

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

2. Homes shall have kitchen the facilities necessary for perishable food storage and meal preparation.

(e) Fire Protection.

1. An operating smoke detector shall be present in each dwelling.

2. Flammable materials such as gasoline, paint, lacquer and paint thinner, alcohol, oxygen, turpentine, contact cement, charcoal lighter fluid, and cleaning fluids shall be stored away from sources of heat, and shall be stored outside or and away from the kitchen and other inside living areas of the main residence. They shall not be stored in a garage if a fuel-burning appliance is located in the garage.

3. Combustible materials such as newspapers and rags shall not be stored near a furnace, hot water heater, space heater, or other sources of heat.

~~4.3.~~ Frayed, cracked, or broken electrical wiring and extension cords shall be removed and replaced. Extension cords shall not extend from one room to another. Multiple electric outlet adapters shall not be used for more than two extensions at one time.

~~5.4.~~ Electric space heating units shall bear the Underwriters Laboratories (UL) label. Kerosene heaters, unvented gas, and unvented oil heaters are prohibited. Only vented heaters, which shall be properly vented to the outside. Fuel burning space units shall be hooded or vented in accordance with Rule 4A 38.023, F.A.C. or shall be so constructed as to not require venting this, are permitted used. The use of a propane heater (liquefied petroleum – LP) which has a gas cylinder stored in the body of the heater or other type of self-contained fuel supply, is prohibited.

(f) Firearms. Firearms and ammunition shall be stored separately from each other in locked storage areas.

Specific Authority 410.033 FS. Law Implemented 410.034 FS. History—New 5-3-81, Amended 2-11-82, Formerly 10A-9.07, Amended 6-11-91, Formerly 10A-9.007, Amended 8-13-00,_____.

65C-1.009 Petition Proceedings.

(1) The Home Care Counselor shall conduct an assessment of the home environment, physical structure and surroundings, to determine the fitness of the residential dwelling in keeping with the assessed needs of the applicant or/client and the established standards for the Home Care Program as found in Chapter 410, F.S., and Chapter 65C-1, F.A.C. A copy of Chapter 410, F.S., and Chapter 65C-1, F.A.C., shall be provided without cost upon request to the Adult Services Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700.

(2) When a home is determined not to be fit by the standards set forth from the Home Care Program:

(a) The applicant or/client and/or provider shall be notified in writing of determination of unfitness and shall be informed of the basis for such determination.

(b) The applicant or/client and/or provider is provided due process under Chapter 120, F.S., judicial review under s. 410.034, F.S., and may petition the Circuit Court for resolution of the question of fitness of home.

Specific Authority 410.033 FS. Law Implemented 410.034 FS. History—New 5-3-81, Amended 2-11-82, Formerly 10A-9.09, Amended 6-11-91, Formerly 10A-9.009,_____.

P.O. JE1983

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Comprehensive Shellfish Control Code	5L-1
RULE TITLES:	RULE NOS.:
Shellfish Harvesting Area Standards	5L-1.003
Container Identification, Terminal Sale Date;	
Prohibitions	5L-1.007
Laboratory Procedures and Sample Testing	5L-1.019

PURPOSE AND EFFECT: These amendments propose to reclassify the Pensacola Bay System shellfish harvesting area in Escambia and Santa Rosa Counties, the North Bay shellfish harvesting area in Bay County, the Indian Lagoon shellfish harvesting area in Gulf County, the Ochlockonee Bay shellfish harvesting area in Franklin and Wakulla Counties, the Apalachicola Bay System shellfish harvesting area in Franklin County, and the Wakulla County shellfish harvesting area in Wakulla County. Sanitary surveys have been conducted that evaluate current information on pollution sources and bacteriological water quality, and recommend reclassification of the Pensacola Bay System, North Bay, Indian Lagoon, Ochlockonee, and Wakulla County shellfish harvesting areas. Additionally, the four-digit area codes used on shellfish tags will be updated to identify the locations of where shellfish are harvested in the Pensacola Bay System, North Bay, Indian Lagoon, Ochlockonee, and Wakulla County shellfish harvesting areas. The four-digit harvest area codes are proposed to be updated to reflect the proposed classifications. These codes or the name of the harvest area must be recorded on harvester tags. This information provides for tracing shellfish that are implicated in illness outbreaks back to the harvest area. The reclassification of the Apalachicola Bay System is necessary to adjust the shellfish harvesting area maps and legal descriptions to reflect replacement of the Bryant Patton Bridge.

These amendments also propose to incorporate the option to analyze water samples using the membrane filter method as recently adopted by the ISSC and to require consumer information statement labeling for all shellfish species.

SUMMARY: The proposed reclassification of the Pensacola Bay System shellfish harvesting area will increase the size of the current conditionally approved Winter areas by 22,254 acres, from 25,500 acres to 47,754 acres, increase the size of the current conditionally approved Spring/Fall areas by 325 acres, from 47,429 acres to 47,754 acres, decrease the size of the current conditionally restricted Winter areas by 21,729 acres, from 25,176 acres to 3,447 acres, remove the current restricted Spring/Fall area of 3,641 acres, decrease the size of the current prohibited Winter areas by 2,740 acres, from 41,133 acres to 38,393 acres and decrease the size of the current prohibited spring/Fall areas by 2,312 acres, from 40,705 acres to 38,393 acres. Current management of the Pensacola Bay System conditionally approved and conditionally restricted areas is seasonal and is based on local rainfall and Escambia River stage. Proposed management of these areas is non-seasonal and is based on local rainfall and Escambia River stage. The average closure frequency of the 0222 conditionally approved Escambia Bay section is expected to increase by 0.8 days per month, from 9.8 to 10.6 days per month. The average closure frequency of the 0232 conditionally approved East Bay section is expected to increase by 0.3 days per month, from 8.4 to 8.7 days per month. The average closure frequency of the 0216 conditionally restricted Escambia Bay section is expected to decrease by 1.2 days per month, from 5.6 to 4.4 days per month. The average closure frequency of the 0226 conditionally restricted East Bay section is expected to increase by 0.1 days per month, from 0.4 to 0.5 days per month.

The proposed reclassification of the North Bay shellfish harvesting area will decrease the size of the conditionally approved Eastern section by 51 acres, from 1,486 acres to 1,435 acres, decrease the size of the prohibited area by 52 acres, from 1,957 acres to 1,905 acres, and create a 103-acre conditionally restricted area in the Eastern section. Current management of the conditionally approved areas is based on local rainfall and Econfina Creek discharge (converted to stage). Proposed management of the conditionally approved and conditionally restricted areas is based on local rainfall and Econfina Creek stage. The average closure frequency of the 1012 conditionally approved Western Section is expected to decrease by 1.0 days per month, from 13.8 to 12.8 days per month. The average closure frequency of the 1022 conditionally approved Eastern Section is expected to increase by 0.6 days per month, from 14.8 to 15.4 days per month. The average closure frequency of the 1006 conditionally restricted Eastern Section is expected to be 3.0 days per month.

The proposed reclassification of the Indian Lagoon shellfish harvesting area will increase the size of the conditionally approved Winter areas by 61.3 acres, from 448 acres to 509.3 acres and decrease the size of conditionally restricted Winter area by 74.67 acres, from 210 acres to 135.33 acres. The size of the prohibited Winter area will remain the same. Current and

proposed management of the conditionally approved and conditionally restricted Winter area is based on local rainfall. The average closure frequency of the 1542 conditionally approved Zone A Winter area is expected to decrease by 4.5 days per month, from 7.2 to 2.7 days per month. The average closure frequency of the 1552 conditionally approved Zone B Winter area is expected to decrease by 0.9 days per month, from 11.7 to 10.8 days per month. The average closure frequency of the 1506 conditionally restricted Winter area is expected to decrease by 5.2 days per month, from 6.5 to 1.3 days per month.

The proposed reclassification of the Indian Lagoon shellfish harvesting area will not change the size of the conditionally approved or prohibited Spring/Fall areas. Current and proposed management of the conditionally approved Spring/Fall area is based on local rainfall and Apalachicola river discharge. The average closure frequency of the 1512 conditionally approved Spring/Fall area is expected to decrease by 18.9 days per month, from 21.7 to 2.8 days per month.

The proposed reclassification of the Indian Lagoon shellfish harvesting area will not change the size of the conditionally approved shellfish aquaculture lease areas managed during the Summer months. Current management of the conditionally approved shellfish aquaculture lease areas is based on local rainfall and Apalachicola river discharge. Proposed management of the conditionally approved shellfish aquaculture lease areas is based on local rainfall. The average closure frequency of the 1572 conditionally approved shellfish aquaculture lease areas managed during the Summer months is expected to decrease by 24.4 days per month, from 26 to 1.6 days per month.

The proposed reclassification of the Ochlockonee Bay shellfish harvesting area will increase the size of the conditionally approved area by 1,703 acres, from 2,655 acres to 4,358 acres. The size of the conditionally restricted and prohibited areas will not change. Current and proposed management of the conditionally approved and conditionally restricted areas is based on local rainfall and Ochlockonee River stage. The average closure frequency of the 2002 conditionally approved area is expected to decrease by 7.1 days per month, from 14.8 to 7.7 days per month. The average closure frequency of the 2006 conditionally restricted area is expected to decrease by 1.1 days per month, from 5.9 to 4.8 days per month.

The proposed reclassification of the Apalachicola Bay System will result in minor changes in the size of the winter and summer shellfish harvesting areas and result in no change in the current management of the shellfish harvesting areas.

The proposed reclassification of the Wakulla County shellfish harvesting area will decrease the size of conditionally approved zone 1 Winter and Spring area by 2,216 acres, from 3,717 acres to 1,501 acres, increase the size of the conditionally approved zone 2 Winter and Spring area by 178 acres, from 11,051 acres to 11,229 acres, decrease the size of

the conditionally restricted area by 223 acres, from 1,709 acres to 1,486 acres, and increase the size of the prohibited area by 298 acres, from 2,551 acres to 2,849 acres. Current management of the conditionally approved and conditionally restricted areas is non-seasonal and is based on local rainfall. Proposed management of the conditionally approved and conditionally restricted areas is seasonal and is based on local rainfall. The average closure frequency of the 2212 conditionally approved zone 1 Winter area is expected to decrease by 2.1 days per month, from 10.8 to 8.7 days per month. The average closure frequency of the 2232 conditionally approved zone 1 Spring area is expected to decrease by 5.4 days per month, from 10.8 to 3.4 days per month. The average closure frequency of the 2222 conditionally approved zone 2 Winter area is expected to remain the same; 2.9 days per month. The average closure frequency of the 2242 conditionally approved zone 2 Spring area is expected to decrease by 1.7 days per month, from 2.9 to 1.2 days per month. The average closure frequency of the 2206 conditionally restricted Winter area is expected to decrease by 1.7 days per month, from 2.6 to 0.9 days per month. The average closure frequency of the 2206 conditionally restricted Spring area is expected to decrease by 1.9 days per month, from 2.6 to 0.7 days per month.

