-4322 or by email to McReeD@dbcc.edu.

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."

PETER R. BROWN CONSTRUCTION

Notice of Request for Proposals

Brevard County Health Department Replacement Facility
Viera, Florida #70405100

Peter R. Brown Construction, Inc. (CGC-061419), the Construction Manager for the Florida Department of Health Brevard County Health Department Replacement Facility

#70405100 hereby solicits sealed proposals for all trades for the referenced project in accordance with the proposal documents to include but not limited to the following:

The scope of work of this project includes complete site work and construction of a new 44,300 square foot two-story building including concrete tilt wall construction, steel bar joist and deck, decorative aluminum tubing, built up roof, fireproofing, elevator and standard health department interior finishes and accessories. The mechanical scope of work includes a chilled water system, fire protection, and plumbing. Both building and site electric are required.

A pre-proposal meeting will be held at 11:00. local time; Thursday February 15th, 2007, Attendance is strongly encouraged at the following location:

2575 North Courtenay Parkway
Merritt Island, FL 32953-4126

Brevard County Government Complex
Second Floor, Conference Room

Deadline for receipt of All Proposal Packages has been set for 2:00 p.m., Thursday, March 22, 2007. Only proposals received on or before the time and date listed will be considered. All proposals received after 2:00 p.m., of the day specified above, will be returned unopened.

All trade contractors must be pre-qualified prior to submitting a proposal. A copy of the pre-qualification form can be received by contacting: Joe Ostrowski, Peter R. Brown Construction, Inc., Estimating Department, (727)535-6407 or Faxing a letter of interest to (727)539-8485.

Florida Department of Health and Peter R. Brown Construction, Inc. are committed to provide equal opportunity and strongly encourage all interested M/WBE and SBE firms to submit proposals.

One set of plans and specifications will be supplied to all pre-qualified trade contractors at no cost. Drawings will be available February 12, 2007. Trade contractors are responsible for the cost of shipping. Additional sets may be purchased directly from the copy center. Copy center information will be distributed with the Proposal Packages.

Florida Department of Health 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 3/8/07. The Owner and Architect will not accept calls regarding this project.

TECHNOLOGICAL RESEARCH AND DEVELOPMENT AUTHORITY

The Technological Research and Development Authority (TRDA) is soliciting proposals from qualified Public Relations firms to perform public relations activities for the Space Alliance Technology Outreach Program (SATOP). Activities are focused on developing press releases, garnering media coverage, and developing articles for internal publications. A complete RFP for this solicitation can be found by visiting www.trda.org/rfp. The deadline for submission is Friday, February 9, 2007, 5:00 p.m. (Eastern Time). All proposals shall be evaluated at a public meeting at the TRDA office on Friday, February 16, 2007, 3:00 p.m. (Eastern Time). TRDA reserves the right to reject any and all proposals it receives. Any questions regarding the RFP should be addressed to Paul Secor, Director, Technology Transfer at (321)269-6330.

**Section XII
Miscellaneous**

DEPARTMENT OF STATE

Grant applications and guidelines are available for the following programs administered by the Florida Department of State, State Library and Archives of Florida:

Library Services and Technology Act (LSTA) Grants – Applications due March 15, 2007. Federal grants for all types of libraries that emphasize youth, literacy, older adults, and information access through technology.

Public Library Construction Grants – Applications due April 1, 2007. State grants to eligible governments for remodeling, expansion, or new construction of public library buildings.

Library Cooperative Grants – Applications due April 15, 2007. State grants for the six multitype library cooperatives to encourage cooperation among libraries of all types for the development of library service to Floridians.

Guidelines and forms are available on the State Library and Archive of Florida’s Web site at <http://dhis.dos.state.fl.us/bld/grants/index.htm>. Grant guidelines and forms may also be requested by mail from: Grants Office, State Library and Archives of Florida, R. A. Gray Building, 2nd Floor North, 500 South Bronough Street, Tallahassee, FL 32399-0250, (850)245-6620 or Suncom 205-6620; or by Fax (850)245.6643.

Completed applications must be mailed to the address indicated above, and be on file with the State Library and Archives of Florida or postmarked on or before the application due date.

DEPARTMENT OF COMMUNITY AFFAIRS

DCA Final Order No.: DCA07-OR-006

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: CITY OF MARATHON LAND

DEVELOPMENT REGULATIONS

ADOPTED BY ORDINANCE NO. 2006-28

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. (2006), approving a comprehensive plan amendment and 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 November 21, 2006, the Department received for review City of Marathon Ordinance No. 2006-28 that was adopted by the City of Marathon Board of City Commissioners on October 24, 2006 (“Ord. 2006-28”). Ord. 2006-28 is a small scale project amending the future land use map from residential low to residential high for a 2.73-acre parcel of vacant land owned by the city for the purpose of providing affordable housing.
3. Ord. 2006-28 is consistent with the City’s 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject small scale comprehensive plan amendments involving the construction of affordable housing units or 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. (2006).

5. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2006) and Rule 28-28.002 (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. (2006).
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).
8. Local government small scale comprehensive plan amendments directly related to the provision of affordable housing, as adopted by Ord. 2006-28, shall be reviewed for consistency with the Principles for Guiding Development applicable to the Florida Keys Area of Critical State Concern and shall not become effective until a final order is issued pursuant to § 163.3187(1)(c) i.e., Fla. Stat. The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
9. Ord. 2006-28 promotes and furthers 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.
 - (j) To make available adequate affordable housing for all sectors of the population of the Florida Keys.
 - (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.
10. Ord. 2006-28 is not inconsistent with the remaining Principles. Ord. 2006-28 is consistent with the Principles for Guiding Development as a whole.
 WHEREFORE, IT IS ORDERED that Ord. 2006-28 is found to be consistent with the Principles for Guiding Development of the Florida Keys 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.

THOMAS G. PELHAM
 Secretary
 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 22nd day of January, 2007.

Paula Ford, Agency Clerk

By U.S. Mail:
Honorable Christopher M. Bull, Mayor
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

Diane Clavier, 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

The Florida Communities Trust (Trust) announces an application period for receiving applications from local governments and non-profit environmental organizations requesting funding awards from the Trust's Florida Forever Program.

DEADLINE: Applications will be accepted beginning on February 23, 2007, and ending at 5:00 p.m. (EDT) on May 9, 2007. Applications must be received in the Florida Communities Trust's office by the above stated deadline. Applications received after the published deadline shall be deemed late and will not be considered by the Trust.

APPLICATION FORMS: Applications for funding must be made on Application Form FCT-4 following procedures in Rule Chapter 9K-7, F.A.C. Copies of the rule chapter and application form may be obtained by visiting the Trust website at <http://www.floridacommunitydevelopment.org/fct>, calling (850)922-2207, Suncom 292-2207, or by writing to: Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

ADDRESS: For mail and carrier service deliveries, the delivery address is: Florida Communities Trust, 2555 Shumard Oak Boulevard, Suite 310, Tallahassee, FL 32399-2100. For hand deliveries, the delivery location is Suite 310, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, FL.

FUNDS AVAILABLE: Funds available for awards will derive from Florida Forever bond proceeds. As of the date of submittal of this Notice, the Trust expects that \$66,000,000.00 will be available for use in this funding cycle, unless otherwise allocated by the Legislature.

LOCAL MATCH: Section 259.105(3)(c), F.S., requires that of the funds allocated to the Trust and used for land acquisition, 75 percent shall be matched by local governments on a dollar-for-dollar basis. Paragraph 9K-7.003(7)(c), F.A.C., allows 100 percent grant funding to counties with populations

under 75,000, municipalities with populations under 10,000 and eligible nonprofit environmental organizations. All other applicants shall provide a minimum of 25 percent match toward project costs.

LIMITS ON AWARDS: Under the provisions of subsection 9K-7.003(6), F.A.C., the total amount of any award or combination of awards applied for by any local government or nonprofit environmental organization under any application(s) or partnership application(s) for any project(s) shall not exceed ten percent (10%) of the total Florida Forever funds available as stated above. All awards for partnership applications, for the purposes of calculating award limits, shall be divided equally among the local government or nonprofit environmental organization. Based upon the funds known to be available as of the date of this notice, the limit to any local government or nonprofit environmental organization shall be \$6,600,000.00.

MORE INFORMATION: Interested parties may obtain more information from the Trust website at <http://www.floridacommunitydevelopment.org/fct>, or by contacting Florida Communities Trust, (850)922-2207, Suncom 292-2207, or by writing the above stated address.

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), KTM North America, Inc., intends to allow the establishment of Cahill's of North Tampa, Inc., as a dealership for the sale of KTM motorcycles at 8920 North Armania Avenue, Tampa (Hillsborough County), Florida 33604, on or after January 8, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Cahill's of North Tampa, Inc. are dealer operator(s): Daniel Ridgeway, 8920 North Armania Avenue, Tampa, Florida 33604; principal investor(s): Daniel Ridgeway, 8920 North Armania Avenue, Tampa, Florida 33604.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Jon-Erik Bureson, President, KTM North America, Inc., 1119 Milan Avenue, Amherst, Ohio 44001.

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), Tank Sports, Inc., intends to allow the establishment of Michael Andres Gonzalez d/b/a Car Bay Auto Sales, as a dealership for the sale of KTMEX motorcycles at 209A East Columbus Drive, Tampa (Hillsborough County), Florida 33602, on or after January 17, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Michael Andres Gonzalez d/b/a Car Bay Auto Sales are dealer operator(s): Michael Andres Gonzalez, 1929 Fiest Ridge Court, Tampa, Florida 33604; principal investor(s): Michael Andres Gonzalez, 1929 Fiest Ridge Court, Tampa, Florida 33604.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Mike Turber, National Sales Manager, Tank Sports, Inc., 10925 Schmidt Road, El Monte, California 91733.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes (2005), notice is given that RPM Holdings Group, LLC d/b/a Saxon Motorcycle Company, intends to allow the establishment of Citrus Motorsports, Inc., as a dealership for the sale of Saxon motorcycles at 7800 West Gulf to Lake, Crystal River (Citrus County), Florida 34429, on or after January 5, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Citrus Motorsports, Inc. are dealer operator(s): Allen Pope, 7800 West Gulf to Lake, Crystal River, Florida 34429; principal investor(s): Allen Pope, 7800 West Gulf to Lake, Crystal River, Florida 34429.

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: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: David Schwam, Vice President of Sales and Marketing, RPM Holdings Group, LLC d/b/a Saxon Motorcycle Company, 555 West Main Avenue, Casa Grande, Arizona 85222.

