

1. Food preparation and food storage areas shall be clean, free of odors, and dampness.

2. Homes shall have the facilities necessary for perishable food storage and meal preparation. ~~In those rural areas not served with electricity where adequate provisions cannot be made for food storage of perishable items, meal preparation which includes perishable items shall be accomplished immediately prior to each meal.~~

(e) Fire Protection.

1. A smoke detector shall be present in each dwelling

2. Flammable materials such as gasoline, paint, and cleaning fluids shall be stored outside and away from the main residence.

3. Frayed, cracked, or broken electrical wiring and extension cords shall be removed and replaced.

4. Fuel burning space units shall be hooded or vented in accordance with ~~4A-38.023, F.A.C. fire safety codes~~ or shall be so constructed as to not require this.

Specific Authority 410.033 FS. Law Implemented 410.034 FS. History--New 5-3-81, Amended 2-11-82, Formerly 10A-9.07, Amended 6-11-91, Formerly 10A-9.007, Amended.

65C-1.014 Confidentiality of Information.

Specific Authority 410.033 FS. Law Implemented 410.037 FS. History--New 6-11-91, Formerly 10A-9.014, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Twila Sisk

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Nancy Fulton, Director of Adult Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 19, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 14, 2000

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE NO.: 4A-37.0527 RULE TITLE: Retention of Certification

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 12, March 24, 2000, of the Florida Administrative Weekly. These changes are being made to address concerns expressed by the Joint Administrative Procedures Committee.

The first sentence of subsection (2) of 4A-37.0527 is changed to read:

(2) To be eligible to participate in the examination, an individual shall submit to the Bureau of Fire Standards and Training Form DI4-1308, Application for Practical Examination for Retention of Firefighter Certification, which is hereby adopted and incorporated by reference, and may be obtained from the Bureau of Fire Standards and Training, 11655 N.W. Gainesville Road, Ocala, FL 34482-1486, which shall include a medical examination evidencing good physical condition.

The remainder of the rule reads as previously published.

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE NO.: 4A-37.084 RULE TITLE: Definitions

SECOND NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 34, August 27, 1999, of the Florida Administrative Weekly. A notice of change was published in Vol. 25, No. 46, November 19, 1999. These changes are being made to address concerns expressed by the Joint Administrative Procedures Committee.

In subparagraph 2. and subparagraph 3. of paragraph (b) of subsection (5), the word "may" is changed to "shall".

The remainder of the rule reads as previously published.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.: 12B-7.0225 RULE TITLE: Computation of Phosphate Rock Tax Rate

NOTICE OF CORRECTION

Notice is hereby given that the following information was inadvertently omitted from the Notice of Proposed Rule, published in Vol. 26, No. 14, April 7, 2000, issue of the Florida Administrative Weekly.

NAME OF PERSON ORIGINATING PROPOSED RULE: Joseph Parramore, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4709

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 24, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed rule was noticed for Rule Development Workshop in the Florida Administrative Weekly on February 2, 2000 (Vol. 26, No. 5, pp. 426-427).

The workshop was held on February 22, 2000. No one attended the rule development workshop and no one submitted written comments.

DEPARTMENT OF CORRECTIONS

RULE NOS:	RULE TITLES:
33-103.003	Inmate Grievances – Training Requirements
33-103.019	Inmate Grievances – Forms

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 12, March 24, 2000, issue of the Florida Administrative Weekly:

33-103.003 Inmate Grievances – Training Requirements.

(1) Staff Training. The Bureau of Staff Development shall develop and implement a standardized plan to train staff in the use of the inmate grievance procedure. The training shall be designed to familiarize staff with the provisions of Chapter 33-103, Florida Administrative Code, and the standardized forms utilized in the grievance procedure. Staff training is governed by Chapter 33-209, Florida Administrative Code.

(a) through (b) No change.

(c) The provision of training shall be documented on Form DC2-901, Training Attendance Report.

(2) No change.

33-103.019 Inmate Grievances – Forms.

The following forms relevant to this chapter are hereby incorporated by reference. A copy of any of these forms is available from the Bureau of Inmate Grievance Appeals, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If the forms are to be mailed, the request must be accompanied by a self-addressed stamped envelope.

(1) through (3) No change.