These amendments place descriptions, references to shellfish harvesting area map numbers, and operating criteria for the Pensacola Bay shellfish harvesting area (#02), the North Bay shellfish harvesting area (#10), the Indian Lagoon shellfish harvesting area (#15), the Ochlockonee Bay shellfish harvesting area (#20), the Apalachicola Bay System shellfish harvesting area (#16), and the the Wakulla County shellfish harvesting area (#22) in the document Shellfish Harvesting Area Classification Boundaries and Management Plans. This document is hereby incorporated by reference in subsection 5L-1.003(1), F.A.C. Additionally, these amendments provide an illustration of the Pensacola Bay System shellfish harvesting area classification boundaries in shellfish harvesting area map #02, an illustration of the North Bay shellfish harvesting area classification boundaries in shellfish harvesting area map #10, an illustration of the Indian Lagoon shellfish harvesting area classification boundaries in shellfish harvesting area maps #15A, #15B, and #15C, an illustration of the Ochlockonee Bay shellfish harvesting area classification boundaries in shellfish harvesting area map #20, an illustration of the Apalachicola Bay System shellfish harvesting area classification boundaries in shellfish harvesting maps #16A and #16B, and an illustration of the Wakulla County shellfish harvesting area classification boundaries in shellfish harvesting area maps #22A and #22B. These maps are hereby incorporated by reference in subsection 5L-1.003(1), F.A.C.

Additionally, these amendments propose updating the four-digit harvest area codes defined in paragraph 5L-1.007(3)(e), F.A.C., for the Pensacola Bay System, North Bay, Indian Lagoon, Ochlockonee, and Wakulla County

shellfish harvesting areas. These codes will be used on harvester tags to identify the locations where shellfish are harvested.

These amendments also propose to incorporate the option to analyze water samples using the membrane filter method as recently adopted by the ISSC and to require consumer information statement labeling for all shellfish species.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: There is no anticipated regulatory cost.

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: 597.020 FS.

LAW IMPLEMENTED: 597.020 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:

TIME AND DATE: 10:00 a.m., Monday, July 12, 2004

PLACE: 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida

If accommodation for a disability is needed to participate in this activity, please notify David Heil, Division of Aquaculture, at (850)488-5471 at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: David Heil, Division of Aquaculture, 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301, Phone (850)488-5471

THE FULL TEXT OF THE PROPOSED RULES IS:

5L-1.003 Shellfish Harvesting Area Standards.

(1) The Department shall describe and/or illustrate harvesting areas and provide harvesting area classifications as approved, conditionally approved, restricted, conditionally restricted, prohibited, or unclassified as defined herein, including criteria for opening and closing shellfish harvesting areas in accordance with Chapters II and IV of the National Shellfish Sanitation Program Model Ordinance. Copies of the document Shellfish Harvesting Area Classification Maps, revised ~~October 14, 2001~~, and the document Shellfish Harvesting Area Classification Boundaries and Management Plans, revised ~~October 14, 2001~~, containing shellfish harvesting area descriptions, references to shellfish harvesting area map numbers, and operating criteria herein incorporated by reference may be obtained by writing to the Department at 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301.

(2) Approved areas – Growing areas shall be classified as approved when a sanitary survey, conducted in accordance with Chapter IV of the National Shellfish Sanitation Program Model Ordinance, indicates that pathogenic microorganisms,

radionuclides, and/or harmful industrial wastes do not reach the area in dangerous concentrations and this is verified by laboratory findings whenever the sanitary survey indicates the need. Shellfish may be harvested from such areas for direct marketing. This classification is based on the following criteria:

(a) The area is not so contaminated with fecal material or poisonous or deleterious substances that consumption of the shellfish might be hazardous; and

(b) The bacteriological quality of every sampling station in those portions of the area most probably exposed to fecal contamination shall meet one of the following standards during the most unfavorable meteorological, hydrographic, seasonal, and point source pollution conditions: 1) The median or geometric mean fecal coliform Most Probable Number (MPN) of water shall not exceed 14 per 100 ml., and not more than 10 percent of the samples shall exceed a fecal coliform MPN of 43 per 100 ml. (per 5-tube, 3-dilution test) or 2) The median or geometric mean fecal coliform Most Probable Number (MPN) of water shall not exceed 14 per 100 ml., and not more than 10 percent of the samples shall exceed a fecal coliform MPN of 33 per 100 ml. (per 12-tube, single-dilution test) or 3) The median or geometric mean fecal coliform Membrane Filter (MF) colony forming units of water shall not exceed 14 per 100 ml., and not more than 10 percent of the samples shall exceed a fecal coliform MF colony forming unit of 31 per 100 ml. Harvest from temporarily closed approved areas shall be unlawful.

(3) No change.

(4) Restricted areas – A growing area shall be classified as restricted when a sanitary survey, conducted in accordance with Chapter IV of the National Shellfish Sanitation Program Model Ordinance, indicates that fecal material, pathogenic microorganisms, radionuclides, harmful chemicals, and marine biotoxins are not present in dangerous concentrations after shellfish from such an area are subjected to a suitable and effective purification process. The bacteriological quality of every sampling station in those portions of the area most probably exposed to fecal contamination shall meet the following standard: The median or geometric mean fecal coliform Most Probable Number (MPN) of water shall not exceed 88 per 100 ml. and not more than 10 percent of the samples shall exceed a fecal coliform MPN of 260 per 100 ml. (per 5-tube, 3-dilution test) or the median or geometric mean fecal coliform Membrane Filter (MF) colony forming units of water shall not exceed 88 per 100 ml., and not more than 10 percent of the samples shall exceed a fecal coliform MF colony forming unit of 163 per 100 ml. in those portions of the area most probably exposed to fecal contamination during the most unfavorable meteorological, hydrographic, seasonal, and point source pollution conditions. Harvest is permitted according to permit conditions specified in Rule 5L-1.009, F.A.C. Harvest from temporarily closed restricted areas shall be unlawful.

(5) through (10) No change.

Specific Authority 597.020 FS. Law Implemented 597.020 FS. History—New 1-4-87, Amended 8-10-88, 7-9-89, 12-23-91, Formerly 16R-7.004, Amended 7-3-95, 6-18-97, 7-1-97, 7-22-97, 10-12-97, 12-16-97, 12-28-97, 2-12-98, 2-25-98, 7-1-98, 7-20-98, 11-13-98, 12-28-98, 3-18-99, 7-1-99, Formerly 62R-7.004, Amended 6-19-00, 8-9-00, 10-14-01 (1), 10-14-01 (1).

5L-1.007 Container Identification, Terminal Sale Date; Prohibitions.

(1) through (9) No change.

(10) ~~Oyster~~ ~~Shellstock~~ and shucked shellfish oyster containers shall be labeled with the following statement: “CONSUMER INFORMATION There is a risk associated with consuming raw shellfish oysters. If you have chronic illness of the liver, stomach or blood or have immune disorders, you are at greater risk of serious illness from raw shellfish oysters and should eat shellfish oysters fully cooked. If unsure of your risk, consult a physician.”

(11) through (12) No change.

Specific Authority 597.020 FS. Law Implemented 597.020 FS. History—New 1-4-87, Amended 5-21-87, 8-10-88, 7-9-89, 8-30-89, 5-6-93, 9-14-93, 8-21-94, Formerly 16R-7.010, Amended 9-1-95, 5-8-96, 2-6-97, 10-12-97, 2-12-98, 2-25-98, 7-1-98, 11-13-98, 12-28-98, 3-18-99, 7-1-99, Formerly 62R-7.010, Amended 6-19-00, 8-9-00, 10-14-01, 5-29-02.

5L-1.019 Laboratory Procedures and Sample Testing.

(1) No change.

(2) Bacterial examinations of shellfish and seawater shall be conducted in accordance with *The Recommended Procedures for Bacterial Examination of Seawater and Shellfish* published by the American Public Health Association which is hereby incorporated herein by reference and is available for inspection at the Department’s office, located at 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301. Bacteriological examinations of seawater employing the fecal coliform Membrane Filter (MF) colony forming unit procedure referenced in paragraph 5L-1.003(2)(b), F.A.C., and subsection 5L-1.003(4), F.A.C., shall be conducted in accordance with *Enumeration of fecal coliforms and E. coli in marine and estuarine waters: an alternative to the APHA-MPN approach* written by Scott R. Rippey, Willard N. Adams, and William D. Watkins and published in the *Journal Water Pollution Control Federation Volume 59, Number 8, pages 795-798, August 1987, which is hereby incorporated herein by reference. This procedure is terminated at the fecal coliform stage. The urease step is not required. This reference is available for inspection at the Department’s office, located at 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301.*

(3) through (4) No change.

Specific Authority 597.020 FS. Law Implemented 370.071 FS. History—New 1-4-87, Amended 8-10-88, Formerly 16R-7.030, Amended 7-3-95, 5-8-96, 2-6-97, Formerly 62R-7.030, Amended 8-9-00.

