

Specific Authority 499.01, 499.012, 499.0122, 499.013, 499.014, 499.028, 499.04, 499.041, 499.05, 499.62, 499.63, 499.64, 499.66, 499.67, 499.701 FS. Law Implemented 499.01, 499.012, 499.0121, 499.0122, 499.013, 499.028, 499.04, 499.041, 499.05, 499.06, 499.062, 499.063, 499.064, 499.066, 499.067 FS. History—New 12-12-82, Amended 7-8-84, 1-30-85, Formerly 10D-45.54, Amended 11-26-86, 2-4-93, 7-1-96, Formerly 10D-45.054, Amended 1-26-99, 4-18-01, 10-29-02,_____.

64F-12.018 Fees.

(1) through (3) No change.

(4) Miscellaneous other fees are as follows:

<u>Description of other service fees</u>	<u>Fee</u>
Initial Application / On-site Inspection	\$150

(The initial application/on-site inspection fee is non-refundable.)

Prescription Drug Wholesaler Bond or Out-of-State Prescription Drug Wholesaler Bond, if applicable, as set forth in s. 499.012(2), (refundable) \$200

Change of Address Fee:

A relocation fee of \$100 must be paid for each permitted person relocating for which an on-site inspection is required. If no on-site inspection is required, the relocation fee is \$25 per permit. If a permitted person has multiple permits under the same permitted name and address and relocates any or all permitted activities concurrently to the new location, then only one \$100 fee is required plus \$25 for all other permits.

Product Registration (per drug or cosmetic product registered) \$ 20 *

* The registration fee for a drug or cosmetic product being amended to an existing product registration that has 12 months or less until it expires is \$10.

Listed Identical Products	\$ -0-
Free Sale Certificate	\$ 25
Signature copy (requested concurrently)	\$ 2
Delinquent Establishment Permit Renewal	\$100

(5) No change.

Specific Authority 499.01, 499.012, 499.015, 499.04, 499.041, 499.05 FS. Law Implemented 499.01, 499.012, 499.015, 499.04, 499.041 FS. History—New 7-1-96, Formerly 10D-45.0544, Amended 4-18-01,_____.

Section II Proposed Rules

DEPARTMENT OF INSURANCE

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

PURPOSE, EFFECT AND SUMMARY: To update Annual and Quarterly Reporting Requirements to be consistent with new NAIC Standards.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 624.307, 624.308(1) FS.

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

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

TIME AND DATE: 9:00 a.m., April 16, 2003

PLACE: Room 145, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kerry Krantz, Bureau of Life and Health Insurer Solvency, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0327, phone (850)413-3153

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 the person listed above.

THE FULL TEXT OF THE PROPOSED RULE IS:

4-137.001 Annual and Quarterly Reporting Requirements.

(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, 2003 2002;

2. The NAIC's Annual Statement Instructions/Life, Accident and Health, 2003 2002; and

3. ~~At the option of a life, accident, and health company or a property and casualty company whose policy and contract premiums, claims, and liabilities are 100% health insurance,~~ The NAIC's Annual Statement Instructions/Health, 2003 2002; and

4. The NAIC's Accounting Practices and Procedures Manual, as of March 2003 2002.

(b) No change.

Specific Authority 624.307, 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, 4-4-99, 11-30-99, 2-11-01, 4-5-01, 12-4-01, 12-25-01, 8-18-02,_____.

NAME OF PERSON ORIGINATING RULE: Kerry Krantz, Bureau of Life and Health Insurer Solvency, Division of Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Streukens, Bureau Chief, Bureau of Life and Health Insurer Solvency, Department of Insurance

DATE PROPOSED RULE APPROVED BY THE AGENCY HEAD: March 4, 2003
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 8, 2002

DEPARTMENT OF INSURANCE

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

PURPOSE, EFFECT AND SUMMARY: Handbook Adopted To adopt the 2003 Edition of NAIC Financial Examiners Handbook.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 624.308(1) FS.
 LAW IMPLEMENTED: 624.307(1), 624.316(1)(c) FS.
 IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):
 TIME AND DATE: 9:00 a.m., April 16, 2003
 PLACE: Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kerry Krantz, Bureau of Life and Health Insurer Solvency, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0327, phone (850)413-3153

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 the person listed above.

THE FULL TEXT OF THE PROPOSED RULE IS:
 4-138.001 NAIC Financial Examiners Handbook Adopted.

- (1) The National Association of Insurance Commissioners Financial Condition Examiners Handbook Volume I (2003 ~~2002~~) is hereby adopted and incorporated by reference.
- (2) through (3) No change.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 624.316(1)(c) FS. History—New 3-30-92, Amended 4-9-97, 4-4-99, 11-30-99, 2-11-01, 12-25-01, 8-18-02,_____.

NAME OF PERSON ORIGINATING RULE: Kerry Krantz, Bureau of Life and Health Insurer Solvency, Division of Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Streukens, Bureau Chief, Bureau of Life and Health Insurer Solvency, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 4, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 8, 2002

DEPARTMENT OF INSURANCE

RULE TITLE: Effect of Law Enforcement Records on
 RULE NO.: 4-211.042

PURPOSE AND EFFECT: Applications for Licensure To discuss amending paragraph 4-211.042(21)(aa), F.A.C., to insert the words “with intent to defraud” after “passing worthless check(s)” in the list of class A crimes. This is to explicitly conform the rule to case law construing the meaning of “moral turpitude” in the context of writing a bad check; e.g., *The Florida Bar v. Davis*, 361 So2d 159.

SUMMARY: The explicit inclusion of fraudulent intent to “passing worthless check(s)” in the list of crimes involving moral turpitude for the purpose of insurance representative licensure application evaluation.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 624.308 FS.
 LAW IMPLEMENTED: 112.011, 624.307(1), 626.161, 626.171, 626.201, 626.207, 626.211, 626.291, 626.601, 626.611(7),(14), 626.621(8), 626.631, 626.641 FS.

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

TIME AND DATE: 9:30 a.m., Monday, April 14, 2003
 PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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 the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Audrey Huggins, Chief, Bureau of Agent and Agency Licensing, Division of Agent and Agency Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0319, (850)413-5405

THE FULL TEXT OF THE PROPOSED RULE IS:

4-211.042 Effect of Law Enforcement Records on Applications for Licensure.

(1) through (20) No change.

(21) Class "A" Crimes include all those listed in this subsection, where such crimes are felonies, and all are of equal weight notwithstanding from which subparagraph they are drawn. The Department finds that each felony crime listed in this subsection is a crime of moral turpitude.

(a) through (z) No change.

(aa) Passing worthless check(s) with intent to defraud.

(bb) through (ll) No change.

(22) through (24) No change.

Specific Authority 624.308 FS. Law Implemented 112.011, 624.307(1), 626.161, 626.171, 626.201, 626.207, 626.211, 626.291, 626.601, 626.611(7), (14), 626.621(8), 626.631, 626.641 FS. History--New 10-17-02, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Mary Alice Palmer, Director of Agent and Agency Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Audrey Huggins, Bureau Chief of Agent and Agency Licensing, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 2, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 4, 2002

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Uniform Fire Safety Standards for Residential Child Care Facilities 4A-41

RULE TITLES: RULE NOS.:

PART I: RESIDENTIAL CHILD CARE FACILITIES FOR SIX OR MORE CHILDREN

PART II: RESIDENTIAL CHILD CARE FACILITIES FOR FIVE OR FEWER CHILDREN

Scope 4A-41.101

Definitions 4A-41.102

Standards of the National Fire Protection Association Adopted 4A-41.103

Occupancy Capacity of Each Facility 4A-41.104

Emergency Egress and Relocation Drills 4A-41.105

Inspections 4A-41.106

Cooking Equipment; Exception 4A-41.107

PURPOSE AND EFFECT: Provide firesafety standards for residential child care homes for facilities with five or fewer children, based upon changes to Chapter 409, Florida Statutes, and Rule Chapter 65C-14, Florida Administrative Code.

SUMMARY: Provides firesafety standards for residential child care homes for facilities with five or fewer children.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Regulatory Costs was prepared.

Any person who wishes to provide information regarding the statement of 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: 409.175(6)(f), 633.01(1) FS.

LAW IMPLEMENTED: 409.175(6)(f), 633.022 FS.

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

TIME AND DATE: 9:00 a.m., Wednesday, April 23, 2003

PLACE: Room 116, Larson Building, Tallahassee, Florida 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 Millicent King, (850)413-3619.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0342, (850)413-3620

THE FULL TEXT OF THE PROPOSED RULES IS:

UNIFORM FIRE SAFETY STANDARDS FOR RESIDENTIAL CHILD CARE FACILITIES

4A-41.101 Scope.

(1) These rules apply to any residential child care facility required to be licensed by the Florida Department of Children and Family Services, pursuant to Section 409.175, Florida Statutes, in which full-time residence is provided to five or fewer children who are unrelated to the proprietor and who are under age 18. Programs which use such a facility include, for example, group homes which are administered by an agency, wilderness camps, maternity homes, emergency shelters, and runaway shelters.

(2) These rules address life safety during fires and similar emergencies. They address particular matters of construction, protection, and occupancy of buildings to minimize danger to life from fire, smoke, fumes or panic before buildings are vacated.

Specific Authority 409.175(6)(f), 633.01(1) FS. Law Implemented 409.175(6)(f), 633.022(1)(b) FS. History--New _____.

4A-41.102 Definitions.

As used in this part of these rules:

(1) "Community Residential Group Home", or "facility" means A "Family Foster Home" as defined in Section 409.175(2)(e), Florida Statutes.

(2) "Agency" means a residential child caring agency or a child-placing agency.

(3) “AHJ” means the local authority having firesafety and fire prevention jurisdiction which employs or contracts with at least one firesafety inspector certified under Chapter 633, Florida Statutes.

(4) “Division” means the Division of State Fire Marshal of the Department of Insurance.

(5) “NFPA” means the National Fire Protection Association.

(6) “Child” means any unmarried person under the age of 18 years.

(7) “Owner” means the person who is licensed to operate the child-placing agency, family foster home, or residential child-caring agency.