(4) Form DC2-901, Training Attendance Report, effective

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.:	RULE TITLE:
40E-0.103	Procedures for Processing Permit Applications

NOTICE OF CHANGE

Notice is hereby given that the following change has been made in the proposed rule in response to comments received from the public and from the Florida Legislature Joint Administrative Procedures Committee and in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 10, March 10, 2000 issue of the Florida Administrative Weekly:

When changed, sentence 3 of Rule 40E-0.103(1)(d) shall read: "The District shall grant an extension upon a showing of a good faith effort by the applicant to comply with the timelines set forth herein. "

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.:	RULE TITLE:
40E-1.603	Application Procedures for Conceptual Approval, Individual and General Permits

NOTICE OF CHANGE

Notice is hereby given that the following change has been made in the proposed rule in response to comments received from the public and from the Florida Legislature Joint Administrative Procedures Committee and in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 10, March 10, 2000 issue of the Florida Administrative Weekly:

When changed, sentence 3 of Rule 40E-1.603(1)(d) shall read: "The District shall grant an extension upon a showing of a good faith effort by the applicant to comply with the timelines set forth herein."

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Care Responsibility Program

RULE NO.:	RULE TITLE:
59H-1.0035	Definitions

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the above proposed rule published in Vol. 26, No. 3, January 21, 2000, issue of the Florida Administrative Weekly. The rule number was previously listed as 59H-1.00352, it should have been listed as 59H-1.0035.

DEPARTMENT OF MANAGEMENT SERVICES

Career Service System

RULE NO.:	RULE TITLE:
60K-3.009	Selection Process

NOTICE OF ADDITIONAL PUBLIC HEARING

The Department of Management Services announces a public hearing to which all persons are invited.

TIME AND DATE: 2:00 p.m., May 15, 2000

PLACE: Room 301, 4040 Esplanade Way, Tallahassee, Florida

PURPOSE: The purpose of the hearing is to receive comments on Eligibility Determination Manual, which is incorporated by reference in Rule 60K-3.009(1)(d), Selection Process.

A copy of the Eligibility Determination Manual may be obtained by contacting: The Department of Management Services, Division of Human Resource Management, 4050 Esplanade Way, Building 4040, Suite 360, Tallahassee, FL 32399-0950.

The original notice of proposed rule adoption was published in the Florida Administrative Weekly in Vol. 25, No. 44, on November 5, 1999. Several notice of changes were published in the Weekly in Vol. 26, No. 4, on January 28, 2000; Vol. 26, No. 10, on March 10, 2000; and Vol. 26, No. 13, on March 31, 2000.

DEPARTMENT OF MANAGEMENT SERVICES

Career Service System

RULE NO.: RULE TITLE:
60K-4.002 Statements of Policy

NOTICE OF ADDITIONAL PUBLIC HEARING

The Department of Management Services announces a public hearing to which all persons are invited.

TIME AND DATE: 2:00 p.m., May 15, 2000

PLACE: Room 301, 4040 Esplanade Way, Tallahassee, Florida

PURPOSE: The purpose of the hearing is to receive comments on the Eligibility Determination Manual incorporated by reference in Rule 60K-3.009(1)(d). Rule 60K-4.002(8)(b), Statements of Policy, references that applicants for employment into the Career Service must be determined eligible under that rule. A copy of the Eligibility Determination Manual may be obtained by contacting: The Department of Management Services, Division of Human Resource Management, 4050 Esplanade Way, Building 4040, Suite 360, Tallahassee, FL 32399-0950. The original notice of proposed rule adoption was published in the Florida Administrative Weekly in Vol. 25, No. 44, on November 5, 1999. A notice of change was published in the Weekly in Vol. 26, No. 13 on March 31, 2000.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: RULE TITLE:
61G6-5.0035 Certification of Registered Contractors

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 44, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held on March 29, 2000.

The rule shall now read as follows:

61G6-5.0035 Certification of Registered Contractors.

Any registered contractor who wishes to become a certified contractor in the appropriate category pursuant to the "grandfathering" provisions of Section 489.514, F.S., shall meet all of the following requirements:

(1) Submit a completed "Application for Certification of a Registered License" on Form BPR/ECLB-REG.TO.CERT. 4/2000, which is hereby incorporated by reference, effective _____, copy of which may be obtained from the Board office.

