

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF INSURANCE

RULE TITLE: Annual and Quarterly Reporting Requirements RULE NO.: 4-137.001

PURPOSE AND EFFECT: The amendments reflect the 1999 annual update of the National Association of Insurance Commissioners' (NAIC's) Annual Statement Instructions, Property and Casualty, the NAIC's Annual Statement Instructions/Life, Accident and Health, the NAIC's Accounting Practices and Procedures Manual for Property and Casualty Insurance Companies, and the NAIC's Accounting Practices and Procedures Manual for Life and Accident and Health Insurance Companies. The rules are being amended to update NAIC manual references to adopt new improvements to the manuals and maintain consistency with the NAIC and other jurisdictions.

SUBJECT AREA TO BE ADDRESSED: Annual and quarterly statements, as well as accounting practices and procedures, for Property and Casualty, and Life, Accident and Health companies.

SPECIFIC AUTHORITY: 624.308(1) FS.

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

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

TIME AND DATE: 11:00 a.m., August 18, 1999

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

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 4-137.001 Annual and Quarterly Reporting Requirements.
- (1) through (3) No change.
- (4) Manuals Adopted.

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

1. The NAIC's Annual Statement Instructions, Property and Casualty, 1999 ~~1998~~;
2. The NAIC's Annual Statement Instructions/Life, Accident and Health, 1999 ~~1998~~;
3. The NAIC's Accounting Practices and Procedures Manual for Property and Casualty Insurance Companies, 1999 ~~1998~~; and
4. The NAIC's Accounting Practices and Procedures Manual for Life and Accident and Health Insurance Companies, 1999 ~~1998~~.

(b) No change.

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

DEPARTMENT OF INSURANCE

RULE TITLE: NAIC Financial Examiners Handbook Adopted RULE NO.: 4-138.001

PURPOSE AND EFFECT: The amendments reflect the 1999 annual update of the National Association of Insurance Commissioners' (NAIC's) Examiner's Handbook. The rule is being amended to update the NAIC handbook references to adopt improvements to the handbook and maintain consistency with the NAIC and other jurisdictions.

SUBJECT AREA TO BE ADDRESSED: Financial and market conduct insurance examinations.

SPECIFIC AUTHORITY: 624.308 FS.

LAW IMPLEMENTED: 624.316 FS.

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

TIME AND DATE: 11:45 a.m., August 18, 1999

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kerry Krantz, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0327, (850)413-5038

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4-138.001 NAIC Financial Examiners Handbook Adopted.

The National Association of Insurance Commissioners Financial Examiners Handbook (1999 ~~1996~~) is hereby adopted and incorporated by reference, with the exception of Part 8, Appendix A. Financial examinations by the Department shall be performed in substantial conformity with the methodology outlined in the Handbook, so long as that methodology is consistent with statutory accounting principles and the Florida Insurance Code. A copy of the Examiners Handbook may be obtained from the National Association of Insurance Commissioners, 120 West 12th Street, Suite 1100, Kansas City, Missouri 63105. A copy of the Examiners Handbook may be inspected at the Department at its headquarters in Tallahassee, Florida, during regular business hours.

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

DEPARTMENT OF INSURANCE

RULE TITLE: Required Opinions
 RULE NO.: 4-138.044

PURPOSE AND EFFECT: The amendments reflect the 1999 annual update of the National Association of Insurance Commissioners' (NAIC's) Examiner's Handbook, Accounting Practices and Procedures Manual, and Annual Statement Instructions. The rule is being amended to update the NAIC manual, instructions and handbook references, to adopt improvements to the handbook, instructions and manuals, and to maintain consistency with the NAIC and other jurisdictions.

SUBJECT AREA TO BE ADDRESSED: Financial and Market Conduct Examinations, Accounting Practices and Procedures, and Annual Statements.

SPECIFIC AUTHORITY: 624.308, 625.121 624.308(1), 625.121(3)(a) FS.

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

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

TIME AND DATE: 11:30 a.m., August 18, 1999
 PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kerry Krantz, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0327, (850)413-5038

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4-138.044 Required Opinions.

- (1) through (2) No change.
- (3) Exemption Eligibility Tests.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Any Category A or Category B company that, for any year beginning with calendar year 1993, for which the annual statement is due on March 1, 1994, is not exempted under paragraph (c) of this subsection shall be required to submit a statement of actuarial opinion in accordance with rule 4-138.046 of this part for the year for which it is not exempt.

(e) Any Category C company that, after submitting an opinion in accordance with rule 4-138.046 of this part, meets all of the following criteria shall not be required, unless required in accordance with paragraph (f) below, to submit a statement of actuarial opinion in accordance with rule 4-138.046 of this part more frequently than every third year.

Any Category C company which fails to meet all of the following criteria for any year shall submit a statement of actuarial opinion in accordance with rule 4-138.046 of this part for that year. The ratios in 1., 2., and 3. below shall be calculated based on amounts as of the end of the calendar year for which the actuarial opinion is applicable.

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

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

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

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

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

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

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

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

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

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

DEPARTMENT OF INSURANCE

Division of Insurance Fraud

RULE TITLE: Anti-Fraud Reward Program
RULE NO.: 4K-1.001

PURPOSE AND EFFECT: To implement Chapter 99-204, Laws of Florida, creating section 626.9892, Florida Statutes, establishing an Anti-Fraud Reward Program, including an application, approval and disbursement process, as provided therein.

SUBJECT AREA TO BE ADDRESSED: Anti-Fraud Rewards.

SPECIFIC AUTHORITY: 624.307, 624.308 FS.

LAW IMPLEMENTED: 626.9892 FS.

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

TIME AND DATE: 10:00 a.m., August 18, 1999

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: L. David Dempsey, Division of Insurance Fraud, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0324, (850)413-4000

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

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

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLE: Imposition of the Tax
RULE NO.: 12B-12.0031

PURPOSE AND EFFECT: The proposed amendment to Rule 12B-12.0031, F.A.C., implements a change made by the 1998 Legislature to subsection (1) of section 376.75, F.S. This change stated that sales and use tax does not apply to the \$5 per gallon tax imposed on perchloroethylene sold in this state.

SUBJECT AREA TO BE ADDRESSED: The subject to be addressed is the repeal of obsolete language in Rule 12B-12.0031, F.A.C.

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1), 376.75(9)(b) FS.

LAW IMPLEMENTED: 376.301, 376.75 FS.

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

TIME AND DATE: 10:00 a.m., August 16, 1999

PLACE: Room 435, Conference Room, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Copies of the agenda for the rule development workshop may be obtained by contacting the person listed below.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program is asked to advise the Department at least five (5) calendar days before the program by contacting the person listed below. If you are hearing- or speech-impaired, please contact the Department's TDD by calling 1(800)DOR-TDD1, (1(800)367-8331).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Alan Fulton, Senior Tax Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)488-8026

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12B-12.0031 Imposition of the Tax.

(1) through (2) No change.

(3)(a) Any person selling or importing taxable perc and any other person who sells tax-paid perc, other than a retail dealer, must either:

~~1. Separately state the amount of such tax paid on any charge ticket, sales slip, invoice, or other tangible evidence of the sale; or,~~

~~2. Certify on the sales document that the tax has been paid.~~

~~2. The tax is to be included in the price upon which Sales and Use Tax or any other tax imposed by Part I of Chapter 212, Florida Statutes, is computed. This requirement applies even if the perc tax is listed as a separate item on the sales invoice or customer bill.~~

(b) through (4) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1), 376.75(9)(b) FS. Law Implemented 376.301, 376.75 FS. History-New 3-18-96, Amended _____.

DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

RULE TITLE: Definitions
RULE NO.: 12D-1.002

PURPOSE AND EFFECT: The purpose of proposed amendment to Rule 12D-1.002, F.A.C., is to clarify the definition of livestock to be consistent with the statutory directive in section 193.461, F.S.

SUBJECT AREA TO BE ADDRESSED: Definition of livestock.

SPECIFIC AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 192.001, 193.085, 193.461, 213.05 FS.

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

TIME AND DATE: 10:00 a.m., August 17, 1999

PLACE: Room 116, Larson Building, 200 E. Gaines St., Tallahassee, Florida

Copies of the agenda for the rule development workshop may be obtained from Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108.

Persons needing an accommodation to participate in any proceeding before the Technical Assistance and Dispute Resolution Office should call (850)488-8026 (voice) or 1(800)367-8331 (TDD), at least five working days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Franz Dorn, Senior Attorney, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6105

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12D-1.002 Definitions.

Unless otherwise stated or unless otherwise clearly indicated by the context in which a particular term is used, all terms used in this chapter shall have the same meanings as are attributed to them in the current Florida Statutes. In this connection, reference is made to the definitions contained in sections 192.001, 196.012, and 197.102, Florida Statutes.

(1) through (2) No change.

(3) "Livestock" – when used in connection with bona fide agricultural purposes, synonymous with good faith commercial agricultural use of the land, as used in s. 193.461(3)(b), F.S., means animals held on a bona fide commercial agricultural use of land, such as a farm. Animals kept or raised for use or pleasure; especially farm animals kept for agricultural use and profit. Livestock is further defined as those kinds of domestic animals and fowls which are normally susceptible to confinement within boundaries without seriously impairing their utility, ~~and the intrusion of which upon the land of others normally causes harm to land or to crops thereon.~~

(4) through (7) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 192.001, 193.085, 193.461, 213.05 FS. History—New 10-12-76, Formerly 12D-1.02, Amended 12-27-94, 2-25-96, _____.

DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

RULE TITLES: RULE NOS.:

Additional Homestead Exemption Up To \$25,000 for Persons 65 and Older Whose Household Income Does Not Exceed \$20,000 Per Year	12D-7.0143
Educational Exemption	12D-7.015
Enterprise Zone Exemption for Child Care Facilities	12D-7.0155
Exemption of Homes for the Aged	12D-7.017
Fraternal and Benevolent Organizations	12D-7.018

PURPOSE AND EFFECT: The purpose of proposed Rule 12D-7.0143, F.A.C., is to implement the provisions of Chapter 99-341, L.O.F., which provide for an additional homestead exemption for persons 65 and older.

The purpose of the proposed amendment to Rule 12D-7.015, F.A.C., is to implement section 4 of Chapter 99-304, Laws of Florida, which exempts from ad valorem property tax child care facilities that achieve Gold Seal Quality status.

The purpose of proposed Rule 12D-7.0155, F.A.C., is to implement section 2 of Chapter 99-304, Laws of Florida, which created an ad valorem property tax exemption for child care facilities located in an enterprise zone.

The purpose of proposed amendment to Rule 12D-7.017, F.A.C., is to implement section 2 of Chapter 99-208, Laws of Florida, which created an ad valorem property tax exemption for certain non-profit homes for the aged.

The purpose of proposed amendment to Rule 12D-7.018, F.A.C., is to clarify the application of the ad valorem property tax exemption to property of fraternal and benevolent organizations.

SUBJECT AREA TO BE ADDRESSED: Proposed Rule 12D-7.0143, F.A.C. – an additional homestead exemption of up to \$25,000 for persons 65 and older whose household income does not exceed \$20,000.

Rule 12D-7.015, F.A.C. – an ad valorem property tax exemption for child care facilities that achieve Gold Seal Quality status under section 402.281, Florida Statutes.

Proposed Rule 12D-7.0155, F.A.C. – ad valorem property tax exemption for child care facilities located in an enterprise zone.

Rule 12D-7.017, F.A.C. – ad valorem property tax exemption for non-profit homes for the aged organized as a Florida limited partnership.

Rule 12D-7.018, F.A.C. – ad valorem property tax exemption for property of fraternal or benevolent organizations.

SPECIFIC AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 196.012, 196.075, 196.095, 196.192, 196.195, 196.196, 196.197, 196.1975, 196.198, 213.05, 402.26 FS.

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

TIME AND DATE: 10:00 a.m., August 17, 1999
 PLACE: Room 116, Larson Building, 200 E. Gaines St., Tallahassee, Florida

Copies of the agenda for the rule development workshop may be obtained from Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108.

Persons needing an accommodation to participate in any proceeding before the Technical Assistance and Dispute Resolution Office should call (850)488-8026 (voice) or 1(800)367-8331 (TDD), at least five working days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: For Rules 12D-7.0143, 12D-7.015, and 12D-7.0155, contact Jane Nobles, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6104

For Rules 12D-7.017 and 12D-7.018, contact Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12D-7.0143 Additional Homestead Exemption Up To \$25,000 for Persons 65 and Older Whose Household Income Does Not Exceed \$20,000 Per Year.

(1) The following procedures shall apply in counties and municipalities that have granted an additional homestead exemption up to \$25,000 for persons 65 and older on January 1, whose adjusted gross household income for the prior year does not exceed \$20,000 per year.

(2) Beginning January 1, 2001, the \$20,000 income limitation shall be adjusted annually on January 1 by the percentage change in the average cost-of-living index.

(3) A taxpayer claiming the additional exemption is required to submit a sworn statement of adjusted gross income of the household to the property appraiser by March 1. The sworn statement must be supported by copies of federal income tax returns for the prior year and any wage earnings statements for each member of the household to be submitted to the property appraiser by June 1.

(4)(a) Proof of age shall be prima facie established for persons 65 and older by submission of one of the following:

1. Certified copy of birth certificate.
2. Florida driver's license or Florida Identification card.
3. Baptismal Certificate, displaying full name and date of birth.
4. Copy of life insurance policy that has been in effect for at least 2 years, showing full name and date of birth.

5. Marriage certificate, showing full name and date of birth.

6. Passport.

7. Permanent Resident Card (formerly known as Alien Registration Card).

8. Certified school records.

9. Certified census records.

10. Any other official and/or certified record or document that demonstrates the applicant's true age to the satisfaction of the property appraiser.

(b) In the absence of one of these forms of identification, the property appraiser may rely on appropriate proof.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 196.075, 213.05 FS. History—New _____.

12D-7.015 Educational Exemption.

(1) through (2) No change.

(3) A child care facility that achieves Gold Seal Quality status under section 402.281, Florida Statutes, and that is either licensed under section 402.305, Florida Statutes, or exempt from licensing under section 402.316, Florida Statutes, is considered an educational institution for the education exemption from ad valorem tax.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 196.012, 196.198, 213.05, 402.26 FS. History—New 10-12-76, Formerly 12D-7.15, Amended 12-30-97, _____.

12D-7.0155 Enterprise Zone Exemption for Child Care Facilities.

The production by the operator of a child care facility, as defined in section 402.302, Florida Statutes, of a current license by the Department of Children and Family Services or local licensing authority and certification of the child care facility's application by the governing body or enterprise zone development agency having jurisdiction over the enterprise zone where the child care facility is located, is prima facie evidence that the facility owner is entitled to exemption. To receive such certification, the facility must file an application under oath with the governing body or enterprise zone development agency having jurisdiction over the enterprise zone where the child care center is located. Form DR-418E, (incorporated by reference in Rule 12D-16.002, F.A.C.) shall be used for this purpose.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 196.095 FS. History—New _____.

12D-7.017 Exemption of Homes for the Aged.

(+) Before an exemption may be granted to an applicant as a home for the aged, the following requirements must be satisfied as of January 1 of the tax year for which the request for exemption from ad valorem taxation is sought:

(1)(+) No change.

~~(2)(b)~~ The home for the aged is non-profit under the criteria of section 196.195, Florida Statutes. The home for the aged may be a corporation not for profit or a Florida limited partnership, the sole general partner of which is a corporation not for profit:

(3)(e) No change.

~~(2) If the home for the aged existed or was under construction on or before April 1, 1995, the lease of the subject property by the applicant nonprofit corporation to a Florida limited partnership in which the sole general partner is the nonprofit corporation, for the purpose of allocating tax credits under section 42(h)(5) of the Internal Revenue Code of 1986, will not disqualify the applicant from receiving the exemption.~~

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 196.197, 196.195, 213.05 FS. History—New 10-12-76, Amended 10-11-77, Formerly 12D-7.17, Amended 12-28-95, _____.

12D-7.018 Fraternal and Benevolent Organizations.

(1) through (2) No change.

(3) Any part or portion of the real or personal property of a fraternal or benevolent organization leased or rented for commercial or other non-exempt purposes, or used by such organization for commercial purposes, ~~or for uses~~ such as a bar, restaurant, or swimming pool, shall not be exempt from ad valorem taxes. In determining commercial purposes, pursuant to sections 196.195(2)(e) and 196.196(1)(b), Florida Statutes, the reasonableness of the charges in relation to the value of the services shall be considered as well as whether the excess is used to pay maintenance and operational expenses in furthering the exempt purposes or to provide services to persons unable to pay for the services.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 196.012, 196.192, 196.195, 196.196, 213.05 FS. History—New 10-12-76, Formerly 12D-7.18, Amended 11-21-91, _____.

DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

RULE TITLE: RULE NO.:

Assessing Property Not Returned as Required 12D-8.005
by Law and Penalties Thereon

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-8.005, F.A.C., is to conform the rule to section 2, Chapter 99-239, Laws of Florida, which provides for a mandatory 30 day and additional optional 15 day extension of time to file tangible personal property tax returns upon request by a taxpayer.

SUBJECT AREA TO BE ADDRESSED: Extension for filing tangible personal property returns.

SPECIFIC AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 192.011, 193.063, 193.072, 193.073, 213.05 FS.

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

TIME AND DATE: 10:00 a.m., August 17, 1999

PLACE: Room 116, Larson Building, 200 E. Gaines St., Tallahassee, Florida

Copies of the agenda for the rule development workshop may be obtained from Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108.

Persons needing an accommodation to participate in any proceeding before the Technical Assistance and Dispute Resolution Office should call (850)488-8026 (voice) or 1(800)367-8331 (TDD), at least five working days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: John Felton, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6106

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12D-8.005 Assessing Property Not Returned as Required by Law and Penalties Thereon.

(1) Beginning with tax year 2000, the property appraiser is required to grant an extension of 30 days for the filing of a tangible personal property tax return upon written request of the taxpayer and may, at his or her discretion, grant an additional extension for the filing of a tangible personal property tax return for up to 15 additional days. Such request for extension must be made in time for the property appraiser to consider the request and act on it before the regular due date of the return. However, a property appraiser may not require that a request for extension be made more than 10 days prior to the due date of the return. A request for extension, at the option of the property appraiser, shall include any or all of the following: the name of the taxable entity, the tax identification number of the taxable entity, and the reason a discretionary extension should be granted. The property appraiser may grant up to 45 days extension (to May 16) to file a tangible personal property return. The due date without extension is April 1.

(a) through (8) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 192.011, 193.063, 193.072, 193.073, 213.05 FS. History—New 12-7-76, Formerly 12D-8.05, Amended 12-27-94, 12-28-95, 12-31-98, _____.

DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

RULE TITLES: RULE NOS.:

When Taxes are Due; Notice of Publication;	
Discounts if Taxes are Paid Before	
Certain Times	12D-13.002
Refunds	12D-13.009
Lands Available for Taxes	12D-13.064

PURPOSE AND EFFECT: The purpose of proposed amendment to Rule 12D-13.002, F.A.C., is to conform the rule to section 2, Chapter 98-139, Laws of Florida, which provides for discounts on corrected tax notices.

The purpose of proposed amendment to Rule 12D-13.009, F.A.C., is to clarify that the date of a refund claim relates back to the date a certificate of correction is delivered to and received by the tax collector where the date of the certificate of correction predates the date of the taxpayer's refund application.

The purpose of proposed amendment to Rule 12D-13.064, F.A.C., is to implement 1999 legislative changes to section 197.502, F.S., under the provisions of sections 3 and 4, Chapter 99-190, Laws of Florida, which provide for cancellation of omitted ad valorem property taxes on purchases by a county or other governmental unit from the list of lands available for taxes; and that land on the list escheats to the county three years after the property was offered for tax deed sale.

SUBJECT AREA TO BE ADDRESSED: Discounts on corrected tax notices. Refund claim dates in relation to the date of a certificate of correction. Purchases by a county or governmental unit and escheatment of property from the list of lands available for taxes.

SPECIFIC AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 125.411, 193.092, 193.1145, 196.295, 197.122, 197.123, 197.131, 197.162, 197.182, 197.2301, 197.322, 197.323, 197.332, 197.333, 197.343, 197.344, 197.3632, 197.3635, 197.432, 197.443, 197.473, 197.492, 197.502, 197.582, 213.05 FS.

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

TIME AND DATE: 10:00 a.m., August 17, 1999

PLACE: Room 116, Larson Building, 200 E. Gaines St., Tallahassee, Florida

Copies of the agenda for the rule development workshop may be obtained from the person listed below.

Persons needing an accommodation to participate in any proceeding before the Technical Assistance and Dispute Resolution Office should call (850)488-8026 (voice) or 1(800)367-8331 (TDD), at least five working days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12D-13.002 When Taxes are Due; Notice of Publication; Discounts if Taxes are Paid Before Certain Times.

(1) through (4) No change.

(5) The four-percent discount shall commence running the day after the mailing of the original tax notices. Where the tax collector makes a correction to a tax notice not requested by a taxpayer. The corrected tax notice is considered to be the original tax notice. When a taxpayer makes a request within 30 days of mailing of the initial tax notice to have the original tax notice corrected and it is subsequently corrected, the discount rate for early payment applicable at the time the request for correction is made will apply for 30 days after the shall run from the day after mailing of the corrected tax notice. It shall be the property owner's responsibility to make a timely request, but this shall not preclude the tax collector or property appraiser from making such corrections and mailing corrected tax notices.

(6) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 193.092, 197.122, 197.162, 197.322, 197.332, 197.333, 197.343, 197.344, 197.3635, 213.05 FS. History—New 6-18-85, Formerly 12D-13.02, Amended 12-13-92, 12-25-96, _____.

12D-13.009 Refunds.

(1) This rule shall apply to all ad valorem tax refunds. A claim for refund not processed in accordance with this rule section shall not constitute exhaustion of administrative remedies.

(a) For purposes of this rule section, the terms "claim," "application," or "request" for refund shall all mean the tendering of a signed and notarized Form DR-462, Application for Refund of Ad Valorem Taxes (incorporated by reference in Rule 12D-16.002, F.A.C.), to the tax collector. When a certificate of correction, Form DR-409 (incorporated by reference in Rule 12D-16.002, F.A.C.), from the property appraiser predates the Form DR-462, the claim date shall be the date the certified Form DR-409 from the property appraiser is delivered to and received by the tax collector.

(b) through (10) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 193.1145, 196.295, 197.122, 197.123, 197.131, 197.182, 197.2301, 197.323, 197.332, 197.343, 197.3632, 197.432, 197.443, 197.473, 197.492, 197.502, 197.582, 213.05 FS. History—New 6-18-95, Formerly 12D-13.09, Amended 12-10-92, 12-31-98, _____.

12D-13.064 Lands Available for Taxes.

(1) If the tax deed application was made by the county and there are no other bidders, the clerk shall enter the land on a "List of Lands Available for Taxes". If all outstanding tax sale certificates from the land were sold after July 1, 1999, the county shall then have 90 days after the land is placed on the list of sale to purchase the land for the opening bid. If any tax sale certificates were sold on or before July 1, 1999, the 90 days shall run from the sale date. After 90 days, any person or governmental unit may purchase the land for the opening bid. Where property is purchased from the list by the county or other governmental unit for its own use, omitted years' taxes may be canceled in the manner prescribed under the provisions of section 197.447, Florida Statutes.

(2) No change.

(3) If not purchased, lands contained on the list with any certificates issued on them on or before July 1, 1999, shall escheat to the county seven years after the date on which the property was offered for tax deed sale. If not purchased, lands contained on the list on which all certificates on them were issued after July 1, 1999, shall escheat to the county three years after the date on which the property was offered for tax deed sale.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 125.411, 197.502, 213.05 FS. History--New 6-18-85, Formerly 12D-13.64. Amended

DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

RULE TITLE: Index to Forms
 RULE NO.: 12D-16.002

PURPOSE AND EFFECT: The proposed amendments to Rule 12D-16.002, F.A.C., implement forms revisions created in Chapters 99-208, 99-251, 99-341, and 99-378, Laws of Florida; delete obsolete forms; and incorporate other technical changes made to forms.

SUBJECT AREA TO BE ADDRESSED: Forms revisions.

SPECIFIC AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.114, 193.122, 193.461, 193.625, 194.011, 194.032, 194.034, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.101, 196.121, 196.193, 196.1995, 197.222, 197.253, 197.3632, 197.3635, 197.414, 197.432, 197.512, 197.552, 200.065, 213.05, 218.66 FS.

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

TIME AND DATE: 10:00 a.m., August 17, 1999

PLACE: Room 116, Larson Building, 200 E. Gaines St., Tallahassee, Florida

Copies of the agenda for the rule development workshop may be obtained from the person listed below.

Persons needing an accommodation to participate in any proceeding before the Technical Assistance and Dispute Resolution Office should call (850)488-8026 (voice) or 1(800)367-8331 (TDD), at least five working days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12D-16.002 Index to Forms.

(1) The following paragraphs list the forms utilized by the Department of Revenue. A copy of these forms may be obtained by writing to: Director, Property Tax Administration Program, Department of Revenue, Post Office Box 3000, Tallahassee, Florida 32315-3000. The Department of Revenue adopts, and hereby incorporates by reference in this rule, the following forms and instructions:

Form Number	Effective Form Title	Date
(2) through (8)	No change.	
(9)(a) DR-409	Certificate of Correction of Tax Roll (r. ____ 6/98)	<u>12/99</u> 2/98
(b) through (10)	No change.	
(11)(a) DR-414	Individual Consultant - Eligibility Questionnaire	7/76
(b) DR-415	Application for Department of Revenue Approved Bidder's List (r. 7/97)	12/97
(12)	No change.	
(13)(a) DR-418	Economic Development Ad Valorem Property Tax Exemption (r. ____ 6/98)	<u>12/99</u> 12/98
(b) <u>DR-418E</u>	<u>Economic Development Ad Valorem Property Tax Exemption - Child Care (n. 12/99)</u>	<u>12/99</u>
(b) renumbered (c)		
(c)(b)	No change.	
(c) renumbered (d)		
(d)(e) DR-420S	Certification of School Taxable Value (r. ____ 1/95)	<u>12/99</u> 12/94
(14)	No change.	
(15)(a) DR-451	Notice of Application for Tax Deed	9/76
(b) DR-452	Form for Return of Real Property in Attempt to Establish Adverse Possession Without Color of Title (r. 8/93)	12/94
(16)	No change.	
(17)(a) DR-456	Notice of New, Rebuilt, or Expanded Property 9/84	
(b) DR-461	Receipt for Funds Account of Redemption and/or Purchases County Tax Sale Certificates	7/91

- (18) DR-462 Application for Refund of Ad Valorem Taxes (r. ____ ~~11/92~~ 12/99
~~12/94~~
- (19) Reserved
DR-465 ~~Pre-numbered Receipt for County Owned Tax Sale Certificate Redeemed or Purchased~~ ~~12/75~~
- (20) through (21)(b) No change.
- (e) ~~DR-474IR 199 Assessment Roll Notice of Proposed Property Taxes (special use only)~~ ~~11/91~~
- (d) through (e) renumbered (c) through (d) No change.
- (22) No change.
- (23)(a) DR-484 Budget Form for Appraisers 2/90
- (b) ~~DR-484F Instructions for Testimony Concerning Property Appraiser's Budget~~ ~~8/84~~
- (e) ~~DR-484TC Tax Collectors Summary of the ____ Budget by Appropriation Category (r. 2/97)~~ ~~12/97~~
- (24) through (25)(b) No change.
- (c) DR-487 Certification of Compliance (r. 6/99 ~~6/96~~) 12/99
~~12/96~~
- (26) through (37) No change.
- (38)(a) DR-501 Original Application for Ad Valorem Tax Exemption (r. ____ ~~7/95~~ 12/99
~~12/95~~
- (b) through (c) No change.
- (d) DR-501SC Sworn Statement of Adjusted Gross Income (n. 12/99) 12/99
- (39)(a) DR-501S Eligibility Criteria to Qualify for Property Tax Exemption (r. ____ ~~12/97~~ 12/99
~~12/97~~
- (b) through (c) No change.
- (40)(a) DR-504 Ad Valorem Tax Exemption Application and Return (r. ____ ~~12/97~~ 12/99
~~12/97~~
- (b) through (46)(a) No change.
- (b) DR-513 Tax Collector's Certification (r. 3/99 ~~12/97~~) 12/99
~~12/97~~
- (c) through (52) No change.
- (53)(a) ~~DR-544 Sales Data Verification Sheet~~ ~~6/90~~
- (b) DR-545 Income Data Verification Sheet 1/93
- (54) No change.
- (55) Reserved

~~DR-565 Pre-numbered Receipt for Amount Paid for Redemption of Lands Sold to Purchaser Other Than County~~ ~~11/83~~

(56) through (61) No change.
(62) DR-599 Electronic Data Interchange Authorization Form (n. x/99) 12/99

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.114, 193.122, 193.461, 193.625, 194.011, 194.032, 194.034, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.101, 196.121, 196.193, 196.1995, 197.222, 197.253, 197.3632, 197.3635, 197.414, 197.432, 197.512, 197.552, 200.065, 213.05, 218.66 FS. History—New 10-12-76, Amended 4-11-80, 9-17-80, 5-17-81, 1-18-82, 4-29-82, Formerly 12D-16.02, Amended 12-26-88, 1-9-92, 12-10-92, 1-11-94, 12-27-94, 12-28-95, 12-25-96, 12-30-97, 12-31-98, _____.

DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

RULE TITLES: RULE NOS.:

- Definitions 12D-16.010
- Means of Communication to Report Return Information 12D-16.030
- Taxpayer Information and Identity 12D-16.040
- Taxpayer Acknowledgment 12D-16.050
- Uniform Format for all Counties 12D-16.060
- Return Data Transmission Errors 12D-16.070
- Procedures for Transfer 12D-16.080
- Due Date; General Provisions 12D-16.090

PURPOSE AND EFFECT: Proposed Rules 12D-16.010, 12D-16.030, 12D-16.040, 12D-16.050, 12D-16.060, 12D-16.070, 12D-16.080, 12D-16.090, F.A.C., are created to implement the provisions of Chapter 99-208, Laws of Florida, which require the Department of Revenue to provide, by rule, formats and instructions for filing tangible personal property tax returns through electronic data interchange (EDI) method.

SUBJECT AREA TO BE ADDRESSED: Electronic data interchange method of filing tangible personal property tax returns.

SPECIFIC AUTHORITY: 193.052, 213.06(1) FS.
LAW IMPLEMENTED: 193.052, 193.073 FS., Ch. 99-208, L.O.F.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW FOR PURPOSES OF REQUESTING INPUT AND ASSISTANCE WITH THE DEVELOPMENT OF THE METHOD(S) FOR ELECTRONIC DATA INTERCHANGE FILING OF TANGIBLE PERSONAL PROPERTY TAX RETURNS:

TIME AND DATE: 10:00 a.m., August 17, 1999
PLACE: Room 116, Larson Building, 200 E. Gaines St., Tallahassee, Florida
TIME AND DATE: 10:00 a.m., August 18, 1999
PLACE: Orlando Public Library, Oak Room, 101 E. Central Blvd., Orlando, Florida

Copies of the agendas for the rule development workshops may be obtained from Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108.

Persons needing an accommodation to participate in any proceeding before the Technical Assistance and Dispute Resolution Office should call (850)488-8026 (voice) or 1(800)367-8331 (TDD), at least five working days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kathy Henley, Revenue Program Administrator II, Department of Revenue, Property Tax Administration Program, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)922-7952

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12D-16.010 Definitions.

These rules address Electronic Data Interchange (EDI) of tangible personal property return information to property appraisers. For the purposes of this rule chapter, the terms and phrases used in these rules shall have the meanings prescribed in this section, unless a different meaning is clearly indicated by the context in which the term or phrase is used.

(1) "ACH" or "Automated Clearing House" means a central distribution and settlement point for the electronic clearing of return data between institutions rather than the physical movement of paper items.

(2) "ACH return filing" means the electronic transfer of return data generated by the taxpayer, cleared through the ACH for transfer to the property appraiser.

(3) "Addenda record" means that information required by the Department in an ACH transfer or wire transfer, in approved electronic format.

(4) "Call-in day" means the day on which a taxpayer communicates return information to the Data Collection Center.

(5) "Call-in period" means the specified time interval in each call-in day during which EDI return information received by the Data Collection Center is processed for transactions occurring on the next business day. Return information must be communicated to the Data Collection Center prior to 3:45 p.m., Eastern Time, on the call-in day to clear the ACH for transfer to the property appraiser on the next business day.

(6) "Data Collection Center" means the third party vendor, who, under contract with the Department or property appraiser, collects and processes EDI return information from taxpayers.

(7) "Department" means Florida Department of Revenue.