Specific Authority 409.175(6)(f), 633.01(1) FS. Law Implemented 409.175(6)(f), 633.022 FS. History—New _____.

4A-41.103 Standards of the National Fire Protection Association Adopted.

(1) The following portions of NFPA 101, the Code for Safety to Life from Fire in Buildings and Structures, known as the Life Safety Code, 2000 edition, are hereby adopted and incorporated herein by reference: Sections 32-3.3.4.7, 32-3.3.4.8, and 32-3.3.5.5 only, of Chapter 32, Florida Statutes.

(2) The codes and standards published by the National Fire Protection Association may be obtained by writing to the NFPA at: 1 Batterymarch Park, Quincy, Massachusetts 02269-9101. All standards adopted and incorporated by reference in this rule are also available for public inspection during regular business hours at the Bureau of Fire Prevention, Division of State Fire Marshal, Department of Insurance, 325 John Knox Road, The Atrium, Third Floor, Tallahassee, Florida 32303.

Specific Authority 409.175(6)(f), 633.01(1) FS. Law Implemented 409.175(6)(f), 633.022(1)(b) FS. History—New _____.

4A-41.104 Occupancy Capacity of Each Facility. The total number of children shall be as determined in accordance with Section 409.175(3)(a), Florida Statutes.

Specific Authority 409.175(6)(f), 633.01(1) FS. Law Implemented 409.175(6)(f), 633.022(1)(b) FS. History—New _____.

4A-41.105 Emergency Egress and Relocation Drills.

(1) A emergency egress & relocation drill shall be conducted by each owner at each facility at least three (3) times per year. Each emergency egress & relocation drill shall be conducted at least 90 days after the previous emergency egress & relocation drill. The AHJ is permitted to require an additional emergency egress & relocation drill in conjunction with an annual firesafety inspection.

(2) The purpose of each emergency egress & relocation drill is to familiarize each occupant with the procedures required for the safe, orderly, and expeditious exiting of the building or structure. All occupants shall exit the building or

structure to a predetermined area of safety. The climate and weather conditions shall be taken into consideration when scheduling any emergency egress & relocation drill.

(3) Each emergency egress & relocation drill shall be conducted at an unexpected time and under varying conditions that may occur in the case of fires.

(4) During each emergency egress & relocation drill, all occupants shall evacuate the building independently or with staff assistance or any other available assistance, as needed.

(5) Each emergency egress & relocation drill shall be applicable to all occupants of the facility with emphasis on the safe, orderly, and expeditious exiting under proper discipline.

(6) Any occupant subject to a emergency egress & relocation drill shall proceed to a predetermined location outside the building and remain there until all occupants are accounted for. Occupants are permitted to return to the building only when allowed by the person conducting the emergency egress & relocation drill.

(7) The owner shall keep a record of each emergency egress & relocation drill on Form DI4-1557, (rev. 02/2003), Record of Emergency egress & relocation drill, which is hereby adopted and incorporated into these rules by reference. Copies of the form may be obtained by writing to the Department of Insurance, Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, Florida 32399-0342. The record shall list as a minimum:

- (a) The date the drill was conducted.
- (b) The time of day the drill was conducted.
- (c) The amount of time, in minutes and seconds, that were required for all occupants to safely exit the building.
- (d) Any unusual circumstance, in narrative or outline form, affecting the safe, orderly and expeditious exit from the building.

(8) If the owner does not keep the record required by subsection (6), or keeps it in a manner that is incomplete, incorrect, or otherwise does not contain the required information, another emergency egress & relocation drill must be performed as soon as possible and the results correctly recorded. In addition, the firesafety inspector shall advise the Department of Children and Families that the facility is not maintaining compliance with the firesafety requirements.

Specific Authority 409.175(6)(f), 633.01(1) FS. Law Implemented 409.175(6)(f), 633.022(1)(b) FS. History—New _____.

4A-41.106 Inspections.

(1) The firesafety inspector shall conduct a firesafety inspection for each facility prior to occupancy as Community Residential Group Home.

(2) The owner shall request from the AHJ a firesafety inspection at least 30 days in advance of license renewal.

(3) The AHJ or the Division is permitted to require additional firesafety inspections.

(4) The owner shall be responsible for requesting all required firesafety inspections in writing or electronic format, except for any additional firesafety inspections which may be required as provided in subsection (3).

(5) Each required firesafety inspection shall be completed by the AHJ, where available.

(6) Any time there is no AHJ to perform a firesafety inspection, the owner shall notify the Division in writing or in an electronic format. The Division shall inspect or cause the facility to be inspected in accordance with Section 633.022, Florida Statutes.

(7) A local firesafety inspector, or if no local firesafety inspector is available, a special state firesafety inspector, certified in accordance with Chapter 633, Florida Statutes, shall complete each required firesafety inspection.

(8) The inspecting authority shall provide a copy of each inspection report to the Department of Children and Families within thirty days after completing the inspection.

Specific Authority 409.175(6)(f), 633.01(1) FS. Law Implemented 409.175(6)(f), 633.022(1)(b) FS. History—New _____.

4A-41.107 Cooking Equipment; Exception.

Notwithstanding any previous construction or interpretation of any law, rule, or code provision, any time a single domestic range or stove is used in an arrangement similar to that of a single family residence, the facility shall not be required to comply with NFPA 96, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations, the edition as adopted in Rule 4A-3.012, Florida Administrative Code.

Specific Authority 409.175(6)(f), 633.01(1) FS. Law Implemented 409.175(6)(f), 633.022(1)(b) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, FL 32399-0342, (850)413-3620

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Randall A. Napoli, Director, Division of State Fire Marshal, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 7, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 17, 2003

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

RULE TITLE:
Application for License; Requirements for Office, Display Space and Operation; Denial, Suspension or Revocation; Implementation

RULE NO.:

15C-7.003

PURPOSE AND EFFECT: The purpose of the proposed action is to make applying for a dealer license more convenient for applicants by deleting the requirement for two photographs of the proposed dealer location. This decision was made by the Used Motor Vehicle Industry Task Force and reinforced by the new Automobile Dealers Advisory Board.

SUMMARY: The proposed rule amendment deletes the requirement that requires applicants to submit photographs of the dealership locations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The costs of the rule actions to the agency will be those normally associated with the administrative processing of rulemaking activity. There are no costs to others for implementing and enforcing the proposed rule actions. The proposed rule action will have no discernible impact on small entities.

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: 320.011 FS.

LAW IMPLEMENTED: 320.27 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael Alderman, Attorney, General Counsel, Department of Highway Safety and Motor Vehicles, Room A432, Neil Kirkman Building, Tallahassee, Florida 32399-0500, (850)488-1606

THE FULL TEXT OF THE PROPOSED RULE IS:

15C-7.003 Application for License; Requirements for Office, Display Space and Operation; Denial, Suspension or Revocation; Implementation.

(1) through (2) No change.

(3) Applications for Motor Vehicle Dealer’s License.

(a) through (b) No change.

(c) All applications shall have attached all documentation and endorsements necessary to substantiate the applicant’s compliance with the requirements of Section 320.27(3), Florida Statutes, and this rule. Such documentation or endorsements shall include:

1. through 9. No change.

~~10. Two positive print photographs of the proposed licensed place of business. The photographs shall be a minimum of 3" x 4" in size. One photograph shall depict the exterior of the dealership from a distance to clearly show two (2) sides of the building, one side of which shall be the public entrance into the dealership. The second photograph shall show the remaining sides of the building which will house the~~

dealership. At least one of the photographs must reflect the area to be used for display of vehicles/units offered for sale, if display space is required.

(4) through (10) No change.

Specific Authority 319.27, 320.011 FS. Law Implemented 319, 320.27 FS. History—New 9-24-90, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dwight F. Davis, Chief Bureau of Field Operation, Division of Motor Vehicles, Department of Highway Safety and Motor Vehicles, Room B372, Neil Kirkman Building, Tallahassee, Florida 32399-0500, (850)488-2394

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Director Carl Ford, Division of Motor Vehicles

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 2, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 28, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractor’s Licensing Board

RULE TITLE: General Definitions RULE NO.: 61G6-4.019

PURPOSE AND EFFECT: The Board proposes to add “Internet Websites” to the list of terms for which “advertising media” will be applicable.

SUMMARY: “Internet websites” is added to the list of terms for which “advertising media” will be applicable.

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

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

SPECIFIC AUTHORITY: 489.507(3) FS.

LAW IMPLEMENTED: 489.521(7)(b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Electrical Contractors’ Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-4.019 General Definitions.

The following words, terms and phrases are used in Chapter 489, Part II, F.S., shall mean the following: The term “other advertising media” shall apply to business proposals, bill of

sales, contracts, business cards, construction site signs, all newspapers, airwave transmission, phone directory, handbills, billboards, flyers, shopping and service guides (coupon offerings), magazines (including trade association publications), classified advertisements, internet websites, manufacturer’s “authorized dealer” listings, and signs on vehicles. They shall not apply to business stationery, balloons, pencils, pens, hats, articles of clothing, or other promotional novelties. Neither shall the terms apply to free phone directory listings (regardless of page color) of one, two, or three lines, which display nothing more than the proper name, company name, address and telephone numbers in whole or in part in an unbolded or unhighlighted print and without further textual or pictorial elaboration or touting in its overall display.

Specific Authority 489.507(3) FS. Law Implemented 489.521(7)(b) FS. History—New 8-23-89, Amended 7-3-91, Formerly 21GG-4.019, Amended 12-24-97, _____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 23, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 14, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors’ Licensing Board

RULE TITLE: Application for Certification by Examination: Reexamination RULE NO.: 61G6-5.002

PURPOSE AND EFFECT: The Board proposes to add language to the existing rule to address the deadline for reexamination applications and any other required forms and documents.

SUMMARY: Re-examination applications and any other required forms and documents must be completed and filed with the Department at least forty-five (45) days prior to the date of the examination for which the individual is applying.

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

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

SPECIFIC AUTHORITY: 489.507(3) FS.