(2) Submit proof of continuing education pursuant to Rule 61G6-9.001, F.A.C. for the latest renewal cycle prior to application.

(3) For purposes of implementing § 489.514, Florida Statutes, the registered contractor must have:

(a) passed with a grade of 75% or better, a written, proctored examination in the appropriate category as specified in subsection (2) of the statute, and,

(b) five (5) years experience as a registered contractor in the category for which certification is sought. The registered contractor must have held an active license in that category for a period of at least 5 years. The 5 year period is not required to be consecutive. Any time periods when the license was placed on inactive status or when the licensee was on probationary status shall not count toward the 5 years required experience; or,

(c) five (5) years of oversight or inspection responsibility as a building code administrator or inspector in the category for which certification is sought. Any time periods when the license was placed on inactive status or when the licensee was on probationary status shall not count toward the five (5) years' required experience.

(4) For purposes of implementing 489.514, the following appropriate categories of certification are established, in addition to those previously established by laws and rules.

(a) Certified Electrical Contractor – Any individual who is a registered electrical contractor and a registered or certified alarm system I contractor shall be a Certified Unlimited Electrical Contractor upon complying with the requirements of Chapter 489, Florida Statutes and this rule. The scope of this certification includes that of a registered electrical contractor plus that of a registered alarm system I contractor without geographical or jurisdictional limitation. The license shall be designated EC.

(b) Certified Limited Electrical Contractor – Any individual who is a registered electrical contractor shall be a Certified Limited Electrical Contractor, upon complying with the requirements of the Chapter 489, Florida Statutes and this rule. The scope of this certification includes all that of a registered electrical contractor without geographical or jurisdictional limitation. The license shall be designated ECL.

Specific Authority 489.507(3), 489.514 FS. Law Implemented 489.513(3), 489.514, 489.517 FS. History—New _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Electrical Contractors' Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE NO.: 61G8-31.001
 RULE TITLE: Procedure Required
 NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 25, No. 37, September 17, 1999, issue of the Florida Administrative Weekly. The changes are in response to comments provided by the staff of the Joint Administrative Procedures Committee. Subsection (3) shall now read as follows:

(3) Each funeral establishment involved in arrangements for cremation of deceased persons shall retain and make available for inspection by the Department records pertaining to each cremation arranged by the funeral establishment. Cremation records shall be retained for a period of at least 2 years and shall include, but not be limited to the following:

- (a) Signed declaration of intent;
- (b) Date of cremation;
- (c) Disposition of cremated remains; and
- (d) Contract for funeral/cremation arrangements.

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

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE NO.: 64B-3.004
 RULE TITLE: Physician Office Incident Reporting
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule, as noticed in Vol. 26, No. 4, January 28, 2000, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: 64B1-3.010
 RULE TITLE: Licensure by Endorsement through another State License
 NOTICE OF PUBLIC HEARING

The Board of Acupuncture hereby gives notice of a public hearing on the above-referenced rule to be held on June 2, 2000 at the Embassy Suites Hotel, 555 North Westshore Blvd.,

Tampa, Florida 33609 at 9:00 a.m. The rule was originally published in Vol. 25, No. 39, of the February 25, 2000, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William Buckhalt, Executive Director, Board of Acupuncture, 2020 Capital Circle, Southeast, BIN #C06, Tallahassee, Florida 32399-3259

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: 64B1-4.001
 RULE TITLE: Acupuncture Program Requirements
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published Vol. 26, No. 8, February 25, 2000, issue of the Florida Administrative Weekly. In subsection (3), the date "October 1, 2001" should be changed to "August 1, 2001."

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William Buckhalt, Executive Director, Board of Acupuncture, 2020 Capital Circle, Southeast, BIN #C06, Tallahassee, Florida 32399-3259

DEPARTMENT OF HEALTH

Division of Disease Control

RULE NOS.: 64D-3.003, 64D-3.013
 RULE TITLES: Notification by Laboratories, Procedures for Control of Specific Communicable Diseases
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in the proposed rules as noticed in the Notice of Change published in Vol. 26, No. 16, April 21, 2000, of the Florida Administrative Weekly. These changes are being made in response to comments received from the Florida Legislature Joint Administrative Procedures Committee.