(8) "Due date" means the date on or before which a return is required to be made by a taxpayer under a revenue law of this state.

(9) "Electronic Data Interchange" or "EDI" means any transfer of records initiated through an electronic terminal, telephone instrument, computer, or magnetic tape using the methods specified in these rules.

(10) "Taxpayer information number" means a confidential code assigned to each taxpayer which uniquely identifies the taxpayer and allows the taxpayer to communicate return information to the Data Collection Center or Property Appraiser.

(11) "Taxpayer" means any person required to transfer a return by the electronic transfer of information. For the purpose of these rules, "person" includes any individual, firm, partnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, or other group or combination acting as a unit.

(12) "Trace number" means the verification code provided by the Data Collection Center upon receipt of all return information from the taxpayer which uniquely identifies the completed communication of return information.

(13) "Wire transfer" or "Fedwire" means an instantaneous information transfer generated by the taxpayer to the Property Appraiser, not by ACH.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.052, 193.073 FS., Ch. 99-208, L.O.F. History--New

12D-16.030 Means of Communication to Report Return Information.

(1) Taxpayers who participate in the electronic data interchange transfer program shall use one of the following means of communicating return information through the ACH method:

(a) PC entry communication of return information via a computer with a modem over a direct telephone link to the ACH.

(b) PC entry communication of return information via a computer with a modem over a direct wire or the Internet.

(2) Direct to property appraiser. An option is direct wire transfer to the property appraiser.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.052, 193.073 FS., Ch. 99-208, L.O.F. History--New

12D-16.040 Taxpayer Information and Identity.

(1) The ACH system will be an EDI method required of taxpayers selected to remit returns by electronic data interchange.

(2) On or before November 1, the Property Appraiser will make available a written notice and an Electronic Data Interchange Transfer Authorization Form (Form DR-599, incorporated by reference in Rule 12D-16.002, F.A.C.) to all taxpayers required to remit returns by EDI in the upcoming calendar year.

(3)(a) Upon receipt of the EDI authorization form, the taxpayer must complete the form and return it to the property appraiser by February 1. Pertinent taxpayer information

provided with Form DR-599 will be furnished to the Department and the Data Collection Center. The information required to be provided with this form includes:

1. Taxpayer name;
2. Taxpayer address;
3. Taxpayer identification number;
4. Contact person (title and telephone number);
5. Signature of person authorized to sign returns.

(b) A taxpayer who requests permission to use the ACH method must submit a written request to the Property Appraiser, by December 1, which demonstrates the existence of a valid business operational reason for using the ACH method. Taxpayers will be notified of the property appraiser's decision within the month of January.

(4) Upon approval of taxpayer information, the property appraiser shall assign a confidential taxpayer identification number directly to the taxpayer to be used by the taxpayer when communicating return information to the Data Collection Center. This number shall be provided to the taxpayer prior to the date the required return is due under the EDI program for all accounts who timely file the Form DR-599 with the property appraiser.

(5) Use of the ACH return method by a taxpayer will be conditioned upon the taxpayer's agreement to provide return information to the Data Collection Center as provided in these rules.

(6) The property appraiser reserves the right to revoke the ACH return method privilege of any taxpayer who: does not consistently transmit error-free information; substantially varies from the requirements and specifications of these rules; repeatedly fails to make timely return transfers; or repeatedly fails to provide the required addenda record with the EDI transfer.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.052, 193.073 FS., Ch. 99-208, L.O.F. History--New.

12D-16.050 Taxpayer Acknowledgment.

Methods by which the taxpayer will be provided with an acknowledgment may include:

- (1) Property appraiser maintains web page with accepted returns information in it.
- (2) Acknowledgment is made at time EDI is sent by taxpayer. Property appraiser's system sends an electronic confirmation number to taxpayer in response to EDI filing that confirms integrity of receipt.
- (3) Property appraiser mails paper acknowledgment to taxpayer.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.052, 193.073 FS., Ch. 99-208, L.O.F. History--New.

12D-16.060 Uniform Format for all Counties.

(1) The acceptable format of the return may be in ASCII text or other text document or may be in graphics format such as ".pdf" or other scanned document form, as determined and specified by the property appraiser. If text, the document shall be 80 x 66 characters and record layout shall be:

[insert record layout for DR-405, records and fields]

(2) The format shall resemble Form DR-405 as closely as possible.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.052, 193.073 FS., Ch. 99-208, L.O.F. History--New.

12D-16.070 Return Data Transmission Errors.

(1) If a taxpayer does not make a correct return for a particular period, such taxpayer shall, on the nearest business day to the date on which the error is discovered, contact the property appraiser at a pre-arranged telephone number for specific instructions.

(2) In the event a taxpayer using the ACH method communicates return information to the Data Collection Center after 3:45 p.m., Eastern Time, on the business day before the due date, the return shall be posted to the taxpayer's account on the next business day following the due date and shall constitute a late return.

Cross Reference: Rule 12D-8.006, F.A.C.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.052, 193.073 FS., Ch. 99-208, L.O.F. History--New.

12D-16.080 Procedures for Transfer.

(1) ACH Method.

(a) The taxpayer must report return information to the Data Collection Center, by the approved means of communication, no later than 3:45 p.m., Eastern Time, on the business day before the due date of the return. The Data Collection Center must be called, using the specified toll-free number, during the call-in period specified in the detailed instructions provided to EDI taxpayers. Communication by the taxpayer during the call-in period is mandatory to assure the timely posting of the taxpayer's return on the following business day.

(b) After establishing contact with the Data Collection Center, the taxpayer must transmit the following:

[insert uniform record type]

(c) Shortly after the expiration of the call-in period, the property appraiser will receive an electronic transmission from the Data Collection Center containing all the return information that has been communicated to the Data Collection Center during that call-in period.

(2) Direct wire method. The taxpayer must transmit the following:

[insert uniform record type]

(3) A trace number will be issued at the conclusion of the communication of the return information for each tax period. This number provides a means of verifying the accuracy of the recorded tax return and serves as a receipt for the transaction.

(4) Electronic transfers which are not received by the property appraiser on or before the due date of the transmitted return will constitute late returns, and the applicable late filing penalties shall apply.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.052, 193.073 FS., Ch. 99-208, L.O.F. History–New

12D-16.090 Due Date: General Provisions.

(1) Taxpayers who are required to remit return information through EDI must initiate the transfer so that the information is received on or before the due date under the appropriate revenue law. If the date on which the taxpayer is required to initiate an EDI return transfer falls on a Saturday, Sunday, or a business or banking holiday, the taxpayer must either initiate the transfer on the preceding business day or file normally.

(2) The EDI method of transfer does not change any current filing requirements for tax returns. If the EDI transfer is not timely made or the tax return required is not filed by the due date, the provisions for late filing penalties shall apply under the provisions of the appropriate revenue law, except as provided in these rules.

(3) The provisions of Rule 12D-8.006, F.A.C., shall govern the compromise and settlement of any penalty assessed due to the late filing of an electronically filed return, except as provided in these rules.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.052, 193.073 FS., Ch. 99-208, L.O.F. History–New

DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

RULE TITLE: Standard Measures of Value: General Real

RULE NO.:

Property Appraisal Guidelines

12D-51.003

PURPOSE AND EFFECT: The purpose of the creation of proposed Rule 12D-51.003, F.A.C., is to adopt, by reference, the Standard Measures of Value: General Real Property Appraisal Guidelines to be developed and which will be part of the Manual of Instructions published under section 195.062, F.S. That statute provides that consistent with section 195.032, F.S., the standard measures of value shall be adopted in general conformity with the procedures set forth in section 120.54, F.S., but shall not have the force or effect of such rules and shall be used only to assist tax officers in the assessment of property as provided by section 195.002, F.S.

SUBJECT AREA TO BE ADDRESSED: Standard Measures of Value: General Real Property Appraisal Guidelines.

SPECIFIC AUTHORITY: 195.027(1), 195.032, 213.06(1) FS. LAW IMPLEMENTED: 195.032, 195.062, 213.05 FS.

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

TIME AND DATE: 10:00 a.m., August 17, 1999

PLACE: Room 116, Larson Building, 200 E. Gaines St., Tallahassee, Florida

Copies of the agenda for the rule development workshop may be obtained from Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108.

Persons needing an accommodation to participate in any proceeding before the Technical Assistance and Dispute Resolution Office should call (850)488-8026 (voice) or 1(800)367-8331 (TDD), at least five working days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12D-51.003 Standard Measures of Value: General Real Property Appraisal Guidelines.

Pursuant to section 195.062, F.S., these guidelines are adopted in general conformity with the procedures set forth in section 120.54, F.S., but shall not have the force and effect of rules. These guidelines are to be used only to assist property appraisers in the assessment of real property, other than classified use real property, as provided by section 195.002, F.S. These guidelines supersede any previous real property appraisal guidelines, other than classified use real property guidelines, and are entitled:

Standard Measures of Value:

General Real Property Appraisal Guidelines Rev. XX/99

Copies of these guidelines may be obtained from the Department of Revenue, Property Tax Administration Program, P. O. Box 3000, Tallahassee, Florida 32315-3000.

Specific Authority 195.027(1), 195.032, 213.06(1) FS. Law Implemented 195.032, 195.062, 213.05 FS. History–New

STATE BOARD OF ADMINISTRATION

RULE TITLE: Loss Reimbursement Procedures

RULE NO.: 19-8.011

PURPOSE AND EFFECT: To discuss proposed loss reimbursement procedures for the Florida Hurricane Catastrophe Fund.

SUBJECT AREA TO BE ADDRESSED: Loss reimbursement procedures for the Florida Hurricane Catastrophe Fund.

SPECIFIC AUTHORITY: 215.555(3) FS.

LAW IMPLEMENTED: 215.555 FS.

REGARDLESS OF WHETHER OR NOT REQUESTED, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. to noon, Thursday, August 19, 1999

PLACE: Emerald Coast Conference Room, 1801 Hermitage Blvd., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dr. Jack E. Nicholson, Chief Operating Officer, Florida Hurricane Catastrophe Fund, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1340

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE FOR DISTRIBUTION ON AUGUST 3, 1999.

Copies of the proposed amended rule and the agenda for the workshop may be obtained from: Anne Bert, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300; Tel. (850)413-1349. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is requested to contact Ms. Bert at least 5 calendar days before the workshop.

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Managed Care and Health Compliance

RULE CHAPTER TITLE: Minimum Standards for

RULE CHAPTER NO.: 59A-4

Nursing Homes

PURPOSE AND EFFECT: Conduct workshop for the development of standards for minimum certified nursing assistants and nurse staffing and related issues in accordance with the provisions of HB 1971 passed during 1999 Legislative Session.

SUBJECT TO BE ADDRESSED: Development of standards for minimum certified nursing assistants and nurse staffing and related issues in accordance with the provisions of HB 1971.

SPECIFIC AUTHORITY: 400.23 FS.

LAW IMPLEMENTED: 400.011, 400.022, 400.141, 400.23 FS.

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

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

PLACE: Agency for Health Care Administration, 2639 North Monroe Street, Second Floor Conference Room, Tallahassee, FL 32303

TIME AND DATE: 10:00 a.m., August 12, 1999

PLACE: Agency for Health Care Administration, Hurston South Tower, 400 West Robinson, Suite S309, Orlando, FL 32801

TIME AND DATE: 10:00 a.m., August 17, 1999

PLACE: Agency for Health Care Administration, 6800 North Dale Mabry Highway, Suite 220, North Park Center, Tampa, FL 33614

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

PLACE: Agency for Health Care Administration, Regional Service Center, 1400 West Commercial Blvd., Ft. Lauderdale, FL 33309

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

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE TITLE: Approved Forms

RULE NO.: 60S-9.001

PURPOSE AND EFFECT: The purpose of this rule development is to propose the adoption of three new forms and 45 revised forms related to Florida Retirement System participation, service credit, and benefits; and to propose the deletion of 11 forms no longer needed, and the repeal of one form not required to be adopted as a rule. Many of the forms are being amended as a result of recommendations of the Division of Retirement's reengineering project. On these, the format is being changed and barcoding added to accommodate electronic scanning and routing to appropriate bureau(s) upon their completion and return to the Division.

SUBJECT AREA TO BE ADDRESSED: Form MF-2 is being adopted, in compliance with Chapter 97-180, Laws of Florida, to be used by Florida Retirement System (FRS) members to verify their eligibility to purchase military service under the out-of-state service provisions. Forms DP-PAYT and DP-TERM are new Deferred Retirement Option Program (DROP) forms to be used by DROP participants to select a payout method for their DROP benefits, and to terminate their participation in DROP, respectively. Forms FRS-400, FRS-404, BLE-1, SMS-3, SMSD-1, OCC-1, FR-9, FR-28, WC-1, FC-1, FR-23, FR-23a, FR-30, FR-13a, FR-13b, FR-13e, FR-13f, FST-12, JA-1, FST-11b, FST-11g, TR-11c, SRF-2, SRF-3, SVF-1, SVF-2, DIS-1, and JA-NUL are being revised because of a change in format and to add a barcode. Forms FRS-401, FRS-402, TR-11, TR-4, and SR-11 are being revised to include a new notary statement, to comply with Chapter 98-246, Laws of Florida. Form EOC-1 is being revised to comply with Chapter 99-392, Laws of Florida. Forms DP-11, DS-11, DT-11, FR-11, and FR-13 are being revised to include a new notary statement, to comply with Chapter 98-246, Laws of Florida, and to delete the option selection, which will be included on a different form. Form MF-1 is being revised to include a new notary statement, to comply

with Chapter 98-246, Laws of Florida, and to allow a deceased member's beneficiary to verify the purchase of military service as creditable service. Form OSE-1 is being revised to include the verification of a member's eligibility to purchase in-state, as well as out-of-state service, as creditable service, in compliance with Chapter 97-180, Laws of Florida. Form FC-1, used by participating employers to certify a member's salary prior to termination, is being revised to reference the DROP begin date as well as the termination date. Form HIS-1 is being revised to reflect a change in the Health Insurance Subsidy from \$3 to \$5 per month, in compliance with Chapter 98-413, Laws of Florida. Form FRS-M81 is being revised by increasing its size from 4 1/2" x 8 1/2" to 8 1/2" x 11" to accommodate electronic scanning of the completed form upon its return to the Division. Form DP-ELE is being revised to consolidate the election to participate in DROP for members of the Teachers' Retirement System (TRS), and the State and County Officers and Employees' Retirement System (SCOERS), as well as for FRS members. Forms DT-ELE and DS-ELE, used by TRS and SCOERS members, respectively, to elect membership in DROP, are being deleted from the rule to be replaced by the revised Form DP-ELE. Form SB-10 is being deleted from this rule because the Division of Retirement no longer administers the U. S. Savings Bonds Program for state employees. Form FRS-11o, for option selection by an FRS member, is being repealed from this rule because it requires or solicits no information not specifically required by statute as provided in 120.52(15). Form FST-40cl, for spousal acknowledgement of an FRS member's option selection, is being deleted because the same information request is included on Form FRS-11o. Form FR-17, to determine eligibility for Social Security minimum benefits, is no longer used by the Division of Retirement and is being deleted from the rule. Form MF-1B, used by a beneficiary to verify a deceased member's eligibility to purchase military service, is being deleted from the rule because Form MF-1 is being revised to consolidate verification by the member and the beneficiary. Forms FRS-OP1 and FRS-OP2, agreements for repayment of retirement benefits by monthly installments or deductions, respectively, are being deleted and will be replaced by a written letter to the member. Forms DP-PM and DP-RO, used by DROP members to select a direct payout or rollover of their DROP benefits, respectively, are being consolidated and replaced by one form, Form DP-PAYT. Form DP-TN, used by DROP members to terminate their DROP participation, is being deleted and replaced by a renamed form, Form DP-TERM.

SPECIFIC AUTHORITY: 121.031 FS.

LAW IMPLEMENTED: 121.051, 121.052, 121.055, 121.091, 121.1122 FS.

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

TIME AND DATE: 10:00 a.m., August 16, 1999

PLACE: 2nd Floor Conference Room, Cedars Executive Center, Building C, 2639 North Monroe Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND TO OBTAIN A COPY OF THE PRELIMINARY RULE TEXT IS: Mary Beth Brewer, Senior Benefits Analyst, Division of Retirement, Cedars Executive Center, Building C, 2639 North Monroe Street, Tallahassee, Florida 32399-1560

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

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE TITLE:

RULE NO.:

Approved Forms

60U-1.006

PURPOSE AND EFFECT: This proposed rule will adopt one revised form, as required by Chapter 99-392, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Form ORP-16 is being revised to show the new retirement contribution rates passed by the 1999 Legislature and effective July 1, 1999. These contributions are required for employers of Optional Retirement Program participants and are optional for the participants.