AREA NUMBER	HARVEST AREA NAME		
		1611	Apalachicola Bay Approved Winter Jan – Jun, Oct – Dec
<u>0212</u>	<u>Pensacola Bay Conditionally Approved</u>	1621	Apalachicola Bay Approved Summer Jul – Sep
	<u>Escambia Bay Shellfish Aquaculture Lease</u>	1631	Apalachicola Bay Approved, Shellfish lease numbers 525, 551, 551B, 580, 582, 609, 672, and 981 Summer Jul – Sep
	<u>Areas managed during the Summer months of Jul – Sep</u>		
0222	Pensacola Bay Conditionally Approved	1612	Apalachicola Bay Conditionally Approved West 1 Winter Jan – Jun, Oct – Dec
	Escambia Bay Winter Nov – Mar		
0232	Pensacola Bay Conditionally Approved East Bay	1622	Apalachicola Bay Conditionally Approved West 2 Winter Jan – Jun, Oct – Dec
	Winter Nov – Feb		
0242	Pensacola Bay Conditionally Approved	1632	Apalachicola Bay Conditionally Approved West 3 Winter Jan – Jun, Oct – Dec
	Escambia Bay Spring/Fall Apr – Jun, Oct		
0252	Pensacola Bay Conditionally Approved East Bay	1642	Apalachicola Bay Conditionally Approved East Winter Jan – Jun, Oct – Dec or Apalachicola Bay
	Spring/Fall Mar – Jun, Oct		Approved East Hole Summer Jul – Sep
0215	Pensacola Bay Restricted Escambia Bay Spring/	1652	Apalachicola Bay Conditionally Approved North Summer Jul – Sep
	Fall Apr – Jun, Oct		
0216	Pensacola Bay Conditionally Restricted	1662	Apalachicola Bay Conditionally Approved South Summer Jul – Sep
	Escambia Bay Winter Nov – Mar		
0226	Pensacola Bay Conditionally Restricted East Bay	1606	Apalachicola Bay Conditionally Restricted
	Winter Nov – Feb	1802	Alligator Harbor Conditionally Approved
0622	Choctawhatchee Bay Conditionally Approved	2002	Ochlockonee Bay Conditionally Approved
	Central	2006	Ochlockonee Bay Conditionally Restricted
0632	Choctawhatchee Bay Conditionally Approved	2206	Wakulla County Conditionally Restricted
	Eastern	2212	Wakulla County Conditionally Approved Zone 1 <u>Winter</u>
0806	West Bay Conditionally Restricted Spring/Fall	2222	Wakulla County Conditionally Approved Zone 2 <u>Winter</u>
	Apr – Jun, Oct – Nov	<u>2232</u>	<u>Wakulla County Conditionally Approved Zone 1 Spring</u>
0812	West Bay Conditionally Approved Winter Dec – Mar	<u>2242</u>	<u>Wakulla County Conditionally Approved Zone 2 Spring</u>
0822	West Bay Conditionally Approved Spring/Fall	2501	Horseshoe Beach Approved Summer
	Apr – Jun, Oct – Nov	2502	Horseshoe Beach Conditionally Approved Winter
1012	North Bay Conditionally Approved Western	2506	Horseshoe Beach Conditionally Restricted Winter
1022	North Bay Conditionally Approved Eastern	2802	Suwannee Sound Conditionally Approved
<u>1006</u>	<u>North Bay Conditionally Restricted Eastern</u>	2806	Suwannee Sound Conditionally Restricted
1206	East Bay Conditionally Restricted	3012	Cedar Key Conditionally Approved Zone A
1212	East Bay Conditionally Approved Section 1	3022	Cedar Key Conditionally Approved Zone B
1222	East Bay Conditionally Approved Section 2	3006	Cedar Key Conditionally Restricted
1401	St. Joe Bay Approved	3202	Waccasassa Bay Conditionally Approved
1506	Indian Lagoon Conditionally Restricted	3206	Waccasassa Bay Conditionally Restricted
1512	Indian Lagoon Conditionally Approved Zone X	3402	Withlacoochee Bay Conditionally Approved
	Spring/Fall Mar – Jun, Oct Apr – Jun, Oct – Dec	3406	Withlacoochee Bay Conditionally Restricted
1522	Indian Lagoon Conditionally Approved Zone Y	3702	Citrus County Conditionally Approved
	Spring/Fall Apr – Jun, Oct – Dec	3706	Citrus County Conditionally Restricted
1532	Indian Lagoon Conditionally Approved Zone Z	4202	Boca Ciega Bay Conditionally Approved
	Spring/Fall Apr – Jun, Oct – Dec	4802	Lower Tampa Bay Conditionally Approved
1542	Indian Lagoon Conditionally Approved Zone A	4806	Lower Tampa Bay Conditionally Restricted
	Winter Nov – Feb Jan – Mar		
1552	Indian Lagoon Conditionally Approved Zone B		
	Winter Nov – Feb Jan – Mar		
<u>1572</u>	<u>Indian Lagoon Conditionally Approved Shellfish</u>		
	<u>Aquaculture Lease Areas 547 and 901 managed</u>		
	<u>during the Summer months of Jul – Sep</u>		

- 5402 Sarasota Bay Conditionally Approved
- 5406 Sarasota Bay Conditionally Restricted
- 5602 Lemon Bay Conditionally Approved
- 5802 Gasparilla Sound Conditionally Approved
- 6002 Myakka River Conditionally Approved
- 6006 Myakka River Conditionally Restricted
- 6212 Pine Island Sound Conditionally Approved
Western Section
- 6222 Pine Island Sound Conditionally Approved
Eastern Section
- 6602 Ten Thousand Islands Conditionally Approved
- 7001 Indian River/St. Lucie Approved
- 7006 Indian River/St. Lucie Restricted
- 7202 North Indian River Conditionally Approved
- 7206 North Indian River Conditionally Restricted
- 7412 Body F Conditionally Approved
- 7416 Body F Conditionally Restricted
- 7506 Body E Conditionally Restricted
- 7602 Body D Conditionally Approved
- 7606 Body D Conditionally Restricted
- 7712 Body C Conditionally Approved Zone 1 Spring/
Summer/Fall Mar – Nov
- 7722 Body C Conditionally Approved Zone 2 Spring/
Summer/Fall Mar – Nov
- 7732 Body C Conditionally Approved Winter
Dec – Feb
- 7716 Body C Conditionally Restricted Winter
Dec – Feb
- 7726 Body C Conditionally Restricted
Spring/Summer/Fall Mar – Nov
- 7802 Body B Conditionally Approved
- 7902 South Banana River Conditionally Approved
- 7906 South Banana River Conditionally Restricted
- 8001 Body A Approved
- 8005 Body A Restricted
- 8201 South Volusia Approved
- 8212 South Volusia Conditionally Approved Zone 1
- 8222 South Volusia Conditionally Approved Zone 2
- 8206 South Volusia Conditionally Restricted
- 8802 St. Johns South Conditionally Approved
- 8806 St. Johns South Conditionally Restricted
- 9202 St. Johns North Conditionally Approved
- 9206 St. Johns North Conditionally Restricted

INDEX OF SHELLFISH HARVESTING AREA
CLASSIFICATION MAPS, BOUNDARIES AND
MANAGEMENT PLANS

Revised _____ ~~October 14, 2001~~

Shellfish Harvesting Area			
Name	Area Number	Map Number(s)	Effective date
Apalachicola Bay System	16	16A, 16B	August 9, 2000
Alligator Harbor	18	18	October 14, 2001
Boca Ciega Bay	42	42	June 18, 1997
Body A	80	80	December 28, 1997
Body B	78	78	February 7, 1996
Body C	77	77A, 77B	January 1, 1994
Body D	76	76	August 1, 1996
Body E	75	75	January 1, 1994
Body F	74	74	April 5, 2000
Cedar Key	30	30	November 5, 1992
Choctawhatchee Bay	06	06	October 14, 2001
Citrus County	37	37	May 6, 1996
Duval County	96	96	January 31, 1996
East Bay	12	12	January 1, 1995
Gasparilla Sound	58	58	January 25, 1996
Horseshoe Beach	25	25A, 25B	March 18, 1999
Indian Lagoon	15	15A, 15B, 15C	November 5, 1992
Indian River/St. Lucie Counties	70	70	June 18, 1997
Lemon Bay	56	56	July 20, 1998
Lower Tampa Bay	48	48	June 18, 1997
Myakka River	60	60	October 28, 1998
North Bay	10	10	January 1, 1995
North Indian River	72	72	June 18, 1997
North St. Johns	92	92	January 1, 1995
Ochlockonee Bay	20	20	November 3, 1998
Pensacola Bay System	02	02A, 02B	January 31, 1996
Pine Island Sound	62	62	December 28, 1998
Sarasota Bay	54	54	May 6, 1993
South Banana River	79	79	July 22, 1997
South St. Johns	88	88	December 16, 1997
South Volusia	82	82A, 82B	August 9, 2000
St. Joseph Bay	14	14	November 1986
Suwannee Sound	28	28	February 25, 1998
Ten Thousand Islands	66	66	June 18, 1997
Waccasassa Bay	32	32	November 5, 1992
Wakulla County	22	22A, 22B	January 1, 1995
West Bay	08	08A, 08B	December 28, 1998
Withlacoochee Bay	34	34	November 5, 1992

NAME OF PERSON ORIGINATING PROPOSED RULE:
David Heil

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Sherman Wilhelm, Director,
Division of Aquaculture

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 2, 2004.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: February 13, 2004

DEPARTMENT OF REVENUE

RULE TITLES:	RULE NOS.:
Application for Refund	12-26.003
Public Use Forms	12-26.008

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12-26.003, F.A.C. (Application for Refund), and to Rule 12-26.008, F.A.C. (Public Use Forms), is to: (1) reorganize Rule 12-26.003, F.A.C., for easier reading; (2) provide guidelines on how to claim a refund of taxes and fees administered by the Department; (3) clarify the forms used by the Department in the administration of refunds of the taxes and fees administered by the Department; (4) adopt, by reference, changes to forms and new forms used by the Department in the administration of tax refunds; (5) remove obsolete or unnecessary provisions; and (6) provide necessary technical changes.

SUMMARY: The proposed amendments to Rule 12-26.003, F.A.C.: (1) reorganize the rule for easier reading of guidelines on how to claim a refund of taxes and fees administered by the Department; (2) provide guidelines on how to claim a refund of communications services tax paid; (3) clarify the forms used by the Department in the administration of refunds claimed for corporate income tax; (4) clarify the forms used by the Department in the administration of refunds claimed for insurance premium taxes, fees, and surcharges imposed under Chapter 624, F.S.; (5) provide that refunds of intangible personal property tax claimed under Chapter 199, F.S., must be filed on form DR-26I, Application for Refund-Intangible Personal Property Tax; (6) remove obsolete form DR-29, Refund of Cash Bond, which is no longer used by the Department; (7) provide that forms used by the Department in the administration of refunds for fuel taxes imposed under Chapter 206, F.S., are provided in Rule Chapter 12B-5, F.A.C.; (9) change the application form used by the Department in the administration of refunds for sales and use tax, discretionary sales surtax, and fees administered under Chapter 212, F.S., from form DR-26 to form DR-26S, Application for Refund-Sales and Use Tax; (9) provide that refund applications filed under the provisions of Section 212.08(5)(q), F.S., (community contribution tax credit for donations), also require the completion of forms, as provided in Rule 12A-1.107, F.A.C.; (10) remove the duplication of the provisions of Rule 12-26.008, F.A.C., on how to obtain forms from the Department; and (11) provide technical changes.