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 East Coast Cycles Motorsports, as a dealership for the sale of Hyosung motorcycles at 8242 West State Road 84, Davie (Broward County), Florida 33324, on or after January 23, 2007.

The name and address of the dealer operator(s) and principal investor(s) of East Coast Cycles Motorsports are dealer operator(s): Andres Alsina, 10 Gables Boulevard, Fort Lauderdale, Florida 33326; principal investor(s): Andres Alsina, 10 Gables Boulevard, Fort Lauderdale, Florida 33326.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: 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.

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 Hyosung Motors America, Inc., intends to allow the establishment of GHC Motorsports, as a dealership for the sale of Hyosung motorcycles at 614 U.S. Highway 27 South, Lake Placid (Highlands County), Florida 33852, on or after January 23, 2007.

The name and address of the dealer operator(s) and principal investor(s) of GHC Motorsports are dealer operator(s): Jeffery Cowell, 16 Meadowlake Circle South, Lake Placid, Florida 33852; principal investor(s): Jeffery Cowell, 16 Meadowlake Circle South, Lake Placid, Florida 33852.

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: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: 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.

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), Pacific Cycle, Inc., intends to allow the establishment of Grandpa's Cycle Center, Inc., as a dealership for the sale of Benzhou motorcycles (SHWI) at 3596 Fowler Street, Ft. Myers (Lee County), Florida 33901, on or after January 17, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Grandpa's Cycle Center, Inc. are dealer operator(s): Marion Stewart, 3955 Edgewood, Ft. Myers, Florida 33901; principal investor(s): Marion Stewart, 3955 Edgewood, Ft. Myers, Florida 33901.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Mike Wolfgram, Pacific Cycle, Inc., 4902 Hammersley Road, Madison, Wisconsin 53711.

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), Chuanl Motorcycle USA Co., Ltd., intends to allow the establishment of Mobility Tech, Inc. d/b/a Charlie's Scooter Depot, as a dealership for the sale of motorcycles manufactured by Chuanl Motorcycle Manufacturing Co., Ltd. (CHUA) at 5720 North Florida Avenue #2, Tampa (Hillsborough County), Florida 33604, on or after January 18, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Mobility Tech, Inc. d/b/a Charlie's Scooter Depot are dealer operator(s): Carlos Urbizu, 5720 North Florida Avenue #2, Tampa, Florida 33604; principal investor(s): Carlos Urbizu, 5720 North Florida Avenue #2, Tampa, Florida 33604 and Zenaida Urbizu, 5720 North Florida Avenue #2, Tampa, Florida 33604.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Cynthia Booker, Chuanl Motorcycle USA Co., Ltd., 9886 Chartwell Drive, Dallas, Texas 75243.

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), Devon Motorcycles, Inc., intends to allow the establishment of Navitas Financial Group d/b/a Pompano Pats Deland, as a dealership for the sale of motorcycles manufactured by Jincheng Corporation (JINS) at 2075 South Woodland Boulevard, Deland (Volusia County), Florida 32720, on or after January 12, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Navitas Financial Group d/b/a Pompano Pats Deland are dealer operator(s): Justin Asher, 5465 Carmody Lake Drive, Port Orange, Florida 32127; principal investor(s): Justin Asher, 5465 Carmody Lake Drive, Port Orange, Florida 32127.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Al Perna, Devon Motorcycles, Inc., 1100 First Avenue, Suite 100, King of Prussia, Pennsylvania 19406.

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 Sky Powersports of Hudson, LLC, as a dealership for the sale of Hyosung motorcycles at 16609 US Highway 19 North, Hudson (Pasco County), Florida 34667, on or after January 17, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Sky Powersports of Hudson, LLC are dealer operator(s): Robert P. Lehoullier, 3413 West Beaumont Street, Tampa, Florida 33611; principal investor(s): Robert P. Lehoullier, 3413 West Beaumont Street, Tampa, Florida 33611 and Charles R. Morthey, Jr., 3640 Frenress, Lakeland, Florida 33813.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: 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.

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 Forest River, Inc., intends to allow the establishment of Don Brown Bus Sales, as a dealership for the sale of Starcraft buses at 9385 Southeast US Highway 441, Ocala (Marion County), Florida 34480, on or after February 10, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Don Brown Bus Sales are dealer operator(s): Mark E. Matthews, 3240 Southwest 34th Street, Suite 310, Ocala, Florida 34474; principal investor(s): Mark J. Sebast, 227 Noonan Road, Fort Johnson, New York 12070.

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: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: David Wright, General Manager, Starcraft Bus, 2367 Century Drive, Goshen, Indiana 46528.

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
EXEMPTIONS

The Agency for Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Miami-Dade District: 11
ID # E0600013 Decision: A Issue Date: 1/24/2007
Facility/Project: South Florida Evaluation and Treatment Center
Applicant: State of Florida, DCF
Project Description: Add 13 state owned adult psychiatric beds
Proposed Project Cost: \$50,000.00

CERTIFICATE OF NEED
EXEMPTIONS

The Agency for Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Sumter District: 3
ID # E0600010 Decision: A Issue Date: 1/8/2007
Facility/Project: The Villages Regional Hospital
Applicant: The Villages Tri-County Medical Center, Inc.
Project Description: Establish an adult inpatient diagnostic cardiac catheterization service
Proposed Project Cost: \$45,000,000.00

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 Application Period for Preapproved Advanced
Cleanup Program

The Department of Environmental Protection announces, in accordance with Section 376.30713, F.S., that it will accept Preapproved Advanced Cleanup ("PAC") applications submitted between May 1, 2007 and June 29, 2007. All PAC applications must be received by the Department by 5:00 p.m. on June 29, 2007. Public opening of timely submitted applications shall be on July 3, 2007, beginning at 9:30 a.m. at the Department of Environmental Protection, Bob Martinez Center, 2600 Blair Stone Road, Room 458N, Tallahassee, Florida. The required application form and instructions for the PAC Program may be obtained from the following web site:

www.dep.state.fl.us/waste/categories/pcp/pages/pac.htm. Any questions concerning the PAC Program should be directed to Michael Bland at (850)245-8912.

The Department of Environmental Protection gives notice of the availability of the preliminary final draft document entitled "Canal Recharge: A Report to the Governor and Legislature," dated December 2006. The report is required pursuant to Chapter 2004-381, Laws of Florida, to summarize the department's investigation into "the feasibility of discharging reclaimed water (highly treated wastewater) into canals and the aquifer system as an environmentally acceptable means of augmenting groundwater supplies, enhancing natural systems and conveying reuse water within enclosed conduits within the canal right-of-way in Southeast Florida." The law requires the department to publish the preliminary report, including draft findings and recommendations, for public comment. Upon closure of the public comment period, the department will provide the final report, including any public comments received, to the Governor, the Senate and the House of Representatives.

Canal Recharge: A Report to the Governor and Legislature," dated December 2006, is available for review or downloading online at: <http://www.dep.state.fl.us/water/wqssp/canals.htm>

A copy may also be obtained by contacting: Stacey Feken, Florida Department of Environmental Protection, Division of Water Resource Management, 2600 Blair Stone Road, MS 3560, Tallahassee, FL 32399-2400, (850)245-8421, or by email at Stacey.feken@dep.state.fl.us. Written comments may be submitted to that same address. Comments must be received within 21 days of the date of this publication to be included with the report to the Governor and Legislature.

NOTICE OF AVAILABILITY

FLORIDA CATEGORICAL EXCLUSION NOTICE

EAST COUNTY WATER CONTROL DISTRICT, FLORIDA
The Department of Environmental Protection has determined that East County Water Control District's (ECWCD) proposed Stormwater Management Facilities will not have a significant adverse affect on the environment. The potential amount of the loan is estimated at \$3,665,400. The project is expected to qualify for a State Revolving Fund loan composed of federal and state matching funds.

A full copy of the Florida Categorical Exclusion Notification can be obtained by writing to: Pankaj Shah, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400 or by calling (850)245-8358.

NOTICE OF RECEIPT FOR LAND USE DETERMINATION

On January 16, 2007, the Department of Environmental Protection received a determination from Glades County that the Florida Power and Light Company, Glades Power Park, Power Plant Siting Application No. 06-49, OGC Case No. 06-2649, DOAH Case No. 06-005334, is consistent with existing local land use plans and zoning ordinances in Glades County pursuant to the Florida Electrical Power Plant Siting Act, Section 403.50665, F.S. A copy of the determination of compliance is available for review in the office of Michael P. Halpin, P.E., Siting Coordination Office, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 48, Tallahassee, Florida 32399-2400, (850)245-8002. Pursuant to Section 403.50665(4), F.S., if any substantially affected person wishes to dispute Glade's County's determination that the proposed Glades Power Park is consistent with Glades County's existing land use plans and zoning ordinances, he or she must file a petition with the Department within 21 days after the publication of notice of the local government's determination. If a hearing is requested, the provisions of Section 403.508(1), F.S., shall apply. Should a land use hearing be held, the notice of land use hearing will be published as per the provisions of Section 403.5115, F.S. Pursuant to Section 403.508(1), F.S., the sole issue for determination at a land use hearing shall be whether or not the proposed site is consistent and in compliance with existing land use plans and zoning ordinances. If the administrative law judge concludes that the proposed site is not consistent or in compliance with existing land use plans and zoning ordinances, the administrative law judge shall receive at the hearing evidence on, and address in the recommended order, any changes to or approvals or variances under the applicable land use plans or zoning ordinances which will render the proposed site consistent and in compliance with the local land use plans and zoning ordinances.

A person whose substantial interests are affected by the proposed determination of consistency may petition for an administrative hearing in accordance with Section 403.5066(4), F.S. The petition must be filed with the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, (850)245-2241, Fax (850)245-2303. The

petition should contain: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the determination; (c) A statement of how and when each petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact; If there are none, the petitioner shall so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the proposed action; and (g) A statement of the relief sought by the petitioner. A petition that does not dispute the material facts shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, Florida Administrative Code.

NOTICE OF INTENT TO ISSUE MODIFICATION OF POWER PLANT CERTIFICATION

The Florida Department of Environmental Protection (Department) hereby provides notice of an intent to modify Power Plant Certification Conditions issued pursuant to the Florida Electrical Power Plant Siting Act, Section 403.501, et seq., Florida Statutes. A Proposed Final Order has been prepared in accordance with subsection 62-17.211(4), F.A.C., concerning the Hillsborough County Resource Recovery Facility in Hillsborough County, Florida.

On September 19, 2006, the Siting Board approved a consolidated final order for certification of an expansion of the Hillsborough County Resource Recovery Facility to add a new 600-ton-per-day mass burn unit subject to Conditions of Certification. It has since come to the attention of the Department that two conditions were erroneously left out of the Conditions of Certification authorized under that order. The last two items listed in Section 6.2 on the DOT transmittal to FDEP dated April 2006 from the Florida Department of Transportation represent the basis for this modification.