SPECIFIC AUTHORITY: 121.031 FS.

LAW IMPLEMENTED: 121.071, 121.35 FS.

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

TIME AND DATE: 10:00 a.m., August 16, 1999

PLACE: 2nd Floor Conference Room, Cedars Executive Center, Building C, 2639 North Monroe Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND TO OBTAIN A COPY OF THE PRELIMINARY RULE TEXT IS: Mary Beth Brewer, Senior Benefit Analyst, Division of Retirement, Cedars Executive Center, Building C, 2639 North Monroe Street, Tallahassee, Florida 32399-1560

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

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE TITLE: Approved Forms
RULE NO.: 60V-1.007

PURPOSE AND EFFECT: This proposed rule will adopt one revised form, as required by Chapter 99-392, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Form SMS-1 will be revised to show the new retirement contribution rates passed by the 1999 Legislature and effective July 1, 1999. These contributions are required for employers of Optional Annuity Program participants and are optional for the participants.

SPECIFIC AUTHORITY: 121.031 FS.

LAW IMPLEMENTED: 121.055 FS.

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

TIME AND DATE: 10:00 a.m., August 16, 1999

PLACE: 2nd Floor Conference Room, Cedars Executive Center, Building C, 2639 North Monroe Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND TO OBTAIN A COPY OF THE PRELIMINARY RULE TEXT IS: Mary Beth Brewer, Senior Benefit Analyst, Division of Retirement, Cedars Executive Center, Building C, 2639 North Monroe Street, Tallahassee, Florida 32399-1560

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLE: Filing and Examination of a Prospectus
RULE NO.: 61B-30.002

PURPOSE AND EFFECT: The purpose of rule chapter 61B-30.002 is to address the format in which prospectus amendments must be filed. The effect of this rule amendment is to require amendment filings to be highlighted so that the amendment can be easily reviewed.

SUBJECT AREA TO BE ADDRESSED: The rule amendment addresses the format for filing prospectus amendments.

SPECIFIC AUTHORITY: 723.006(8) FS.

LAW IMPLEMENTED: 723.006(8) FS.

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

TIME AND DATE: 10:00 a.m., August 17, 1999

PLACE: Fuller Warren Building, Conference Room, #B03, 202 Blount Street, Tallahassee, Florida

THOSE PERSONS WHO CANNOT ATTEND IN PERSON MAY SUBMIT THEIR COMMENTS IN WRITING: Mary Denise O'Brien, Department of Business and Professional Regulation, 1940 North Monroe Street, Clemons Building, Tallahassee, Florida 32399-1007

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the workshop by contacting Sharon A. Elzie, Senior Management Analyst II, at (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jim Norred, Chief, Bureau of Mobile Homes, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida, 32399-1030, or Mary Denise O'Brien, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1007

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLE: Prospectus and Rental Agreement
RULE NO.: 61B-31.001

PURPOSE AND EFFECT: The purpose of amendments to rule chapter 61B-31.001 is to consider additional circumstances in which a Prospectus can be amended. The effect of this rule, consistent with section 723.006, Florida Statutes, is to expand the list of allowable amendments to an approved Prospectus.

SUBJECT AREA TO BE ADDRESSED: The rule amendment addresses additional circumstances in which amendments to a Prospectus can be made.

SPECIFIC AUTHORITY: 723.006(8) FS.

LAW IMPLEMENTED: 723.006(8) FS.

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

TIME AND DATE: 10:00 a.m., August 17, 1999

PLACE: Fuller Warren Building, Conference Room, #B03, 202 Blount Street, Tallahassee, Florida

THOSE PERSONS WHO CANNOT ATTEND IN PERSON MAY SUBMIT THEIR COMMENTS IN WRITING: Mary Denise O'Brien, Department of Business and Professional Regulation, 1940 North Monroe Street, Clemons Building, Tallahassee, Florida 32399-1007

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the workshop by contacting Sharon A. Elzie, Senior Management Analyst II, at (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jim Norred, Chief, Bureau of Mobile Homes, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, or Mary Denise O'Brien, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1007

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Auctioneers

RULE TITLE: Examination for Licensure

RULE NO.: 61G2-2.002

PURPOSE AND EFFECT: Rule 61G2-2.002 is being amended to specify that fees paid to the Department may be transferred, as opposed to fees paid to a professional testing service as reflected in the proposed amendments to Rule 61G2-3.003.

SUBJECT AREA TO BE ADDRESSED: Examination for Licensure.

SPECIFIC AUTHORITY: 468.384(2) FS.

LAW IMPLEMENTED: 455.217(1)(b), 468.385, 120.60(2) 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: Ed Broyles, Executive Director, Board of Auctioneers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 61G2-2.002 Examination for Licensure.
- (1) through (4) No change.

(5) The Board shall review all applicants for licensure by examination and approve their qualifications before an applicant will be permitted to sit for the examination. The application fee is non-refundable. Should an applicant be denied approval to sit for the examination, the examination fee shall be refunded. The examination fee paid to the Department shall ~~may~~ be transferred to a subsequent examination upon the applicant's written request, if the request is received in the Board office at least 20 days prior to the scheduled examination date.

(6) No change.

Specific Authority 468.384(2) FS. Law Implemented 455.217(1)(b), 468.385, 120.60(2) FS. History—New 5-10-87. Amended 10-20-87, 6-5-88, 5-11-89, Formerly 21BB-2.002, Amended 9-27-93, 8-20-96, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE CHAPTER TITLE: Organization, Procedures, and Meetings

RULE CHAPTER NO.: 61G8-14

PURPOSE AND EFFECT: The Board proposes to review and to consider possible amendments to the rules in Chapter 61G8-14.

SUBJECT AREA TO BE ADDRESSED: Probable cause determination and discipline; forms and instructions; time for payment of civil penalties; criteria for selection of investigators; meetings; designation of official reporter; attendance of meetings by board members.

SPECIFIC AUTHORITY: 120.53(2)(a),(b),(c),(d), 455.203(8), 455.207(3), (4), 455.225, 455.227(2), 470.005 FS.

LAW IMPLEMENTED: 120.53(2)(a),(b),(c),(d), 455.203, 455.207(3),(4), 455.225, 455.227(2), 470.006, 470.007, 470.008, 470.009, 470.010, 470.0101, 470.011, 470.012, 470.013, 470.014, 470.015, 470.016, 470.018, 470.019, 470.023, 470.029, 470.036 FS.

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

TIME AND DATE: 1:00 p.m., or shortly thereafter on August 16, 1999

PLACE: The Radisson Riverwalk Hotel, 1515 Prudential Drive, Jacksonville, Florida 32207

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0754

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE CHAPTER TITLE: Definitions
 RULE CHAPTER NO.: 61G8-15

PURPOSE AND EFFECT: The Board proposes to review and to consider possible amendments to the rules in Chapter 61G8-15.

SUBJECT AREA TO BE ADDRESSED: Course in mortuary science; associate of arts degree in mortuary science; arrangements; at need; preneed; operational personnel; reasonable time for obtaining written permission.

SPECIFIC AUTHORITY: 470.005, 470.006, 470.008, 470.009(1), 470.019, 470.0201 FS.

LAW IMPLEMENTED: 470.002(4), 470.005, 470.006, 470.008, 470.009(1), 470.019, 470.0087(1)(a),(b),(c),(2)(e), 470.0201 FS.

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

TIME AND DATE: 1:00 p.m., or shortly thereafter on August 16, 1999

PLACE: The Radisson Riverwalk Hotel, 1515 Prudential Drive, Jacksonville, Florida 32207

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0754

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE CHAPTER TITLE: Examinations and Examination
 RULE CHAPTER NO.: 61G8-16
 Review Procedures

PURPOSE AND EFFECT: The Board proposes to review and to consider possible amendments to the rules in Chapter 61G8-16.

SUBJECT AREA TO BE ADDRESSED: Examination for embalmer applicants; examination for funeral director applicants; examination for licensure by endorsement for embalmers; examination for licensure by endorsement for funeral directors; reexaminations; examination review procedures.

SPECIFIC AUTHORITY: 455.217, 455.0114, 470.005, 470.006, 470.007, 470.009, 470.011, 470.055 FS.

LAW IMPLEMENTED: 455.217, 455.0114, 470.006, 470.007, 470.009, 470.11 FS.

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

TIME AND DATE: 1:00 p.m., or shortly thereafter on August 16, 1999

PLACE: The Radisson Riverwalk Hotel, 1515 Prudential Drive, Jacksonville, Florida 32207

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0754

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE CHAPTER TITLE: Fees and Continuing Education
 RULE CHAPTER NO.: 61G8-17

PURPOSE AND EFFECT: The Board proposes to review and to consider possible amendments to the rules in Chapter 61G8-17.

SUBJECT AREA TO BE ADDRESSED: Examination fees for embalmers and funeral directors; manner of application; security and monitoring procedures for licensure examination; application fees; manner of application; active status license; inactive status license; delinquent license; fees; direct disposer/establishment; fees; continuing education for license renewal; education required for operational personnel and non-licensed individuals; course required for initial licensure and registration; subject area requirements; continuing education for reactivation; continuing education provider requirements; approval of continuing education courses; required records maintained by provider; advertising of continuing education courses; continuing education for board meetings; exemption of spouses of members of armed forces from licensure renewal provisions; examination review fee; duplicate license fee; delinquency fee; processing fee; inactive status fee; reactivation fee.

SPECIFIC AUTHORITY: 120.54(8), 455.02(2), 455.213(2),(7),(8), 455.217(1)(d), 455.219(3), 455.271(4), 470.005(1), 470.006, 470.007, 470.011, 470.015(1), 470.016, 470.018(2), 470.0201 FS.

LAW IMPLEMENTED: 119.07(1)(a),(b), 120.53(1)(a), 455.02(2), 455.213(2),(7),(8), 455.217(1)(d), 455.219(2),(3),(6), 455.2281, 455.271(4), 470.006(1)(e),(3), 470.007(1)(c), 470.009(1)(e),(3), 470.011(1)(c), 470.015(1), 470.016, 470.017(2)(e), 470.018(1),(2), 470.021(3), 470.0201 FS.

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

TIME AND DATE: 1:00 p.m., or shortly thereafter on August 16, 1999

PLACE: The Radisson Riverwalk Hotel, 1515 Prudential Drive, Jacksonville, Florida 32207

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0754

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE CHAPTER TITLE: Internship RULE CHAPTER NO.: 61G8-18

PURPOSE AND EFFECT: The Board proposes to review and to consider possible amendments to the rules in Chapter 61G8-18.

SUBJECT AREA TO BE ADDRESSED: Embalmer intern training program; funeral director intern training program; concurrent internships; intern training agencies; disciplinary provisions.

SPECIFIC AUTHORITY: 470.005, 470.006, 470.008, 470.009, 470.012, 470.0141 FS.

LAW IMPLEMENTED: 470.006, 470.008, 470.009, 470.012, 470.014 FS.

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

TIME AND DATE: 1:00 p.m., or shortly thereafter on August 16, 1999

PLACE: The Radisson Riverwalk Hotel, 1515 Prudential Drive, Jacksonville, Florida 32207

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0754

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE CHAPTER TITLE: Reciprocity Agreements RULE CHAPTER NO.: 61G8-19

PURPOSE AND EFFECT: The Board proposes to review and to consider possible amendments to the rules in Chapter 61G8-19.

SUBJECT AREA TO BE ADDRESSED: Reciprocity agreements; requirements for reciprocity; reciprocal agreements for temporary emergency licensure.

SPECIFIC AUTHORITY: 470.005 FS.

LAW IMPLEMENTED: 470.038 FS.

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

TIME AND DATE: 1:00 p.m., or shortly thereafter on August 16, 1999

PLACE: The Radisson Riverwalk Hotel, 1515 Prudential Drive, Jacksonville, Florida 32207

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0754

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE CHAPTER TITLE: Cinerator Facility Reports RULE CHAPTER NO.: 61G8-20

PURPOSE AND EFFECT: The Board proposes to review and to consider possible amendments to the rules in Chapter 61G8-20.

SUBJECT AREA TO BE ADDRESSED: Report of Cases Embalmed or Bodies Handled.

SPECIFIC AUTHORITY: 470.005, 470.025 FS.

LAW IMPLEMENTED: 470.025, 470.029 FS.

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

TIME AND DATE: 1:00 p.m., or shortly thereafter on August 16, 1999

PLACE: The Radisson Riverwalk Hotel, 1515 Prudential Drive, Jacksonville, Florida 32207

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0754

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE CHAPTER TITLE: Funeral Establishments
RULE CHAPTER NO.: 61G8-21

PURPOSE AND EFFECT: The Board proposes to review and to consider possible amendments to the rules in Chapter 61G8-21.

SUBJECT AREA TO BE ADDRESSED: Licensure procedure; consequences of operating prior to licensure; branch chapels; inspections; inspection criteria; fees; display of licenses; retention of contracts and other documents; responsibility of funeral director in charge; notification of change in funeral director in charge; disinterment reporting; notice of the department of mailing address and place of practice of license.

SPECIFIC AUTHORITY: 455.275, 470.005, 470.013, 470.024(3),(4),(10), 470.029, 470.0295 FS.

LAW IMPLEMENTED: 455.213(2), 455.219(6), 455.275, 470.001, 470.013, 470.005, 470.024(6),(9), 470.025(7)(b), 470.029, 470.0295, 470.031(10), 470.035(3),(4),(5), 470.036(1)(u) FS.

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

TIME AND DATE: 1:00 p.m., or shortly thereafter on August 16, 1999

PLACE: The Radisson Riverwalk Hotel, 1515 Prudential Drive, Jacksonville, Florida 32207

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0754

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE CHAPTER TITLE: Cinerator Facilities
RULE CHAPTER NO.: 61G8-22

PURPOSE AND EFFECT: The Board proposes to review and to consider possible amendments to the rules in Chapter 61G8-22.

SUBJECT AREA TO BE ADDRESSED: Application for licensure; consequences of operating prior to licensure; inspection; fees; operating procedures; designation of cinerator facility supervisor.

SPECIFIC AUTHORITY: 470.005, 470.025(2),(3) FS.

LAW IMPLEMENTED: 455.213(2), 455.219(6), 470.005, 470.021(1), 470.025(2),(3),(9) FS.

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

TIME AND DATE: 1:00 p.m., or shortly thereafter on August 16, 1999

PLACE: The Radisson Riverwalk Hotel, 1515 Prudential Drive, Jacksonville, Florida 32207

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0754

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE CHAPTER TITLE: Direct Disposer – Examination and Application
RULE CHAPTER NO.: 61G8-23

PURPOSE AND EFFECT: The Board proposes to review and to consider possible amendments to the rules in Chapter 61G8-23.

SUBJECT AREA TO BE ADDRESSED: Manner of application; examination requirements; disciplinary actions; direct disposal establishments.

SPECIFIC AUTHORITY: 470.005, 470.017, 470.019 FS.

LAW IMPLEMENTED: 455.219(6), 455.225, 455.227, 470.017, 470.021 FS.

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

TIME AND DATE: 1:00 p.m., or shortly thereafter on August 16, 1999

PLACE: The Radisson Riverwalk Hotel, 1515 Prudential Drive, Jacksonville, Florida 32207

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Removal Services; Refrigeration Facilities; Centralized Embalming Facilities 61G8-24

PURPOSE AND EFFECT: The Board proposes to review and to consider possible amendments to the rules in Chapter 61G8-24.

SUBJECT AREA TO BE ADDRESSED: Application for registration of removal services; refrigeration facilities; centralized embalming facilities; registration for removal services; requirements for inspection; inspection; fees; operating procedures; registration for refrigeration services; fees; criteria; fees.

SPECIFIC AUTHORITY: 470.005, 470.0301 FS.

LAW IMPLEMENTED: 455.01(5), 470.0301, 470.0315 FS.

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Foreign Licensure Examination 61G8-26

PURPOSE AND EFFECT: The Board proposes to review and to consider possible amendments to the rules in Chapter 61G8-26.

SUBJECT AREA TO BE ADDRESSED: Applicants; qualifications; examination; fee; reexamination.

SPECIFIC AUTHORITY: 455.217, 455.11, 470.005 FS.

LAW IMPLEMENTED: 455.217, 455.11, 470.005 FS.