LAW IMPLEMENTED: 489.511 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-5.002 Application for Certification by Examination: Reexamination.

(1) An applicant for certification by examination or by endorsement shall submit the complete application form together with all supporting data (including information required to be submitted under Rule 61G6-5.004 and Rule 61G6-5.003, F.A.C., if applicable) to the Department of Business and Professional Regulation. The application shall be accompanied by the application fee. All initial applications for examination must be completed and filed with the Department at least ninety (90) days prior to the date of the examination. All applications not completed by the deadline will be automatically scheduled for the next examination. Correspondence, requests, information or other documents pertinent to the application must be postmarked twenty-one (21) days or received fourteen (14) days prior to any scheduled meeting of the Board. Items received after the fourteen (14) day period may not be considered until the next meeting of the Board. Any application that is not complete within one year from date of initial filing will be closed.

(2) All reexamination applications, and any other required forms and documents must be completed and filed with the Department at least forty-five (45) days prior to the date of the examination for which the individual is applying.

Specific Authority 489.507(3) FS. Law Implemented 489.511 FS. History--New 1-2-80, Amended 10-30-80, Formerly 21GG-5.02, Amended 10-30-88, 11-3-92, Formerly 21GG-5.002, Amended 4-5-95,_____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 23, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 14, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE TITLE: Safety Guidelines RULE NO.: 61G14-15.003

PURPOSE AND EFFECT: The Board proposes to revise the existing rule to clarify the safety guidelines.

SUMMARY: The new language clarifies approval or rejection of the current maximum allowable draft of vessels calling at the port and restrictions on bottom clearance for each channel. The amendments also change the submission of pilot work schedules from annually to submitting the current pilot work schedules.

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

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

SPECIFIC AUTHORITY: 310.185 FS.

LAW IMPLEMENTED: 310.0015(3)(a), 310.075(4), 310.101(1)(d) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Board of Pilot Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G14-15.003 Safety Guidelines.

(1) through (3) No change.

(4) Each association of pilots in each port where such association(s) exists, and the licensed state pilots in each port who are not members of such association shall submit to the Board for its review and approval or rejection, the current maximum allowable draft of vessels calling at the port and restrictions on bottom clearance for each ~~berth and~~ channel, as required by Sections 310.075(4) and 310.101(1)(d), Florida Statutes.

(5) In order to assist the board in serving the public interest in maintaining efficient and safe piloting services as required by Section 310.061, Florida Statutes, each association of pilots, in each port where such association(s) exists, and the licensed state pilots in each port who are not members of such association shall ~~annually~~ submit, for the board's review and approval or rejection, the current pilot work schedules for the port which are best suited to meet local conditions and demands and which:

(a) insure that an adequate number of pilots is always available to handle any vessel requiring the services of a pilot; and

(b) provide sufficient off-duty time for rest; and

(c) outline procedures which provide for backup support which may become necessary due to disability or loss of available pilots.

Specific Authority 310.185 FS. Law Implemented 310.0015(3)(a), 310.075(4), 310.101(1)(d) FS. History—New 11-6-89, Amended 6-26-90, 12-30-91, 10-25-92, Formerly 21SS-9.001, 21SS-15.003, Amended 11-15-93, 1-26-99, 10-4-99, 1-7-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pilot Commissioners
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pilot Commissioners
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 31, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 21, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE TITLE: Deputy Pilots' and State Pilots' Physical and Mental Capabilities
RULE NO.: 61G14-20.001

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the revision date of form Dept. of Trans., USCG, CG-719K entitled "Merchant Marine Personnel Physical Examination Report" from 3-95 to 1-02.

SUMMARY: The revision date of form Dept. of Trans., USCG, CG-719K entitled "Merchant Marine Personnel Physical Examination Report" is updated from 3-95 to 1-02.

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

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

SPECIFIC AUTHORITY: 310.185(1) FS.

LAW IMPLEMENTED: 310.071, 310.073 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Board of Pilot Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G14-20.001 Deputy Pilots' and State Pilots' Physical and Mental Capabilities.

(1) No change.

(2) As used in this rule, the following definitions shall apply:

(a) through (b) No change.

(c) "Certification of physical fitness" shall consist of all the following documents signed by a physician who holds an active, valid license issued pursuant to Chapter 458 or 459, Florida Statutes:

1. No change.

2. An original or true copy of the latest revision of form Dept. of Trans., USCG, CG-719K (Rev. 1/02 ~~3-95~~) entitled "Merchant Marine Personnel Physical Examination Report," which form is incorporated herein by reference and can be obtained by contacting the Board office at 1940 North Monroe Street, Tallahassee, Florida 32399-0773. The form shall bear a date no later than thirteen months after the date appearing on the copy of such form most recently submitted; and

3. No change.

(3) through (6) No change.

Specific Authority 310.185(1) FS. Law Implemented 310.071, 310.073 FS. History—New 2-22-95, Amended 1-4-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pilot Commissioners
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pilot Commissioners
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 31, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 21, 2003

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 01-37R

RULE CHAPTER TITLE: Surface Water Quality Standards
RULE CHAPTER NO.: 62-302

RULE TITLES: Table: Surface Water Quality Criteria
RULE NOS.: 62-302.530

Everglades Protection Area
Phosphorus Criterion 62-302.540

SUMMARY: This proposed rule will implement the requirements of subparagraph 373.4592(4)(e)2., Florida Statutes, by establishing a numeric phosphorus criterion of 10 parts per billion (ppb) for the Everglades Protection Area. The proposed rule also describes how ambient waters will be assessed to determine if the criterion is being achieved; contains provisions regarding the issuance of Long-Term Compliance Permits for discharges into the Everglades Protection Area; and establishes a moderating provision for such discharges under certain circumstances.

"Phosphorus criterion" is defined in paragraph 373.4592(2)(j), Florida Statutes, as "a numeric interpretation for phosphorus of the Class III narrative nutrient criterion." The Class III nutrient criterion is set forth in paragraph 62-302.530(48)(b), F.A.C., as follows: "In no case shall nutrient concentrations of a body of water be altered so as to cause an imbalance in natural populations of aquatic flora or fauna."

PURPOSE AND EFFECT: The proposed rule amendments to Rules 64B8-30.003 and 64B8-30.014, F.A.C., are intended to address concerns of the Joint Administrative Procedures Committee. The proposed amendments to Rule 64B8-30.012, F.A.C., are intended to clarify requirements for the signing of physician assistant medical records by physicians.

SUMMARY: The proposed amendments to Rules 64B8-30.003 and 64B8-30.014, F.A.C., are in response to concerns of the Joint Administrative Procedures Committee. The amendments to Rule 64B8-30.012, F.A.C., address signing of medical records by physicians who supervise physician assistants.

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

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

SPECIFIC AUTHORITY: 456.013, 456.031(2), 456.033(6), 456.077, 458.309, 458.347 FS.

LAW IMPLEMENTED: 456.013, 456.031, 456.033, 456.077, 458.331, 458.347, 456.017 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Larry G. McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULES IS:

64B8-30.003 Physician Assistant Licensure.

(1) through (3) No change.

(4) The applicant must submit notarized statements containing attesting to the following information:

(a) through (c) No change.

(5) through (6) No change.

Specific Authority 456.013, 456.031(2), 456.033(6), 458.309, 458.347 FS. Law Implemented 456.013, 456.031, 456.033, 458.347, 456.017 FS. History--New 4-28-76, Amended 11-15-78, 10-23-80, 12-4-85, Formerly 21M-17.03, Amended 5-13-87, 11-15-88, 11-15-90, 1-9-92, 5-6-93, Formerly 21M-17.003, Amended 9-21-93, Formerly 61F6-17.003, Amended 9-8-94, 11-30-94, 10-25-95, 3-25-96, Formerly 59R-30.003, Amended 6-7-98, 8-19-99, 5-28-00, 3-03-02, _____.

64B8-30.012 Physician Assistant Performance.

(1) through (2) No change.

(3) All tasks and procedures performed by the physician assistant must be documented in the appropriate medical record. As a requirement of appropriate supervision of a physician assistant, each supervising physician is required to review, sign and date physician assistant documentation in

medical charts as set forth herein. The supervising physician must review, sign and date the physician assistant record within seven (7) days.

(a) During the initial six months of supervision of each physician assistant, all documentation by the physician assistant in a medical chart must be reviewed, signed and dated, by a supervising physician within seven days.

(b) Subsequent thereto, a supervising physician must review, sign and date all documentation by a physician assistant in medical charts that include prescriptions written by the physician assistant within 30 days.

(c) In addition, subsequent to the initial six months of supervision, and at intervals of no more than 30 days, the supervising physician shall randomly select at least 25% of all other medical charts that include physician assistant documentation to review, sign and date.

(4) No change.

Specific Authority 458.309, 458.347(4)(a),(13) FS. Law Implemented 458.347(2),(3),(4),(13) FS. History--New 5-13-87, Amended 7-7-87, 11-15-88, 9-15-92, Formerly 21M-17.012, Amended 11-4-93, Formerly 61F6-17.012, 59R-30.012, Amended 10-13-98, 3-28-99, _____.

64B8-30.014 Citation Authority.

(1) through (2) No change.

(3) The following violations with accompanying penalty may be disposed of by citation with the specified penalty:

VIOLATIONS PENALTY

(a) No change.

(b) Obtaining license renewal by negligent fraud or misrepresentation. \$2500 fine
(Sections 458.347(7)(g) and 458.331(1)(a), F.S.)

(c) through (f) No change.

(4) through (7) No change.

Specific Authority 458.309, 456.077, 458.347(7)(g),(12) FS. Law Implemented 456.077, 458.331, 458.347(7)(g),(12) FS. History--New 3-3-02, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Council on Physician Assistants

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 7, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 21, 2003

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE: Determination of Continued Eligibility RULE NO.: 65A-4.219

PURPOSE AND EFFECT: The proposed rule amendment updates current rule to show the change in policy since May 1, 1997, on the technical eligibility factor of deprivation due to employment/underemployment, incapacity and incarceration. In accordance with 414.095, Florida Statutes, temporary cash assistance is provided for families with a minor child who lives with both parents. Current policy, however, no longer requires identification of a principal wage earner. Eligibility for cash assistance is re-determined every 6 months as for all assistance groups, except for cases that include multiple AG's, and one of the AG's in the case has a re-determination that is due earlier.