Pursuant to Section 403.516, Florida Statutes ("F.S."), and Rule 62-17.211, Florida Administrative Code ("F.A.C."), all parties to the certification proceeding have 45 days from the issuance of this notice by mail to such party's last address of record in which file a written objection to the modification. A public notice will also be published in the Florida

Administrative Weekly ("F.A.W.") and on the Department's internet home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices" regarding this Intent to Modify the Conditions of Certification. Any person who is not already a party to the certification proceeding and whose substantial interests will be affected by the requested modification has 30 days from the date of publication of the public notice in the FAW to object in writing.

Written objections must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000. If the Department does not receive any written objections, then an Order Modifying the Conditions of Certification shall be issued by the Department. If written objections are timely filed which address only a portion of the modification, then pursuant to subparagraph 62-17.211(1)(b)5., F.A.C., the Department shall issue an Order approving that portion of the modification to which no objections were filed, unless that portion of the modification is substantially related to or necessary to implement the portion to which written objections are filed. If written objections are raised, then pursuant to Section 403.516(1)(c), F.S., the applicant may file a petition for modification with the Department and the Division of Administrative Hearings seeking approval for those portions of the modification to which written objections were timely filed.

Mediation is not available in this proceeding.

Any questions regarding this Intent to Modify Conditions of Certification should be directed to Michael P. Halpin at (850)245-8002. Questions regarding legal issues should be referred to the Department's Office of General Counsel at (850)245-2283. Such contact with any of the above does not constitute an objection to the modification.

A copy of the proposed modification order is available from: Michael P. Halpin, P.E., Administrator, Siting Coordination Office, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 48, Tallahassee, Florida 32399-2400, (850)245-8002.

NOTICE OF INTENT TO ISSUE PERMIT AND VARIANCE

The Department of Environmental Protection gives notice of its intent to issue a joint coastal permit (File No. 0269646-001-JC) and variance (Variance No. 0269646-002-EV) to St. Lucie County. The proposed Ft. Pierce Nourishment project is to nourish a 1.3-mile segment of beach south of Ft. Pierce Inlet, between FDEP Reference Monuments R-34 and R-41. The project includes a variable width (125-215 feet) berm with a crest elevation of 8.9 feet NGVD. The construction berm includes a 50-foot design berm width and a

width of 75-165 feet for the advance nourishment, at a slope of 1 vertical on 100 horizontal, and a foreshore slope of 1 vertical on 10 horizontal. Approximately 500,000 cubic yards of beach quality material will be placed on the beach for the initial nourishment event, and the project template shall not be exceeded for subsequent events. The material for the initial event will be obtained from a borrow area located approximately 3 miles offshore on Capron Shoal, and subsequent events may combine material from this borrow area with sand bypassed from Ft. Pierce Inlet.

No additional impacts to hardbottom communities will be authorized by this permit. If the Biological Monitoring required for this permit indicates that hardbottom impacts have occurred seaward of the predicted Equilibrium Toe of Fill (ETOF) for Permit No. 0126215-001-JC, regardless of when those impacts may have occurred, additional mitigation will be required. Permit No. 0126215-001-JC, issued in 1998, authorized the placement of 800,000 cubic yards of sand between DEP Reference Monuments R-34 and R-41. Impacts from this placement have been previously mitigated.

The applicant has also requested a variance (File No. 0269646-002-EV) from paragraph 62-4.244(5)(c), F.A.C., to temporarily establish an expanded mixing zone of 150 meters offshore and 1,000 meters downcurrent from the point of sand discharge onto the beach disposal area. Modeling for previous projects showed that the edge of the elevated turbidity plume would extend 150 meters offshore and 1,323 meters downcurrent from the point of sand discharge. However, the Department and St. Lucie County agree that this expanded mixing zone is likely larger than necessary. Water quality monitoring for the aforementioned permit was only required at the edge of the expanded mixing zone. Therefore, no data exists to help determine a more appropriate distance. For this project, St. Lucie County will monitor at 1,000 meters, 600 meters, 300 meters, and 150 meters downcurrent and 150 meters and 100 meters offshore and the data collected will be used to evaluate the size of the mixing zone for future placement events.

The nourishment site is located between R-34 and R-41, St. Lucie County, Sections 6 and 7, Township 35 S, Range 41 E; Section 1, Township 35 S, Range 40 E; and Section 36, Township 34 S, Range 40 E, Atlantic Ocean, Class III Waters.

The borrow area is located approximately 3 miles offshore on Capron Shoal, Atlantic Ocean, Class III Waters.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, Florida Statutes. The petition must contain the

information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a modification of the permit or even a denial of the application. Under subsection 62-110.106(4), Florida Administrative Code, a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention will be only at the discretion of the presiding judge upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with subsection 28-106.111(2) and subparagraph 62-110.106(3)(a)1., F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a

waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This intent to issue constitutes an order of the Department. The applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

The application is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the DEP, Bureau of Beaches and Coastal Systems, 5050 West Tennessee Street, Building B, Tallahassee, Florida 32304-9201. The "NOTICE OF INTENT TO ISSUE JOINT COASTAL PERMIT" and the

"DRAFT JOINT COASTAL PERMIT" can be viewed at the Department's Internet Web site at: <http://www.dep.state.fl.us/beaches/permitting/permits.htm>

DEPARTMENT OF HEALTH

On January 19, 2007, Joseph J. Chiaro, M.D., FAAP, Interim Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Sylvia Anne Carew, C.N.A., license number CNA 116104. 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.

On January 19, 2007, Joseph J. Chiaro, M.D., FAAP, Interim Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Shannon Marie Holmes, R.N., license number RN 9223902. 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.

On January 19, 2007, Joseph J. Chiaro, M.D., FAAP, Interim Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Cassondra Nicole Jones, R.N., license number RN 9228339. 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.

On January 19, 2007, Joseph J. Chiaro, M.D., FAAP, Interim Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Melinda Rose Smith, R.N., license number RN 9206907. 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.

On January 19, 2007, Joseph J. Chiaro, M.D., FAAP, Interim Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Sheila Ronette Solomon, C.N.A., license number CNA 104581. 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.

On January 22, 2006, Joseph J. Chiaro, M.D., FAAP, Interim Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Brian P. Spitzer, R.Ph., license number PS 28670. 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.

On January 17, 2006, Joseph J. Chiaro, M.D., FAAP, Interim Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Debra Suzanne Vucic, R.Ph., license number PS 21125. 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.

FLORIDA HOUSING FINANCE CORPORATION

**HOME INVESTMENT PARTNERSHIPS PROGRAM
(HOME) NOTICE OF FUNDING AVAILABILITY (NOFA)
2007 HOME RENTAL CYCLE**

The Florida Housing Finance Corporation ("Florida Housing") announces a funding cycle for the HOME Rental Program's allocation of 2007 HOME federal funds from the U.S. Department of Housing and Urban Development (HUD). Based on current estimates, Florida Housing estimates that approximately \$12,000,000 in federal HOME funding for 2007 will be available to eligible rental developments that meet application funding criteria. Funding will be awarded in accordance with Rule Chapter 67-48, F.A.C.

All applications must be submitted to: Florida Housing Finance Corporation, City Centre Building, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329 in accordance with the provisions of all applicable Florida Statutes, Chapter 67-48, F.A.C., the Universal Application Package, and Federal Regulations 24 CFR Part 92.

For more information on opening and closing dates of the application cycle, or on how to obtain an application, please access Florida Housing's web site at www.floridahousing.org or contact Blake Poston-Carson at (850)488-4197. The Universal Application Package, when available, may be obtained at the Florida Housing web site or by submitting a written request accompanied by a \$50 application package fee to: Florida Housing Finance Corporation, City Centre Building, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, ATTN: Blake Poston-Carson – Application request. If you are hearing or speech impaired, please contact Florida Housing using the Dual Party Relay System, 1(800)955-8770 and 1(800)955-8771.

**HOMEOWNERSHIP ASSISTANCE
FOR MODERATE INCOME LOAN PROGRAM**

Pursuant to Section 420.509, Florida Statutes, and Rule Chapter 67-51, Florida Administrative Code, the Florida Housing Finance Corporation (the "Corporation") announces its intention to provide up to \$250,000 for qualified mortgage loans for down payment and closing costs assistance under the

Homeownership Assistance for Moderate Income Loan Program (HAMI). These HAMI Loans are expected to be made available to moderate income persons in conjunction with the Corporation's Single Family Mortgage Revenue Bond Program (SFMRB). All HAMI Loans will be fully amortized second mortgage loans up to \$5,000 at a fixed interest rate not to exceed 10.00%, over a 10-year term. These loans will provide financing for owner-occupied residences in any county in the State of Florida, subject to the participation of qualified lending institutions and the counties they elect to serve. Access to these funds will be made available through Participating Lenders that have been selected to originate first mortgages under the Corporation's SFMRB Program through an application process. Participating lending institutions will make HAMI Loan funds available on a first-come, first-served basis to eligible first-time home buyers qualifying for a first mortgage under the Corporation's SFMRB Program. Applications for such loans may be obtained from the participating lending institutions.

Any home mortgage lending institution that is a qualified FHA-approved mortgagee (with direct endorsement underwriting authority preferred), or a VA-approved lender (with automatic approval authority preferred), or an USDA/RD approved lender (unless waived by the Servicer), or with respect to Conventional Mortgage loans, is a Fannie Mae and/or Freddie Mac approved lender in good standing, has errors and omissions coverage of at least \$300,000, meets the requirements of the Servicer and Florida Housing with respect to financial status and is acceptable to a Fannie Mae and/or Freddie Mac PMI Insurer, that is interested in receiving an Invitation and Application to Participate in the program should contact the Corporation by telephone at (850)488-4197, by Facsimile at (850)922-7253, or in writing: 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. Any questions or concerns regarding the proposed issuance of bonds should be directed to Frances Pheeny, Single Family Programs Administrator at (850)488-4197.

**HOUSING CREDIT PROGRAM
NOTICE OF CREDIT AVAILABILITY (NOCA)
2007 CYCLE**

The Florida Housing Finance Corporation (Florida Housing) announces an application cycle for the Housing Credit Program. The total 2007 allocation authority is estimated to be approximately \$35,275,282.00. The amount of housing credit allocation authority available for the 2007 cycle will vary based upon the 2007 per capita population figures, the amount of unused credits from prior years, the amount of binding commitments for 2007 credits, and the amount

allocated from the national pool. The current amount of the binding commitments for 2007 credits is estimated to be \$3,875,142, however, this dollar amount is subject to change. Geographic and targeting goals along with any set-asides will be described in the Qualified Allocation Plan approved by the Governor.