The proposed amendments to Rule 12-26.008, F.A.C.: (1) incorporate, by reference, changes to forms and new forms used by the Department in the administration of tax refunds; and (2) provide technical changes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared.

Any person who wishes to provide information regarding 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: 213.06(1) FS.

LAW IMPLEMENTED: 72.011, 95.091, 198.29(1), 199.183, 199.185, 199.218(5), 199.232(5), 201.11, 202.125, 202.23, 206.41, 206.64, 206.8745, 206.97, 206.9815, 206.9875, 206.9941, 206.9942, 212.02(15)(a),(19), 212.05(1)(a)1.b., 212.06(5)(a)1.,(7), 212.07(1), 212.08(2)(j), (5)(f),(g), (h),(q),(7), 212.09, 212.11(4),(5), 212.12(6)(a),(c), 212.13(1),(2), 212.14(4), 212.17(1),(2),(3), 212.183, 213.235, 213.255, 213.34, 213.345, 215.26, 220.725, 220.727, 624.5092, 624.511, 624.518, 681.104 FS.

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

TIME AND DATE: 9:00 a.m., July 13, 2004

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting: Larry Green, (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Gary Gray, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4729

THE FULL TEXT OF THE PROPOSED RULES IS:

12-26.003 Application for Refund.

(1) No change.

(2)(a) Applications for tax refund under those revenue laws enumerated in Section 72.011(1), F.S., shall be deemed complete upon the Department's receipt of a properly executed application for refund form which contains the information required by Sections 213.255(2) and (3) and 215.26(2), F.S., and this rule, ~~except as provided in paragraph (b) of this subsection. Applications for refund shall be filed with the Florida Department of Revenue by submitting the completed application to the Department, using the address or instructions contained on the DR-26 or DR-26S application, or other form described in subsection (4) of this rule.~~

(b) Applications for refund must be filed with the Department by submitting the completed application to the Department using the address or instructions contained within the application. Refund applications filed under the provisions

of Section 212.08(5)(g), (h), (n), and (o), Florida Statutes, also require, in addition to the DR-26 or DR-26S required by paragraph (a) of this subsection, the forms specified in Rule 12A-1.107, F.A.C., in order to be deemed completed applications:

(3) For purposes of this rule, Form DR-26, Application for Refund from the State of Florida Department of Revenue, (incorporated by reference in Rule 12-26.008, F.A.C.), is the approved refund application for all taxes collected by the Department, except as follows: otherwise specified in subsection (4) of this rule. However, taxpayers applying for a refund of any taxes paid pursuant to Chapter 212, F.S., can also use Form DR-26S, Application for Refund Sales and Use Tax, incorporated by reference in Rule 12-26.008, F.A.C. Beginning January 1, 2002, Form DR-26S must be used to apply for a refund of taxes paid pursuant to Chapter 212, F.S.

(a) COMMUNICATIONS SERVICES TAX. A refund claim for communications services tax must be made directly to the dealer that collected that tax, as provided in Section 202.23, F.S. A refund claim may be made to the Department using form DR-26, Application for Refund, only under the following circumstances:

1. The tax for which a refund is requested was self-accrued and remitted directly to the Department; or

2. The tax for which a refund is requested was paid by a dealer who subsequently resold the communications services for which the tax was paid and who collected and remitted the tax due on the services resold.

(4) Tax refunds requiring a refund application other than Form DR-26 are listed below:

(b)(a) CORPORATE INCOME TAX Corporate Income Tax. Refunds Except as provided in subsection (5), all refunds claimed under Chapters 220 or 221, F.S., must be filed with the Department on the following forms shall be made by the filing of:

1. Form F-1120, Florida Corporate Income/Franchise and Emergency Excise Tax Return or form F-1120A, Florida Corporate Short Form Income Tax (incorporated by reference in Rule 12C-1.051, F.A.C.), or

2. Form F-1120X, Amended Florida Income Tax Return (incorporated by reference in Rule 12C-1.051, F.A.C.).

3. Form DR-26, Application for Refund, only for refunds claimed for amounts deposited by the Department in error or for a duplicate payment of the final corporate return filed with the Department.

(c) ESTATE TAX. Application for all refunds claimed under Chapter 198, F.S., must be made with the Department on a Florida Estate Tax Return for Residents, Nonresidents and Nonresident Aliens (form F-706, incorporated by reference in Rule 12C-3.008, F.A.C.).

(d) INSURANCE PREMIUM TAXES, FEES, AND SURCHARGES. Refunds claimed under Chapter 624, F.S., must be filed with the Department on the following forms:

1. Form DR-908, Insurance Premium Taxes and Fees Tax Return (incorporated by reference in Rule 12B-8.003, F.A.C.).

2. Form DR-26, Application for Refund, only for refunds claimed for amounts deposited by the Department in error or for a duplicate payment of the final insurance premium tax return filed with the Department.

(e) INTANGIBLE PERSONAL PROPERTY TAX. All refunds claimed under Chapter 199, F.A.C., must be filed with the Department on Form DR-26I, Application for Refund-Intangible Personal Property Tax (incorporated by reference in Rule 12-26.008, F.A.C.).

(b) Sales and Use Tax Form DR-29, Refund of Cash Bond (incorporated by reference in Rule 12A-1.097, F.A.C.), is required where a bonded contractor or dealer applies for a refund of a cash bond held by the Department.

(f)(e) MOTOR AND OTHER FUEL TAXES Motor Fuel and Diesel Fuel. For forms required for refunds of taxes imposed under Chapter 206, F.S., see Rule Chapter 12B-5, F.A.C., Tax on Motor Fuels, Diesel Fuels, Alternative Fuels, Aviation Fuels, and Pollutants. (Forms incorporated by reference in Rule 12B-5.150, F.A.C.)

1. Form DR-138, Application for Fuel Tax Refund Agriculture, Aquacultural, and Commercial Fishing Purposes, is required where motor fuel is used for agricultural, aquacultural, or commercial fishing purposes, and the taxpayer is entitled to a refund of the taxes specified in Section 206.41(4)(e), F.S.

2. Form DR-160, Application for Mass Transit System Users Tax Refund, is required where motor fuel or diesel fuel is used in the operation of a mass public transportation system, and the taxes specified in Section 206.41(4)(b), F.S., previously paid pursuant to Sections 206.41 and 206.87, F.S., is refundable.

3. Form DR-189, Application for Fuel Tax Refund Municipalities, Counties and School Districts, is required where a county or municipality operating motor vehicles using motor fuel or diesel fuel is entitled to a refund of the taxes specified in Section 206.41(4)(d), F.S., previously paid pursuant to Sections 206.41 and 206.87, F.S. This form is also required in those instances where a school district, or a private contractor operating school buses for the school district, purchases motor fuel or diesel fuel for use in motor vehicles operated by these entities, which is subject to a refund of taxes specified in Section 206.41(4)(e), F.S., and paid pursuant to Sections 206.41 and 206.87, F.S.

4. Form DR-190, Application for Fuel Tax Refund, Non-Public Schools, is required where a nonpublic school operating school buses or other motor vehicles using motor fuel or diesel fuel is entitled to a refund of taxes specified in Section 206.41(4)(e), F.S., paid pursuant to Sections 206.41 and 206.87, F.S.

5. Form DR-309639, Application for Refund of Tax Paid on Undyed Diesel Used for Off-road or Other Exempt Purposes, is required where undyed diesel fuel is used to propel off-road equipment, or used in stationary equipment. The taxes previously paid pursuant to Section 206.87, F.S., are refundable.

(d) Aviation Fuel. Form DR-191, Application for Aviation Fuel Tax Refund Air Carriers (incorporated by reference in Rule 12B-5.150, F.A.C.), is required for those air carriers entitled to receive a refund of taxes imposed on aviation fuel purchased by such carriers.

(e) An amended Insurance Premium Tax. Form DR-908, Insurance Premium Taxes and Fees Tax Return (incorporated by reference in subsection 12B-8.003(1), F.A.C.), is required in all instances where insurance companies wish to file for a refund, except as provided in subsection (5).

(f) Estate Tax. Application for all refunds claimed under Chapter 198, F.S., must be made by filing Form F-706 (incorporated by reference in Rule 12C-3.008, F.A.C.).

(g) SALES AND USE TAX, DISCRETIONARY SALES SURTAX, AND FEES. A refund claimed for sales and use taxes, discretionary sales surtaxes, and fees imposed or administered under Chapter 212, F.S., must be filed with the Department on Form DR-26S, Application for Refund-Sales and Use Tax (incorporated by reference in Rule 12-26.008, F.A.C.). An Application for Refund-Sales and Use Tax that is filed under the provisions of Section 212.08(5)(g), (h), (n), (o), and (q), F.S., must contain the forms and other documentation specified in Rule 12A-1.107, F.A.C., to be deemed complete.

(5) Notwithstanding the provisions of subsection (3), Form DR-26 may be used to apply for those refunds of corporate income tax or insurance premium tax which constitute:

- (a) Amounts deposited by the Department in error; or
- (b) A duplicate payment of the final return.

(6) Refund applications may be obtained, without cost, by one or more of the following methods:

(a) Writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or

(b) Faxing the Distribution Center at (850)922-2208; or

(c) Using a fax machine telephone handset to call the Department's automated Fax on Demand system at (850)922-3676; or

(d) Visiting any local Department of Revenue Service Center to personally obtain a copy; or

(e) Calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or

(f) Downloading the selected forms from the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor).

Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

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

Specific Authority 213.06(1) FS. Law Implemented 95.091(3), 198.29(1), 199.232(5), 202.23, 213.235, 213.255, 213.34, 213.345, 215.26, 220.725, 624.5092, 624.511, 624.518 FS. History—New 11-14-91, Amended 4-18-93, 4-18-95, 4-2-00, 10-4-01, _____.

12-26.008 Public Use Forms.

(1)(a) The following public use forms are used by the Department in the processing of refunds and refund denials and are hereby incorporated by reference.