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

TIME AND DATE: 1:00 p.m., or shortly thereafter on August 16, 1999

PLACE: The Radisson Riverwalk Hotel, 1515 Prudential Drive, Jacksonville, Florida 32207

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0754

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Embalmer Apprentice Program 61G8-27

PURPOSE AND EFFECT: The Board proposes to review and to consider possible amendments to the rules in Chapter 61G8-27.

SUBJECT AREA TO BE ADDRESSED: Embalmer apprentice program.

SPECIFIC AUTHORITY: 470.005, 470.0085 FS.

LAW IMPLEMENTED: 470.0085 FS.

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

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PLACE: The Radisson Riverwalk Hotel, 1515 Prudential Drive, Jacksonville, Florida 32207

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0754

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE CHAPTER TITLE: Supervision of Pre-Need Agents RULE CHAPTER NO.: 61G8-28

PURPOSE AND EFFECT: The Board proposes to review and to consider possible amendments to the rules in Chapter 61G8-28.

SUBJECT AREA TO BE ADDRESSED: Supervision of pre-need agents for funeral directors; supervision of pre-need agents for direct disposer.

SPECIFIC AUTHORITY: 455.203(5), 470.005, 470.017, 470.019 FS.

LAW IMPLEMENTED: 470.005, 470.028 FS.

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

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PLACE: The Radisson Riverwalk Hotel, 1515 Prudential Drive, Jacksonville, Florida 32207

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0754

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE CHAPTER TITLE: Advertising RULE CHAPTER NO.: 61G8-29

PURPOSE AND EFFECT: The Board proposes to review and to consider possible amendments to the rules in Chapter 61G8-29.

SUBJECT AREA TO BE ADDRESSED: False, fraudulent, deceptive and misleading advertising.

SPECIFIC AUTHORITY: 470.005 FS.

LAW IMPLEMENTED: 470.036 FS.

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

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PLACE: The Radisson Riverwalk Hotel, 1515 Prudential Drive, Jacksonville, Florida 32207

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0754

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE CHAPTER TITLE: Discipline RULE CHAPTER NO.: 61G8-30

PURPOSE AND EFFECT: The Board proposes to review and to consider possible amendments to the rules in Chapter 61G8-30.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines; Minor violations, notice of noncompliance; citations; mediation.

SPECIFIC AUTHORITY: 455.2235, 455.224, 455.225(3), 455.2273, 470.005 FS.

LAW IMPLEMENTED: 455.2235, 455.224, 455.225(3), 455.2273, 470.019, 470.031, 470.036 FS.

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

TIME AND DATE: 1:00 p.m., or shortly thereafter on August 16, 1999

PLACE: The Radisson Riverwalk Hotel, 1515 Prudential Drive, Jacksonville, Florida 32207

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0754

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE CHAPTER TITLE: Contracting for Cremation Services
 RULE CHAPTER NO.: 61G8-31

PURPOSE AND EFFECT: The Board proposes to review and to consider possible amendments to the rules in Chapter 61G8-31.

SUBJECT AREA TO BE ADDRESSED: Procedure required.
 SPECIFIC AUTHORITY: 470.005 FS.

LAW IMPLEMENTED: 470.0255 FS.

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

TIME AND DATE: 1:00 p.m., or shortly thereafter on August 16, 1999

PLACE: The Radisson Riverwalk Hotel, 1515 Prudential Drive, Jacksonville, Florida 32207

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0754

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE CHAPTER TITLE: Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome Education
 RULE CHAPTER NO.: 61G8-32

PURPOSE AND EFFECT: The Board proposes to review and to consider possible amendments to the rules in Chapter 61G8-32.

SUBJECT AREA TO BE ADDRESSED: Course requirements; approved courses; time for completion of courses; confirmation of completion of courses; random audits of completion; failure to complete course; requirement for instruction on human immunodeficiency virus, acquired immune deficiency syndrome and communicable diseases.

SPECIFIC AUTHORITY: 455.2226(6),(7), 470.005, 470.006, 470.007, 470.008, 470.009, 470.011, 470.015, 470.016, 470.017, 470.018 FS.

LAW IMPLEMENTED: 455.2226, 455.219(2), 470.006, 470.007, 470.008, 470.009, 470.011, 470.015, 470.016, 470.017, 470.018 FS.

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

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0754

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

DEPARTMENT OF HEALTH

Board of Medicine

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

PURPOSE AND EFFECT: The Board proposes the development of a rule to incorporate the use of all forms.

SUBJECT AREA TO BE ADDRESSED: Incorporation of forms into one rule.

SPECIFIC AUTHORITY: 458.309 FS.

LAW IMPLEMENTED: 120.52(15) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLES: Examination Fee
 RULE NOS.: 64B8-3.001

Application, Certification, Registration, and Licensure Fees
 64B8-3.002

Renewal Fees
 64B8-3.003

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address changes in fees.

SUBJECT AREA TO BE ADDRESSED: Changes in fees.

SPECIFIC AUTHORITY: 455.564, 455.587, 455.711, 458.309, 458.311, 458.313, 458.3124, 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.345, 458.347 FS.

LAW IMPLEMENTED: 455.564, 455.587, 455.711, 458.311, 458.3115, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.345, 458.347 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-3.001 Examination Fee.

~~(1) USMLE or FLEX:~~ The examination fee for a person desiring to be licensed as a physician who is required to sit for an examination, as provided by Section ~~458.3115~~ ~~458.311~~ ~~or~~ ~~458.3124~~, F.S., ~~the Department shall charge examinees a fee not to exceed 25 percent of the actual cost of the first examination administered pursuant to section 458.3115, F.S., and a fee not to exceed 75 percent of the actual costs for any subsequent examination administered pursuant to Section 458.3115, F.S. shall be \$300.00 plus the actual cost of purchasing the examination from the Federation of State Medical Boards of the U.S., Inc., and the National Board of Medical Examiners or a similar national organization. The examination fee must be submitted with the application form and application fee, but the examination fee is refundable if the applicant is found to be ineligible to take the examination. An applicant who fails to take the USMLE after being approved to do so may apply for a refund equal to the actual per applicant cost to the Department for purchase of the examination, and provided that the Department does not have to pay for the examination, a refund will be provided.~~

~~(2) USMLE STEP III, only: A nonrefundable administration fee for a person who is participating in an allocated slot in an allopathic training program in this state on a full-time basis at the time of examination is \$50, the examination fee is \$300, plus the actual cost per person to the department for the purchase of the examination from the Federation of State Medical Boards of the United States, and the National Board of Medical Examiners or a similar national organization. The examination fee is refundable if the person is found to be ineligible to take the examination.~~

Specific Authority 458.311(1)(a), 458.309 FS. Law Implemented 458.311(1)(a), 458.3124 FS. History—New 12-5-79, Amended 11-10-82, 11-29-84, 12-4-85, Formerly 21M-19.01, Amended 12-4-86, 11-11-90, Formerly 21M-19.001, 61F6-19.001, Amended 9-8-94, 12-11-95, 9-1-96, Formerly 59R-3.001, Amended 8-18-98,_____.

64B8-3.002 Application, Certification, Registration, and Licensure Fees.

The following fees are prescribed by the Board:

(1) An application fee in the amount of \$210.00 for a person desiring to obtain the following:

(a) through (d) No change.

(e) As provided in Section 458.317, F.S., if the person converting a full, unrestricted license to a limited license, submits a notarized statement from the employing agency or institution that the applicant will not receive monetary compensation for any service involving the practice of medicine, the application fee, licensure fee, and neurological birth-related compensation fee shall be waived.

(2) through (8) No change.

Specific Authority 455.564, 455.587, 458.309, 458.311, 458.313, 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.345, 458.347 FS. Law Implemented 455.564, 455.587, 458.311, 458.3115, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.345, 458.347 FS. History—New 12-5-79, Amended 11-10-82, 8-11-85, 10-24-85, Formerly 21M-19.02, Amended 12-4-86, 11-3-87, 7-4-88, 10-23-89, 11-12-89, 11-11-90, 1-16-91, 1-9-92, 2-10-92, 9-7-92, Formerly 21M-19.002, Amended 9-21-93, Formerly 61F6-19.002, Amended 2-13-95, 2-20-96, 6-24-96, Formerly 59R-3.002, Amended 6-7-98, 8-11-98, 11-22-98,_____.

64B8-3.003 Renewal Fees.

(1) No change.

(2) The following renewal fees are prescribed by the Board:

(a) Biennial renewal fee for physicians licensed pursuant to Sections 458.311, 458.3115, 458.3124, and 458.313, F.S., for physicians holding a limited license; and for physicians holding a medical faculty certificate as a distinguished medical scholar, a temporary certificate for practice in areas of critical need, a public psychiatry certificate, or a public health certificate shall be \$350.00. However the following exceptions shall apply:

1. No change.

2. Any person holding an active license to practice medicine in the state may convert that license to a limited license for the purpose of providing volunteer, uncompensated care for low-income Floridians. The applicant must submit a statement from the employing agency or institution stating that he or she will not receive compensation for any service involving the practice of medicine. The application and all licensure fees, including neurological injury compensation assessments, shall be waived.

~~3.2~~ No change.

~~4.3~~ No change.

(b) No change.

Specific Authority 455.587, 458.309(1), 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.319, 458.345 FS. Law Implemented 455.587(1), 455.711(3), 458.319(1), 458.345(4) FS. History--New 12-5-79, Amended 10-24-85, Formerly 21M-19.03, Amended 12-4-86, 11-3-87, 5-24-88, 11-15-88, 11-12-89, 1-9-92, Formerly 21M-19.003, Amended 9-21-93, 4-14-94, Formerly 61F6-19.003, Amended 10-10-95, 6-24-96, 1-26-97, Formerly 59R-3.003, Amended 6-7-98, 8-11-98,_____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLES: RULE NOS.:
 Examinations 64B8-5.001

Licensure Examination Pursuant to 64B8-5.002
 Section 458.3115, Florida Statutes
 Examination Review Procedures 64B8-5.003
 Examination Application Deadlines 64B8-5.004

PURPOSE AND EFFECT: The Board proposes the development of amendments to address recent statutory changes and necessary clarifications to the rules.

SUBJECT AREA TO BE ADDRESSED: Clarifications with regard to examinations .

SPECIFIC AUTHORITY: 458.309, 458.311, 458.313, 455.574(1), 458.3115(4) FS.

LAW IMPLEMENTED: 458.311, 458.313, 458.3115 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-5.001 Examinations.

(1) No change.

(2) Any applicant who attempts to qualify for licensure by successfully completing the USMLE first used in 1994 shall meet the following requirements:

(a) No change.

(b) An applicant must achieve a weighted score of no less than 75 on each step in order to be eligible for licensure in Florida.

(3) through (4) No change.

(5) Pursuant to Subsection 458.311(1)(h) and 458.313(2)(b), F.S., ~~and for the purpose of examining any applicant for licensure pursuant to Subsection 458.311, F.S., who is currently licensed in at least one other jurisdiction of the United States or Canada, and who has practiced pursuant to such license for a period of at least ten (10) years, and who does not meet the ten (10) year requirement regarding examination scores as set forth in Subsection 458.313(1)(b),~~

~~F.S.~~, the Board approves and designates the use of the Special Purpose Examination of the Federation of State Medical Boards of the United States (SPEX). An applicant must achieve a score of no less than 75 on the SPEX to be eligible for licensure in Florida. For purposes of this provision, a score of 75 or more on the SPEX which is received within four (4) years of filing an application for licensure will be accepted as completion of the examination requirement. If such score is obtained outside of Florida the applicant will not be required to re-take the SPEX or pay the fee required for purchase of the SPEX.

Specific Authority 458.309, 458.311, 458.313, 455.574(1) FS. Law Implemented 458.311, 458.313 FS. History--New 12-5-79, Amended 11-10-82, 11-28-84, 3-13-85, 8-11-85, 12-4-85, Formerly 21M-21.01, Amended 2-16-86, 12-16-86, 5-10-89, Formerly 21M-21.001, Amended 5-9-94, Formerly 61F6-21.001, Amended 10-18-94, 1-2-95, Formerly 59R-5.001, Amended 8-18-98,_____.

64B8-5.002 Licensure Examination Pursuant to Section 458.3115, Florida Statutes.

For the purpose of seeking licensure pursuant to section 458.3115, Florida Statutes, the Board of Medicine interprets the phrase "successful completion of the licensure examination" as requiring a passing score of no less than 75 on each part of the FLEX or USMLE or a scaled score of 350 on the equivalent parts of the Department-developed examination (FMLE) within the time frame set forth in section 458.3115, F.S.

(1) through (7) No change.

(8) Applicants may use a combination of FLEX and FMLE scores to establish successful completion of both parts of the licensure examination (e.g., FLEX, Part I with a score of 75 and FMLE, Part II, with a scaled score of 350).

Specific Authority 455.574(1)(b), 458.3115(4) FS. Law Implemented 458.3115 FS. History--New 4-27-99, Amended_____.

64B8-5.003 Examination Review Procedures.

An applicant is entitled to review his examination questions, answers, papers, grades and grading key used in the examination under such terms and conditions as may be prescribed by the Department of Health, ~~unless prohibited or limited by rules implementing security or access guidelines of the Federation of State Medical Boards of the United States, Inc.~~

Specific Authority 455.574(2), 458.309 FS. Law Implemented 455.574(2), ~~455.44~~, 458.315 FS. History--New 12-5-79, Formerly 21M-21.03, 21M-21.003, 61F6-21.003, 59R-5.003, Amended_____.

64B8-5.004 Examination Application Deadlines.

(1) The application deadline for the FMLE May administration of the licensure examination shall be 105 working days prior to the examination November 1.

~~(2) The application deadline for the December administration of the licensure examination shall be June 1.~~

~~(2)~~(3) The application may not be used for more than one year from the date of original submission of the application. After one year from the date of the original submission of an application, a new application and new application fee shall be required from any applicant who desires to sit for the FMLE licensure examination.

Specific Authority 458.309 FS. Law Implemented 458.311 FS. History--New 12-4-85, Formerly 21M-21.04, Amended 7-27-89, 1-1-92, Formerly 21M-21.004, Amended 11-4-93, 5-9-94, Formerly 61F6-21.004, 59R-5.004, Amended 6-7-98,_____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Previously Inactive Applicants; Limited License
RULE NO.: 64B8-7.002
PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address the conversion of an active license to a limited license.
SUBJECT AREA TO BE ADDRESSED: Criteria for conversion of an active license to a limited license.
SPECIFIC AUTHORITY: 458.309, 458.317 FS.
LAW IMPLEMENTED: 458.317 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-7.002 Previously Inactive Applicants; Limited License.

(1) through (2) No change.

(3) An active licensee converting to a limited license shall submit a request to convert the license which shall include a statement from the employing institution or agency that he or she will not receive any compensation for any service involving the practice of medicine. In this event a waiver of fees is provided as set forth in 64B8-3, F.A.C.

Specific Authority 458.309, 458.317 FS. Law Implemented 458.317 FS. History--New 3-31-80, Formerly 21M-25.02, Amended 1-1-92, Formerly 21M-25.002, 61F6-25.002, 59R-7.002, Amended_____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Disciplinary Guidelines
RULE NO.: 64B8-8.001
PURPOSE AND EFFECT: The Board proposes to address amendments with regard to disciplinary guidelines pursuant to recent statutory changes.
SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines.
SPECIFIC AUTHORITY: 458.331 FS.
LAW IMPLEMENTED: 458.331 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: HIV/AIDS Education
RULE NO.: 64B8-13.006
PURPOSE AND EFFECT: The Board proposes the development of a rule to address a recent statutory change.
SUBJECT AREA TO BE ADDRESSED: A continuing education alternative in lieu of HIV/AIDS continuing education.
SPECIFIC AUTHORITY: 458.309, 458.319(4) FS.
LAW IMPLEMENTED: 455.604, 458.319(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-13.006 HIV/AIDS Education.

(1) through (2) No change.

(3) Notwithstanding the provisions of subsections (1) and (2), above, a physician may complete continuing education on end-of-life care and palliative health care in lieu of continuing education in HIV/AIDS, if that physician has completed the HIV/AIDS 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 continuing education in alternate bienniums.

~~(4)~~(3) No change.

Specific Authority 458.309, 458.319(4) FS. Law Implemented 455.604, 458.319(4) FS. History--New 11-15-88, Amended 1-1-92, 9-15-92. Formerly 21M-28.005, 61F6-28.005, Amended 5-7-96, 1-26-97, Formerly 59R-13.006, Amended _____.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE TITLE: Disciplinary Guidelines
 RULE NO.: 64B17-7.001

PURPOSE AND EFFECT: The Board proposes the development of amendments to address an increase in fines and repetitive offenses.