When changed, Rule 64D-3.003(1) shall read as follows:

(1) Each laboratory director or designee in charge of a laboratory shall report, or cause to be reported evidence suggestive of or diagnostic of diseases or conditions listed in 64D-3.002(1), F.A.C., from any specimen derived from a human body, or from an animal in the case of rabies or plague testing, to the county health department director or administrator or the State Health Officer or to either of their

designated representatives. Such reports shall be made within 72 hours of recognition by telephone, or other electronic means, or in writing, except for certain specified diseases as indicated by a (T), which shall be reported immediately by telephone and followed within 72 hours by a written report.

When changed, Rule 64D-3.013(6)(b) shall read as follows:

(b) Infants born to HBsAg-positive mothers shall receive hepatitis B immune globulin and hepatitis B vaccine once they are physiologically stable, preferably within 12 hours of birth, and shall complete the hepatitis B vaccine series according to the recommended vaccine schedule. Testing infants for HBsAg and antibody to hepatitis B surface antigen (anti-HBs) ~~three (3) to nine (9)~~ six (6) months after the completion of the hepatitis B vaccine series is recommended to monitor the success or failure of therapy. A positive HBsAg result in any child aged 24 months or less shall be reported to the local county health department.

DEPARTMENT OF HEALTH

Division of Disease Control

RULE CHAPTER NO.: 64D-3
 RULE CHAPTER TITLE: Control of Communicable Diseases and Conditions which may Significantly Affect Public Health

RULE NO.: 64D-3.018
 RULE TITLE: Partner Notification

NOTICE OF WITHDRAWAL

Pursuant to Section 120.54(3)(d)1., Florida Statutes, notice is hereby given that the above proposed rule amendment, as noticed in Vol. 26, No. 6, February 11, 2000, issue of the Florida Administrative Weekly, have been withdrawn in response to comments received from the Florida Legislature Joint Administrative Procedures Committee.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-4.100
 RULE TITLE: Relocation Assistance

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 26, No. 4, January 28, 2000 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-4.101
 RULE TITLE: WAGES Early Exit Diversion Program

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the cited proposed rule published in Vol. 26 No. 7, February 18, 2000 issue of the Florida Administrative Weekly, in accordance with subparagraph 120.54(3)(d)1., F.S. The specific changes were made in response to the comments received from the Joint Administrative Procedures Committee. The changes clarify that individuals who receive a temporary cash assistance payment of less than "\$100 per month" are to be notified of this option and provide the date the proposed rule was approved by the agency head.

Specific changes are as follow:

Paragraph (1), first sentence: The Public Assistance Specialist will identify individuals who receive temporary cash assistance payments of less than \$100 per month and will inform them about the Early Exit Diversion Program option and how this payment will be considered in determining eligibility for food stamps and Medicaid.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 19, 1999

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-38.002	Definitions
67-38.0025	Notice of Funding Availability
67-38.003	Application Submission Procedures
67-38.004	Incomplete Applications and Rejection Criteria
67-38.005	Application Evaluation and Award Guidelines
67-38.007	Terms and Conditions of the Loan
67-38.008	Eligible Uses for the Loan
67-38.010	Credit Underwriting Procedures
67-38.011	Fees
67-38.012	Sale, Transfer or Conveyance of Development
67-38.014	Disbursement Procedures
67-38.0145	Compliance and Monitoring Procedures
67-38.015	Disposition of Property Accruing to the Corporation
67-38.017	Application Procedures for Applicants participating Under 1998 Cycles I and II

NOTICE OF CHANGE

Notice is hereby given that in response to public comments, both oral and written, and recommendations made by the Joint Administrative Procedures Committee, the following changes in addition to non-published technical corrections/clarifications have been made to Rule 67-38, Florida Administrative Code as published in Vol. 26, No. 5 of the Florida Administrative Weekly on February 4, 2000.

67-38.002 Definitions.

(1) "Act" means the Florida Housing Finance Corporation Act as found in Chapter 420, Part V, Florida Statutes, as amended, and more specifically referenced in the Predevelopment Loan Program Act, Sections 420.521 through 420.529, Florida Statutes.