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

Form Number	Title	Effective Date
(2)(1) DR-26	Application for Refund from the State of Florida Department of Revenue (R. 06/03 r. 09/99)	10/01
(3) DR-26I	Application for Refund-Intangible Personal Property Tax (N. 06/03)	---
(4) DR-26S	Application for Refund-Sales and Use Tax (R. 01/03)	---
(5)(2) DR-370026	Mutual Agreement to Audit or Verify Refund Claim (R. 07/02 n. 02/00)	---
(3) DR-26S	Application for Refund-Sales and Use Tax (n. 11/00)1	10/01

Specific Authority 213.06(1) FS. Law Implemented 72.011, 199.183, 199.185, 199.218(5), 201.11, 202.125, 202.23, 206.41, 206.64, 206.8745, 206.97, 206.9815, 206.9875, 206.9941, 206.9942, 212.02(15)(a),(19), 212.05(1)(a)1.b., 212.06(5)(a)1.(7), 212.07(1), 212.08(2)(j),(5)(f),(g),(h), (q),(7), 212.09, 212.11(4),(5), 212.12(6)(a),(c), 212.13(1),(2), 212.14(4), 212.17(1),(2),(3), 212.183, 213.255(2),(3),(4),(12), 213.34, 215.26, 220.725, 220.727, 624.5092, 681.104 FS., ss. 2, 3, 4, 5, 6, 7, 40, Ch. 91-112, L.O.F. History—New 11-14-91, Amended 4-18-93, 10-4-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gary Gray, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4729

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 1, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule Chapter 12-26, F.A.C. (Refunds), were noticed for a rule development workshop in the Florida Administrative Weekly on June 6, 2003 (Vol. 29, No. 23, pp. 2250-2253). A rule development workshop was held on June 24, 2003. No one appeared to provide comment regarding these proposed rule changes. Technical changes have been made by the Department.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLE: Collection and Remittance of Fee

RULE NO.: 12A-13.002

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-13.002, F.A.C. (Collection and Remittance of Fee), is to incorporate changes to the form used by the Department in the administration of the collection of the motor vehicle warranty fee imposed under Section 681.117, F.S.

SUMMARY: The proposed amendments to Rule 12A-13.002, F.A.C.: (1) adopt, by reference, revisions to form DR-35, Motor Vehicle Warranty Remittance Fees; and (2) provide technical changes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared.

Any person who wishes to provide information regarding 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: 213.06(1) FS.

LAW IMPLEMENTED: 219.07, 320.27(1)(c), 681.102(15), 681.117 FS.

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

TIME AND DATE: 9:00 a.m., July 13, 2004

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical

Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting: Larry Green, (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Gary Gray, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4729

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-13.002 Collection and Remittance of Fee.

(1) through (3) No change.

(4) Form DR-35, Motor Vehicle Warranty Remittance Fee Report (R. ~~01/04 03/03~~), is hereby incorporated, by reference, in this rule. ~~Form DR-35 The Motor Vehicle Warranty Remittance Fee Report (form DR-35)~~ is available, without cost, by one or more of the following methods: 1) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Distribution Center at (850)922-2208; or, 3) ~~using a fax machine telephone handset to call the Department's automated Fax on Demand system at (850)922-3676; or, 4)~~ visiting any local Department of Revenue Service Center to personally obtain a copy; or, ~~4 5~~) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, ~~5 6~~) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

Specific Authority 213.06(1) FS. Law Implement 219.07, 320.27(1)(c), 681.102(15), 681.117 FS. History--New 4-5-89, Amended 5-4-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gary Gray, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4729

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Melton H. McKown, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4721

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 1, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule Chapter 12A-13, F.A.C. (Fee on the Sale or Lease of Motor Vehicles), were noticed for a rule development workshop in the Florida Administrative Weekly on June 6, 2003 (Vol. 29, No. 23, pp. 2253-2254). A rule development workshop was held on

June 24, 2003. No one appeared to provide comment regarding these proposed rule changes. Technical changes have been made by the Department.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLES: Tax Due at Time of Sale; Tax Returns and Regulations
 PUBLIC USE FORMS: Public Use Forms

RULE NOS.: 12A-19.020
 12A-19.100

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-19.020, F.A.C. (Tax Due at Time of Sale; Tax Returns and Regulations), is to provide, dependent upon service billing dates for communications services, which revision of Form DR-700016, Florida Communications Services Tax Return, is to be used to report communications services tax to the Department.

The purpose of the proposed amendments to Rule 12A-19.100, F.A.C. (Public Use Forms), is to: (1) adopt, by reference, revisions to Form DR-700016; and (2) provide technical changes.

SUMMARY: The proposed amendments to Rule 12A-19.020, F.A.C.: (1) provide that Form DR-700016, Florida Communications Services Tax Return (R. 06/03), is used to report communications services tax on services billed from June 1, 2003, through September 30, 2003; (2) provide that Form DR-700016 (R. 10/03) is used to report communications services tax on services billed in October 2003; (3) provide that Form DR-700016 (R. 11/03) is used to report communications services tax on services billed in November 2003; (4) provide that Form DR-700016 (R. 12/03) is used to report communications services tax on services billed in December 2003; (5) provide that Form DR-700016 (R. 01/04) is used to report communications services tax on services billed from January 1, 2004, through May 31, 2004; (6) provide that Form DR-700016 (R. 06/04) is used to report communications services tax on services billed on or after June 1, 2004; and (7) provide technical changes.

The proposed amendments to Rule 12A-19.100, F.A.C., adopt, by reference, revisions to Form DR-700016.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared.

Any person who wishes to provide information regarding 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: 202.15, 202.151, 202.16(2), 202.26(3)(a),(c),(d) FS.

LAW IMPLEMENTED: 202.11(4),(11),(12), 202.12(1), 202.13(2), 202.15, 202.151, 202.16, 202.17(6), 202.19(1), 202.22(6), 202.27, 202.28(1),(2), 202.30(3), 202.33(2), 202.34(3),(4)(c), 202.35(1) FS.

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

TIME AND DATE: 9:00 a.m., July 13, 2004

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting: Larry Green, (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Gary Gray, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4729

THE FULL TEXT OF THE PROPOSED RULES IS:

12A-19.020 Tax Due at Time of Sale; Tax Returns and Regulations.

(1) through (3)(b) No change.

(c) Form DR-700016, Florida Communications Services Tax Return, contains current tax rates for each local taxing jurisdiction. These rates are also contained on the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor/taxes/local_tax_rates.html). The Department's Internet site and ~~Form~~ ~~form~~ DR-700016 are revised when the tax rate in any local jurisdiction changes.

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

REVISION DATE	REPORTING PERIODS	SERVICE BILLING DATES
06/04	June 2004 -	June 1, 2004 -
01/04	January 2004 - May 2004	January 1, 2004 - May 31, 2004
12/03	December 2003	December 1, 2003 - December 31, 2003
11/03	November 2003	November 1, 2003 - November 30, 2003
10/03	October 2003	October 1, 2003 - October 31, 2003
06/03	June 2003 - September 2003	June 1, 2003 - September 30, 2003
03/03	March 2003 - May 2003	March 1, 2003 - May 31, 2003
01/03	January 2003 - February 2003	January 1, 2003 - February 28, 2003
12/02	December 2002	December 1, 2002 - December 31, 2002
11/02	November 2002	November 1, 2002 - November 30, 2002
10/02	October 2002	October 1, 2002 - October 31, 2002
01/02	January 2002 - September 2002	January 1, 2002 - September 30, 2002
12/01	October 2001 - December 2001	October 1, 2001 - December 31, 2001

(4) through (10) No change.

Specific Authority 202.15, 202.151, 202.26(3)(a) FS. Law Implemented 202.12(1), 202.15, 202.151, 202.16, 202.19(1), 202.22(6), 202.27, 202.28(1), (2), 202.30(3), 202.33(2), 202.35(1) FS. History—New 1-31-02, Amended 4-17-03, 7-31-03, 10-1-03, _____.

12A-19.100 Public Use Forms.

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

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304 32399-0100; or, 2) faxing the Distribution Center at (850)922-2208; or, 3) ~~using a fax machine telephone handset to call the Department's automated FAX On-Demand system at (850)922-3676; or, 4)~~ visiting any local Department of Revenue Service Center to personally obtain a copy; or, ~~4 5~~ calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, ~~5 6~~ downloading selected forms from the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

Form Number	Title	Effective Date
-------------	-------	----------------

(2) No change.

(3)(a) DR-700016	<u>Florida Communications Services Tax Return (R. 06/04)</u>	_____
------------------	--	-------

(b) DR-700016	<u>Florida Communications Services Tax Return (R. 01/04)</u>	_____
---------------	--	-------

(c) DR-700016	<u>Florida Communications Services Tax Return (R. 12/03)</u>	_____
---------------	--	-------

(d) DR-700016	<u>Florida Communications Services Tax Return (R. 11/03)</u>	_____
---------------	--	-------

(e) DR-700016	<u>Florida Communications Services Tax Return (R. 10/03)</u>	_____
---------------	--	-------

(a) through (h) renumbered (f) through (m) No change.

(4) through (8) No change.

Specific Authority 202.151, 202.16(2), 202.26(3)(c),(d) FS. Law Implemented 202.11(4),(11),(12), 202.13(2), 202.151, 202.16(2),(4), 202.17(6), 202.34(3),(4)(c) FS. History—New 4-17-03, Amended 7-31-03, 10-1-03,

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Gary Gray, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4729

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Linda Bridges, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)488-7157

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 1, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule Chapter 12A-19, F.A.C., Communications Services Tax, were noticed for a rule development workshop in the Florida Administrative Weekly on December 12, 2003 (Vol. 29, No. 50, pp. 4846-4847). A rule development workshop was held on January 7, 2004. No one appeared to provide comment regarding these proposed rule changes.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLE:	RULE NO.:
Payment of Tax; Reports; Public Use Forms	12B-6.005

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-6.005, F.A.C. (Payment of Tax; Reports; Public Use Forms), is to adopt, by reference, changes to forms used by the Department in the administration of the gross receipts tax imposed on utility services.

SUMMARY: The proposed amendments to Rule 12B-6.005, F.A.C.: (1) adopt, by reference, changes to Form DR-133 (Gross Receipts Tax Return), which include providing instructions for filing the return; (2) remove obsolete Form DR-133N (Instructions for Filing Gross Receipts Tax Return); and (3) provide technical changes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared.

Any person who wishes to provide information regarding 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: 213.06(1) FS.

LAW IMPLEMENTED: 203.01, 213.255(1),(2),(3), 213.37, 215.26 FS.