SUMMARY: This rule amendment revises re-determination requirements for cash assistance. Re-determinations will occur at the shorter interval if the assistance group is part of a public assistance case that contains another assistance group whose eligibility review is due earlier.

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: 414.45 FS.

LAW IMPLEMENTED: 414.095 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A 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., April 14, 2003

PLACE: 1317 Winewood Boulevard, Building 3, Room 100, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: Audrey Mitchell, Program Administrator, Public Assistance Policy, Policy Support Unit, 1317 Winewood Boulevard, Building 3, Room 406-A, Tallahassee, Florida 32399-0700, (850)488-3090

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-4.219 Determination of Continued Eligibility.

(1) Eligibility of cash assistance groups (AGS) ~~is which derive their eligibility on the basis of unemployment of a parent must have their eligibility completely~~ re-determined every six in the months in which cash payment is scheduled to end or begin again.

~~(2) All other cases are completely redetermined every six months.~~

~~(2)(3)~~ Re-determinations will occur at shorter intervals if the cash AFDC assistance group is part of a public assistance case that which contains another assistance group whose eligibility review is due earlier.

Specific Authority 414.45 FS. Law Implemented 414.095 FS. History--New 1-31-94, Formerly 10C-1.503, Formerly 65A-1.503, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Barbara Oti, Operations Review Specialist

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Audrey Mitchell, Program Administrator, Public Assistance Policy, (850)488-3090

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 12, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 17, 2003

FLORIDA HOUSING FINANCE CORPORATION

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

PURPOSE AND EFFECT: The purpose of Rule Chapter 67-38, Florida Administrative Code (F.A.C.), is to establish the procedures, by which the Florida Housing Finance Corporation shall administer the application process, determine loan or grant amounts to non-profit entities who engage in development of affordable housing for very low or low-income households.

SUMMARY: Prior to receipt of Application for a new funding year, the Corporation (1) researches the market need for affordable housing throughout the state of Florida and (2) evaluates prior applications 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 that will create a formulated process for selecting Developments that apply for funding in 2002.

STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 420.528 FS.

LAW IMPLEMENTED: 420.507, 420.521-.529 FS.

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

TIME AND DATE: 10:00 a.m., Monday, April 14, 2003

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kerey Carpenter, 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 RULES IS:

67-38.002 Definitions.

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

(2) "~~Administrative Expenses~~" means ~~expenses incurred by the Applicant as a direct result of and solely related to the Development. These shall include long distance phone calls, necessary travel (except to conferences, conventions or for training), copying, printing, and postage fees.~~

(2)(3) "Affiliate" means any person or entity that:

(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, agent, employee or any business person associated with or of the Applicant in the furtherance of a business venture for which the Applicant is applying for assistance from the Corporation, or~~

(c)(iii) ~~Is the spouse, parent, child, sibling, or relative by marriage of a person or entity described in (a)(i) or (b)(ii) above.~~

(3)(4) "Applicant" means any unit of government, a local housing authority established pursuant to Chapter 421, F.S. Florida Statutes, a community-based or not-for-profit organization, or a limited partnership if its general partner is a community-based or not-for-profit organization as defined by Chapter ~~420.524~~ 420.523, F.S. Florida Statutes, that submits an Application for funding from the Predevelopment Loan Program. "Applicant" includes a sponsor as defined by Section ~~420.524~~ 420.523, F.S. of the Florida Statutes.

(4)(5) "Application" means the completed forms from the Application Package together with all required exhibits submitted to the Corporation in accordance with this Rule Chapter in order to apply for PLP funds.

(5)(6) "Application Package" or "Form 1115" means the forms, exhibits, tabs, threshold requirements, instructions ~~thereto~~ and other information necessary for submission of an Application under the Predevelopment Loan Program; The

Application Package may be obtained from the Corporation at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. The Corporation hereby adopts and incorporates by reference the Application Package (Form PLP 1115 2000); 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.

(7) "~~Board of Directors~~" or "~~Board~~" means the Board of Directors of the Florida Housing Finance Corporation.

(6)(8) "Code" means the Internal Revenue Code of 1986, as amended, ~~together with corresponding and applicable final, temporary or proposed regulations and revenue rulings issued with respect thereto by the Treasury or the Internal Revenue Service of the United States.~~

(7) "Community-Based Organization" or "Not For Profit Organization" means a community based or not for profit organization as defined in section 420.524, F.S. For the Purpose of the Predevelopment Loan Program, the organization shall own at least 51% of the ownership interest in the Development held by the general partner entity. A for-profit entity wholly owned by one or more qualified Not For Profit organizations shall constitute a Not For Profit entity. A Not For Profit entity shall own an interest in the Development, either directly or indirectly; shall not be affiliated with or controlled by a for-profit corporation; and shall materially participate in the development and operation of the Development throughout the total affordability period as stated in the Land Use Restriction Agreement.

(8)(9) "Compliance Period" means: the period of time that the Development shall conform to all set-aside requirements as described in this Rule Chapter and agreed to by the Applicant in the Application.

(a) ~~With respect to multifamily Developments that obtain construction/permanent financing from a source other than Florida Housing programs and no Florida Housing funds remain in the Development, a period of 15 years beginning on the date the Predevelopment Loan is paid off pursuant to subsection 67-38.007(5), F.A.C.; or~~

(b) ~~With respect to single family Developments, the initial sale of the single family units by the Applicant must be to an income eligible purchaser.~~

(c) ~~With respect to Developments that obtain construction/permanent financing from Florida Housing programs, a period equal to the compliance period committed to by the Applicant under the Florida Housing program from which the permanent/construction financing is obtained.~~

(9)(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.

(10)(11) "Credit Underwriter" means the independent contractor legal representative under contract with the Corporation having the responsibility for providing stated

credit underwriting services. Such services shall include, for example, a comprehensive analysis of the Applicant, the real estate, the economics of the Development, the ability of the Applicant and Development team to proceed and evidence of the need for affordable housing in order to determine that the Development meets the program requirements.

(11) “Credit Underwriting Report” means a comprehensive analysis of the Applicant, the real estate, the financing of the Development, the ability of the Applicant and the Development team to proceed, evidence of the need for affordable housing in the defined area, and a determination that the Development meets PLP requirements.

(12) “Development” or “Property” means the buildings, structures, fixtures and all other improvements or work located, or to be located, in Florida, including real property, all buildings, and any other real and personal property, designed and intended for the primary purpose of providing decent, safe, and affordable residential housing for persons or families on to the development site proposed by a Applicant and for which financial assistance under the Predevelopment Loan Program(s) has been applied for or received.

(13) “Development Plan” means the written description /narrative of the proposed Development submitted to the Corporation by the Applicant with the concurrence 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.

(14) “Development Site” means the land for the Development, as defined by the legal description in the Development Plan and the documents evidencing or securing the Loan.

(15) “Farmworker” means farmworker as defined in 420.503, F.S. any laborer who is employed on a seasonal, temporary, or permanent basis in the planting, cultivating, harvesting, or processing of agricultural or aquacultural products and who derives at least 50% of his income in the immediately preceding 12 calendar months from such employment. Farmworker includes a household of one or more persons wherein at least one member of the household is a Farmworker, or a person who has retired from such work due to age, disability or illness. “Farmworker” also includes a person who has retired as a laborer described in this paragraph due to age, disability or illness and a household of one or more persons wherein at least one member of the household is a Farmworker, or a person who has retired as a laborer due to age, disability or illness. In order to be considered retired as a Farmworker due to age under this Rule Chapter, a person must

be 50 years of age or older and must have been employed for a minimum of 5 years as a Farmworker immediately preceding retirement. In order to be considered retired as a Farmworker due to disability or illness, it must be:

(a) Medically established that the person is unable to be employed as a Farmworker due to such disability or illness; and

(b) Established that the person had previously met the definition of a Farmworker.

(16) “Financial Beneficiary” means any developer and its principals and principals of the Applicant entity who receives or will receive a financial benefit of:

(a) 3% or more of Total Development Cost (including deferred fees) if Total Development Cost is \$5 million or less; or

(b) 3% of the first \$5 million and 1% of any costs over \$5 million (including deferred fees) if total Development cost is greater than \$5 million. This definition does not include third party lenders, third party management agents or companies, housing credit syndicators, credit enhancers who are regulated by a state or federal agency and who do not share in the profits of the Development or building contractors whose total fees are determined to be within reasonable industry standards.

(17)(16) “HUD” means the United States Department of Housing and Urban Development.

(18)(17) “Invitation to Participate” means a letter sent to the Applicant indicating the Development has been selected to receive technical assistance which shall be signed and returned with the appropriate commitment fee prior to receiving technical assistance issued by the Corporation to each Applicant that met threshold detailing the Applicant’s obligations with respect to the line of credit Loan to be received from the Predevelopment Loan Program.

(19)(18) “Loan” means a direct loan from Predevelopment Loan Program PLP funds awarded to an Applicant in the form of a line of credit in an amount not to exceed \$500,000 subject to availability of funds.

(19) “Loan Committee” or “Review Committee” means a group composed of at least five persons 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.

(20) “Local Government” means a unit of local general purpose government as defined in Section 218.31(2), Florida Statutes (1995).