(6) "Application Package" means the forms, tabs threshold requirements, and instructions thereto; and other information necessary for submission of an Application under the Predevelopment Loan Program, obtained from the Corporation at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. The Corporation hereby adopts by reference the Application Package (Form PLP 2000), comprising the Predevelopment Loan Program Application Package prepared by the Corporation for the current cycle which shall be completed and submitted to the Corporation by an Applicant in accordance with this Rule Chapter in order to apply for PLP funds.

(10) "Corporation" or "Florida Housing" or "FHFC" means the Florida Housing Finance Corporation, a public corporation and the successor to the Florida Housing Finance Agency.

(13) "Development Plan" means the written description/narrative of the proposed Development submitted to the Corporation by the Applicant with the concurrence recommendation of the Technical Assistance Provider detailing the Applicant's objectives and goals with respect to the Development, from formulation of the development concept through construction, leasing, operation or sale. The Development Plan shall clearly set forth the Applicant's anticipated sources to fund all anticipated predevelopment expenses, including those in excess of the amounts to be requested under the Predevelopment Loan Program, if any, and the sources and uses of construction and permanent financing.

(19) "Loan Committee" or "Review Committee" means a group composed of at least five persons ~~including a Board member appointed by the Chairman of the Board or other committee~~ as designated by the Board who will be responsible for review and approval of Applications under the PLP Program. Meetings of the Loan Committee shall be called by the Chairperson of the Committee who shall be appointed by the Executive Director.

(21) "Minimum Set-Aside Requirement" means, with respect to PLP,

(a) for rental Developments,

~~1- a minimum of 60% 20% of the completed housing units must be rented to persons whose income does not exceed 60% 50% of the median income for the area, as determined by HUD, with adjustments for family size; or~~

~~2- a minimum of 40% of the completed housing units are rented to persons whose income does not exceed 60% of the median income for the area, as determined by HUD, with adjustments for family size.~~

67-38.0025 Notice of Funding Availability.

(3) PLP funding shall be available to Applicants whose Applications have met threshold, on a first-come, first-served basis pursuant to this Rule Chapter, except for Applications for Farmworker Developments which shall receive priority.

67-38.003 Application Submission Procedures.

~~(2) The Corporation hereby adopts by reference the Application Package (Form PLP 2000) which provides forms, tabs, threshold requirements, instructions and other information necessary for submission of an Application under the Predevelopment Loan Program.~~

(8) If the Applicant, any of its principals or Affiliates, including the Developer, or any member of the Project's development team are determined by the Corporation to have engaged in fraudulent actions, or to have intentionally misrepresented information in any previous application(s) or other documents submitted to the Corporation, the Applicant, its principals and ~~or~~ Affiliates, including the Developer, shall or such member of the development team will be deemed ineligible to participate in any program administered by the Corporation for two fiscal years beginning on the date the Corporation's Board of Directors approves the disqualification ~~of the Application.~~

67-38.004 Incomplete Applications and Rejection Criteria.

(1) Each Application shall be reviewed by the PLP staff to determine that the Application is complete. Complete Applications will be forwarded to the Loan Committee for action pursuant to the requirements specified in this Rule Chapter ~~and the Application.~~ If an Application is determined by staff to be incomplete, Applicant will be contacted and given an opportunity to provide the missing materials. The Application, however, will not be placed in priority order or on a waiting list until such time that all items have been submitted and Application is determined to be complete.

(2)(b) The Applicant, any of its principals or Affiliates, including the Developer, or any member of the development team ~~has been found by the Corporation to have engaged in fraudulent activities or misrepresented facts on the Application; or~~ has not waited the time period specified in Rule 67-38.003(8), F.A.C.; or

(2)(f) The Applicant fails to ~~complete and~~ submit additional items and complete information necessary for the Application to be considered complete; or

67-38.005 Application Evaluation and Award Guidelines.

If the Loan Committee rejects the Application, Applicant will be notified in ~~if~~ writing of the reason for rejection of the Application and provided an opportunity to rectify, ~~if possible,~~ any outstanding issues which may have caused rejection of the Application.