For more information on opening and closing dates of the application cycle, or on how to obtain an Application, please access Florida Housing's web site at www.floridahousing.org or contact Blake Poston-Carson at (850)488-4197. The Universal Application Package, when available, may be obtained at the Florida Housing web site or by submitting a written request accompanied by a \$50 application package fee to: Florida Housing Finance Corporation, City Centre Building, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, ATTN: Blake Poston-Carson – Application Request. If you are hearing or speech impaired please contact Florida Housing using the Dual Party Relay System, 1(800)955-8770 or 1(800)955-8771.

All applications must be submitted to the above address in accordance with the provisions of all applicable Florida Statutes, Chapter 67-48, F.A.C., the Universal Application Package, and Internal Revenue Code, Section 42.

FLORIDA HOME OWNERSHIP ASSISTANCE PROGRAM
Pursuant to Section 420.5088, Florida Statutes, and Rule Chapter 67-45, Florida Administrative Code, the Florida Housing Finance Corporation (the "Corporation") announces its intention to provide an approximate amount of \$8,000,000 for qualified mortgage loans for homebuyer assistance under the Florida Home Ownership Assistance Program (HAP). These HAP funds are expected to be made available qualified persons in conjunction with the Corporation's Single Family Mortgage Revenue Bond Program (SFMRB). Access to these funds will be made available through Participating Lenders that have been selected to originate first mortgages under the Corporation's SFMRB Program through an application process. Participating lending institutions will make loans using HAP funds available on a first-come, first-served basis to eligible first-time home buyers qualifying for a first mortgage under the Corporation's SFMRB Program. Applications for such loans may be obtained from the participating lending institutions.

Any home mortgage lending institution that is a qualified FHA-approved mortgagee (with direct endorsement underwriting authority preferred), or a VA-approved lender (with automatic approval authority preferred), or an USDA/RD approved lender (unless waived by the Servicer), or with respect to Conventional Mortgage loans, is a Fannie Mae

and/or Freddie Mac approved lender in good standing, has errors and omissions coverage of at least \$300,000, meets the requirements of the Servicer and Florida Housing with respect to financial status and is acceptable to a Fannie Mae and/or Freddie Mac PMI Insurer, that is interested in receiving an Invitation and Application to Participate in the program should contact the Corporation by telephone at (850)488-4197, by Facsimile (850)922-7253, or in writing: 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. Any questions or concerns regarding the availability of HAP funds or requests for more information and/or a list of participating lending institutions should be directed Frances Pheeny, Single Family Programs Administrator at (850)488-4197.

**SINGLE FAMILY HOMEOWNER MORTGAGE
REVENUE BONDS**

Pursuant to Rule 67-25.005, Florida Administrative Code, notice is hereby given that the Florida Housing Finance Corporation (the "Corporation") intends to issue bonds in calendar year 2007, in one or more issues, in an approximate amount not to exceed \$800,000,000 in order to provide funding for qualified mortgage loans for owner-occupied residences within the State of Florida. Proceeds of the bonds are expected to be available to eligible home buyers in any county of the State of Florida subject to the participation of lending institutions and the counties they elect to serve.

Any home mortgage lending institution that is a qualified FHA-approved mortgagee (with direct endorsement underwriting authority preferred), or a VA-approved lender (with automatic approval authority preferred), or an USDA/RD approved lender (unless waived by the Servicer), or with respect to Conventional Mortgage loans, is a Fannie Mae and/or Freddie Mac approved lender in good standing, has errors and omissions coverage of at least \$300,000, meets the requirements of the Servicer and Florida Housing with respect to financial status and is acceptable to a Fannie Mae and/or Freddie Mac PMI Insurer, that is interested in receiving an Invitation and Application to Participate in the program should contact the Corporation by telephone at (850)488-4197, by Facsimile at (850)922-7253, or in writing: 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. Any questions or concerns regarding the proposed issuance of bonds should be directed to Frances Pheeny, Single Family Programs Administrator at (850)488-4197.

**STATE APARTMENT INCENTIVE LOAN (SAIL)
PROGRAM CYCLE XIX (2007) AND SPECIAL
GEOGRAPHIC DISTRIBUTION
NOTICE OF FUNDING AVAILABILITY (NOFA)**

The Florida Housing Finance Corporation (Florida Housing) announces a funding cycle (Cycle XIX) for the State Apartment Incentive Loan (SAIL) Program, pursuant to Section 420.5087, Florida Statutes, and Chapter 67-48, Florida Administrative Code (F.A.C.).

In accordance with Section 420.5087(1), Florida Statutes, program funds shall be distributed over successive 3-year periods in a manner that meets the need and demand for very low-income housing throughout the state. The need and demand must be determined by using the most recent statewide low-income rental housing market studies available at the beginning of each 3-year period. The percentages over the current 3-year period are as follows: 60% for Large County; 30% for Medium County; and 10% for Small County designation developments. This funding cycle is the third year of a 3-year period. Funding cannot be made at levels that would make it impossible to meet the statutory requirements over the 3-year period.

In accordance with Section 420.5087(3), Florida Statutes, for the six-month period beginning with the publication of this NOFA, program funds shall also be reserved by designated tenant group category at the percentages determined by using the most recent statewide low-income rental housing market studies available.

Program funds shall be distributed during this funding cycle at the following percentages per tenant group: 10% for Commercial Fishing Worker/Farmworker; 9% for Homeless; 24% for Elderly [Note: This amount is subject to a 10% reduction of the 24% set-aside amount, with the funds being made available to applicants for the Elderly Housing Community Loan Program]; and 57% for Family. The reservation of funds to any demographic category may not be less than 10% of the funds available at that time, except for persons who are homeless which reservation may not be less than 5% of the funds available.

Florida Housing currently anticipates the allocation of approximately \$45,000,000 for Cycle XIX (associated with funds collected in fiscal year 2006-2007) from funding sources as estimated below:

\$42,400,000 = DOC Stamp
\$2,600,000 = SAIL Fund

Geographic distribution will be set based upon an anticipated funding level of \$45,000,000 for Cycle XIX. This amount is subject to change and is dependent upon documentary stamp tax collections and/or projections and receipts within the SAIL fund. The anticipated geographic funding distribution is as follows:

COUNTY DESIGNATION	FUNDING TARGET
Large	\$27,000,000
Medium	\$13,500,000
Small	\$4,500,000

For more information on opening and closing dates of the application cycle, or on how to obtain an Application, please access Florida Housing's Website at www.floridahousing.org or contact Blake Carson at (850)488-4197. The Universal Application Package, when available, may be obtained at the Florida Housing web site or by submitting a written request accompanied by a \$50 application package fee to Florida Housing Finance Corporation, City Centre Building, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, ATTN: Blake Poston-Carson – Application Request. If you are hearing or speech impaired please contact Florida Housing using the Dual Party Relay System, 1(800)955-8770 or 1(800)955-8771.

All applications must be submitted to: Florida Housing Finance Corporation, City Centre Building, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329 in accordance with the provisions of all applicable Florida Statutes, Chapter 67-48, F.A.C., and the application package.

FISH AND WILDLIFE CONSERVATION COMMISSION

FLORIDA BOATING IMPROVEMENT PROGRAM NOTIFICATION OF GRANT APPLICATION SUBMISSION PERIOD AND TRAINING SESSIONS

The Florida Fish and Wildlife Conservation Commission (FWC) announces the anticipated availability of grant funds under the Florida Boating Improvement Program (FBIP).

Eligible projects must serve the needs of boaters and boating-related activities on coastal and/or inland waters within the State of Florida.

Eligible participants include county governments, municipalities and other governmental entities of the State of Florida. Applications for grant funding for fiscal year 2007-2008 will be accepted beginning February 2, 2007. Applications must be received by FWC before close of business on April 27, 2007. Applications received after the deadline will be ineligible for consideration.

Program policies and guidelines and application forms may be downloaded from the web site <http://MyFWC.com/boating/grants/fbip.htm>

Training sessions for potential applicants will be held in the following locations:

DATE AND TIME: February 28, 2007, 9:30 a.m. – 11:30 a.m. (EST)

PLACE: Bryant Building, Auditorium, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, FL

DATE AND TIME: March 9, 2007, 1:00 p.m. – 3:00 p.m. (EST)

PLACE: Second Floor, Conference Room, Department of Environmental Protection, 7825 Baymeadows Way, Suite B200, Jacksonville, FL

DATE AND TIME: March 16, 2007, 2:30 p.m. – 4:30 p.m. (CST)

PLACE: Classroom 128 & 131, Gulf Coast Community College, North Bay Training Center, 637 Highway 2300, Panama City, FL

DATE AND TIME: March 23, 2007, 10:00 a.m. – 12:00 Noon (EST)

PLACE: Lakeland Police Department, 219 N. Massachusetts Avenue, Lakeland, FL

DATE AND TIME: March 30, 2007, 9:30 a.m. – 11:30 a.m. (EST)

PLACE: Department of Environmental Protection, 400 North Congress Avenue, Suite 200, West Palm Beach, FL

Please RSVP for the training session that is in your area within 10 days of the scheduled date at fbip@MyFWC.com

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these training sessions is asked to advise the FWC 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 FWC by calling (850)488-9542.

For more information, email fbip@MyFWC.com or call (850)488-5600.