(21) “Minimum Set Aside Requirement” means, with respect to PLP,

(a) For rental Developments, a minimum of 60% of the completed housing units must be 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; and

~~(b) For home ownership Developments, all completed housing units must be sold to persons or households with incomes not exceeding 80% of the median annual gross income as established by HUD for households within the State, the MSA or, if not within the MSA, within the county in which the person or household resides, whichever is greater.~~

~~(22) "Mortgage" means a written agreement securing a Loan which creates a lien on the Development and the Development Site, subject only to such encumbrances approved by the Corporation.~~

~~(23) "Not For Profit Organization" or "Community Based organization" means any group, established under Chapter 617, Florida Statutes, to provide housing and other services on a not for profit basis and that is acceptable to federal and state agencies and financial institutions as a sponsor of Affordable housing. The Not For Profit Organization or Community Based Organization shall not be affiliated with or controlled by a for profit corporation and shall materially participate in the predevelopment, construction and operation of the Development through the Compliance Period. In addition to the foregoing, if the Applicant is a limited partnership, the Not For Profit Organization or "Community Based Organization" must own at least 51% of the ownership interest in the Development held by the general partner entity. For purposes of housing credits the Not for Profit Organization means a qualified not for profit entity as defined in the HUD regulations Section 42(h)(5)(e), subsection 501 (e)(3) or 501(e)(4) of the Code and organized under Chapter 617 Florida Statutes, to provide housing and other services on a not for profit basis, which owns at least 51% of the ownership interest in the Development held by the general partner entity and which entity is acceptable to federal and state agencies and financial institutions as an Applicant for affordable housing.~~

~~(20)(24) "PLP" or "Predevelopment Loan Program" means the Predevelopment Loan Program established by the Act and this Rule Chapter.~~

~~(21)(25) "Predevelopment Expenses" means the expenses tasks and activities set forth in the Development Plan which are anticipated to be incurred to be accomplished prior to closing on construction or permanent financing construction of the housing units.~~

~~(26) "Preliminary Underwriting Assessment" is an analytical review by the Credit Underwriter of the Applicant's development costs, sources of funds and pro forma operating statement to ensure the Development's feasibility and shall prioritize tasks which must be accomplished prior to obtaining construction and permanent financing.~~

~~(22)(27) "Rehabilitation" means to bring a Development back to its original state, or to bring back to its original state with added improvements with limitations as specified by the program or programs which provide construction or permanent financing to the Development.~~

~~(23)(28) "Servicer" means the independent contractor legal representative under contract with the Corporation having the responsibility for providing stated Loan servicing and administration and compliance monitoring services. Such services shall include, for example, reviewing and approving Loan disbursement requests for site acquisition, Loan servicing and single-family and multifamily compliance monitoring services, if any.~~

~~(24)(29) "Servicing and Compliance Monitoring Fees" means fees associated with the review and processing of requests for disbursement of funds, inspections and the monitoring of Developments.~~

~~(25) "Set-Aside" means the percentage of units within a Development that shall be reserved as affordable at the specified AMI to income qualified persons or households throughout the compliance period.~~

~~(30) "State" means the State of Florida.~~

~~(26)(31) "Technical Assistance Provider" or "TAP" means an independent contractor professional retained by the Corporation to provide specialized technical support, and~~

~~(27) "Technical Assistance" means assistance to Applicants via in the form of telephone, through on-site visits and by responses to oral and written inquiries from Applicants throughout the entire Predevelopment process and to provide such other services as agreed to by the Technical Assistance Provider and the Corporation.~~

~~(28) "Threshold Requirements" means the requirements an Applicant shall meet as identified in the Application Package in order to receive an Invitation to Participate in the Predevelopment Loan Program.~~

Specific Authority 420.528 FS. Law Implemented 420.507, 420.521-420.529 FS. History—New 3-23-93, Amended 1-16-96, Formerly 91-38.002, Amended 3-26-98, 7-17-00, _____.

67-38.0025 Notice of Funding Availability.

Specific Authority 420.528 FS. Law Implemented 420.527 FS. History—New 1-16-96, Formerly 91-38.0025, Amended 3-26-98, 7-17-00, Repealed

67-38.003 Application Submission Procedures.

(1) At any time during the year, Applicants may submit an Applications to the Corporation for PLP funding.

(2) All Applications delivered by hand shall must be presented to Corporation staff to be inscribed with the time and date of receipt. Applications may also be mailed to the Corporation at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. Applications mailed to the Corporation will be inscribed with the time and date received.

(3) Applications that which do not contain the required information and documentation items and do not provide adequate justification for omitting these items shall not be determined to have not met Threshold Requirements reviewed by the Loan Committee until they are complete.

(4) An original and two ~~identical~~ copies of the Application shall be submitted to the Corporation. ~~Each Application shall be completed in its entirety.~~ The original Application shall which is considered the original must contain original signatures on those forms which specifically request original signatures. Signatures on these forms which are faxed, scanned, photocopied, or otherwise duplicated shall will not be considered acceptable signatures within the original Application.

(5) ~~All Applications must be complete, accurate, and legible.~~ Application and shall must be accompanied by appropriate Application fee. Applications shall must be submitted on the forms provided in the Application Package and shall be securely bound, in a three ring binders, and shall have numbered-index tabs for each form and exhibits ~~with the materials provided in the Application Package.~~ Exhibits shall must be placed behind the each form to which they refer. Failure to comply with any of the ~~foregoing~~ requirements set forth in this rule chapter shall will result in the determination that the Application has is not met Threshold Requirements complete.

(6) If the Applicant, any of its principals or Affiliates, or financial beneficiaries, including the ~~dDeveloper,~~ is in arrears for any financial obligation the developer has with the Corporation, or any member of the Project's ~~Ddevelopment~~ 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 Affiliates, including the ~~dDeveloper,~~ shall be deemed ineligible to participate in any program administered by the Corporation. The ineligibility will be for two fiscal years beginning on the date the Corporation's Board of Directors approves the disqualification. Such determination shall be either pursuant to proceedings conducted in accordance with Section 120.569 and 120.57, F.S., a factual hearing before the Board at which the Applicant shall be entitled to present evidence or as a result of a finding by a court of competent jurisdiction law or recommended order of an administrative law judge.

(7) If the Applicant, Principal, Affiliate, developer or financial beneficiary of the Applicant has any existing Developments participating in Corporation programs that are in non-compliance with the Code, this Rule Chapter or applicable Loan documents, and any applicable cure period has expired at the time of approval of the Development Plan, the requested allocation may be denied. Denial will be based on a determination by the Board that the non-compliance increases the likelihood that the Applicant will not be able to satisfy the terms of the Loan. The Applicant and Affiliates of the Applicant or developer will be prohibited from participation in

any Corporation programs for the subsequent cycle and continue until all of the Applicant's Developments are in compliance.

(8) Applications that propose to develop individual homeownership units shall be submitted separately from those that propose to develop multifamily rental units.

Specific Authority 420.528 FS. Law Implemented 420.527, 420.528 FS. History—New 3-23-93, Amended 1-16-96, Formerly 9I-38.003, Amended 3-26-98, 7-17-00, _____.

67-38.004 Incomplete Applications and Rejection Criteria.

(1) Each Application shall be reviewed by the Corporation PLP staff to determine if that the Application meets Tthreshold Requirements and is complete. ~~Complete Applications that which have met Tthreshold Requirements shall will be provided an Invitation to Participate in accordance with forwarded to the Loan Committee for action pursuant to the requirements specified in this Rule Chapter.~~ If ~~the an~~ Application is determined by staff to be incomplete, or fails threshold, the Corporation staff shall notify the Applicant in writing of any additional or revised information or material that which may be required for the Application to be ~~considered complete and~~ meet threshold. Applicant may continue to submit material until the Application is complete and meets threshold. The Application, however, shall will not be placed in priority order or on a waiting list until such time that all information and documentation has items have been submitted and the Application is determined to have met be complete and Tthreshold Requirements has been met.

(2) An Application shall be subject to rejection if any of the following occurs:

(a) The information submitted in the Application is not sufficient to demonstrate that the Development proposes to meet the mMinimum Set-Aside rRequirements. These requirements are:

1. For rental Developments, a minimum of 60% of the completed housing units must be 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; and

2. For home ownership Developments, 100% of completed housing units must be sold to persons or households with incomes not exceeding 80% of the median annual gross income as established by HUD for households within the State, the MSA or, if not within the MSA, within the county in which the person or household resides, whichever is greater; or

(b) The Applicant, its principals, ~~or~~ Affiliates, or financial beneficiary including the ~~dDeveloper,~~ has not waited the time period specified in subsection 67-38.003(6), F.A.C.; or

(c) The Development is inconsistent with the purposes of the Predevelopment Loan Program or does not conform to the requirements specified in the Act or this Rule Chapter; or

(d) The Applicant fails to meet any the Tthreshold Rrequirements specified in the Application Package; or

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

~~(f) The Applicant fails to pay the applicable fees as specified paragraph 67-38.011(1)(b), F.A.C.~~

Specific Authority 420.528 FS. Law Implemented 420.527, 420.528 FS. History—New 3-23-93, Amended 1-16-96, Formerly 9I-38.004, Amended 3-26-98, 7-17-00, _____.

67-38.005 Application Evaluation and Award Guidelines.

(1) PLP funding shall be available to Applicants whose Applications have met Threshold Requirements, on a first-come, first-served basis, pursuant to this Rule Chapter. Applications which propose to set-aside a minimum of 40% of the Development's units for Farmworker residents shall receive priority over all other Applicants, provided the Applicant has also certified that they shall meet PLP minimum set-aside requirements.

~~(2)(1) After the Application has been reviewed and determined to be complete and have met Threshold Requirements, using the factors specified in the Application Package and this Rule Chapter, staff shall determine whether sufficient funds are available to fund the PLP request prepare a recommendation and submit it along with the Application to the Loan Committee which shall confirm or reject the completion and threshold finding of staff.~~

~~(3)(2) If the Loan Committee rejects the Application fails to meet Threshold Requirements, the Applicant shall will be notified in writing of the deficiencies in reason for rejection of the Application and provided an opportunity to rectify any outstanding issues which may have caused rejection of the Application.~~

~~(4)(3) If the Application is determined to have met Loan Committee confirms the completeness and Threshold Requirements finding of staff and~~

(a) Funds are available, the Corporation Florida Housing shall issue an Invitation to Participate; or

(b) If funds are not available, Applicant will be placed on a waiting list, based on the date and time ~~the an~~ Application was determined to be complete and have met Threshold Requirements until either such time that;

1. Funds are available, at which time the Applicant will be issued an Invitation to Participate, or

2. Application is withdrawn.

~~(5)(4) The Invitation to Participate shall must be signed executed and returned to the Corporation within 15 days of receipt by the Applicant. If the signed executed Invitation to Participate is not received by the Corporation within 15 days, the Invitation to Participate shall will be withdrawn and the Applicant shall be so notified.~~

~~(6)(5) Upon receipt of the signed executed Invitation to Participate and the Applicant's initial commitment fee, by the Corporation shall assign a Technical Assistance Provider. In the event that technical assistance has begun and payment of~~

the commitment fee is found to be insufficient, technical assistance shall be discontinued until payment is received and determined to be sufficient. If sufficient payment has not been received within seven days of notification to the applicant, the Invitation to Participate shall be withdrawn and the Applicant shall be so notified.