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

TIME AND DATE: 9:00 a.m., July 13, 2004

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting: Larry Green, (850)922-4830. Persons with hearing

or speech impairments may contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gary Gray, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4729

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-6.005 Payment of Tax; Reports; Public Use Forms.

(1) No change.

(2)(a) The following public-use forms and instructions are employed by the Department in its dealings with the public related to the administration of utility services. These forms are hereby incorporated by reference in this rule.

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

Form Number	Title	Effective Date
(3)(a) DR-133	Gross Receipts Tax Return (R. 06/04 04/03)	_____ 05/03
(b) DR-133N	Instructions for Filing Gross Receipts Tax Return (R. 01/03)	_____ 05/03

Specific Authority 213.06(1) FS. Law Implemented 203.01, 213.255(1),(2),(3), 213.37, 215.26 FS. History—New 11-13-78, Amended 7-1-80, 8-26-81, Formerly 12B-6.05, Amended 10-4-89, 12-19-89, 5-4-03, _____

NAME OF PERSON ORIGINATING PROPOSED RULE: Gary Gray, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4729

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Linda Bridges, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)488-7157

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 1, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule 12B-6.005, F.A.C. (Payment of Tax; Reports; Public Use Forms), were noticed for a rule development workshop in the Florida Administrative Weekly on December 12, 2003 (Vol. 29, No. 50, pp. 4847-4848). A rule development workshop was held on January 7, 2004. No one appeared to provide comment regarding these proposed rule changes. Technical changes have been made by the Department.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLE: Public Use Forms
 RULE NO.: 12B-7.031

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-7.031, F.A.C. (Public Use Forms), of Part III of Rule Chapter 12B-7, F.A.C. (Mitigation Fee on Mining), is to adopt, by reference, changes to the form used by the Department in the administration of the Miami-Dade County Lake Belt Mitigation Fee.

SUMMARY: The proposed amendments to Rule 12B-7.031, F.A.C., adopt, by reference, changes to Form DR-146, Miami-Dade County Lake Belt Mitigation Fee.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared.

Any person who wishes to provide information regarding 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: 213.06(1), 373.41492(4)(b) FS.

LAW IMPLEMENTED: 92.525(1)(b),(2), (3), (4), 212.11(1)(b), 212.12(2), 212.17(1)(c), 213.235(2), 213.37, 213.755(1), 373.41492 FS.

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

TIME AND DATE: 9:00 a.m., July 13, 2004

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting: Larry Green, (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-7.031 Public Use Forms.

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

(b) No change.

Form Number	Title	Effective Date
(2) DR-146	Miami-Dade County Lake Belt Mitigation Fee Monthly Return (R. <u>01/04 01/03</u>)	<u>10/03</u>

Specific Authority 213.06(1), 373.41492(4)(b) FS. Law Implemented 92.525(1)(b),(2),(3),(4), 212.11(1)(b), 212.12(2), 212.17(1)(c), 213.235(2), 213.37, 213.755(1), 373.41492 FS. History--New 10-1-03, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Joe Parramore, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4709

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 1, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule 12B-7.031, F.A.C. (Public Use Forms), were noticed for a rule development workshop in the Florida Administrative Weekly on December 19, 2003 (Vol. 29, No. 51, pp. 4939-4940). A rule development workshop was held on January 7, 2004. No one appeared to provide comment regarding these proposed rule changes.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLE: Tax Statement; Overpayments

RULE NO.: 12B-8.003

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-8.003, F.A.C. (Tax Statement; Overpayments), is to adopt, by reference, changes to forms

used by the Department in the administration of the insurance premium tax.

SUMMARY: The proposed amendments to Rule 12B-8.003, F.A.C.: (1) adopt, by reference, changes to insurance premium tax Forms DR-907, DR-907N, DR-908, DR-908N, and DR-350900; and (2) provide technical changes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared.

Any person who wishes to provide information regarding 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: 213.06(1) FS.

LAW IMPLEMENTED: 213.05, 213.37, 624.5092, 624.511, 624.518 FS.

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

TIME AND DATE: 9:00 a.m., July 13, 2004

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting Larry Green at (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robert DuCasse, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4715

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-8.003 Tax Statement; Overpayments.

(1) Tax returns and reports shall be made by insurers on forms prescribed by the Department. These forms are hereby incorporated by reference in this rule.

(2) Copies of these ~~the~~ forms ~~DR-907 and DR-908~~ are available, without cost, by one or more of the following methods: 1) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Distribution Center at (850)922-2208; or, 3) ~~using a fax machine telephone handset to call the Department's automated Fax On Demand system at (850)922-3676; or, 4)~~ visiting any local Department of Revenue Service Center to personally obtain a copy; or, 4 5) calling the Forms Request Line during regular office hours at ~~4~~(800)352-3671 (in Florida only) or (850)488-6800; or, 5 6)

downloading selected forms from the Department’s Internet site at the address shown inside the parentheses (www.myflorida.com/dor). Persons with hearing or speech impairments may call the Department’s TDD at (800)367-8331.

(3) through (4) No change.

Form Number	Title	Effective Date
(5)(a) DR-907	Florida Insurance Premium Installment Payment (R. 01/04 01/03)	<u>05/03</u>
(b) DR-907N	Information for Filing Insurance Premium Installment Payment (Form form DR-907) (R. 01/04 01/03)	<u>05/03</u>
(6)(a) DR-908	Insurance Premium Taxes and Fees Return Calendar Year 2003 2002 (R. 01/04 01/03)	<u>05/03</u>
(b) DR-908N	Instructions for Preparing Form DR-908 Florida Insurance Premium Taxes and Fees Return (R. 01/04 01/03)	<u>05/03</u>
(7) DR-350900	2003 2002 Insurance Premium Tax Information for Schedules XII and XIII, DR-908 (R. 01/04 01/03)	<u>05/03</u>

Specific Authority 213.06(1) FS. Law Implemented 213.05, 213.37, 624.5092, 624.511, 624.518 FS. History—New 2-3-80, Formerly 12B-8.03, Amended 3-25-90, 3-10-91, 2-18-93, 6-16-94, 12-9-97, 3-23-98, 7-1-99, 10-15-01, 8-1-02, 5-4-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert DuCasse, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4715

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rodney Felix, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4111

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 1, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule 12B-8.003, F.A.C. (Tax Statement; Overpayments), were noticed for a rule development workshop in the Florida Administrative Weekly on December 12, 2003 (Vol. 29, No. 50, pp. 4848-4849). A rule development workshop was held on January 7, 2004. No one appeared to provide comment regarding these proposed rule changes.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE TITLES:	RULE NOS.:
Special Rules Relating to Estimated Tax Forms	12C-1.034 12C-1.051

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12C-1.034, F.A.C. (Special Rules Relating to Estimated Tax), is to: (1) clarify to which

installment a payment of estimated tax applies when the payment is made between installment due dates; and (2) properly reflect the interest rates imposed on late payments.

The purpose of the proposed amendments to Rule 12C-1.051, F.A.C. (Forms), is to adopt, by reference, changes to forms used by the Department in the administration of the corporate income tax.

SUMMARY: The proposed amendments to Rule 12C-1.034, F.A.C.: (1) clarify that when a payment of estimated tax is made between installment due dates, it will be applied to the earliest installment due; and (2) provide that the rate of interest on any underpayment of estimated tax is established in Section 220.807, F.S.

The proposed amendments to Rule 12C-1.051, F.A.C.: (1) adopt, by reference, changes to Forms F-1120, F-1120A, F-1120ES, F-1120N, F-1120X, F-1120XN, F-2220, and F-7004; and (2) provide technical changes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared.

Any person who wishes to provide information regarding 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: 213.06(1), 220.51 FS.

LAW IMPLEMENTED: 213.21, 220.11, 220.12, 220.13(1), (2), 220.131, 220.14, 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, 220.1895, 220.19, 220.191, 220.21, 220.211, 220.22, 220.221, 220.222, 220.23, 220.24, 220.241, 220.31, 220.32, 220.33, 220.34, 220.41, 220.42, 220.43, 220.44, 220.51, 220.721, 220.723, 220.725, 220.737, 220.801, 220.803, 220.805, 220.807, 220.809, 221.02, 221.04 FS.

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

TIME AND DATE: 9:00 a.m., July 13, 2004

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Suzanne Paul, Tax Law Specialist, and Charles Dunning, Senior Tax Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4700

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting Larry Green at (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

THE FULL TEXT OF THE PROPOSED RULES IS:

12C-1.034 Special Rules Relating to Estimated Tax.

- (1) through (8) No change.
- (9) Underpayment of estimated tax.
- (a) through (f) No change.
- (g) Period of underpayment.
- 1. through 2.a. No change.

b.(I) If a payment is made between installment dates, it will be applied to the earliest last installment due, to the extent of any deficiency in payments. However, penalty and interest will apply from the original due date of the installment until the date paid.

- (II) through (III) No change.
- (h) No change.

(i) The taxpayer is liable, ~~per s. 220.34(2)(a), F.S.~~, for interest at the rate determined under Section 220.807, F.S., ~~of 12 percent per annum~~ upon the amount of any underpayment of estimated tax. The taxpayer is also liable, per Section s. 220.34(2)(a), F.S., for penalty at the rate of 12 percent per annum upon the amount of any underpayment of estimated tax.

- (j) through (13) No change.

Specific Authority 213.06(1), 220.51 FS. Law Implemented 213.21, 220.131, 220.24, 220.241, 220.33, 220.34, 221.02, 221.04 FS. History—New 10-20-72, Amended 10-20-73, 7-27-80, 12-18-83, Formerly 12C-1.34, Amended 12-21-88, 4-8-92, 5-17-94, 3-18-96, 3-13-00, _____.

12C-1.051 Forms.

(1)(a) The following forms and instructions are used by the Department in its administration of the corporate income tax and franchise tax. These forms are hereby incorporated by reference in this rule.