FINANCIAL SERVICES COMMISSION

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institution, has received the following application. Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105,

Florida Administrative Code, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, Division of Financial Institutions, 200 East Gaines Street, Tallahassee, Florida 32399-0379. The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., February 23, 2007):

APPLICATION TO MERGE

Constituent Institutions: Sun American Bank, Boca Raton, Florida and Independent Community Bank, Tequesta, Florida
Resulting Institution: Sun American Bank

With Title: Sun America Bank

Received: January 16, 2007

**APPLICATION FOR AUTHORITY
TO EXERCISE TRUST POWERS**

Applicant and Location: Vision Bank, Panama City, Florida
32405

Received: January 22, 2007

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN January 16, 2007
 and January 19, 2007

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

5F-10.001	1/16/07	2/5/07	32/49	
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DEPARTMENT OF EDUCATION

State Board of Education

6A-6.0960	1/16/07	2/5/07	32/45	32/51
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DEPARTMENT OF CORRECTIONS

33-208.101	1/17/07	2/6/07	32/49	
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33-208.401	1/19/07	2/8/07	32/49	
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WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

40D-1.607	1/17/07	2/6/07	32/44	
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40D-1.659	1/17/07	2/6/07	32/47	
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40D-4.021	1/17/07	2/6/07	32/44	
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40D-4.331	1/17/07	2/6/07	32/47	
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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Code Administrators and Inspector

61G19-6.0035	1/17/07	2/6/07	32/45	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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Florida Real Estate Appraisal Board

61J1-4.001	1/17/07	2/6/07	32/37	
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Florida Real Estate Commission

61J2-10.025	1/16/07	2/5/07	32/49	
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DEPARTMENT OF HEALTH

Board of Pharmacy

64B16-28.120	1/19/07	2/8/07	31/13	32/52
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64B16-28.303	1/16/07	2/5/07	32/45	
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Board of Physical Therapy Practice

64B17-7.001	1/16/07	2/5/07	32/50	
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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Mental Health Program

65E-5.180	1/19/07	2/8/07	32/47	
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DEPARTMENT OF FINANCIAL SERVICES

Funeral and Cemetery Services

69K-6.009	1/17/07	2/6/07	32/42	32/45
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69K-22.004	1/16/07	2/5/07	32/47	
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69K-22.007	1/16/07	2/5/07	32/47	
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Division of Workers' Compensation

69L-6.021	1/19/07	2/8/07	32/43	
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69L-6.025	1/17/07	2/6/07	32/42	
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**Section XIV
List of Rules Affected**

This "List of Rules Affected" is a cumulative list of all rules which have been proposed but not filed for adoption. Beginning with the February 2, 1996 issue, the list will be published monthly for the period covering the last eight weeks.

- w - Signifies Withdrawal of Proposed Rule(s)
- c - Rule Challenge Filed
- v - Rule Declared Valid
- x - Rule Declared Invalid
- d - Rule Challenge Dismissed
- dw - Dismissed Upon Withdrawal

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
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STATE

1B-2.011
1B-24.002
1S-2.042

LEGAL AFFAIRS

2B-1.002

BANKING AND FINANCE

3E-48.005
3F-5.0015
3F-5.0035
3F-5.004
3F-5.006
3F-5.008

INSURANCE

4-138.047
4-149.203
4-149.204
4-149.205
4-149.206
4-149.207
4-154.201
4-154.202
4-154.203
4-154.204
4-154.210
4-154.525
4-166.045
4-176.013
4-200.007
4-211.031
4-228.055

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
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4A-3.002 27/12
4A-21.115 29/37 29/46
4A-41.108 29/25
4A-62.0001 29/44 29/46
4A-62.001 29/44 29/46
4A-62.002 29/44 29/46
4A-62.003 29/44 29/46
4A-62.006 29/44 29/46
4A-62.007 29/44 29/46
4A-62.020 29/44 29/46
4A-62.021 29/44 29/46
4A-62.022 29/44 29/46
4A-62.023 29/44 29/46
4A-62.030 29/44 29/46
4A-62.031 29/44 29/46
4A-62.032 29/44 29/46
4A-62.033 29/44 29/46
4A-62.034 29/44 29/46
4A-62.035 29/44 29/46
4A-62.036 29/44 29/46
4A-62.040 29/44 29/46
4A-62.041 29/44 29/46
4A-62.042 29/44 29/46
4A-62.043 29/44 29/46
4A-62.044 29/44 29/46
4A-62.045 29/44 29/46
4C-6.003 29/38 30/29
4C-40.0055 28/47
4K-6.010 32/30
4L-24.0231 29/39 29/46

AGRICULTURE AND CONSUMER SERVICES

5-1 31/6c
31/14c
5B-58.001 27/29
5B-59.003 32/48
5B-62.001 32/25 32/51
5B-62.002 32/25 32/51
5B-62.003 32/25 32/51
5B-62.004 32/25 32/40 32/51
5B-62.005 32/25 32/51
5B-62.006 32/25 32/51
5B-62.007 32/25 32/51
5B-62.008 32/25 32/51
5B-62.009 32/25 32/51
5B-62.010 32/25 32/51
5B-62.011 32/25 32/51
5B-62.012 32/25 32/51
5B-62.013 32/25 32/51
5B-62.014 32/25 32/51
5B-62.015 32/25 32/51
5B-62.016 32/25 32/51
5B-62.017 32/25 32/40 32/51
5B-62.018 32/25 32/51
5B-62.019 32/25 32/51

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
5B-62.020	32/25	32/44	32/51	6D-9.007	32/45		
5B-62.021	32/25		32/51	6D-14.002	32/45		
5B-62.022	32/25	32/44	32/51	6D-16.002	32/45		
5B-62.023	32/25		32/51	6L-1.001	28/12		
5B-62.024	32/25		32/51	6L-1.002	28/12		
5B-62.025	32/25		32/51	6L-1.004	28/12		
5B-62.026	32/25		32/51	6L-1.005	28/12		
5B-62.027	32/25	32/44	32/51	6L-1.006	28/12		
5B-63.001	32/48			6L-1.007	28/12		
5F-10.001	32/49			6L-1.008	28/12		
5I-4.002	32/49			6L-1.009	28/12		
5I-4.006	32/49			6L-1.010	28/12		
5J-14.002	32/51			6L-1.011	28/12		
5L-1.003	32/52			6L-1.012	28/12		
5L-3.004	32/50			6L-1.013	28/12		
				6M-7.0055	30/26		

EDUCATION

6A-1.0014	32/50		
6A-1.09401	32/45	32/49	
6A-1.09412	32/45		
6A-1.09422	32/50		
6A-1.09441	32/45		
6A-3.006	32/37		32/47
6A-3.0121	32/37		32/47
6A-3.0141	32/37		32/47
6A-3.016	32/37		32/47
6A-3.0171	32/37		32/47
6A-3.0291	32/37		32/47
6A-3.037	32/37		32/47
6A-4.0012	32/50		
6A-4.0251	32/3	32/5	
6A-6.03013	32/45		
6A-6.03015	32/45		
6A-6.030151	32/45		
6A-6.030152	32/45		
6A-6.030153	32/45		
6A-6.03016	32/45		
6A-6.03021	32/45		
6A-6.03023	32/45		
6A-6.03315	32/45		
6A-6.0782	32/50		
6A-6.080	16/30		
6A-6.0960	32/45	32/51	
6A-6.0970	32/45		
6A-6.0980	32/50		
6A-20.020	32/50		
6A-20.025	32/50		
6A-20.039	32/50		
6A-20.040	32/50		
6A-20.041	32/50		
6A-20.042	32/50		
6A-20.044	32/50		
6B-4.010	32/3	32/8	
6C-7.0055	30/26		
6D-7.006	32/38	32/44	

COMMUNITY AFFAIRS

9BER06-1			32/38
9B-1.002	31/30	32/48	
9B-1.003	31/30	32/48	
9B-1.004	31/30	32/48	
9B-1.006	31/30	32/48	
9B-1.007	31/30	32/48	
9B-1.009	31/30	32/48	
9B-1.0095	31/30	32/48	
9B-1.010	31/30	32/48	
9B-1.016	31/30	32/48	
9B-1.017	31/30	32/48	
9B-1.020	31/30	32/48	
9B-1.0211	31/30	32/48	
9B-1.0221	31/30	32/48	
9B-1.028	31/30	32/48	
9B-1.030	31/30	32/48	
9B-3.053	31/45		
9B-43.0041	32/47	32/52	
9B-43.0051	32/47	32/52	
9B-60.002	32/41	32/51	
9B-60.003	32/41	32/50	
9B-60.004	32/41	32/50	
9B-60.005	32/41	32/50	
9B-60.007	32/41	32/50	
9B-60.008	32/41	32/50	
9B-72.005	30/26	32/34	32/46
9B-72.010	30/26	32/34	32/46
9B-72.030	30/26	32/34	32/46
9B-72.040	30/26	32/34	32/46
9B-72.045	30/26	32/34	32/46
9B-72.050	30/26	32/34	32/46
9B-72.060	30/26	32/34	32/46
9B-72.070	30/26	32/34	32/46
9B-72.080	30/26		32/46
9B-72.090	30/26	32/34	32/46
9B-72.100	30/26	32/34	32/46
9B-72.110	32/34	32/34	32/46

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
12E-1.032	32/52			19B-8.003	32/45		32/52
TRANSPORTATION				19B-15.001	28/8		
14-1	31/32c			19B-15.002	28/8		
	32/2c			19B-15.003	28/8		
	32/2c			19B-15.004	28/8		
14-10.003	32/44		32/52	19B-15.005	28/8		
14-10.004	32/44		32/52	19B-15.006	28/8		
14-10.006	32/44		32/52	19B-15.007	28/8		
14-15.003	26/46			19B-15.008	28/8		
14-15.0081	32/41			19B-15.009	28/8		
14-73.001	32/52			19B-15.010	28/8		
HIGHWAY SAFETY AND MOTOR VEHICLES				19B-15.011	28/8		
				19B-16.002	32/45		32/52
				19B-16.011	32/45		32/52
				CITRUS			
15A-6.005	32/43			20-7.001	32/36	32/44	
15A-6.006	32/43			20-7.002	32/36	32/44	
15A-6.009	32/43					32/47	
15A-6.011	32/43			20-7.003	32/36	32/44	
15A-6.012	32/43					32/47	
15A-6.013	32/43			20-7.004	32/36	32/44	
15A-6.014	32/43					32/47	
15A-6.015	32/43			20-7.005	32/36	32/44	
15A-6.018	32/43					32/47	
15A-6.019	32/43			20-72.008	31/28		
15A-6.020	32/43			PROFESSIONAL REGULATION			
15A-9.001	32/44			21M-49.002	19/6c		
15A-9.002	32/44			21M-50.002	19/6c		
15A-9.003	32/44			21M-50.003	19/6c		
15A-9.0041	32/44			21M-50.007	19/6c		
15B-13.001	32/27		32/46	21M-50.009	19/6c		
ENVIRONMENTAL REGULATION				FLORIDA PAROLE COMMISSION			
17-503.420	16/15			23-15.012	32/36		32/50w
17-503.430	16/15			PUBLIC SERVICE COMMISSION			
17-503.500	16/15			25-4.0161	32/50		
17-660.300	15/50	16/8		25-4.0665	32/41		32/52
17-671.100	15/32			25-4.084	32/52		
17-671.200	15/32			25-6.034	32/27	32/51	
17-671.300	15/32			25-6.0341	32/27	32/51	
17-671.310	15/32			25-6.0342	32/27	32/51	
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND				25-6.0343	32/27	32/42	32/49
18-21.004	25/48	25/50		25-6.0345	32/27	32/51	
STATE BOARD OF ADMINISTRATION				25-6.0423	32/52		
19-15.001	32/26	32/47		25-6.064	32/27	32/51	
		32/49		25-6.078	32/27	32/51	
19-16.001	32/45c			25-6.115	32/27	32/51	
19B-4.001	32/45		32/52	25-17.0832	32/41		
19B-5.002	32/45		32/52	25-22.0021	32/44		32/52
19B-7.001	32/45		32/52	25-22.0022	32/44		32/52