(4) If the Loan Committee approves the Application and

(a) funds are available, Florida Housing shall issue an Invitation to Participate assign a Technical Assistance Provider to the Applicant to review of the Application and make a preliminary assessment as to the feasibility of the Development; or

(b) funds are not available, Applicant will be placed on a waiting list, based on the date and time an Application was determined to be complete and have met threshold until such time that funds are available, at which time the Applicant will be issued an Invitation to Participate, or Application is withdrawn.

~~(5) The Technical Assistance Provider shall notify Florida Housing of its findings and if the Technical Assistance Provider determines that the Development is not feasible, Applicant will be notified of such outcome and no funds shall be disbursed on behalf of the Applicant other than fees for the Technical Assistance Provider's review. If the Technical Assistance Provider determines the Development may be feasible, an Invitation to Participate will be issued to the Applicant. The Invitation to Participate must be executed and returned to the Corporation within 15 days of receipt. If the executed Invitation to Participate is not received by the Corporation within 15 days, the Invitation to Participate will be withdrawn and Applicant shall be so notified.~~

(6) Upon receipt of executed Invitation to Participate by the Corporation, the Corporation shall assign a Technical Assistance Provider. The Technical Assistance Provider shall work with the Applicant to formulate a Development Plan. The Development Plan shall include a preliminary budget and timeline and set forth all predevelopment activities necessary to obtain construction and permanent financing for the Development. The Development Plan should also indicate, to the extent possible, the amount of PLP funds expected to be needed. The Applicant shall be given up to six months from the execution of the Invitation to Participate to complete and submit the Development Plan. Florida Housing will cancel the Invitation to Participate if the Plan is not submitted within the six-month period and all Loan documents, if any, shall be cancelled.

(9) If a Development Plan does not receive approval by the Loan Committee, no funds will be disbursed other than for outstanding expenses and any funds which have been disbursed or are owed to the Technical Assistance Provider.

~~(10)(9)~~ Upon execution of all the Loan documents ~~agreement~~, funds will be available for disbursement for eligible predevelopment activities as specified in this Rule Chapter.

67-38.007 Terms and Conditions of the Loan.

Applicants are required to work with the Technical Assistance Provider which shall provide services as described in this Rule Chapter. Fees of the Technical Assistance Provider ~~for the initial 120 hours of Technical Assistance will be paid by Florida Housing. Technical Assistance Provider fees in excess of 120 hours shall be paid by Florida Housing if they are~~

~~deemed reasonable and necessary by Florida Housing when considering such factors as the experience or lack thereof of the Applicant and the size and difficulty of the Development. Any fees for technical assistance not paid by Florida Housing shall be the responsibility of the Applicant. However, PLP funds may be used to pay the Technical Assistance Provider.~~

(5) Loan shall mature on the earlier of (i) the date of closing of the permanent/construction loan for the Development or (ii) 3 years from the date of execution of Loan documents or other such extended Loan maturity date approved by the Board. Approval by the Board of an extension of the maturity of a Loan shall be subject to the following: However, the Board may extend the term of the Loan. Any such extension shall be based upon, among other criteria, the state of the economy; the past performance record of the Applicant, its principals and Affiliates;

(a) the recommendation of the Credit Underwriter and the Technical Assistance Provider that an extension of the Loan the requested extension is likely to result in the successful completion of the Development;

(b) past performance of the Applicant; ~~and~~ submission of the following by the Applicant:

~~(i) the reasons for the extension, (ii)~~

(c) a revised Development Plan, approved by the Technical Assistance Provider, reflecting the reasons for the extension and the tasks and activities to be completed during the extension period;

(d) evidence of the Applicant's ability to complete the Development, and ~~(iv)~~

~~(e) an alternate financing plan in the event the original financing source withdraws. Extension requests which do not include the foregoing items above shall not be reviewed or considered for extension of maturity by the Board of Directors of the Corporation.~~

(8) Upon determination by the Board that other remedies are ineffectual or non-existent and that the best interest of Florida Housing is served by acceleration ~~(The Loan may be accelerated in the event the following occurs:~~

(a) Proceeds of the Loan are used for any purpose not specified in the Development Plan, the documents evidencing or securing the Loan, the Act or this Rule Chapter; or

(b) The Development fails to meet or maintain the Minimum Set-Aside Requirement during the Compliance Period; or

(c) Sale, transfer, or conveyance of the Development without the prior written approval of the Corporation, as set forth in Rule 67-38.012, F.A.C.