SUBJECT AREA TO BE ADDRESSED: Review of disciplinary guidelines with regard to fines and penalties.

SPECIFIC AUTHORITY: 455.624, 455.627, 486.025 FS.

LAW IMPLEMENTED: 455.621, 455.627, 455.664, 455.667, 486.123, 486.125, 486.135, 486.151 FS.

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

TIME AND DATE: 8:00 a.m., September 25, 1999
 PLACE: La Playa Beach Resort, 9891 Gulf Shore Drive, Naples, Florida 34108

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

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

DEPARTMENT OF HEALTH

Division of Family Health services

RULE CHAPTER TITLE: Eligibility and Fee Assessment for Services Offered by County Public Health Units
 RULE CHAPTER NO.: 64F-16

RULE TITLES: Vaccine Charges and Administrative, Gate, Flat and Minimum Fees
 Fee Exemption
 RULE NOS.: 64F-16.004
 64F-16.005

PURPOSE AND EFFECT: The purpose of these proposed rule changes are to grant Department of Health County Health Departments the authority to charge clients a \$5.00 copayment for non-emergency acute care; physical examinations and health risk assessments; chronic disease prevention, detection, counseling, and management; dental services if offered in the county; physician ordered laboratory and radiology procedures; and pharmaceuticals from the approved formulary ordered by the physician. Exemptions are granted to Medicaid clients for services that are reimbursable by Medicaid. Services will not be denied to a client below 100% of the OMB poverty guidelines if the client is unable to pay the requested copayment.

SUBJECT AREA TO BE ADDRESSED: The authorization for County Health Departments to charge a copayment for certain services.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 154.06(1) FS.

LAW IMPLEMENTED: 154.06(1) FS.

IF REQUESTED WITHIN 14 DAYS OF PUBLICATION OF THIS NOTICE IN THE FLORIDA ADMINISTRATIVE WEEKLY AND NOT DEEMED UNNECESSARY BY THE SECRETARY OF THE DEPARTMENT, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., August 18, 1999
 PLACE: Winewood Building 5, Room 126, 1309 Winewood Boulevard, Tallahassee FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Bob Peck, Family Health Services, HSFFM Bin A13, 2020 Capitol Circle, S. W., Tallahassee, FL 32399-1723, or at telephone number (850)488-2834

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64F-16.004 Vaccine Charges and Administrative, Gate, Flat and Minimum Fees.

(1) No charge for the cost of a vaccine shall be assessed for any vaccine purchased under federal contracts, regardless of the funding source.

(2) Services with vaccines purchased through federal contracts shall not be denied if the client is unable to pay.

(3) Except as provided in rule 64F-16.005, administrative, gate, flat, and minimum fees are not to be charged to any client receiving services from a CHD or its subcontractors.

Specific Authority 154.011(5), 154.06(1) FS. Law Implemented 154.011, 154.06(1) FS. History—New 10-14-93, Amended 8-2-94, 4-29-96, Formerly 10D-121.005, Amended.

64F-16.005 Fee Exemption.

(1) Except for the copayment fee further described in this section, clients of CHDs and their subcontractors shall not be charged any fee for communicable disease control or integrated family health services as defined in this chapter rule if they have a net family income below 100 percent of the poverty guidelines published by the Federal Office of Management and Budget (OMB).

(2) A CHD and its subcontractors shall charge a copayment fee of \$5.00 for each integrated family health services visit for any service described in section 64-F-16.010(5), (7), (8), (10), (11), and (12), to all clients for these services, except to any Medicaid client if the service is reimbursable by Medicaid. None of the services for which a copayment is required under this section shall be denied to a client below 100 percent of the OMB poverty guidelines if the client cannot pay the requested copayment.

Specific Authority 154.011(5), 154.06(1) FS. Law Implemented 154.011, 154.06(1) FS. History—New 10-14-93, Formerly 10D-121.006, Amended.

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-37.002
Fund Availability and Allocation	67-37.003
Local Housing Ordinance and Resolution Requirements	67-37.004
Local Housing Assistance Plans	67-37.005
Review of Local Housing Assistance Plans and Amendments Uses of and Restrictions Upon SHIP Local Housing Distribution	67-37.006
Funds for Local Housing Assistance Plans	67-37.007
Local Housing Assistance Trust Fund	67-37.008
Local Affordable Housing Advisory Committees	67-37.009
Local Affordable Housing Incentive Strategies	67-37.010
Interlocal Entities	67-37.011
Termination of SHIP Local Housing Distribution Funds	67-37.013
Non-Discrimination Requirements Compliance Monitoring for Housing Developed With SHIP	67-37.014
Local Housing Distribution Funds	67-37.015
Reporting Requirements	67-37.016
Administration of Remaining Local Housing Distribution Funds	67-37.017
Appeals	67-37.018

PURPOSE AND EFFECT: This rule establishes the procedures by which the Florida Housing Finance Corporation shall administer the State Housing Initiatives Partnership (SHIP) Program which provides funds to Local Governments as an incentive to create Partnerships to produce and preserve affordable housing. Revisions to the Rule are required to implement technical and clarifying changes. The adoption of these revisions will increase the efficiency and effectiveness of local program service delivery and will provide greater clarification of the program.

SUBJECT AREA TO BE ADDRESSED: The Rule Development Workshop will be held to receive comments and suggestions from interested persons relative to program requirements as specified in Rule Chapter 67-37, Florida Administrative Code.

SPECIFIC AUTHORITY: 420.907 FS.

LAW IMPLEMENTED: 420.9071, 420.9072, 420.9073, 420.9075, 420.9076, 420.9078, 420.9079 FS.

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

TIME AND DATE: 2:00 p.m., August 26, 1999

PLACE: Florida Housing Finance Corporation, Sixth Floor Conference Room, 227 North Bronough Street, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Thomas W. Burt, SHIP Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

Any person requiring special accommodation at this hearing because of a disability or physical impairment should contact Linda Hawthorne at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay system which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

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

FLORIDA HOUSING FINANCE CORPORATION

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Home Investment Partnership Program (HOME) Home Construction Loan Program	67-47
RULE TITLES:	RULE NOS.:
Definitions	67-47.010
Notice of Funds Availability (“NOFA”)	67-47.020
Reallocation for Disaster Areas	67-47.035
Minimum Set-aside of Funds for Community Development Organizations (CHDO’s)	67-47.040
Income Targeting: Home Ownership	67-47.050
Eligible Activities	67-47.060
Eligible Applicant’s Responsibilities	67-47.070

Eligible and Ineligible Development Costs 67-47.080
 General Project Restrictions:
 Affordability Requirements 67-47.090
 Application and Selection Procedures for
 Home Ownership Developments 67-47.100
 Administrative Procedures 67-47.110
 Terms and Conditions of HOME
 Second Mortgage Loans made to
 Eligible Home Buyers or Home Owners 67-47.130
 Credit Underwriting Procedures and Origination 67-47.140
 Disbursement of Funds 67-47.150
 Fees 67-47.160

PURPOSE AND EFFECT: The purpose of Rule Chapter 67-47, Florida Administrative Code (FAC), is to establish the procedures by which the Florida Housing Finance Corporation shall administer the application process, to allow (HOME) Home Ownership funds to be used for acquisition with new construction, acquisition with moderate rehabilitation, and existing home owner rehabilitation of single family housing for low income home buyers.

SUMMARY: Prior to the opening of an Application Cycle, the Corporation (1) researches the market need for affordable housing throughout the state of Florida and (2) evaluates prior application cycles to determine what changes or additions should be made to the Rule or Application. The proposed amendments to the Rule and adopted reference material include changes relative to the development of the 1999 application and program requirements and for the development of a lease purchase option for the HOME Home Ownership Program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 420.507(12),(14) FS.

LAW IMPLEMENTED: 420.5089(2) FS.

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

TIME AND DATE: 2:00 p.m., August 23, 1999

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, 6th Floor Seltzer Room, Tallahassee, Florida 32301-1329

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Beverly B. Cliett, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329, (850)488-4197

THE FULL TEXT OF THE PROPOSED RULE IS:

67-47.010 Definitions.

(1) "Act" means the Florida Housing Finance Corporation Act as found in Chapter 420, Part V, F.S.

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

(3) "Annual Household Income" means the gross income of all persons who permanently reside or intend to permanently reside in a unit. The annual income is determined from gross amount of wages, income from assets, regular cash or non-cash contribution, and any other resources and benefits determined to be income by regulations promulgated by the United States Department of Housing and Urban Development as outlined at 24 CFR 92.203.

(4) "Applicant" ~~or "Housing Provider" or "Developer"~~ means

(a) For the HOME Competitive Application Cycle, any ~~entity individual, association, joint venturer, partnership, for-profit or Non-profit sponsor, qualified CHDO~~ possessing the requisite skill, experience, and credit worthiness to successfully construct or ~~substantially~~ rehabilitate affordable Home Ownership units for housing to be offered for sale to eligible Low-Income Families pursuant to the provisions of the HOME Program and Rule Chapter 67-47, F.A.C. as further described below:

1. For acquisition and new construction or acquisition and rehabilitation Developments, an eligible Applicant is a Local Government, Regional Planning Council, Public Housing Authority, for-profit or Non-profit sponsor or developer, or qualified CHDO with a firm loan commitment from a Lender in partnership with a Development Sponsor.

2. For U.S. Department of Agriculture: Rural Development Mutual Self-Help (Section 523) Developments only, in lieu of having a firm loan commitment from a Lender Development Sponsor, Applicant must provide a copy of the executed grant agreement with Rural Development stating the following: ~~(a)(1)~~ term and period of the agreement with Applicant; ~~(b)(2)~~ amount of Section 502 Direct Loan funds or other first mortgage financing available; ~~(c)(3)~~ the number of Home Buyer/units that will be assisted; and, ~~(d)(4)~~ the average amount of assistance per Home Buyer/unit.

3. For existing Home Owner rehabilitation units, an eligible Applicant is a Local Government, Regional Planning Council, Public Housing Authority, or qualified CHDO. The Applicant must be a legally-formed, existing entity at the time of Application. Documentation evidencing the same shall be required as part of the Application as set forth in Rule 67-47.100~~40~~, F.A.C.

(b) For the Single Family Mortgage Revenue Bond Program, an eligible Applicant is a Low-Income, first-time Home Buyer who ~~meets certain income restrictions and is a first-time Home Buyer~~ and receives a Corporation SF Mortgage Revenue Bond loan through a participating lender.

(5) "Application" means the completed forms from the Application Package together with exhibits submitted to the Corporation in accordance with Rule Chapter 67-47, F.A.C., in order to apply for HOME Loan funds through the Competitive Application Cycle.

(6) "Application Deadline" or "Deadline" means 5:00 p.m., ~~E.S.T. Tallahassee time~~, on the final day of the Application Period.

(7) "Application Package" or "HOME Home Ownership Application Package" or "Form 998HHOAP (~~October 1999 September 1998~~)" means the forms, tabs and instructions thereto, obtained from the Corporation at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, which shall be completed and submitted to the Corporation in accordance with Rule Chapter 67-47, F.A.C., in order to apply for HOME Loan funds through the Competitive Application Cycle.

(8) "Application Period" means a period of not less than 60 days in which an Application Packet can be submitted to the Corporation for the HOME Home Ownership Competitive Application Cycle.

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

(10) "Commitment" or "Reservation" means, in regards to the Competitive Application Cycle, a written, legally binding agreement between the Applicant and the Corporation in which the Corporation agrees to provide a HOME Construction Loan or Home Owner Rehabilitation Loan for an eligible Home Ownership Development as defined in Rule Chapter 67-47, F.A.C., and 24 CFR Part 92 (1996).

(11) "Community Housing Development Organizations" (CHDOS) means private Non-profit organizations that are organized pursuant to the definition in 24 CFR Section 92.2 (1996) and certified as such by the Corporation. For new construction units, CHDOS must partner with a Lender to be an eligible Applicant, however a CHDO may be the Applicant for existing home owner rehabilitation.

(12) "Consolidated Plan" means the plan prepared in accordance with HUD Rule 24 CFR Part 91 (1996) which describes the needs, resources, priorities, and proposed activities to be undertaken with respect to certain HUD programs, including the HOME Program.

(13) "Construction Loan" or "Loan" means a State of Florida HOME Investment Partnerships Program Loan made to an eligible Applicant Housing Provider to assist in financing eligible Home Ownership ~~d~~Development costs. The HOME Construction Loan shall not exceed 33 percent of the total ~~d~~Development ~~c~~Cost or the Maximum HOME Allocation,

whichever is less. All for-profit Applicants will receive a three percent per annum interest rate Construction Loan and all Non-profit Applicants will receive a zero percent interest rate Construction Loan.

(14) "Contact Person" means the person with decision-making authority with whom the Corporation will correspond concerning the Application and the Home Ownership Development.

(15) "Contractor" means a duly licensed person or entity in the State of Florida who provides services in accordance with Florida Statutes 489.105(3)(a), (b) and (c).

(16) "Corporation" or "FHFC" means the Florida Housing Finance Corporation.

(17) "Credit Underwriter" means the legal representative under contract with the Corporation having the responsibility for providing the stated credit underwriting services. Such services shall include, for example, reviewing the financial feasibility and viability of Developments and proposing to the Corporation the amount of a HOME Loan needed, if any.

(18) "Draw" means the disbursement of HOME Construction Loan funds or Home Owner Rehabilitation Loan funds to an eligible Applicant Developer.

(19) "Eligible Locality" means those counties and cities identified within Form 1 of the Application Package as jurisdictions which do not receive an allocation of HOME funds directly from HUD.

(20) "Entitlement Area" means counties and cities which have been designated to receive an allocation of HOME funds directly from HUD and is considered a Participating Jurisdiction.

(21) "First Mortgage" means the recorded mortgage to which HOME Second Mortgage Loans are subordinated. For the SF Bond Program, the First Mortgage must be purchased by the trustee on behalf of the Corporation.

~~(22) "First Mortgage Lender" or "Lender" means any bank or trust company, mortgage banker/broker, savings bank, credit union, national banking association, building and loan association, insurance company, or other financial institution or governmental agency authorized to transact business within the State of Florida which institution customarily provides the financing of mortgages for real property in Florida. Lenders must be qualified Federal Housing Administration (FHA), Veterans Affairs (VA), Rural Development (RD), Government National Mortgage Association (GNMA), Federal National Mortgage Association (Fannie Mae), or Federal Home Loan Mortgage Corporation Association (FHLMC) originators and servicers.~~

~~(22)(23)~~ "HOME" or "Home Loan" or "HOME Program" means the HOME Investment Partnerships Program pursuant to HUD Regulations, 24 CFR Part 92 (1996).

~~(23)(24)~~ "Home Buyer" or "Home Owner" or "Eligible Borrower" means a person or persons or family or families:

(a) Whose total annual household income at the time of closing or, if lease-purchase, at the time the lease is signed does not exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for household size, and

(b) Who intend to principally and permanently reside in the HOME-assisted unit.

~~(24)(25)~~ "HOME Home Ownership Competitive Application Cycle" or "Competitive Application Cycle" means the period in which the Corporation administers a loan program where Applicants may submit an Application to be awarded an allocation of funds to produce or rehabilitate existing housing for eligible Home Buyers or Home Owners.

~~(25)(26)~~ "Home Ownership" or "Home Ownership Unit" or "Ownership Housing" means ownership in a residential unit which is taxed as real property under the laws of the State of Florida and is located within the state, including a one to four unit dwelling or a condominium unit, a residential manufactured building (also known as a modular home) which bears the Department of Community Affairs' Insignia signifying that the building complies with Chapter 553, Florida Statutes and Section 420.9071(9), Florida Statutes, or an equivalent form of ownership approved by HUD, Federal National Mortgage Association (Fannie Mae), Government National Mortgage Association (GNMA), Veterans Affairs (VA), Federal Housing Administration (FHA), United States Department of Agriculture Rural Development (RD) or Federal Home Loan Mortgage Corporation Association (FHLMC). The ownership interest may be subject only to the restrictions ~~on~~ or recapture provisions described and required under 24 CFR Section 92.254 (a)(5)(ii)(A)(1) (1996) of the HUD Regulations and in the HOME note and mortgage documents to be provided by the Corporation and in the Application Package.