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

Form Number	Title	Effective Date
(2) through (4)	No change.	
(5) F-1120A	Florida Corporate Short Form Income Tax Return (R. 01/04 05/03)	___ 06/03
(6)(a) F-1120	Florida Corporate Income/Franchise and Emergency Excise Tax Return (R. 01/04 04/03)	___ 06/03

(b) F-1120N	F-1120 Instructions-Corporate Income/ Franchise and Emergency Excise Tax Return for taxable years beginning on or after January 1, 2003 2002 (R. 01/04 05/03)	___ 06/03
(7) F-1120ES	Declaration/Installment of Florida Estimated Income/Franchise and/or Emergency Excise Tax for Taxable Year Beginning on or after January 1, 2004 2003 (R. 01/04 04/03)	___ 06/03
(8)(a) F-1120X	Amended Florida Corporate Income/ Franchise and Emergency Excise Tax Return (R. 01/04 04/03)	___ 06/03
(b) F-1120XN	Instructions for Preparing Form F-1120X Amended Florida Corporate Income/Franchise and Emergency Excise Tax Return (R. 01/04 04/03)	___ 06/03
(9) through (14)	No change.	
(15) F-1160	Application for Corporate Income Tax Credit for Contributions to Nonprofit Scholarship Funding Organizations (SPOs) (R. 07/04 04/04)	___ 03/04
(16) F-2220	Underpayment of Estimated Tax on Florida Corporate Income/Franchise and Emergency Excise Tax (R. 01/04 04/04)	___ 08/02
(17) F-7004	Florida Tentative Income/Franchise and/or Emergency Excise Tax Return and Application for Extension of Time to File Return (R. 01/04 04/03)	___ 06/03

Specific Authority 213.06(1), 220.51 FS. Law Implemented 220.11, 220.12, 220.13(1), (2), 220.14, 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, 220.1895, 220.19, 220.191, 220.21, 220.211, 220.22, 220.221, 220.222, 220.23, 220.24, 220.241, 220.31, 220.32, 220.33, 220.34, 220.41, 220.42, 220.43, 220.44, 220.51, 220.721, 220.723, 220.725, 220.737, 220.801, 220.803, 220.805, 220.807, 220.809, 221.04 FS. History—New 9-26-77, Amended 12-18-83, Formerly 12C-1.51, Amended 12-21-88, 12-31-89, 1-31-91, 4-8-92, 12-7-92, 1-3-96, 3-18-96, 3-13-00, 6-19-01, 8-1-02, 6-19-03, 3-15-04, _____.

NAME OF PERSONS ORIGINATING PROPOSED RULE: Suzanne Paul, Tax Law Specialist, and Charles Dunning, Senior Tax Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4700

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rodney Felix, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4111

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 1, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule 12C-1.034, F.A.C., were noticed for a rule development workshop in the Florida Administrative Weekly on November 30, 2001 (Vol. 27, No. 48, pp. 5594-5599). A rule development workshop was held on December 18, 2001, in Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida. The proposed rule amendments to Rule 12C-1.051, F.A.C., were noticed for a rule development workshop in the Florida Administrative Weekly on December 12, 2003 (Vol. 29, No. 50, pp. 4849-4850). A rule development workshop was held on January 7, 2004, in Room 118, Carlton Building, 501 S.

Calhoun Street, Tallahassee, Florida. No one appeared at the workshops to provide comments regarding the proposed changes. No written comments have been received by the Department. The Department has made changes to the proposed amendments to Rule 12C-1.051, F.A.C., to adopt, by reference, changes to Form F-1160, Application for Corporate Income Tax Credit for Contributions to Nonprofit Scholarship Funding Organizations (SFOs). The Department has also made technical changes.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE TITLES: PUBLIC USE FORMS REFUNDS
 RULE NOS.: 12C-2.0115 12C-2.012

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12C-2.0115, F.A.C. (Public Use Forms), is to adopt, by reference, changes to forms used by the Department in the administration of the intangible personal property tax.

The purpose of proposed amendments to Rule 12C-2.012, F.A.C. (Refunds), is to provide when the Department, pursuant to Section 199.232(7), F.S., will refund an overpayment of intangible personal property tax.

SUMMARY: The proposed amendments to Rule 12C-2.0115, F.A.C.: (1) adopt, by reference, changes to intangible tax Forms DR-601C, DR-601CN, DR-601CS, DR-601-I, DR-601IN, and DR-601IS; and (2) provide technical changes.

The proposed amendments to Rule 12C-2.012, F.A.C.: (1) provide that form DR-26I, Application for Refund-Intangible Personal Property Tax, is to be used by taxpayers to request a refund of intangible personal property tax; and (2) provide guidelines on when, pursuant to Section 199.232(7), F.S., the Department will grant an automatic refund of an overpayment of intangible personal property tax.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared.

Any person who wishes to provide information regarding 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: 199.202, 213.06(1) FS.

LAW IMPLEMENTED: 199.023, 199.032, 199.042, 199.052, 199.062, 199.103, 199.1055, 199.135, 199.185(2), 199.232, 199.252, 199.292, 213.255(2), (3), 215.26(2) FS.

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

TIME AND DATE: 9:00 a.m., July 13, 2004

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting Larry Green at (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

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

THE FULL TEXT OF THE PROPOSED RULES IS:

12C-2.0115 Public Use Forms.

(1)(a) The following public use forms and instructions are employed by the Department in its dealings with the public related to administration of the intangible tax. These forms are hereby incorporated and made a part of this rule by reference.

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida ~~32304 32399-0100~~; or, 2) faxing the Distribution Center at (850)922-2208; or, 3) ~~using a fax machine telephone handset to call the Department's automated FAX On Demand system at (850)922-3676; or, 4)~~ visiting any local Department of Revenue Service Center to personally obtain a copy; or, ~~4 5~~ calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, ~~5 6~~ downloading selected forms from the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

Form Number	Title	Effective Date
(2) DR-601-C	<u>2004</u> 2003 Florida Intangible Personal Property Tax Return for Corporation, Partnership, and Fiduciary Filers as of January 1, <u>2004</u> 2003 (R. <u>01/04</u> 01/03)	____ <u>05/03</u>
(3) DR-601CN	<u>2004</u> Instructions for Filing Form DR-601C Intangible Personal Property Tax Return for Corporation, Partnership and Fiduciary Filers (R. <u>01/04</u> 01/03)	____ <u>05/03</u>

- (4) DR-601CS 2004 ~~2003~~ Schedules B, C, D, and E for use with DR-601C (R. 01/04 ~~01/03~~) _____ 05/03
- (5) No change.
- (6) DR-601-I 2004 ~~2003~~ Florida Intangible Personal Property Tax Return for Individual and Joint Filers as of January 1, 2004 ~~2003~~ (R. 01/04 ~~01/03~~) _____ 05/03
- (7) DR-601IN 2004 Instructions for Filing Form DR-601I Intangible Personal Property Tax Return for Individual and Joint Filers (R. 01/04 ~~01/03~~) _____ 05/03
- (8) DR-601IS 2004 ~~2003~~ Schedules B, C, D, and E for use with DR-601I (R. 01/04 ~~01/03~~) _____ 05/03
- (9) through (16) No change.

Specific Authority 199.202(2), 213.06(1) FS. Law Implemented 199.023, 199.032, 199.042, 199.052, 199.062, 199.103, 199.1055, 199.135, 199.232, 199.292 FS. History—New 11-21-91, Amended 1-5-94, 10-9-01, 5-4-03,_____.

12C-2.012 Refunds.

(1)(a) Any person entitled to a refund of intangible personal property taxes may seek a refund by filing an Application for Refund-Intangible Personal Property Tax (Form ~~form~~ DR-26I, incorporated by reference in Rule 12-26.008, F.A.C.) with the Department. Form DR-26I must be in accordance with the timing provisions of Section 215.26(2), F.S., and must meet the requirements of Section 213.255(2) and (3), F.S., and Rule 12-26.003, F.A.C.

(b) ~~1.(2)(a)~~ Form DR-26I, Application for Refund-Intangible Personal Property Tax, must be filed with the Department for tax paid on or after October 1, 1994, and prior to July 1, 1999, within 5 years after the date the tax was paid.

~~2.(b)~~ Form DR-26I, Application for Refund-Intangible Personal Property Tax, must be filed with the Department for tax paid on or after July 1, 1999, within 3 years after the date the tax was paid.

(2)(a) An automatic refund of the amount of overpayment of tax will be granted by the Department when the Department determines upon examination that an overpayment of the tax with the return has occurred, that no additional information is required to determine the correct amount of tax due, and that the overpayment of tax is in accordance with the timing provisions of Section 215.26(2), F.S.

(b) For example, an automatic refund will granted by the Department when an examination of the return reveals that:

1. The discount pursuant to Section 199.042(2), F.S., has been understated.

2. The exemption provided in Section 199.185(2), F.S., has been understated.

3. The payment made with an Application for Extension of Time to File (Form DR-602, incorporated by reference in Rule 12C-2.0115, F.A.C.) exceeds the amount of tax due when the return is filed; or

4. A mathematical error on the return, such as the use of an incorrect tax rate or other calculation error, results in an overpayment.

Specific Authority 199.202, 213.06(1) FS. Law Implemented 199.042(2), 199.185(2), 199.232, 199.252, 213.255(2), (3), 215.26(2) FS. History—New 4-17-72, Formerly 12C-2.12, Amended 11-21-91, 5-4-03,_____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 1, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule Chapter 12C-2, F.A.C. (Intangible Personal Property Tax), were noticed for a rule development workshop in the Florida Administrative Weekly on June 6, 2003 (Vol. 29, No. 23, pp. 2281-2282). A rule development workshop was held on June 24, 2003. No one appeared to provide comment regarding these proposed rule changes. Technical changes have been made by the Department.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Incentive/Disincentive Provisions RULE CHAPTER NO.: 14-93

RULE TITLE: Incentive/Disincentive Provisions RULE NO.: 14-93.004

PURPOSE AND EFFECT: Section 337.18(4)(a), Florida Statutes (2003), removed the limit of \$10,000 per day limit on incentive/disincentive payments. Section 337.18(4)(a), Florida Statutes, now requires the amount of such incentive/disincentive payments to be established by contract based upon the factors stated in that statute.

SUMMARY: The sentence, which limited the maximum amount of incentive/disincentive to \$10,000 per day is being deleted to make the rule agree with the Florida Statutes, which no longer includes this limit.

SPECIFIC AUTHORITY: 334.044(2), 337.18(4)(b) FS.

LAW IMPLEMENTED: 337.18(4) FS.

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

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.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULES IS:

14-93.004 Incentive/Disincentive Provisions.

(1) Purpose. This rule governs the use of incentive/disincentive provisions in contracts. Procedures pertaining to incentive/disincentive provisions, including criteria for the selection of projects on which incentive payments and additional damages may be provided for by contract, are set forth in this rule.