(14) With respect to rental Developments, in order to assure that such Developments will serve the target population and maintain the Minimum Set-Aside Requirements, in addition to the execution and recordation of the Land Use Restriction Agreement (LURA), all deeds conveying title to real estate which is improved with rental units shall contain

restrictive covenants which encompass all of the units in the Development ~~and which shall, to~~ provide for the continued rental of the units to persons within the target population for the Compliance Period. The Servicer ~~shall will~~ conduct a review and physical inspection prior to closing of the construction/permanent financing to assure that the Development meets the Minimum Set-Aside Requirements and provides the intended benefit to the target population pursuant to the Act. The Corporation reserves the right to monitor each Development funded under the Predevelopment Loan Program at any time after completion of the Development to assure continued compliance with the applicable provisions of this Rule Chapter.

67-38.008 Eligible Uses for the ~~Advance and~~ Loan.

(2) The Corporation shall monitor all Predevelopment activity expenditures through the designated Technical Assistance Provider and ~~shall may~~ deny disbursements which have not been approved by the Technical Assistance Provider prior to submission to Florida Housing.

(3)(n) Approved acquisition expenses in connection with the Development Project Site;

(s) Site development activities approved by the Corporation; ~~and~~

(t) ~~Insurance fees; and Fees for Technical Assistance Provider in excess of 120 hours as allowed by Rule 67-38.007(1), F.A.C.~~

(u) Connection fees.

67-38.010 Credit Underwriting Procedures.

(4) An appraisal of the proposed Development Site to be acquired shall be required during the Preliminary Underwriting Assessment process. ~~The Applicant may choose an appraiser from the Credit Underwriter's approved list of appraisers; however, the~~ The Credit Underwriter shall choose an appraiser from the Credit Underwriter's approved list of appraisers and order; the appraisal of the Development Project.

(6) The Credit Underwriter may require additional information as is necessary to evaluate the Development Plan and make a determination as to the feasibility of the Development. If the Credit Underwriter requires additional clarifying materials in the course of the Preliminary Underwriting Assessment process, the Credit Underwriter shall request the materials from the Applicant and shall specify deadlines for submission of each such material. Failure to submit required information by the specified deadline, unless a written extension of time has been approved by the Corporation, shall result in the request for disbursement for site acquisition being denied ~~funding.~~

It is the responsibility of the Applicant with the assistance of the Technical Assistance Provider to comply with each part of this Rule Chapter and to request in writing and provide evidence acceptable to the Corporation of extenuating circumstances for any requested waiver or extension. A failure

to comply with any part of this Rule Chapter without the prior written permission of the Corporation will result in the disqualification of the Applicant and rescission of the Invitation to Participate.

67-38.011 Fees.

(d) A ~~nonrefundable~~ commitment fee of ~~\$600~~ \$2,500 shall be paid to the Corporation and is due at the time Applicant accepts the Invitation to Participate upon execution of the line of credit Loan agreement, and an additional \$600 commitment fee shall be paid after approval of the Development Plan and prior to the first draw. In the event the Development Plan does not receive approval, the \$600 fee paid at the time of acceptance of the Invitation to Participate shall be retained by the Corporation. In the event the Development Plan is approved, the Applicant's Loan amount due upon closing of the construction/permanent financing will be reduced by \$1,200 reflecting the full commitment fee paid.

67-38.012 Sale, Transfer or Conveyance of Development.

(3) Written approval shall be obtained from the Corporation prior to any increase in per lot or per unit sales price. Approval shall be based on evidence from the Applicant, acceptable to the Corporation, indicating an increase in the acquisition and development cost of the Development or an increase in debt service payments or property taxes;

67-38.014 Disbursement Procedures.

(5) Before requests for disbursements under the Loan are ~~processed honored,~~ the Applicant Technical Assistance Provider shall provide inspect or require verification to from the Technical Assistance Provider and the Corporation Applicant that the work for which payment is being requested has been performed satisfactorily and on schedule or that the expenses to be reimbursed have actually been incurred or will be incurred.

67-38.0145 Compliance and Monitoring Procedures.