(7) The Technical Assistance Provider shall work with the Applicant to formulate a Development Plan. The Development Plan shall clearly set forth in detail the Applicant's anticipated predevelopment tasks and activities, timeline, itemized budget, sources to fund all anticipated Predevelopment Expenses, including those in excess of the amounts to be requested under the Predevelopment Loan Program, and the anticipated sources and uses of construction and permanent financing. The anticipated activities and expenses shall be those necessary prior to closing on construction or permanent financing for the Development. The Development Plan shall also set forth the number of units to be set aside for low or very low-income residents, including the number of units set aside for Farmworkers if priority was given for meeting the Farmworker set-aside. 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.

(8) The Applicant shall be given up to six months from the Corporation's receipt of the signed execution of the Invitation to Participate to complete and submit the Development Plan unless prior written approval is received from the Corporation. Florida Housing will cancel the Invitation to Participate shall be canceled if the Development Plan is not submitted within the six-month period, and All Loan documents, if any, shall be cancelled. Any commitment fees paid shall be retained by the Corporation. The Applicant may request an extension for submitting the Development Plan in writing to the Corporation at least thirty days prior to the end of the original six month period

~~(9)(6) The Technical Assistance Provider Development Plan shall be submitted a written recommendation with the Development Plan to the Corporation Florida Housing. Such recommendation should clearly indicate the Technical Assistance Provider's findings regarding the status of the Development Plan and the requested Loan amount for review and approval by the Loan Committee prior to any funds being disbursed. The Corporation Loan Committee may request additional information or documentation necessary for the Application to meet Threshold Requirements revisions prior to approval of the Development Plan. If such revisions are requested prior to approval of the Development Plan, the Corporation shall the Loan Committee will provide a deadline~~

by which the revisions to the Application shall ~~must~~ be made and the Development Plan resubmitted with the approval of the Technical Assistance Provider to the Corporation.

(10) Following approval of the Development Plan, the Loan request shall be submitted to the Board. Amendments to the Development Plan ~~Subsequent revisions after approval of the Development Plan~~ shall be allowed upon a favorable recommendation of the Technical Assistance Provider ~~and the Loan Committee~~. If an increase to the Loan is requested, Board approval is required.

(11)(7) ~~Following Upon~~ approval of the Loan Development Plan, a line of credit, the Applicant will receive written notice of such approval. The Applicant shall submit the final commitment fee within fifteen days of receipt of such notice. ~~a loan agreement, promissory note and any other customary loan documentation will be executed by the Applicant~~

(12)(8) If the Board does not approve a Loan request a Development Plan does not receive approval by the Loan Committee, no funds shall ~~will~~ be disbursed other than for outstanding expenses incurred for services of ~~by and any funds which have been disbursed or are owed to~~ the Technical Assistance Provider. Any commitment fee paid shall be retained by the Corporation.

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

(13) In the event the Development Plan receives approval and Applicant is unable to proceed to completion of Predevelopment Loan Program activities or obtain permanent or ~~construction financing~~, any commitment fees paid shall be retained by the Corporation.

(14) Following receipt of the final commitment fee, a Loan agreement, promissory note and any other customary Loan documentation shall be provided to ~~executed by the Applicant~~. Upon execution of all Loan documents by the Corporation, funds will be available for disbursement for eligible predevelopment activities as specified in this Rule Chapter.

(15) A positive Credit Underwriting Report is required for closing on a Loan that has been approved for acquisition costs.

Specific Authority 420.528 FS. Law Implemented 420.527, 420.528 FS. History—New 3-23-93, Amended 1-16-96, Formerly 91-38.005, Amended 3-26-98, 7-17-00, _____.

67-38.007 Terms and Conditions of the Loan.

(1) Applicants are required to work with the assigned Technical Assistance Provider ~~which shall provide services as described in this Rule Chapter~~. Fees of the Technical Assistance Provider shall be paid by the Corporation ~~Florida Housing~~.

(2) The maximum Loan amount to be disbursed shall not exceed the lesser of the predevelopment and acquisition costs pursuant to 67-38.009, F.A.C. ~~(in those cases in which~~

~~acquisition is determined to be necessary) and development costs incurred prior to closing of permanent or ~~construction Loan financing funding~~ for the Development, or \$500,000, which Loan shall be evidenced by a promissory note from the Applicant, The Loan, bearing interest at a rate of 3%, and shall be secured by such customary documents and collateral as are necessary to secure repayment of the Loan.~~

(3) The Loan shall be non-amortizing ~~with and repayment of principal and interest shall be deferred until maturity~~. The Corporation is authorized to forgive such Loan and thereby make a grant to the Applicant for any monies that are unable to be repaid due to the Applicant's inability to obtain construction or permanent financing for the Development. The Corporation shall not forgive the portion of the Loan, if any, which is secured by a mortgage to the extent such Loan could be repaid from the sale of the mortgaged property.

(4) In the event PLP funds are used to purchase a site, the mortgage securing the PLP Loan shall ~~must~~ be in a first or second lien position and shall not share priority with any other liens unless approved by the Board.

(5) The Loan shall mature on the earlier of:

(a)(i) ~~The~~ date of closing of the permanent or ~~construction Loan~~ for the Development or

(b)(ii) ~~Three~~ 3 years from the date of execution of Loan documents or other such extended Loan maturity date approved by the Board.

(6) Submission of a request for ~~Approval by the Board of~~ an extension of the maturity of a Loan shall be subject to the following:

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

(b) ~~Past performance of the Applicant and submission of:~~

1. 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;

2. Evidence of the Applicant's ability to complete the Development; and

3. An alternate financing plan in the event the original financing source withdraws.

(7)(6) With respect to home ownership Developments, ~~the Loan shall mature when the Development Site is released from the lien of the Mortgage held by the Corporation to secure the PLP Loan; however, prior to the maturity of the Loan the Corporation shall release individual properties lots within the Development Site from the lien of the m~~Mortgage held by the Corporation ~~prior to maturity of the Loan~~, upon the recommendation of the Credit Underwriter and a partial release payment in an amount acceptable to the Credit Underwriter and the Corporation.

~~(8)(7)~~ Prepayment of the Loan shall be permitted without penalty.

~~(9)(8)~~ Upon determination by the Board that other remedies are ineffectual or non-existent and that the best interest of the Corporation Florida Housing is served by acceleration of the Loan, the Loan shall ~~may~~ be accelerated if any of 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 mMinimum Set-Aside rRequirement during the Compliance Period; or

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

~~(10)(9)~~ The Applicant shall submit progress reports evidencing successful completion of the requisite tasks and activities set forth in the Development Plan to the ~~Corporation~~ and the Technical Assistance Provider on a quarterly basis. The Technical Assistance Provider shall submit the reports to the Corporation. Reports are due to the Corporation by the 10th day of April, July, October, and January for as long as funds are outstanding.

~~(11)(10)~~ The Corporation Florida Housing reserves the right to require an audit of Applicant's accounts and records relating to the PLP Loan funds. If the Applicant is required to perform an audit of its accounts and records, a copy of the same shall be delivered to the Corporation within ten (10) days of receipt of thereof by the Applicant.

~~(12)(11)~~ The Applicant shall maintain all documents related to the Development, including copies of all contracts and performance bonds, during the term of the Loan and for three 3 years following the maturity of the Loan as the same may be extended pursuant to this Rule Chapter.

~~(12)~~ The Applicant shall comply with all provisions of the Florida Fair Housing Act (Sections 760.20-760.37, F.S.) and the Federal Fair Housing Act and all other applicable laws. shall not discriminate on the basis of disability, race, color, creed, familial status, sex or national origin in the employment of persons to work on the Development, or in the sale, lease, or other disposition or use of the land or lots covered by the Mortgage securing the Corporation's Loan. All contracts executed by the Applicant relating to work or labor to be performed on the mortgaged property shall contain a similar nondiscrimination provision.

(13) With respect to home ownership Developments, in order to assure that such Developments ~~will~~ serve the target population the Credit Underwriter or the Corporation shall, prior to release of an individual lot within the Development site, review appropriate documentation as necessary to determine the unit is being sold to an eligible purchaser and maintain the Minimum Set-Aside Requirements, in addition to

~~the execution and recordation of the Land Use Restriction Agreement (LURA) upon initial purchase by the Applicant, all deeds conveying title to home ownership units shall contain restrictive covenants, encompassing all of the units in the Development for which the Predevelopment Loan Program funds are being used. The LURA shall reflect the provision that all these home ownership units must initially be purchased only by persons who do not exceed income limits established in subsection 67-38.002(21), F.A.C.~~

(14) With respect to rental Developments, in order to assure that such Developments ~~will~~ serve the target population and maintain the mMinimum Set-Aside rRequirements, in addition to the execution and recordation of the Land Use Restriction Agreement (LURA), all deeds conveying title to real estate ~~that which~~ is improved with rental units shall contain restrictive covenants ~~that which~~ encompass all of the units in the Development and ~~that which shall~~ provide for the continued rental of the units to persons within the target population for the Compliance Period. For those Developments which have occupied units, or will have occupied units, prior to closing of the construction or permanent financing, tThe Servicer or the Corporation shall conduct a review and physical inspection prior to closing of the construction or / permanent financing to assure that the Development meets the mMinimum Set-Aside rRequirements 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.

(15) The loan shall not be assumable upon Development sale, transfer or refinancing of the Development.