~~(26)(27)~~ "Home Ownership Development" or "Development" or "Eligible Development" means:

(a) For the Competitive Application Cycle, a property or properties which an Applicant has submitted an Application for or has received HOME Loan funds to construct or rehabilitate ~~provide~~ a minimum of four (4) Home Ownership Units for eligible Home Buyers or Home Owners. Eligible activities for such Developments are acquisition with new construction, acquisition with moderate rehabilitation, and existing Home Owner rehabilitation ~~or a combination of the two activities. Existing homeowner rehabilitation is not an eligible activity under this Rule Chapter.~~ Home Ownership Development includes all the real estate activities associated with the site and improvements.

(b) For the SF MRB Program, a single family attached or detached residence financed by qualified mortgage loans according to Rule Chapter 67-25.002(14), F.A.C.

~~(27)(28)~~ "HUD Regulations" or "HUD" means the regulations of the U.S. Department of Housing and Urban Development in 24 CFR Part 92 (1996) issued under the authority of Title II of the National Affordable Housing Act of 1990 (Public Law 101-625, November 28, 1990).

~~(28)~~ "Lease-purchase" means funds used to assist prospective Home Buyers through a lease-purchase program. Units must be purchased by a prospective Home Buyer within 36 months of signing the lease-purchase agreement. The Home Buyer must qualify as Low-Income at the time the lease-purchase agreement is signed. If HOME funds are used to produce housing that will be sold to a Home Buyer through a lease-purchase program, the HOME affordability requirements for rental housing in CFR Section 92.252 (1996) shall apply if the housing is not transferred to an eligible Home Buyer within 42 months after unit completion.

~~(29)~~ "Lender" for purposes of permanent financing means a qualified Lender, group of qualified Lenders, or consortium of Lenders, or other financial institution or governmental corporation, authorized to transact business in the State, who is committed to underwrite the Home Ownership Development and has a demonstrated capacity as determined by the Corporation at its sole discretion, to provide construction financing, end loan or construction and permanent financing for eligible Low-Income Households who are purchasers of Home Ownership Units in the Development pursuant to the provisions of 24 CFR Part 92 (1996) and Rule Chapter 67-47, F.A.C. Lenders must be qualified FHA, VA, RD, GNMA, Fannie Mae, or FHLMC originators and servicers. In addition to the foregoing, for purposes of construction financing a Lender means an individual or individuals or any entity which demonstrates sufficient liquidity capacity as determined by the Corporation at its sole discretion, to simultaneously fund not less than the maximum number of speculative units allowable under Rule Chapter 67-47, F.A.C.

~~(30)(29)~~ "Local Government" means county or municipal government, including incorporated cities, towns and villages located within the State of Florida, or any governing council of any Native American Tribe. For acquisition and new construction or acquisition and rehabilitation Developments, the Local Government must have a loan commitment from a Lender partner with a Development Sponsor to be an eligible Applicant, however, a Local Government may be the Applicant for an existing Home Owner rehabilitation Development.

~~(31)(30)~~ "Low-Income Households" means families or persons whose annual incomes do not exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for household size, except that HUD may establish income ceilings higher or lower than 80 percent of the median for the area on the basis of HUD findings that such variations

are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low household incomes.

~~(32)(34)~~ "Match" means eligible forms of non-federal contributions to a Development pursuant to 24 CFR Section 92.220 (1996).

~~(33)(32)~~ "Maximum HOME Allocation" means, the maximum Construction Loan request and is calculated as 100 percent of the HOME-assisted units in the Development, multiplied by the maximum per-unit subsidy dollar limits pursuant to HUD Regulations under 24 CFR 92.250. The maximum per-unit subsidy dollar limits vary by jurisdiction and the number of bedrooms per unit and will be the lesser of the Maximum HOME Allocation or the limits defined at 67-47.010(13) and 67-47.010~~(37)(36)~~.

~~(34)(33)~~ "Maximum Purchase Price" means Ownership Housing that has an initial purchase price that does not exceed the lesser of 95 percent of the median purchase price for the type of housing for the jurisdiction pursuant to HUD Regulations under 24 CFR Section 92.254(a)(2)(1996) or \$99,000, and, has an estimated appraised value at acquisition or after any repair needed to meet property standards required by 24 CFR 92.251, that does not exceed the limit described above. ~~On a case by case basis, for difficult to develop communities, a waiver can be requested from the Corporation's Board to increase the maximum purchase price limits up to the Single Family Mortgage Limits in accordance with Section 120.542, F.S., Rule 28-104.001-.006, F.A.C., and Section 203(b) of the National Housing Act (12 U.S.C. 1709(b)).~~ Maximum Purchase Price limits that exceed \$99,000 must receive Board approval. Whenever HOME funds are used with other program funds, the most restrictive sales price limit must be used.

~~(35)(34)~~ "Moderate Rehabilitation" means the rehabilitation of a residential property at an average cost for the Development of \$2,500 to less than \$25,000 of HOME funds per dwelling unit.

~~(36)(35)~~ "Non-profit" means a qualified Non-profit entity as defined in Section 24 CFR Section 92.505(b)(1996), ~~and any corporation, trust, association, cooperative, or other organization which (1) is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest; (2) is not organized primarily for profit; and (3) uses its net proceeds to maintain, improve, and expand its operations.~~

~~(37)(36)~~ "Permanent Loan" or "HOME Second Mortgage Loan" means a HOME Loan converted from a portion of the Construction Loan to a Second Mortgage Loan for an Eligible Home Buyer; a recorded mortgage securing the Construction Loan which can be evidenced by a consolidated note and mortgage and is subordinate only to the lien of the First Mortgage. Such Loans are zero percent non-amortizing loans

and may be used only to assist with down payment and closing costs expenses, ~~and to reduce the principal amount of the First Mortgage.~~ The Permanent Loan shall be limited as follows:

(a) For the HOME Home Ownership Competitive Application Cycle, the lesser of 25 percent of the purchase price of the Home Ownership Unit or the amount necessary to enable an eligible Home Buyer to purchase a Home Ownership Unit based on the monthly mortgage payment (principal, interest, taxes and insurance) to income underwriting ratio established by the financing program offered by the First Mortgage Lender. Further, the combined loan-to-value ratio of all loans in the transaction may not exceed 105% of the lesser of the post-construction or post-rehabilitation appraised value or the purchase price of the Home Ownership Unit. The Corporation's Servicer will review all HOME Second Mortgage Loan requests to ensure that the request is the lesser of the Corporation's established limits.

(b) For HOME ~~L~~oans with the Corporation's Single Family Mortgage Revenue Bond loans the maximum allocation is the least of the following: (1) twenty-five (25) percent of the lesser of the purchase price or the appraised value; (2) \$15,000; or (3) the amount needed to complete the transaction. The maximum combined loan-to-value when HOME Loans are used with the Corporation's Single Family Mortgage Revenue Bond loans is limited to 103% or as allowed in the applicable Mortgage Revenue Bond Program documents.

~~(38)(37)~~ "PLP" means the Predevelopment Loan Program established by Sections 420.521-420.529, Florida Statutes and Rule Chapter 67-38, F.A.C.

~~(39)(38)~~ "Review Committee" means for the Competitive Application Cycle a committee of at least five persons who will organize the scoring of the Applications. The five members will be staff of the Corporation and appointed by the Corporation's Executive Director. Meetings of the Review Committee shall be at the call of the Review Committee Chairperson who shall also be designated by the Corporation's Executive Director.

~~(40)(39)~~ "Servicer" means the legal representative under contract with the Corporation having the responsibility for providing the stated services. Such services shall include, but not be limited to, home buyer eligibility, compliance monitoring, annual household occupancy verifications, Federal Labor Standards monitoring.

~~(41)(40)~~ "Single-Family Mortgage Revenue Bond Program" or "SF Mortgage Revenue Bonds" or "SF MRB" means the bonds or notes of the Corporation issued to finance qualified mortgage loans in accordance with Rule Chapter 67-25, F.A.C. Participating lenders under the FHFC's Single-Family Mortgage Revenue Bond Program are eligible to make application to the State of Florida HOME Program for a reservation of HOME Second Mortgage Loan funds, when

such funds are offered with FHFC's SF MRB issues. HOME Second Mortgage loans are subordinate to SF MRB loans and are subject to the limits described in Rule 67-47.010(36)(b).

~~(41) "Sponsor" or "Development Sponsor means, for acquisition with new construction or acquisition with rehabilitation Developments, a qualified First Mortgage Lender, group of qualified First Mortgage Lender, or consortium of First Mortgage Lenders, in partnership with an Applicant (Developer or Housing Provider), who is committed to underwrite the Home Ownership Development and has a demonstrated capacity to provide first mortgage, end loan or construction and permanent financing for eligible Low Income Families who are purchasers of Home Ownership Units in the Development pursuant to the provisions of 24 CFR Part 92 (1996) and Rule Chapter 67-47, F.A.C.~~

(42) "State" means the State of Florida.

~~(43) "Substantial Rehabilitation" means the rehabilitation of a residential property at an average cost for the Development in excess of \$25,000 per dwelling unit.~~

Specific Authority 420.507(12),(14) FS. Law Implemented 420.5089(2) FS. History—New 8-7-95, Amended 11-28-96, 10-5-97, Formerly 9I-47.010, Amended 10-20-98,_____.

67-47.020 Notice of Funds Availability ("NOFA").

(1) HOME Home Ownership funds availability for the Competitive Application Cycle and for use with the SF MRB Program shall be noticed in the Florida Administrative Weekly ("NOFA"). The NOFA shall be published at least 60 days prior to the Application Deadline date or the beginning of the origination period for a SF MRB Program, as applicable. The NOFA shall also be mailed to each person and organization on the Corporation's HOME Home Ownership Program mailing list.

(2) The NOFA shall set forth the allocation authority available, ~~and~~ the Application Deadline for the Competitive Application Cycle for eligible activities enumerated in Rules 67-47.060 and 67-47.070, F.A.C., ~~and fees.~~

(3) The Corporation will give funding priority to Applications for proposed Developments located in Eligible Localities. Funds will be distributed in the following order:

(a) Funds will be allocated to qualified CHDO's located in Eligible Localities, in order of ranking, until the available set-aside funds have been allocated. If unable to allocate funds to the Eligible Localities CHDO set-aside, the Corporation will next allocate to qualified CHDO Applicants any additional funds necessary to reach the required CHDO set-aside amount in order of ranking regardless of location. In order to apply under the CHDO set-aside, ~~the CHDO Applicants~~ must have 51 percent ownership interest in the Development or 51 ~~percent %~~ ownership interest in the ~~Project held by the~~ General Partner entity, if a partnership.

(b) Once the CHDO set-aside has been met, Applications for proposed Developments located in Eligible Localities, that satisfy the threshold score, will receive priority funding up to the amount of funds available.

(c) Upon meeting the CHDO set-aside and funding Applications for proposed Developments located in Eligible Localities, Applications that satisfy threshold score and have previously received financing through the Corporation's Predevelopment Loan Program (PLP), shall receive priority. Any remaining funds will be made available to Applications for proposed Developments, that satisfy threshold score, regardless of location.

~~(4)(3)~~ After the selection of Applicants is made pursuant to Rule 67-47.100, F.A.C., the availability of any remaining funds will be made available for eligible activities as authorized by the Corporation's Board of Directors.

~~(5)(4)~~ In the Competitive Application Cycle, Applicants that have received a previous commitment of State HOME funds for a particular Home Ownership Development and have not drawn down 75 percent of the committed HOME allocation for said Development at the time of Application are ineligible to apply for additional HOME funds for this Development, but may submit an Application for a completely new Development or for an additional phase of a previously funded Development as long as the prior phase or phases have draws in excess of or equal to 75 percent of the committed HOME allocation.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History—New 8-7-95, Amended 11-28-96, 10-5-97, Formerly 9I-47.020, Amended 10-20-98,_____.

67-47.035 Reallocation for Disaster Areas.

In the event of a State or federally declared disaster, any allocation authority not preliminarily allocated, as well as any authority remaining after preliminary allocation, may be diverted to one or more federally declared disaster areas as selected by the Corporation's Board of Directors. Corporation HOME funds may be utilized in any form as acceptable to HUD and approved by the Corporation's Board of Directors. Further, in the case of HOME funds being allocated for a State or federally declared disaster, the Corporation will publish a Notice of Funding Availability which will include information on the amount and targeting of funds, the instructions and time frame for making application, and fees.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History—New 11-28-96, Formally 9I-47.035, Repromulgated 10-20-98, Amended_____.

67-47.040 Minimum Set-Aside of Funds for Community Housing Development Organizations (CHDO's).

For the first 24 months after the HOME allocation is made available to the State of Florida, not less than 15 percent of the total annual allocation must be reserved for investment only in housing to be developed, sponsored, or owned by CHDO's. These funds shall be used for any the eligible Home Ownership

~~Development~~ activities acceptable under HUD regulations and approved by the Corporation's Board of Directors described in Rule 67-47.060, F.A.C.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History—New 10-20-98, Amended.

67-47.050 Income Targeting: Home Ownership.

Pursuant to 24 CFR Part 92.217 (1996), the Corporation must invest HOME funds made available during a fiscal year. One ~~h~~undred percent of HOME funds are to be invested in dwelling units that are occupied by households which qualify at or below Low-Income.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History—New 10-20-98, Amended.

67-47.060 Eligible Activities.

(1) HOME funds may be used for Home Ownership Developments under the following activities: acquisition ~~in conjunction~~ with new construction; ~~reconstruction, or acquisition in conjunction~~ with moderate ~~or substantial~~ rehabilitation; and existing Home Owner rehabilitation of non-luxury housing with suitable amenities pursuant to 24 CFR Section 92.205 (1996). ~~Existing home owner rehabilitation is not an eligible activity under this rule chapter.~~

(2) With the SF MRB Program, down payment and closing cost assistance for Eligible Properties as defined in 67-25, F.A.C. are eligible activities. Eligible Applicants are defined in 67-47.010(4)(b).

(3) Housing assisted with HOME funds must meet property standards pursuant to 24 CFR Section 92.251 (1996). All Home Ownership Developments must, at a minimum, meet all applicable State and local housing quality standards and code requirements. If there are no such standards or code requirements, the housing must meet the housing quality standards established in 24 CFR Part 982.401.

(4) Developers producing new units with a HOME Construction Loan may offer up to 25% of the units to Low-Income persons under a lease-purchase program subject to the following conditions:

(a) The Developer has a credit and home ownership counseling program in place which is acceptable to the Corporation and its designated Servicer.

(b) The prospective Home Buyer must qualify as Low-Income and be unable to qualify for a permanent first mortgage loan time at time of signing the lease-purchase agreement.

(c) The prospective Home Buyer agrees to participate in a credit and home ownership counseling program and to purchase the home the earlier of 36 months after signing the lease-purchase agreement or as soon as loan approval can be secured.

(d) The Developer has a process for managing properties during the lease period including, but not limited to: collecting monthly rents, inspecting units, paying monthly debt service including taxes and insurance, maintaining an escrow account for security, damage and maintenance deposits.

(e) The Developer uses a lease-purchase agreement approved by the Corporation and its designated Servicer.

(f) Any lease-purchase unit that has not been purchased within 36 months of signing of a lease-purchase agreement becomes subject to the HOME affordability requirements for rental housing in CFR Section 92.252 (1996).

(g) The Developer must repay the HOME Construction Loan within five (5) years pursuant to 67-47.120(1), F.A.C.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History—New 8-7-95, Amended 11-28-96, 10-5-97, Formerly 91-47.060, Amended 10-20-98, _____.

67-47.070 Eligible Applicant's Responsibilities.

(1) For Developments funded under the Competitive Application Cycle:

(a) Applicants and ~~Lenders Development Sponsors~~ shall be responsible for the selection and income certification of individual eligible Low-Income Home Buyers.

(b) Applicants and ~~Lenders Development Sponsors~~ shall be responsible for qualifying eligible Low-Income Home Buyers and closing HOME Permanent Loans on behalf of the Corporation and in accordance with 24 CFR Part 92 (1996) and Rule 67-47, F.A.C.

(c) Applicants are responsible for the ~~predevelopment, acquisition, substantial or moderate rehabilitation, existing Home Owner rehabilitation reconstruction,~~ or new construction of units. All units must adhere to affordability requirements pursuant to 24 CFR Section 92.254 (1996) and the recapture provisions described in 24 CFR Section 92.254(5)(ii)(1) (1996) and the HOME note and mortgage documents to be provided by the Corporation.

(d) Applicants are responsible for the marketing of units in the Development and providing referrals of potential Low-Income Eligible Borrowers/Home Buyers to the ~~Lender Development Sponsor~~.

(e) Applicants are responsible for meeting the pre-sale requirements established by the ~~Lender Development Sponsor~~.