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
33-603.101	32/40		32/49	40E-1.659	32/35	32/48	
WATER MANAGEMENT DISTRICTS				40E-4.091	32/35	32/48	
40B-2.321	30/22	30/36			32/35		32/46
40C-4.091	32/33	32/42	32/48	40E-7.523	28/39		
40C-4.301	32/33		32/48	40E-7.532	28/39		
40C-4.900	32/33		32/48	40E-8.021	32/39		32/49
40C-8.031	32/20	32/42	32/48	40E-8.221	32/39		32/49
40C-40.900	32/33		32/48	40E-8.421	32/39		32/49
40C-41.011	32/33		32/48	40E-20.651	29/17		
40C-41.023	32/33		32/48	40E-63.223	27/2	27/9	
40C-41.033	32/33		32/48	FLORIDA LAND AND WATER ADJUDICATORY COMMISSION			
40C-41.043	32/33		32/48	42LL-1.002	32/36		32/50
40C-41.063	32/33	32/42	32/48	42QQ-1.002	32/45		
40C-42.023	32/33		32/48	LOTTERY			
40C-42.091	32/33		32/48	53ER05-55			32/45
40C-42.900	32/33		32/48	53ER05-56			32/45
40C-44.065	32/33		32/48	53ER05-57			32/45
40C-44.091	32/33		32/48	53ER05-58			32/45
40C-44.101	32/33		32/48	53ER06-48			32/36
40C-44.900	32/33		32/48	53ER06-49			32/37
40D-1.607	32/44			53ER06-50			32/37
40D-1.659	32/47			53ER06-51			32/39
40D-2.011	32/19		32/52	53ER06-52			32/43
40D-2.021	32/19		32/52	53ER06-53			32/43
40D-2.031	31/20	31/35		53ER06-54			32/43
40D-2.041	32/19		32/52	53ER06-59			32/48
40D-2.091	22/48			53ER06-60			32/48
	32/19	32/45	32/52	53ER06-61			32/50
40D-2.101	32/19		32/52	53-19.0035	25/43		
40D-2.301	22/48			53-302.101	29/22		
	32/19		32/52	53-302.109	29/22		
40D-2.302	32/19		32/52	ELDER AFFAIRS			
40D-2.321	32/19		32/52	58B-1.001	32/50		
40D-2.331	20/48			58B-1.003	32/50		
	32/19		32/52	58B-1.005	32/50		
40D-2.621	32/19		32/52	58B-1.007	32/50		
40D-2.801	32/19	32/27	32/52	58B-1.009	32/50		
		32/45	32/52	AGENCY FOR HEALTH CARE ADMINISTRATION			
40D-3.101	32/52			59-1	29/35c		
40D-3.411	32/52				30/42c		
40D-3.531	32/52			59A-3.255	29/36	29/48	32/52w
40D-4.021	32/44					30/3	
40D-4.091	22/48				29/43c		
	25/3			59A-8.002	32/52		
	32/44			59A-8.003	32/52		
40D-4.331	32/47			59A-8.004	32/52		
40D-6.521	24/50			59A-8.0086	32/52		
40D-8.041	32/1			59A-8.022	32/52		
	32/19		32/52	59A-8.027	32/52		
40D-8.624	32/19	32/45	32/52				
	32/47						
40D-8.626	32/19		32/52				
40D-40.301	32/52						
40D-80.074	32/19	32/45	32/52				

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
60BB-8.201	32/38			61A-10.007	32/3		
60BB-8.2015	32/38			61A-10.008	32/3		
60BB-8.202	32/38			61A-10.009	32/3		
60BB-8.204	32/38			61A-10.0091	32/3		
60BB-8.300	32/38			61A-10.010	32/3		
60BB-8.301	32/38			61A-10.011	32/3		
60BB-8.305	32/38			61A-10.0111	32/3		
60BB-8.400	32/38			61A-10.0112	32/3		
60BB-8.451	32/38			61A-10.012	32/3		
60BB-8.900	32/38			61A-10.013	32/3		
60BB-8.901	32/38			61A-10.014	32/3		
60DD-1.002	32/36			61A-10.015	32/3		
60EE-1.001	32/41			61A-10.016	32/3		
60EE-1.002	32/41			61A-10.017	32/3		
60EE-1.003	32/41			61A-10.018	32/3		
60EE-1.004	32/41			61A-10.020	32/3		
60EE-1.005	32/41		32/49w	61A-10.021	32/3		
60L-39.001	32/44			61A-10.026	32/3		
60L-39.0015	32/44			61A-10.027	32/3		
60L-39.002	32/44			61A-10.031	32/3		
60L-39.003	32/44			61A-10.050	32/3		
60L-39.004	32/44			61A-10.051	32/3		
60L-39.005	32/44			61A-10.052	32/3		
60L-39.006	32/44			61A-10.053	32/3		
60S-1.005	32/18	32/50	32/49w	61A-10.054	32/3		
60Y-1	31/14c			61A-10.055	32/3		
	31/16c			61A-10.080	32/3		
	31/16c			61A-10.081	32/3		
	31/21c			61A-10.082	32/3		
	31/21c			61A-10.083	32/3		
	31/25c			61A-10.084	32/3		
	31/38c			61A-10.085	32/3		
	31/38c			61B-17.001	32/46		
	31/39c			61B-25.001	32/48		
	32/2c			61B-25.002	32/48		
	32/2c			61B-25.003	32/48		
	32/2c			61B-25.004	32/48		
	32/2c			61B-82.005	30/40		
				61C-5.006	32/43		32/52w
				61D-4.002	31/51		32/52
				61D-4.004	31/51		32/52
				61D-6.011	31/51		32/52
				61D-8.002	31/51		32/52
				61D-8.005	31/51		32/52
				61D-10.001	31/51		32/52
				61D-11.009	31/51		32/52
				61D-11.017	31/51		
				61D-11.019	32/48		
				61D-12.001	31/51		
				61D-14.001	32/34		32/48
				61D-14.004	32/34		32/48
				61D-14.005	32/34		32/48
				61D-14.021	32/17		
				61D-14.076	32/39		
						32/47	
						32/50	
BUSINESS AND PROFESSIONAL REGULATION							
61-5.007	32/47						
61-6.023	32/3						
61-20.508	32/46						
61A-2.019	31/50						
61A-4.030	31/21						
61A-5.7475(1)	31/5c						
61A-7.006	29/41						
61A-7.007	29/41						
61A-7.008	29/41						
61A-10.001	32/3						
61A-10.002	32/3						
61A-10.0021	32/3						
61A-10.0022	32/3						
61A-10.005	32/3						
61A-10.006	32/3						

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
61D-14.077	32/39			61J1-2.0045	32/30		32/48
61D-14.078	32/39	32/47 32/50		61J1-3.001	28/41	28/43 28/46	32/48 32/48
61D-14.091	32/48				32/31		32/48
61D-14.092	32/48				32/37		
61D-14.093	32/48			61J1-3.002	28/41	28/43 28/46	
61D-14.094	32/48						
61D-14.095	32/48			61J1-4.001	32/37		
61E1-1.002	32/45			61J1-4.003	32/37		32/48
61G1-12.005	32/47			61J1-4.005	28/41	28/43 28/46	
61G1-16.002	32/47						32/48
61G4-12.017	32/35		32/46		32/37		32/48
61G4-15.001	32/44			61J1-4.007	32/37		32/48
61G4-16.009	32/39		32/48	61J1-4.008	32/37		32/48
61G5-18.0055	32/50			61J1-4.009	32/37		32/48
61G5-20.001	32/50			61J1-4.010	32/37		32/48
61G5-20.002	32/50			61J1-6.001	32/37		32/48
61G5-20.004	32/39		32/48	61J1-7.004	28/41	28/43 28/46	
61G5-32.001	32/39		32/48				32/48
61G6-5.001	32/23		32/49w		32/37		32/48
61G6-10.0065	32/33		32/49w	61J1-7.005	28/41	28/43 28/46	
61G7-10.0014	32/21						
61G7-10.002	32/43		32/52	61J1-7.0065	32/37		32/48
61G7-33.0065	30/16			61J1-8.001	32/37		32/48
61G9-9.001	31/6			61J1-8.002	32/37		32/48
61G14-17.004	32/41		32/48	61J1-8.003	32/37		32/48
61G14-19.001	32/41		32/48	61J1-11.009	32/37		
61G15-1	31/21c			61J2-5.014	32/14		
61G15-19.004	32/39		32/46	61J2-10.025	32/49		
61G15-20.006	32/30	32/39 32/48		61J2-17.012	28/3	28/17	
61G15-20.007	32/49			61K1-1.001	32/45		
61G15-21.007	32/32			ENVIRONMENTAL PROTECTION			
61G15-22.0105	32/31			62-1	31/16c		
61G15-22.011	32/49			62-204.800	32/47 32/50		
61G15-24.001	31/21			62-210.100	32/38		33/1
61G16-4.004	32/46			62-210.200	32/38	32/46	33/1
61G17-2.005	32/41		32/48	62-210.300	32/38	32/46	33/1
61G17-3.0025	32/49			62-210.310	32/38	32/46	33/1
61G17-5.001	32/49			62-210.920	32/38	32/46	33/1
61G17-5.0043	32/49			62-296.340	32/47		
61G18-12.019	32/35			62-296.401	32/38	32/46	33/1
61G18-17.001	32/41			62-296.414	32/38		33/1
61G19-5.002	32/41		33/1	62-296.470	32/45c		
61G19-5.007	32/41			62-302.300	32/30		32/48
61G19-6.0035	32/45			62-302.400	32/30		32/48
61G19-6.012	32/41		33/1	62-302.500	32/30		32/48
61G19-9.001	32/41		33/1	62-302.530	32/30	32/42	32/48
61G19-9.004	32/41			62-302.540	27/52		
61G19-10.003	32/41			62-302.700	32/30		32/48
61G19-19.001	31/46			62-302.800	32/30		32/48
61H1-29.003	32/52			62-303.100	32/31		32/49
61H1-31.001	32/27	32/42	32/48	62-303.150	32/45		32/52
61J1-1.009	32/37		32/48	62-303.200	32/31	32/43	32/49
61J1-2.001	32/37		32/48				
61J1-2.004	32/30		32/48				