Specific Authority 420.528 FS. Law Implemented 420.526, 420.527, 420.528 FS. History—New 3-23-93, Amended 1-16-96, Formerly 91-38.007, Amended 3-26-98, 7-17-00, _____.

67-38.008 Eligible Uses for the Loan.

(1) The proceeds of the Loan shall only be used for eligible expenses tasks and activities specified in the approved Development Plan.

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

(3) Eligible Predevelopment ~~activities or~~ expenses shall include, ~~for example,~~ the following expenses if such expenses shall be encumbered prior to closing of construction or permanent financing:

- (a) Market and feasibility analysis;
- (b) Rezoning;
- (c) Title search;
- (d) Legal fees;

(e) Boundary survey;

(f) Administrative expenses; such as phone charges, travel related to the Development, copying, printing, and postage fees. Other expenses requested under this subsection shall be pre-approved by the Corporation. Salaries of employees of the applicant are not an eligible expense.

(g) Third party consultant fees. Consultant shall demonstrate appropriate experience in housing Development projects and shall be acceptable to the TAP. No person, corporation, partnership, or entity having an identity of interest in the Development, or the Applicant, may act as a third party consultant;

(h) Fees of the PLP Credit Underwriter ~~(including Preliminary Underwriting Assessment fees);~~

(i) Good faith or earnest money deposit related to the Development Site;

(j) Commitment fees to secure construction or / permanent financing;

(k) Biological and environmental assessments;

(l) Soil tests;

(m) Appraisals;

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

(o) Marketing expenses;

(p) Permitting/impact fees;

(q) Architectural/engineering fees;

(r) Fees in connection with ~~a~~ the completion audit;

(s) Site ~~D~~evelopment activities approved by the Corporation;

(t) Insurance fees; and

(u) Connection fees.

(v) Other miscellaneous expenses;

(4) If any of the requisite Predevelopment activities to be completed are pending or have not been satisfactorily completed, the Applicant shall be required to work with the Technical Assistance Provider to complete the such Predevelopment activities in a timely and satisfactory manner.

(5) Applicants may request use of PLP Loan funds for site acquisition by providing to Florida Housing:

(a) Evidence that all other Predevelopment expenses have been paid or appropriate funding for outstanding expenses have been reserved. If PLP funds are requested for eligible uses other than acquisition, those funds shall be made available after customary closing documents are executed. PLP funds for acquisition shall not be released until such time as this and the following requirements have been provided Detailed evidence of due diligence;

(b) ~~A~~ detailed explanation as to the necessity to acquire title;

(c) A recommendation from the Technical Assistance Provider that funding be provided for site acquisition; and

~~(d) A Credit Subsequent to Preliminary Underwriting Report Assessment, which includes a recommendation from the Credit Underwriter that funds be disbursed for site acquisition.~~

Specific Authority 420.528 FS. Law Implemented 420.526, 420.527, 420.528 FS. History—New 3-23-93, Amended 1-16-96, 5-21-96. Formerly 91-38.008, Amended 3-26-98, 7-17-00, _____.

67-38.010 Credit Underwriting Procedures.

(1) If an Applicant requests funds for site acquisition pursuant to subsection 67-38.008(5), F.A.C. or requests an extension of the term of the PLP Loan, subsection 67-38.009(5), F.A.C., the Corporation Florida Housing will assign a Credit Underwriter to perform the Credit Preliminary Underwriting Report Assessment.

(2) ~~Applicant may request payment of Credit Underwriting fees for the Preliminary Underwriting Assessment from PLP funding pursuant to Rule 67-38.008, F.A.C. Upon payment of the credit underwriting fees, the assigned Credit Underwriter shall review the Application and Development Plan and perform the Credit Preliminary Underwriting Report Assessment. In this Credit Underwriting Report, the Credit Underwriter shall:~~

(a) Analyze the Applicant's Development costs, sources of funds and pro forma operating statement to ensure the Development's feasibility;

(b) Prioritize tasks which must be accomplished prior to obtaining construction and permanent financing;

~~(c)(3) The Credit Underwriter shall review the Application and Development Plan to and Advise the Corporation as to the appropriateness of plans, and specifications and the budget for the Predevelopment tasks and activities related to the Development; and~~

(d) Make a determination as to the feasibility of the Development.

~~(3)(4) An appraisal of the proposed Development Site to be acquired shall be required during the Credit Preliminary Underwriting Report Assessment process. The Credit Underwriter shall choose an appraiser from the Credit Underwriter's approved list of appraisers and order the appraisal of the Development.~~

(4)(5) The Credit Underwriter shall consider the appraisal of the Development and other market data to determine if the market exists to support both the demographic and income restriction Sset-Asides committed to within the Application.

(5)(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 Credit Preliminary Underwriting Report 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.

~~(6)(7)~~ The Credit Underwriter shall complete and make a written draft Credit Underwriting Report Assessment and recommendation to the Corporation within 80 45 calendar days from the date underwriting fees are paid. The Technical Assistance Provider and the Applicant shall review the draft Rreport and provide written comments to the Corporation and Credit Underwriter within 72 hours of receipt. After the 72-hour review period, the Corporation shall provide comments on the draft Rreport and, as applicable, on the Applicant's and Technical Assistance Provider's comments, to the Credit Underwriter. The Credit Underwriter shall then review and consider the comments thereto and release the revised Rreport to the Corporation, the Technical Assistance Provider, and the Applicant. Any additional comments from the Applicant and Technical Assistance Provider shall be received by the Corporation and the Credit Underwriter within 72 hours of receipt of the revised Rreport. ~~Then, T~~he Credit Underwriter shall will provide to the Corporation a final Rreport which will address all comments made by the Applicant and the Technical Assistance Provider.

~~(7)(8)~~ 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 shall will result in the disqualification of the Development Applicant and rescission of the Invitation to Participate.

Specific Authority 420.528 FS. Law Implemented 420.528 FS. History--New 3-23-93, Amended 1-16-96, Formerly 91-38.010, Amended 3-26-98, 7-17-00,

67-38.011 Fees.

(1) The following fees and charges pertaining to each Application shall be paid by the Applicant:

(a) Application Package fee as identified in the Application Package; of \$30.00

(b) A nonrefundable application fee as identified in the Application Package of \$100.00 per Application submitted;

(c) If PLP funds are to be used for site acquisition and ~~Applicant proposes to take title to real property or in the event Applicant requests an extension of the L~~loan maturity date, a credit underwriting fee pursuant to the contract between the Corporation and the Credit Underwriter shall be paid. If a Development involves scattered sites ~~within a single market area,~~ a single credit underwriting fee shall be charged;

(d) A commitment fee as identified in the Application Package of \$600 shall be paid to the Corporation;

~~(e) Following approval and is due at the time Applicant executes the Invitation to Participate, and an additional \$600 commitment fee shall be paid within 15 days of written notice to Applicant that the Development Plan has been approved. In the event the Development Plan does not receive approval, the commitment \$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 receives approval and Applicant is unable to proceed to completion of Predevelopment Loan Program activities or obtain permanent or /construction financing, the \$1,200 commitment fee shall be retained by Florida Housing Finance Corporation. In the event the Development Plan is approved and Applicant successfully completes the Predevelopment Loan Program activities and obtains permanent or /construction financing, the Applicant's Loan amount due upon closing of the construction or/ permanent financing will be reduced by \$1,200 reflecting the full commitment fee paid.~~

~~(f)(e) Servicing and Compliance Monitoring Fees shall be paid for those multifamily rental Developments that which obtain construction or / permanent financing from sources other than Corporation Florida Housing programs. The total Servicing and M monitoring fee to be paid by the Applicant shall for the Housing Credit Compliance Period must be submitted to the Corporation at the time of closing on of the construction or / permanent financing. The total Servicing and M monitoring fee is listed is based upon a quarterly payment stream which shall be discounted at 2.75% for the full Compliance Period to provide a present value to be paid by the Applicant and shall be listed in the Application Package. For those Developments which obtain their construction or / permanent financing from Florida Housing Programs, the Compliance Monitoring Fees shall be determined by the requirements of the particular program providing the financing in accordance with the rule chapter governing that particular program; and-~~

~~(g)(f) All cCredit uUnderwriting, Technical Assistance Advisory, Servicing and Compliance Monitoring Fees, extraordinary services and late fees shall be determined by contracts between the Corporation and the provider.;~~

(2) Fees associated with the Loan are part of Development cost and ~~shall may~~ be included in the Development cost pro forma, if approved by the Technical Assistance Provider and Florida Housing.

(3) Failure to remit any of the required fees when due shall cause the Application to be disqualified from the PLP program Florida Housing to rescind the Invitation to Participate or shall constitute a default under the documents evidencing or securing the Loan.

Specific Authority 420.528 FS. Law Implemented 420.528 FS. History--New 3-23-93, Amended 1-16-96, Formerly 91-38.011, Amended 3-26-98, 7-17-00,

67-38.012 Sale, Transfer or Conveyance of Development.

Specific Authority 420.528 FS. Law Implemented 420.529 FS. History—New 3-23-93, Amended 1-16-96, Formerly 91-38.012, Amended 3-26-98, 7-17-00, Repealed _____.

67-38.014 Disbursement Procedures.

(1) The Loan shall be disbursed in partial payments by the Corporation to the Applicant or third party contractors subsequent to compliance with the following conditions for either home ownership or multifamily rental Developments:

~~(a)(1)~~ The Applicant shall deliver to the Corporation all documents required by the Corporation to evidence and secure the Loan and evidence compliance with all terms and conditions of the Loan;

~~(b)(2)~~ Ten business days prior to each disbursement under the Loan, including any disbursements anticipated at closing, the Applicant shall deliver to the Corporation a written request approved by the Technical Assistance Provider;

~~(c)(3)~~ Any disbursement request shall set forth the amount requested by the Applicant and shall be accompanied by invoices, cancelled checks or other such documentation to evidence the amount and kind of work or labor that has been or is to be performed; the value of the same; the identification of the portion of the Development Site on which the work has been performed; and that such contractors, sub-contractors, materialmen, laborers, professionals, consultants and all persons employed by the Applicant to work on the Development have been paid for work performed or will be paid. Lien waivers for work or labor which has been completed shall be submitted along with requests for disbursement. Lien waivers for work which will be paid from the requested disbursement shall be submitted prior to receiving additional disbursements; and

~~(d)(4)~~ Disbursements for eligible activities, conducted prior to being awarded predevelopment financing, qualify for reimbursement from PLP funds provided that the eligible Predevelopment activities were performed or completed no earlier than twelve months prior to the submission of the Application. Reimbursement for site acquisition which was completed prior to closing on the PLP loan shall not be allowed as a PLP expense.