(f) Applicants and ~~Development Sponsors~~ are responsible for providing the Corporation or the Corporation's Servicer with completed documentation of Home Buyer and Home Ownership requirements established by the Corporation and in accordance with 24 CFR Section 92.254 (1996) and the recordkeeping requirements described in 24 CFR Section 92.508 (1996).

(g) Applicants and ~~Lenders Development Sponsors~~ shall be asked to assist the Corporation and ~~the~~ ~~for~~ Corporation's Servicer with performing Draw inspections, collecting

payments and defaults, foreclosing and performing monitoring and compliance of the HUD affordability requirements pursuant to 24 CFR Section 92.254 (1996).

(2) ~~Applicants shall make Housing Providers shall be responsible for bringing qualified lenders to Home Ownership Developments available to participating lenders that will make Single-Family Mortgage Revenue Bonds first mortgage loans available to eligible Home Buyers as a First Mortgage.~~

(3) For units financed through the Single Family Mortgage Revenue Bond Program, the ~~Participating~~ Lender is responsible for originating the HOME Home Ownership loan in accordance with guidelines provided through the applicable Single Family Mortgage Revenue Bond Program.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History—New 8-7-95, Amended 11-28-96, 10-5-97, Formerly 9I-47.070, Amended 10-20-98,_____.

67-47.080 Eligible and Ineligible Development Costs.

(1) HOME funds may be used to pay for the following eligible costs as enumerated in 24 CFR Section 92.206 (1996):

(a) Development hard costs as they directly relate to the identified HOME-assisted units for:

1. acquisition with new construction, the costs necessary to meet local and State building codes and the Model Energy Code referred to in 24 CFR Part 92.251 (1996):

2. acquisition and rehabilitation, ~~costs to demolish existing structures,~~ improvements to the Development site and utility connections; the costs necessary to meet local and state rehabilitation building codes and, at a minimum, the Section 8 Housing Quality Standards under 24 CFR Section 882.109;

(b) The cost of acquiring improved or unimproved real property. A Development and HOME loan that involves acquisition must include rehabilitation or new construction in order to be an eligible Development. Rehabilitation must be Moderate ~~or Substantial~~ Rehabilitation as defined at Rule 67-47.010.

(c) Soft costs as they relate to the identified HOME-assisted units and as enumerated in 24 CFR Section 92.206(d) (1996). The costs must be reasonable and necessary, as determined by the Corporation and 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 close 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 fees and overhead as described in Form 3, Development Funding and Economic Viability, of the Home Ownership Application Package;

4. impact fees;

5. costs of Development audits required by the Corporation or compliance monitoring agent; and

6. affirmative marketing and fair housing costs.

(d) Relocation costs as they relate to the identified HOME-assisted units and as enumerated in 24 CFR Section 92.206(f)(1996).

(2) HOME funds shall not be used to pay for ineligible costs in accordance with 24 CFR Section 92.214 (a) (1996), ~~and the following ineligible costs:~~

(a) ~~Development reserve accounts for replacements, unanticipated increases in operating costs, or operating subsidies, except as described in 67-47.090 F.A.C.;~~

(b) administrative costs; and

(c) ~~developer fees on the acquisition portion of the Development cost.~~

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History—New 8-7-95, Amended 11-28-96, 10-5-97, Formerly 9I-47.080, Amended 10-20-98,_____.

67-47.090 General Development Restrictions: Affordability Requirements.

In order for a Home Ownership Development to qualify for a HOME Loan funds, it shall, at a minimum, meet or comply with the following:

(1) The maximum per-unit subsidy amount of HOME funds that the Corporation may allocate on a per-unit basis in affordable housing may not exceed the per-unit dollar limits established pursuant to 24 CFR Section 92.250 (1996). HUD makes available a chart each calendar year indicating the maximum per unit subsidy by jurisdiction. Copies of the maximum per unit subsidy limits are available from the Corporation and included in the Application Package.

(2) The minimum amount of HOME funds that can be allocated on a per-unit basis for a Home Ownership Development is \$2,500.

(3) A Home Ownership unit qualifies as affordable housing if:

(a) The value or initial purchase price of the property after rehabilitation, or construction ~~or acquisition~~ does not exceed the Maximum Purchase Price as defined at 67-47.010 or after any repair needed to meet property standards required by 24 CFR Section 92.251 (1996), that does not exceed the limit referenced above.

(b) The combined loan-to-value ratio may not exceed 105% of the after construction or after rehabilitation appraised value for purchase of the Home Ownership Unit, except when HOME funds are used with the SF MRB Program, where the combined loan-to-value of all assistance cannot exceed 103% of the lesser of the appraised value or the purchase price or as permitted in the applicable SF MRB issue documents.

(c) The eligible Home Buyer is a Low-Income household at the time of purchase who will occupy the acquired property as a principal residence.

(4) through (7) No change.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History—New 8-7-95, Amended 11-28-96, 10-5-97, Formerly 9I-47.090, Amended 10-20-98,_____.

67-47.100 Application and Selection Procedures for Home Ownership Developments.

(1) The Corporation shall make HOME Permanent Loan funds in conjunction with Single Family Mortgage Revenue Bonds available to eligible Housing Providers in accordance with the Corporation's Single Family Mortgage Revenue Bond Program Documents and Rule Chapter 67-25, F.A.C.

(2) The Corporation shall make HOME Loan funds available to eligible Applicants on the basis of the competitive selection process established by Corporation rule and in accordance with the HOME Home Ownership Application Cycle. Funds shall be issued for Home Ownership Developments based upon the following criteria:

- (a) Completion of the Application Package.
- (b) The Application Package, as defined at 67-47.010(7), incorporates information for the HOME Programs to assist those Applicants applying for the HOME Program funds. The Corporation hereby adopts by reference the Application Package (~~Form 98 HHOAP~~) which provides forms, tabs, threshold requirements, instructions, and other information necessary for submission of an Application under this Program.

(c) Application Packages may be obtained from the Florida Housing Finance Corporation, Attention: HOME Home Ownership Development Program Manager, City Centre Building, 227 North Bronough Street, Suite 5000, Tallahassee, Florida, 32301-1329.

(d) through (h) No change.

(3) through (7) No change.

(8) The Review Committee shall recommend the preliminary scoring and ranking of each Application. The Corporation's Board of Directors shall approve or reject Applications for HOME Loans and shall determine the tentative loan reservation amount available to each Applicant selected for participation in the Program. The actual loan amount will be determined pursuant to Rules 67-47.140 and 67-47.150, F.A.C.

(9) through (12) No change.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History—New 8-7-95, Amended 11-28-96, 10-5-97, Formerly 9I-47.100, Amended 10-20-98,_____.

67-47.110 Administrative Procedures.

(1) Notice of intended funding or denial of funding will be provided to each Applicant with a statement that Applicants who wish to contest the decision must petition for review of the decision in writing within ten (10) calendar days of receipt of the notice. The petition for review is deemed filed when it is received by the Susan J. Leigh, Executive Director, at the

Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, prior to 5:00 p.m. E.S.T. Tallahassee time on the tenth day. Failure to timely file a petition shall constitute a waiver of the right to an administrative proceeding under Chapter 120, F.S.

(2) Any petition described in subsection (1) shall meet the requirements of Rule 28-5.201, F.A.C. If the petition concerns the scoring of an Application, the petition shall identify the forms on which scoring is contested and shall specify the errors claimed.

Specific Authority 420.507(12), FS. Law Implemented 420.5089(2) FS. History—New 8-7-95, Amended 11-28-96, 10-5-97, Formerly 9I-47.110, Amended 10-20-98,_____.

67-47.120 Terms and Conditions of Loans made to Housing Providers.

All Home Ownership Development Loans shall be in compliance with the Act and the HUD Regulations and at a minimum contain the following terms and conditions.

- (1) through (5) No change.
- (6) HOME Construction Loan funds may be used to construct up to three (3) speculative units. The number of HOME-assisted speculative units cannot exceed three (3) at any period of time for any one Home Ownership Development. Any housing assisted with a HOME Loan must be occupied by a Low-Income household during the affordability period regardless of whether the Construction Loan is repaid or not.

(7) through (12) No change.

(13) All HOME Loans must provide that any violation of the terms and conditions described in the Rule Chapter 67-47 or 24 CFR Part 92 (1996~~4~~) constitute default under the loan documents allowing the Corporation to accelerate its loan and seek foreclosure as well as any other remedies legally available to it.

(14) through (15) No change.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History—New 10-20-98, Amended_____.

67-47.130 Terms and Conditions of HOME Permanent Loans Made to Eligible Home Buyers or Home Owners.

If an Eligible Home Buyer assumes a Permanent Loan to make monthly mortgage payments affordable, the Buyer shall adhere to the following terms and conditions:

- (1) through (3) No change.
- (4) The HOME Second Mortgage Loan shall be limited as follows:

(a) For Developments funded in the Competitive Application Cycle, for ~~acquisition with~~ new construction, the lesser of 25 percent of the purchase price, for households with incomes up to 80 percent of the area median income, with adjustments for household size, or the amount necessary to enable an eligible Home Buyer to purchase a Home Ownership Unit based on the monthly mortgage payment (principal,

interest, taxes and insurance) to income underwriting ratio established by the financing program offered by the First Mortgage Lender.

(b) For existing Home Owner rehabilitation, the maximum Second Mortgage Loan request is \$25,000; the minimum Second Mortgage loan request is \$5,000.

~~(c)(b)~~ For Units funded with the SF MRB Program, the Home Loan shall be limited as set forth at 67-47.010(36)(b).

(5) The combined loan-to-value ratio may not exceed:

(a) For Developments funded in the Competitive Application Cycle, 105% of the after construction or after rehabilitation appraised value for purchase of the Home Ownership Unit;

(b) For SF MRB Units, 103% of the lesser of the Appraised value or Purchase price or as specified in the applicable SF MRB issue documents.

(6) Before disbursing any HOME funds, there must be a written Home Buyer/Owner Agreement with the individual Home Buyer or Home Owner ensuring compliance with the requirements of the HOME Program pursuant to this Chapter and 24 CFR Part 92 (1996). The written Home Buyer/Owner Agreement document is provided by the Corporation and included as an appendix in the Application Package, or in the SF MRB Lender's Guide, as applicable.

(7) The Home Buyer or Home Owner must maintain replacement cost hazard insurance naming the Corporation as an additional insured.

(8) A mortgagee policy of title insurance in the amount of the HOME Second Mortgage Loan naming the Corporation as insured shall be provided as a part of each Second Loan transaction.

~~(9)(8)~~ Loans will be serviced by the Corporation or its designated Servicer.

~~(10)(9)~~ Loans shall be evidenced by a properly executed note and shall be secured by a properly executed and recorded mortgage provided by the Corporation and included as an appendix in the Application Package, or in the SF MRB Lender's Guide, as applicable.

~~(11)(10)~~ Prepayment of loans is permitted without penalty.

~~(12)(11)~~ Loans are not assumable.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History—New 8-7-95, Amended 11-28-96, 10-5-97, Formerly 9I-47.130, Amended 10-20-98.

67-47.140 Credit Underwriting Procedures and Origination.

(1) through (4)(i) No change.

(j) Other sources of funds and the HOME Construction Loan or the HOME Rehabilitation Loan must close within 90 days of the date of the Corporation's firm Commitment ~~for the HOME Construction Loan.~~

(k) Any contract for the rehabilitation or construction of twelve or more HOME-assisted units, in accordance with Federal Labor Standards as enumerated in Rule 67-47.090(4), F.A.C. and 24 CFR Section 92.354 (1996), the Applicant must certify and agree to comply with the regulations and guidelines of Federal Labor Standard.

(5) It is the responsibility of the Applicant and Housing Provider to comply with each part of this section and to request in writing and show cause for any waiver or extension. Failure to comply will result in the rejection of the Applicant and the withdrawal of the Corporation's firm Commitment. The Corporation shall then offer a preliminary Commitment for a Construction Loan to ~~any~~ the next Applicant with an eligible Home Ownership Development on the HOME Ownership waiting list.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History—New 8-7-95, Amended 11-28-96, 10-5-97, Formerly 9I-47.140, Amended 10-20-98.

67-47.150 Disbursement of Funds.

For disbursement of HOME Loan funds, Home Ownership Developments funded through the Competitive Application Cycle must meet the following criteria:

(1) ~~Construction~~ Loan proceeds shall be disbursed during the construction/rehabilitation phase in an amount per Draw on a pro-rata basis with other financing. The Draw, when compared to the total Draw request then pending, shall not exceed the ratio of the HOME Construction Loan to the total Development cost, and in relation to the specified HOME-assisted units, unless approved by the Corporation's Credit Underwriter.

(2) Ten (10) business days prior to each Draw, the Housing Provider shall supply the Servicer, as agent for the Corporation, a written request, executed by the borrower for a Draw in a form, approved by the Corporation and the Servicer, which employs standard loan servicing criteria.

(3) A copy of the request for a Draw shall be delivered to the Corporation (Attention: HOME Home Ownership Program Manager) simultaneously with the delivery of the request to the Servicer and the Servicer's inspector.

(4) through (9) No change.

(10) If 100 percent of the loan proceeds awarded under the HOME Home Ownership Competitive Cycle have not been expended within six (6) months of HUD deadline pursuant to 24 CFR Section 92.500 (1996) and established in the written agreement with the Applicant, the funds shall be recaptured and reallocated to the SF MRB Program ~~any eligible Development on any Corporation waiting list or eligible HOME Development, as selected by the Board.~~

(11) Disbursement of HOME Funds used with a SF MRB Program shall be administered under the terms of the HOME Servicing Agreement for the applicable SF MRB Issue.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History—New 8-7-95, Amended 11-28-96, 10-5-97, Formerly 9I-47.150, Amended 10-20-98,_____.

67-47.160 Fees.

The Corporation shall charge a non-refundable Application Package fee of \$60.00. A non-refundable Application fee of \$250.00 for Non-Profit Applicants and \$350.00 for all others shall be charged per Application at the time of submission of each Application in the HOME Home Ownership Competitive Cycle for HOME loan funds. HOME Loan fees for the SF MRB Program shall be set forth in the applicable Program's Lender's Guide.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History—New 8-7-95, Formerly 9I-47.160, Amended 10-20-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robin Grantham, HOME Single Family Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Beverly B. Cliett, Chief Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329, (850)488-4197

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 19, 1999, Corporation Board Meeting

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 25, No. 12, March 26, 1999

Any person requiring special accommodation at the Rule Hearing because of a disability or physical impairment should contact Linda Hawthorne at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay System which can be reached at 1(800)955-8771.

Section II Proposed Rules

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE TITLES: RULE NOS.:

Transportation; Operation of Vehicles 4A-2.015

Transportation; Blasting Agents 4A-2.018

PURPOSE AND EFFECT: To amend the rules to conform to Section 552.12, Florida Statutes.

SUMMARY: These rules are being amended to conform with the requirements of Section 552.12, Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No SERC has been prepared.

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

SPECIFIC AUTHORITY: 552.13 FS.

LAW IMPLEMENTED: 552.12, 552.13 FS.

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

TIME AND DATE: 10:00 a.m., August 25, 1999

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Terry Barrow, State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0329

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

THE FULL TEXT OF THE PROPOSED RULE IS:

4A-2.015 Transportation; Operation of Vehicles.

(1) Vehicles transporting explosives shall only be driven by and be in charge of a driver who is physically fit, careful, capable, reliable, able to read and write the English language, and not addicted to the use, or under the influence of intoxicants or narcotics, ~~and not less than 18 years of age~~. He shall be familiar with the traffic regulations, state laws, and the provisions of these Rules and Regulations. The driver shall always have his vehicle under complete control. Violation of this paragraph shall be based upon an official report of any public official.

(2) through (10) No change.

Specific 552.13 FS. Law Implemented 552.12, 552.13 FS. History—Amended 6-25-66, Repromulgated 12-24-74, Formerly 4A-2.15, Amended _____.

4A-2.018 Transportation; Blasting Agents.

(1) No change.

(2) Vehicles transporting blasting agents shall only be driven by and be in charge of a driver ~~at least 18 years of age~~ who is capable, careful, reliable and in possession of a valid motor vehicle operator's license. Such a person shall also be familiar with the State vehicle and traffic laws.

(3) through (8) No change.

Specific Authority 552.13 FS. Law Implemented 552.12, 552.13 FS. History—Amended 6-25-66, Repromulgated 12-24-74, Formerly 4A-2.18, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Terry Hawkins, State Fire Marshal, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jim Radcliff, Bureau Chief, Fire Prevention, State Fire Marshal, Department of Insurance