(4)(c)5. Income Certification Form TIC-1 for each tenant. ~~A sample~~ Form TIC-1, which is hereby incorporated by reference, can be obtained from the Corporation. For Developments participating in Section 8 and RD Programs, the HUD Forms 50058 or 50059 or RD (or FmHA) Form 1944-8 may be used in lieu of Form TIC-1 as long as proper documentation is maintained in the tenant files.

67-38.015 Disposition of Property Accruing to the Corporation.

(1) When title to property has been acquired by the Corporation under the Predevelopment Loan Program, the Corporation ~~shall may~~ dispose of such property through a competitive bidding process established by the Corporation.

(2) The Corporation ~~shall may~~ advertise the availability of such property by soliciting proposals from any organization, agency, local government or individual for the sale of the property for housing for the target population, or if the

character of the property has changed so that housing is no longer of suitable use, then for any public purpose compatible to the area.

(3) In the event no offers for purchase of the property are received, the Corporation shall ~~may~~ negotiate the sale or lease of such property with other Applicants. All such property must be used to provide housing with set-asides to persons within the target population. If the character of the property has changed and no such proposals are received for development of affordable housing, the Corporation shall ~~may~~ sell or lease the property for other public purposes.

67-38.017 Application Procedures for Applicants Participating Under 1998 Cycles I and II.

(1) Participants funded under Cycle I or Cycle II of the 1998 Predevelopment Loan Program, pursuant to Chapter 421 of the Florida Statutes, that have not taken final draws on that funding, shall be allowed to apply for funding under this Rule

(2) To participate these Applicants shall complete and submit Form PLP 2000. Such Applications shall be subject to all provisions of this Rule except that such Applications shall not be subject to review by the Loan Committee but be deemed to have met threshold.

(3) The Corporation shall issue an Invitation to Participate when the Application has been determined to be complete, provided previous Predevelopment Loan Program award is relinquished, and outstanding notes and mortgages are satisfied with funding provided under this Rule.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-28.002 RULE TITLE: Florida Waterfowl Stamp Design Contest

NOTICE OF WITHDRAWAL

Notice is hereby given that the proposed rule amendment for the above rule which was published in the April 21, 2000, edition of the Florida Administrative Weekly has been withdrawn.

**Section IV
Emergency Rules**

DEPARTMENT OF THE LOTTERY

RULE TITLE: Leave Payment RULE NO.: 53ER00-15
SUMMARY OF THE RULE: The emergency rule sets forth the provision for payment of regular compensatory leave to an employee who leaves employment of the Lottery pursuant to a reduction in workforce.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER00-15 Leave Payment.

An employee who leaves the employment of the Lottery pursuant to a reduction in workforce will be paid for unused regular compensatory leave credits up to a maximum of one hundred sixty hours.

Specific Authority 24.109(1), 24.105(10)(j), 24.105(20)(d) FS. Law Implemented 24.105(20)(d) FS. History—New 4-13-00.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: April 13, 2000

**Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver**

DEPARTMENT OF EDUCATION

The Florida Board of Regents hereby gives notice that has received a petition for emergency variance, filed on April 11, 2000, from all ten universities in the State University System, seeking an emergency variance from Rule 6C-6.002(3)(a), Florida Administrative Code, which prescribes the admissions eligibility credit requirements for entering university freshmen, specifically that portion of subsection 6C-6.002(3)(a), FAC., that requires entering freshmen to possess 4 additional academic electives from the 5 subject areas referenced in the rule, i.e., English, math, natural science, social science and foreign language, since students have been counseled more broadly under the provisions of the counseling manuals issued by the Department of Education. The petitioners seek the emergency variance from the application of the Rule until Summer 2003. The Board GRANTED the petition pursuant to the Order filed in this matter.

A copy of the final order can be obtained from: Gregg Gleason, General Counsel, Florida Board of Regents, 1454 Florida Education Center, 325 W. Gaines Street, Tallahassee, Florida 32399-1950, or phone (850)201-7170.

DEPARTMENT OF TRANSPORTATION

NOTICE IS HEREBY GIVEN that, pursuant to Section 120.542, Florida Statutes, on April 12, 2000, the Florida Department of Transportation issued an Order Granting Request for Variance, with conditions, for the petition of Industrial Chemical & Supply Co., seeking a variance from the