~~(2)(5)~~ Before requests for disbursements under the Loan are processed, the Applicant shall provide verification to the Technical Assistance Provider and the Corporation 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.

~~(3)(6)~~ In the event that the Applicant receives PLP funding requests disbursement for site acquisition and proposes to take title to real property, the Applicant must also provide:

~~(a)~~ A recommendation from the Technical Assistance Provider and

~~(b)~~ Subsequent to a Preliminary Underwriting Assessment, a recommendation from the Credit Underwriter that funds be disbursed for site acquisition must also be provided.

~~(c)~~ A Mortgage on the Development Site as collateral for the Loan subject only to such encumbrances approved by the Corporation; however, if the Applicant is proffering a subordinate Mortgage or other collateral for the Loan, the same shall be subject to a favorable recommendation of the Credit Underwriter and the approval of the Corporation.;

~~(d)~~ The Applicant shall provide an appraisal that has been completed by an appraiser approved by the Credit Underwriter;

Specific Authority 420.528 FS. Law Implemented 420.528 FS. History—New 3-23-93, Amended 1-16-96, 5-21-96 Formerly 91-38.014, Amended 3-26-98, 7-17-00, _____.

67-38.0145 Compliance and Monitoring Procedures.

~~(1)~~ With respect to Units within the Development that are occupied at the time of Loan closing execution of the Invitation to Participate, shall meet all Development Set-Aside requirements must be met at that time.

~~(2)~~ For ~~With respect to~~ new construction or rehabilitation of rental units not occupied at time of Loan closing execution of the Invitation to Participate, the Applicant shall Corporation must be notified the Corporation prior to the leasing of any units in the Development. The units shall be leased by income eligible tenants.

~~(3)~~ For rental Developments which obtain construction or permanent financing from Corporation Florida Housing programs, the compliance and monitoring requirements of the particular program or programs under which funding is received shall apply.

~~(4)~~ For rental Developments that which obtain construction or permanent financing from sources other than Corporation Florida Housing programs and no Corporation Florida Housing funds remain in the Development.;

~~(a)~~ Any duly authorized representative of the Corporation shall be permitted at any reasonable time to inspect and monitor the records and facilities of the Development for compliance with the following conditions.;

~~(a)1-~~ For homeownership Developments: The Corporation ~~and~~ or its representative shall perform an initial review to determine home buyer eligibility and verify permanent residency.

~~(b)2-~~ For multifamily rental Developments.;

The Corporation or its representative shall monitor tenant records and facilities for compliance during the Compliance Period with the following conditions:

1.a. All tenant records shall be maintained by the Applicant within 50 miles of the Development Site.

2.b. The Corporation or its representative shall conduct on-site Development inspections at least annually.

3.e. The Corporation must approve the Applicant's selection of a management company prior to the company assuming responsibility for the Development based upon the following criteria:

- a.(i) Review of the company information including key management personnel, management experience and procedures;
- b.(ii) Review of company forms such as application for apartment residence, income verification forms, lease, etc.;
- c.(iii) Key management company representative attendance at a Corporation compliance workshop; and
- d.(iv) A meeting between Corporation compliance staff and the key management company representative after the compliance workshop.

(5)(b) The Applicant or an authorized representative, if any, shall attend a compliance training workshop or meet with a representative from the Corporation or the monitoring agent for a compliance training conference prior to initial leasing of any units.

(6)(e) The Applicant shall maintain complete and accurate income records pertaining to each tenant occupying a set-aside unit. Records for each occupied set-aside unit shall contain at least the following documentation:

- (a)1- The ~~tenant's resident's~~ application which shall contain the name or names of each household member, employment and income information for each household member, and other information required by the Applicant;
- (b)2- A copy of the lease agreement listing the term of the tenancy and each tenant residing in the unit;
- (c)3- Verification of the income of each tenant as is acceptable to prove income under Section 8 of the U.S. Housing Act of 1937, as amended;
- (d)4- Information as to the assets owned by each tenant; and
- (e)5- Income Certification Form TIC-1 for each tenant. 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.

(7)(d) With respect to rental Developments, program reports shall be submitted as follows:

- (a)1- Initial program reports for rehabilitation/acquisition Developments with units occupied at the time of the execution of the Invitation to Participate shall be submitted at the time of execution of the Invitation to Participate;
- (b)2- Initial program reports shall be submitted for Developments with no units occupied at the time of the closing of the Loan within 10 days following the end of the calendar quarter during which the leasing of any unit within the Development occurred; and;

(c)3- Subsequent program reports shall be submitted each year during the Compliance Period and are due on the dates assigned by the Corporation according to an alphabetical breakdown by property.

(8) For homeownership Developments, the initial sale of all units shall be to income eligible purchasers.

Specific Authority 420.528 FS. Law Implemented 420.528 FS. History--New 1-16-96, Formerly 91-38.0145, Amended 3-26-98, 7-17-00, _____.

67-38.015 Disposition of Property Accruing to the Corporation.

Specific Authority 420.528 FS. Law Implemented 420.528, 420.529 FS. History--New 3-23-93, Amended 1-16-96, Formerly 91-38.015, Amended 3-26-98, 7-17-00, Repealed _____.

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 420, F.S. ~~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 1115 2000. Such Applications shall be subject to all provisions of this Rule except that such Applications shall not be subject to the Application fee or 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 have met Threshold Requirements ~~be complete~~, provided previous Predevelopment Loan Program award is relinquished, and outstanding notes and mortgages are satisfied with funding provided under this rule.

(4) Applicants awarded funding from Cycle I or II of the 1998 Predevelopment Loan Program that propose to develop Farmworker housing shall receive first priority for those proposed Developments. Priority shall then be given to Applicants proposing to develop other Farmworker housing, then to Cycle I and II Applicants proposing to develop other types of eligible housing, and finally to other Applicants proposing to develop other types of eligible housing.

Specific Authority 420.528 FS. Law Implemented 420.527, 420.528 FS. History--New 7-17-00, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Rob Dearduff, Multifamily Loans Manager
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kerey Carpenter, Deputy Development Officer
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 7, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: June 14, 2002

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

RULE NOS.:	RULE TITLES:
4-149.003	Rate Filing Procedures
4-149.021	Form Filing Procedures

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 1, January 3, 2003, of the Florida Administrative Weekly. These changes are being made to address concerns expressed by the Joint Administrative Procedures Committee.

4-149.003: Subsection (3) has been changed to read:

(a) ...submitted electronically to <https://iportal.fldfs.com> <https://iportal.fldoi.com>...

(b) Subsequent to July 1, 2003, all filings shall be submitted electronically to <https://iportal.fldfs.com>, or by computer diskette meeting the compatibility requirements mandated by Section 624.424(1)(c), F.S. Deadlines for filing will not be extended due to shipping delays, format incompatibility, data corruption, or any other impediment which results from an election to file by diskette.

4-149.021: Subsection (5) has been changed to read:

(a) ...submitted electronically to <https://iportal.fldfs.com> <https://iportal.fldoi.com>...

(b) Subsequent to July 1, 2003, all filings shall be submitted electronically to <https://iportal.fldfs.com>, or by computer diskette meeting the compatibility requirements mandated by Section 624.424(1)(c), F.S. Deadlines for filing will not be extended due to shipping delays, format incompatibility, data corruption, or any other impediment which results from an election to file by diskette.

The remainder of the reads as previously published.

DEPARTMENT OF INSURANCE

RULE NO.:	RULE TITLE:
4-156.011	Standards and Refund or Credit of Premium

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 1, January 3, 2003, of the Florida Administrative Weekly. These changes are being made to address concerns expressed by the Joint Administrative Procedures Committee.

Sub-subparagraph (2)(a)3.c., has been changed to read:

c. Subsequent to July 1, 2003, all filings shall be submitted electronically to <https://iportal.fldfs.com>, or by computer diskette meeting the compatibility requirements mandated by Section 624.424(1)(c), Florida Statutes. Deadlines for filing will not be extended due to shipping delays, format incompatibility, data corruption, or any other impediment which results from an election to file by diskette.

The remainder of the reads as previously published.

DEPARTMENT OF INSURANCE

RULE NO.:	RULE TITLE:
4-191.051	Filing, Approval of Subscriber Contract and Related Forms

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 1, January 3, 2003, of the Florida Administrative Weekly. These changes are being made to address concerns expressed Paragraph (b) of subsection (3) has been changed to read:

c. Subsequent to July 1, 2003, all filings shall be submitted electronically to <https://iportal.fldfs.com>, or by computer diskette meeting the compatibility requirements mandated by Section 624.424(1)(c), Florida Statutes. Deadlines for filing will not be extended due to shipping delays, format incompatibility, data corruption, or any other impediment which results from an election to file by diskette.

The remainder of the reads as previously published.

DEPARTMENT OF INSURANCE

RULE NO.:	RULE TITLE:
4-203.042	Filing, Approval of Subscriber Contract and Related Forms

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 1, January 3, 2003, of the Florida Administrative Weekly. These changes are being made to address concerns expressed subsection (4) has been changed to read:

c. Subsequent to July 1, 2003, all filings shall be submitted electronically to <https://iportal.fldfs.com>, or by computer diskette meeting the compatibility requirements mandated by Section 624.424(1)(c), Florida Statutes. Deadlines for filing will not be extended due to shipping delays, format incompatibility, data corruption, or any other impediment which results from an election to file by diskette.

The remainder of the reads as previously published.