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
62-303.300	32/31		32/49	62-730.210	32/3		32/47
62-303.310	32/31		32/49	62-730.225	32/3		32/47
62-303.320	32/31	32/43	32/49	62B-33.002	32/49		
62-303.330	32/31		32/49	62B-33.004	32/49		
62-303.340	32/31		32/49	62B-33.005	32/49		
62-303.350	32/31		32/49	62B-33.0051	32/49		
62-303.351	32/45		32/52	62B-33.007	32/49		
62-303.352	32/31		32/49	62B-33.008	32/49		
62-303.353	32/31		32/49	62B-33.0081	32/49		
62-303.360	32/31	32/43	32/49	62B-33.013	32/49		
62-303.370	32/31	32/43	32/49	62B-33.014	32/49		
62-303.380	32/31	32/43	32/49	62B-33.0155	32/49		
62-303.400	32/31		32/49	62B-33.024	32/49		
62-303.410	32/45		32/52	62B-49.001	32/40		
62-303.420	32/31	32/43	32/49	62B-49.002	32/40		
62-303.430	32/31		32/49	62B-49.003	32/40		
62-303.440	32/31		32/49	62B-49.004	32/40		
62-303.450	32/31	32/43	32/49	62B-49.005	32/40		
62-303.460	32/31	32/43	32/49	62B-49.006	32/40		
62-303.470	32/31	32/43	32/49	62B-49.007	32/40		
62-303.480	32/31	32/43	32/49	62B-49.008	32/40		
62-303.500	32/31		32/49	62B-49.009	32/40		
62-303.600	32/45		32/52	62B-49.010	32/40		
62-303.700	32/31		32/49	62B-49.011	32/40		
62-303.710	32/31		32/49	62B-49.012	32/40		
62-303.720	32/31	32/43	32/49	62B-49.013	32/40		
62-303.810	32/45		32/52	62S-3.001	31/30	32/39	32/47
62-304.510	29/25				31/30	32/39	
62-304.600	31/27c			62S-3.002	31/30	32/39	32/47
	31/28c				31/30	32/39	
	31/28c			62S-3.003	31/30	32/39	32/47
62-312.824	32/2	32/51			31/30	32/39	
62-312.825	32/26	32/40	32/48				
62-341.448	32/2	32/51					
62-341.486	32/26	32/40	32/48				
62-505.100	32/39			63C-1.001	32/45		
62-505.200	32/39	32/50		63C-1.002	32/45		
62-505.300	32/39			63C-1.003	32/45		
62-505.350	32/39			63D-1.001	32/36		32/52
62-505.360	32/39			63D-1.002	32/36		32/52
62-505.420	32/39			63D-1.003	32/39	32/47	32/52
62-505.600	32/39			63D-1.004	32/36	32/47	32/52
62-505.650	32/39			63D-1.005	32/36	32/47	32/52
62-505.655	32/39			63D-2.001	32/42		32/52
62-505.680	32/39			63D-2.002	32/42	32/47	32/52
62-505.700	32/39			63D-2.003	32/42	32/47	32/52
62-505.750	32/39			63EER06-44			32/40
62-505.800	32/39			63EER06-45			32/40
62-505.850	32/39			63EER06-46			32/40
62-531.300	33/1			63EER06-47			32/40
62-531.330	33/1			63EER06-48			32/40
62-531.340	33/1			63EER06-49			32/40
62-531.350	33/1			63EER06-50			32/40
62-531.450	33/1			63EER06-51			32/40
62-730.186	32/37			63EER06-52			32/40
				63EER06-53			32/40

JUVENILE JUSTICE

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
63EER06-54			32/40	63H-1.012	32/30	32/39	32/46
63E-2.003	32/51			63H-1.013	32/30	32/39	32/46
63E-2.005	32/51			63H-1.014	32/30	32/39	32/46
63E-2.006	32/51					32/40	
63E-2.013	32/51			63H-1.015	32/30		32/46
63E-2.014	32/51			63H-1.016	32/30		32/46
63E-6.001	32/30		32/46	HEALTH			
63E-6.002	32/30	32/39	32/46	64-1	30/29c		
63E-6.003	32/30	32/39	32/46		30/52c		
		32/40		64B-1.009	25/39	26/1	
63E-6.004	32/30		32/46	64B-1.016	32/47		
63E-6.005	32/30	32/39	32/46	64B-5.003	31/21	32/21	
63E-6.006	32/30	32/39	32/46	64B-21.0015	27/39		
		32/40	32/46	64B-21.004	27/39		
63E-6.007	32/30	32/39	32/46	64B-21.006	27/39		
63E-6.008	32/30	32/39	32/46	64B1-31.001	27/51	28/6	
63E-6.009	32/30	32/39	32/46	64B2-13.0045	32/33	32/51	
		32/40	32/46	64B2-15.002	31/49		
63E-6.010	32/30	32/39	32/46	64B3-2.001	23/51		
63E-6.011	32/30	32/40	32/46	64B3-2.002	22/34	24/49	
63G-1.005	32/50			64B3-2.003	22/34	24/49	
63G-1.007	32/50			64B3-3.004	23/51		
63G-1.008	32/50			64B3-6.001	27/5	27/17	
63G-1.009	32/50			64B4-2.002	32/42		32/52
63HER06-28			32/40	64B4-3.001	25/22		
63HER06-29			32/40	64B4-4.018	25/32		
63HER06-30			32/40	64B4-4.019	32/42		32/50
63HER06-31			32/40	64B4-6.001	32/42		32/50
63HER06-32			32/40	64B4-6.002	32/42		32/50
63HER06-33			32/40	64B4-6.0045	25/32		
63HER06-34			32/40	64B4-8.002	32/42		32/50
63HER06-35			32/40	64B4-31.007	32/45		33/1
63HER06-36			32/40	64B5-2.014	32/44		32/51
63HER06-37			32/40	64B5-2.0144	31/9	32/42	32/50
63HER06-38			32/40			32/45	
63HER06-39			32/40	64B5-2.0146	32/44		32/51
63HER06-40			32/40	64B5-2.0148	32/44		32/51
63HER06-41			32/40	64B5-7.0035	32/44		32/51
63HER06-42			32/40	64B5-7.006	32/44		32/51
63HER06-43			32/40	64B5-12.013	32/44		32/51
63H-1.001	32/30		32/46	64B5-12.016	32/44		32/51
63H-1.002	32/30	32/39	32/46	64B5-12.019	32/44		32/51
		32/40		64B5-13.005	32/44		32/51
	33/1			64B5-14.002	32/44		32/51
63H-1.003	32/30	32/39	32/46	64B5-14.006	32/44		32/51
63H-1.004	32/30	32/39	32/46	64B5-15.010	27/30		
	33/1			64B5-16.002	32/44	32/50	
63H-1.005	32/30	32/39	32/46	64B5-16.0075	32/44		32/51
63H-1.006	32/30	32/39	32/46	64B6-1.016	28/52		
63H-1.007	32/30	32/39	32/46	64B6-55.004	27/41		
		32/40		64B7-25.004	32/39		32/48
63H-1.008	32/30	32/39	32/46	64B7-27.012	24/12		
63H-1.009	32/30	32/39	32/46	64B7-28.009	32/34		
		32/40		64B7-28.0095	32/39		32/48
63H-1.010	32/30	32/39	32/46	64B7-28.010	32/50		
63H-1.011	32/30	32/39	32/46	64B7-32.001	26/6		

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
64B8-1.001	32/40		32/48	64B14-1.004	32/45		
64B8-1.007	32/43		32/51	64B14-3.001	31/35		
64B8-2.001	32/40	32/50			32/45		
64B8-4.009	32/43		32/51	64B14-4.100	32/45		
64B8-8.001	32/36		32/46	64B14-4.110	32/45		
	32/40			64B15-6.003	32/51		
64B8-8.019	32/40	32/50		64B15-6.0035	32/51		
64B8-9.0075	32/40	32/44	32/50	64B15-9.007	32/47		
64B8-9.0092	32/36	32/50		64B15-13.001	32/49		
64B8-9.015	32/24	32/50		64B15-14.011	32/30		
		32/51		64B15-19.002	32/38		32/47
	32/45c			64B15-19.009	32/42		
64B8-11.001	32/47			64B16-26.1005	32/39		32/47
64B8-11.003	32/43		32/51	64B16-26.2032	30/52		
64B8-13.0045	27/48	28/16		64B16-26.300	32/39		32/47
64B8-13.005	32/43		32/51	64B16-26.402	30/52		
64B8-30.003	32/51			64B16-26.601	30/52		32/50w
64B8-30.005	32/51			64B16-26.6011	30/52		
64B8-30.012	29/23c			64B16-27.100	30/50	31/20	
64B8-42.005	32/43		33/1	64B16-27.1001	30/50	32/52	
64B8-44.003	32/43		33/1	64B16-27.1003	30/50	31/20	
64B8-44.007	32/43		33/1			32/52	
64B8-45.006	32/43		33/1	64B16-27.103	30/50	32/52	
64B8-53.001	31/28	32/52		64B16-27.104	30/50	31/20	
64B8-54.004	27/41			64B16-27.105	27/4	27/21	
64B8-55.002	32/43			64B16-27.210	30/50	31/20	
64B8-304.700	29/43c			64B16-27.211	30/50		
64B9-2.002	32/19			64B16-27.220	30/50	31/2	
64B9-3.002	32/49			64B16-27.300	30/50		
64B9-3.007	25/9			64B16-27.410	30/50		
64B9-5.007	32/42			64B16-27.530	30/50		
64B9-8.003	32/42		32/49	64B16-27.615	30/50		
64B9-8.005	32/42		32/49	64B16-27.700	30/50		
64B9-8.009	32/23			64B16-27.830	31/17		
64B9-9.015	32/24	32/51			32/45c		
64B9-15.003	31/44			64B16-27.831	30/50		
64B9-15.004	31/44			64B16-28.120	31/13	32/52	
64B9-15.009	32/20			64B16-28.140	24/38		
64B9-17.001	31/11	31/44		64B16-28.301	31/13		32/50w
		32/15		64B16-28.303	32/45		
		32/51		64B16-28.404	31/3		32/50w
64B9-17.002	31/11	31/44			32/52		
		32/15		64B16-28.405	31/3		32/50w
64B9-17.003	31/11	31/44		64B16-28.451	32/45		
		32/15		64B16-28.605	31/4		
		32/22		64B16-28.607	31/4	33/1	
		32/51		64B16-28.900	31/23	31/30	
64B10-11.012	32/36		32/48	64B16-28.902	31/23	31/30	
64B12-8.008	32/49			64B16-30.001	32/39		32/47
64B12-9.001	32/50	33/1		64B17-3.002	32/18	32/47	33/1
64B12-9.016	32/50			64B17-7.001	32/50		
64B12-16.003	33/1			64B18-12.011	32/30	32/40	32/46
64B12-19.002	27/11			64B18-17.001	32/49		
64B13-5.001	32/44		32/51	64B18-17.005	32/30	32/32	32/47
64B13-5.002	32/44		32/51			32/39	

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
64B19-11.004	32/45		32/52	64D-3.029	32/24	32/39	32/46
64B19-12.002	32/49			64D-3.030	32/24	32/39	32/46
64B19-13.003	32/45		32/52	64D-3.031	32/24	32/39	32/46
64B19-17.002	32/45		32/52	64D-3.032	32/24	32/39	32/46
64B20-2.002	25/45	26/30		64D-3.033	32/24	32/39	32/46
	32/49			64D-3.034	32/24	32/39	32/46
64B20-2.004	32/49			64D-3.035	32/24	32/39	32/46
64B20-2.006	32/49			64D-3.036	32/24	32/39	32/46
64B20-4.002	32/49			64D-3.037	32/24	32/39	32/46
64B21-500.009	32/43		32/51	64D-3.038	32/24	32/39	32/46
64B21-502.001	32/43		32/51	64D-3.039	32/24	32/39	32/46
64B24-2.001	32/43		32/51	64D-3.040	32/24	32/39	32/46
64B24-6.001	32/43		32/51	64D-3.041	32/24	32/39	32/46
64B32-2.001	32/50			64D-3.042	32/24	32/39	32/46
64B32-4.002	32/45			64D-3.043	32/24	32/39	32/46
64B32-5.001	28/3	28/5		64D-3.044	32/24	32/39	32/46
64B32-6.001	32/37		32/52w	64D-3.045	32/24	32/39	32/46
64B32-6.002	32/50			64D-3.046	32/24	32/39	32/46
64B32-6.004	32/38	32/41	32/52w	64D-3.047	32/24	32/39	32/46
64B33-2.001	32/47			64D-4.001	31/15	32/30	
64B33-2.003	32/47			64D-4.002	31/15	32/30	
64B33-5.001	32/47					32/37	
64C-13.018	24/22			64D-4.003	31/15	32/30	
64C-23.002	27/17					32/37	
64C-27.001	27/17			64D-4.004	31/15	32/30	
64C-27.002	27/17			64D-4.005	31/15	32/30	
64D-3.001	32/24	32/39	32/46			32/37	
64D-3.002	32/24	32/39	32/46	64D-4.006	31/15	32/30	
64D-3.003	32/24	32/39	32/46	64E-2.001	33/1		
64D-3.0031	32/24	32/39	32/46	64E-2.002	32/21	32/44	32/50
64D-3.004	32/24	32/39	32/46	64E-2.003	32/21	32/44	32/50
64D-3.005	32/24	32/39	32/46	64E-2.004	32/21	32/44	32/50
64D-3.006	32/24	32/39	32/46	64E-2.005	32/21	32/44	32/50
64D-3.007	32/24	32/39	32/46	64E-2.006	32/21		32/50
64D-3.0071	32/24	32/39	32/46	64E-2.007	32/21		32/50
64D-3.008	32/24	32/39	32/46	64E-2.008	32/47		
64D-3.009	32/24	32/39	32/46	64E-2.009	32/47		
64D-3.010	32/24	32/39	32/46	64E-2.0094	32/47		
64D-3.011	32/24	32/39	32/46	64E-2.012	32/21		32/50
64D-3.012	32/24	32/39	32/46	64E-2.022	32/42		32/50
64D-3.013	32/24	32/39	32/46	64E-2.032	33/1		
64D-3.014	32/24	32/39	32/46	64E-2.034	32/21		32/50
64D-3.015	32/24	32/39	32/46	64E-2.036	32/21		32/50
64D-3.016	32/24	32/39	32/46	64E-2.040	32/46		33/1
64D-3.017	32/24	32/39	32/46	64E-6.001	32/35	32/40	32/47
64D-3.018	32/24	32/39	32/46	64E-6.002	32/35		32/47
64D-3.019	32/24	32/39	32/46	64E-6.003	32/35		32/47
64D-3.020	32/24	32/39	32/46	64E-6.004	32/35		32/47
64D-3.021	32/24	32/39	32/46	64E-6.006	32/35		32/47
64D-3.022	32/24	32/39	32/46	64E-6.007	25/48		
64D-3.023	32/24	32/39	32/46	64E-6.008	32/35		32/47
64D-3.024	32/24	32/39	32/46	64E-6.009	32/35		32/47
64D-3.025	32/24	32/39	32/46	64E-6.010	32/35		32/47
64D-3.026	32/24	32/39	32/46	64E-6.0101	32/35		32/47
64D-3.027	32/24	32/39	32/46	64E-6.012	32/35		32/47
64D-3.028	32/24	32/39	32/46	64E-6.013	32/35		32/47

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
64E-6.014	32/35		32/47	65C-13.002	32/48		
64E-6.015	32/35		32/47	65C-13.003	32/48		
64E-6.018	32/35		32/47	65C-13.004	32/48		
64E-6.0181	32/35		32/47	65C-13.005	32/48		
64E-6.019	32/35		32/47	65C-13.006	32/48		
64E-6.020	32/35	32/40	32/47	65C-13.007	32/48		
64E-6.021	32/35	32/40	32/47	65C-13.008	32/48		
64E-6.025	32/35		32/47	65C-13.009	32/48		
64E-6.026	32/35		32/47	65C-13.010	32/48		
64E-6.030	32/35		32/47	65C-13.011	32/48		
64F-17.001	32/38			65C-13.012	32/48		
	32/51			65C-13.013	32/48		
64V-1.007	32/38	32/42	32/49	65C-13.014	32/48		
64V-1.0131	32/38	32/42	32/49	65C-13.015	32/48		
64V-1.018	30/2			65C-13.016	32/48		
CHILDREN AND FAMILY SERVICES				65C-13.017	32/48		
				65C-13.018	32/48		
				65C-13.019	32/48		
65-1	30/6c			65C-13.020	32/48		
	30/9c			65C-13.021	32/48		
	30/15c			65C-13.022	32/48		
	32/2c			65C-13.023	32/48		
	32/2c			65C-13.024	32/48		
65-2.045	32/34	32/47	33/1	65C-13.025	32/48		
65-2.056	32/34		32/49	65C-13.026	32/48		
65-2.056(3)	32/32c			65C-13.027	32/48		
65-2.057	32/34	32/47	33/1	65C-13.028	32/48		
65-2.058	32/34		32/49	65C-13.029	32/48		
65A-1.301	32/44			65C-13.030	32/48		
65A-1.400	31/27c			65C-13.031	32/48		
65A-1.601	28/11	28/23		65C-13.032	32/48		
		28/31		65C-13.033	32/48		
		28/41		65C-13.034	32/48		
65A-1.704	32/44			65C-15.001	32/48		
65A-1.705	32/44			65C-15.002	32/48		
65A-1.707	32/44			65C-15.003	32/48		
65A-1.713	32/44			65C-15.0035	32/48		
65A-4.209	33/1			65C-15.004	32/48		
65A-4.213	25/32			65C-15.005	32/48		
65A-4.216	25/32			65C-15.006	32/48		
65A-15.005	32/9			65C-15.010	32/48		
65A-15.0095	26/4			65C-15.011	32/48		
65A-15.062	32/9			65C-15.012	32/48		
65B-27.017	32/9			65C-15.013	32/48		
65C-5.001	32/29	32/37		65C-15.014	32/48		
65C-5.002	32/29	32/37		65C-15.015	32/48		
65C-5.003	32/29	32/37		65C-15.016	32/48		
65C-5.004	32/29	32/37		65C-15.017	32/48		
65C-5.005	32/29	32/37		65C-15.018	32/48		
65C-5.006	32/29	32/37		65C-15.019	32/48		
65C-5.007	32/29	32/37		65C-15.020	32/48		
65C-5.008	32/29	32/37		65C-15.021	32/48		
65C-5.009	32/29	32/37		65C-15.022	32/48		
65C-5.010	32/29	32/37		65C-15.023	32/48		
65C-5.011	32/29	32/37		65C-15.024	32/48		
65C-13.001	32/48						

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
69O-137.001	32/43			69O-171.003	32/8		
69O-137.013	32/26				32/23c		
	32/45c			69O-171.009	32/8	32/32	
69O-138.001	32/43				32/23c		
69O-142.015	32/39			69O-175.001	31/2c		
69O-149.005	32/51			69O-175.003	30/46	31/2	
69O-149.037	32/51				30/46	31/15	
69O-170.005	30/46	31/2			31/2c		
	30/46	31/15			31/26		
	31/2c			69O-186.003	31/22		
	31/26			69O-186.005	31/24		
69O-170.006	30/46			69O-186.013	32/40		
	31/2c			69O-186.017	32/47		
	31/26			69O-191.054	32/51		
	31/32c			69O-203.210	32/33		
69O-170.007	30/46	31/2		69O-207.002	32/33		
	30/46	31/15		69P-2.001	32/36		32/46
	31/2c			69P-2.002	32/36		32/46
	31/26			69T-1.001	32/43		32/52
69O-170.013	30/46	31/2		69U-110.002	32/50		
	30/46	31/15		69U-110.005	32/50		
	31/2c			69U-110.0061	32/50		
	31/26	32/6		69U-110.008	32/50		
69O-170.0135	30/46	31/2		69U-110.021	32/50		
	30/46	31/15		69U-110.0211	32/50		
	31/2c			69U-110.0212	32/50		
	31/26			69U-110.026	32/50		
69O-170.014	30/46	31/15		69U-110.031	32/50		
	31/2c			69U-110.038	32/50		
	31/26			69U-110.0381	32/50		
69O-170.0141	30/46	31/15		69U-110.0382	32/50		
	31/2c			69U-110.042	32/50		
	31/26			69U-110.043	32/50		
69O-170.0142	30/46	31/2		69U-110.0431	32/50		
	30/46	31/15		69U-110.0432	32/50		
	31/2c			69U-110.044	32/50		
	31/26			69U-110.045	32/50		
69O-170.0143	30/46	31/2		69U-110.050	32/50		
	31/26			69U-110.062	32/50		
69O-170.0155	30/46	31/15		69U-110.063	32/50		
	31/2c			69U-110.065	32/50		
	31/26			69U-110.066	32/50		
	32/36	32/43	32/51	69U-110.068	32/50		
69O-170.017	32/36	32/44	32/50				
69O-170.020	32/5	32/12					