(2) Background. Sections 337.18(4)(a) and (b), Florida Statutes, authorize the use of incentives/disincentive provisions in contracts where the Department determines and adequately documents that the project will provide a substantial benefit to the public health, safety, or welfare; will limit the disruptive effect of construction on the community; or is cost beneficial on a revenue producing project. Incentive/disincentive provisions in a contract compensate the contractor a predetermined amount of money for each day identified work is completed ahead of schedule and assess an equal deduction for each day the contractor is late in meeting the time specified.

(3) Procedure. All contracts containing incentive/disincentive provisions shall be approved by the District Secretary (District Projects) or the Secretary of Transportation (Central Office Projects), or designee, based upon a finding that the requirements of this rule have been met.

(a) Monetary and Time Limitations. The monetary and time requirements for incentive/disincentive provisions should be established based on the facts supporting each project. ~~Section 337.18(4)(a), Florida Statutes, limits incentive/disincentive provisions to a maximum of \$10,000 per calendar day, except for revenue producing projects.~~ For revenue producing projects, the incentive amount per calendar day may be greater if an analysis indicates that additional revenues projected to be received upon completion of the project will exceed the cost of the incentive payments. To determine the project per day incentive/disincentive amount the Department will consider maintenance of traffic cost, road users' cost, detour impacts to the public, and cost of construction engineering inspection and administration of the project. To determine the project maximum number of incentive/disincentive days the Department will consider the

expected length of project time, compared to project time with possible use of extended shifts, for both work day and work week, and dedication of increased personnel and construction resources. Liquidated damages shall be separate from any calculation of disincentive amounts under this rule.

(b) Criteria for Project Selection. Projects determined to be capable of accelerated construction will be considered eligible for inclusion of an incentive/disincentive provision. Project documentation shall include factors supporting the necessity to encourage an accelerated, and discouraging delayed, completion of project or critical phases of work. Such factors will be economic and business impacts, disruption to the traveling public, community and residential impacts, and safety.

Specific Authority 334.044(2), 337.18(4)(b) FS. Law Implemented 337.18(4) FS. History—New 11-21-00, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ananth Prasad, Director, State Construction Office
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: José Abreu, P.E., Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 1, 2004
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 7, 2004

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Nursing Facility Services
 RULE NO.: 59G-4.200

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Nursing Facility Services Coverage and Limitations Handbook, October 2003. The effect will be to incorporate by reference in the rule the current Florida Medicaid Nursing Facility Services Coverage and Limitations Handbook.

SUMMARY: The handbook contains changes required by the Health Insurance Portability and Accountability Act (HIPAA). In addition, the handbook contains clarification of the following policies: procedures for certified nursing assistant reimbursement, procedures for the election of hospice by nursing facility residents, and Pre-Admission Screening and Resident Review (PASRR) requirements. Language was added to emphasize that the nursing facility must not bill for a Medicaid recipient until after the amount of patient

responsibility has been determined and received from the Department of Children and Families, that the nursing facility must give thirty days written notice of a proposed transfer or discharge, and that the facility must comply with Denial of Payment of New Admissions sanctions imposed by the Centers for Medicare and Medicaid. The summary of resident rights was added, and the new contribution form that is required when a contribution is made to the facility was included.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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: 409.919 FS.

LAW IMPLEMENTED: 400 Part II, 409.902, 409.905, 409.908 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: 9:00 a.m., Tuesday, July 6, 2004

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kris Russell, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)922-7353

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.200 Nursing Facility Services.

(1) No change.

(2) All participating nursing facility providers must comply with the provisions of the Florida Medicaid Nursing Facility Services Coverage and Limitations Handbook, October 2003 ~~August 2000~~, and the corresponding Florida Medicaid Provider Reimbursement Handbook, Institutional 021, October 2003, which are incorporated by reference. Both handbooks are available from the Medicaid fiscal agent.

(3) The following forms that are included in the Florida Medicaid Nursing Facility Services Coverage and Limitations Handbook are incorporated by reference: AHCA Form 5210-001, August 2000, Nurse Aide Training and Competency Evaluation Program Invoice, available from the Medicaid area offices; CF-ES 2506, Feb. 2003, Client Discharge/Change Notice, available from the Department of Children and Families district offices; CF-ES 2506A, May 2003, Client Referral/Notice, available from the Department of Children and Families district offices; PASRR Checklist, October 2003, may be photocopied from the Florida Medicaid Nursing Facility Services Coverage and Limitations Handbook; and

AHCA Form 5000-3300, April 02, Medicaid Nursing Facility/ICF-DD Contribution Notice, available from the Medicaid area offices.

Specific Authority 409.919 FS. Law Implemented Chapter 400 Part II, 409.902, 409.905, 409.908 FS. History—New 1-1-77, Amended 6-13-77, 10-1-77, 1-1-78, 2-1-78, 12-28-78, 2-14-80, 4-5-83, 1-1-84, 8-29-84, 9-1-84, 9-5-84, 7-1-85, Formerly 10C-7.48, Amended 8-19-86, 6-1-89, 7-2-90, 6-4-92, 8-5-92, 11-2-92, 7-20-93, Formerly 10C-7.048, Amended 11-28-95, 5-9-99, 10-15-00, 10-4-01, 2-10-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kris Russell

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mary Pat Moore, Interim Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 28, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 24, 2003

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Payment Methodology for Inpatient Hospital Services

RULE NO.:

59G-6.020

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Inpatient Hospital Reimbursement Plan (the Plan) Payment methodology, effective May 1, 2004. These changes are based upon a recalculation of 2003-04 Special Medicaid payment methodology to reflect final total payments.

Section VII.A.(8) – Effective May 1, 2004 and ending June 30, 2004, the final total of all Special Medicaid Payments will be the lower of (1) – 199.453 percent of the total Upper Payment Limit for private hospitals and 10.5 percent of the total Upper Payment Limit for non-state public hospitals, as defined in section VII. B, or (2) 100 percent of the difference between Medicaid payments and 100 percent of what would have been paid under Medicare payment principles. Interim payments will be adjusted to match this total. The total of all Medicaid payments will not exceed the Upper Payment Limit as defined in section VII.B.

Effective July 1, 2004, the final total of all Special Medicaid Payments will be the lower of (1) 40 percent of the total Upper Payment Limit for private hospitals and 85 percent of the total Upper Payment Limit for non-state public hospitals, as defined in section VII. B, or (2) 100 percent of the difference between Medicaid payments and 100 percent of what would have been paid under Medicare payment principles. Interim payments will be adjusted to match this total. The total of all Medicaid payments will not exceed the Upper Payment Limit as defined in section VII.B.

SUMMARY: A recalculation of the 2003-04 Special Medicaid payment methodology to reflect final total payments.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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: 409.919 FS.

LAW IMPLEMENTED: 409.908 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., July 13, 2004

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robert Butler, Medicaid Program Analysis, 2727 Mahan Drive, Mail Stop 21, Tallahassee, Florida. 32308

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.020 Payment Methodology for Inpatient Hospital Services.

Reimbursement to participating inpatient hospitals for services provided shall be in accord with the Florida Title XIX Inpatient Hospital Reimbursement Plan, Version ~~XXVI~~ ~~XXXV~~, Effective Date February 17, 2004, and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Office of the Deputy Secretary for Medicaid, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 8, Tallahassee, Florida 32308.

Specific Authority 409.919 FS. Law Implemented 409.908, 409.9117 FS. History—New 10-31-85, Formerly 10C-7.391, Amended 10-1-86, 1-10-89, 11-19-89, 3-26-90, 8-14-90, 9-30-90, 9-16-91, 4-6-92, 11-30-92, 6-30-93, Formerly 10C-7.0391, Amended 4-10-94, 8-15-94, 1-11-95, 5-13-96, 7-1-96, 12-2-96, 11-30-97, 9-16-98, 11-10-99, 9-20-00, 3-31-02, 1-8-03, 7-3-03, 2-1-04, 2-16-04, 2-17-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert Butler

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Robert Butler

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 28, 2004

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE TITLES: Application for Acupuncture Certification
Acupuncture Certification Examination

RULE NOS.: 64B2-11.012
64B2-11.013

PURPOSE AND EFFECT: The Board proposes to update the existing language in these rules.

SUMMARY: The Board specifies the requirements for obtaining the acupuncture certification including an accredited 100 hour course. The Board adopts the acupuncture certification examination and scoring set by the National Board of Chiropractic Examiners.

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 cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 456.017(1)(b), (5), 460.405 FS.

LAW IMPLEMENTED: 456.017(1)(b), (5), 460.403, 460.406 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joe Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULES IS:

(Substantial rewording of Rules 64B2-11.012 and 64B2-11.013, F.A.C., follows. See Florida Administrative Code for present text.)

64B2-11.012 Application for Acupuncture Certification Examinations.

(1) Any person licensed or applying for licensure by the Board who also desires to be certified in acupuncture shall apply to the Department of Health.

(2) The Board shall certify as eligible to take the acupuncture examination only those applicants who have completed a course of no less than 100 hours in acupuncture in an institution which is recognized by an accrediting agency approved by the U.S. Department of Education.

(3) The applicant is responsible for payment of the appropriate application and licensure fees.

Specific Authority 460.405 FS. Law Implemented 460.403, 460.406 FS. History—New 10-6-86, Amended 7-5-87, 2-1-88, Formerly 21D-11.012, 61F2-11.012, 59N-11.012, Amended 2-15-98,_____.

64B2-11.013 Acupuncture Certification Examination.

(1) The Board designates the acupuncture certification examination administered by the National Board of Chiropractic Examiners as the examination for Florida certification.

(2) The acupuncture certification examination shall measure competency in the knowledge of anatomy and physiology of point and point locations, therapeutic and diagnostic acumen, sterile technique, meridian therapy, and the stimulation of various points on or within the body by needle insertion or any other method of stimulation.

(3) The Board adopts a passing score as set by the National Board of Chiropractic Examiners.

(4) Passage of the acupuncture certification examination shall not grant any applicant the right to practice chiropractic or acupuncture without passing the chiropractic licensure examination.

Specific Authority 456.017(1)(b), (5), 460.405 FS. Law Implemented 456.017(1)(b), (5), 460.406(3) FS. History—New 10-6-86, Amended 1-28-87, 5-10-87, 8-7-88, 7-8-90, 7-15-91, 4-26-93, 7-14-93, Formerly 21D-11.013, 61F2-11.013, 59N-11.013, Amended 2-15-98, 11-19-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Chiropractic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 21, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 2, 2004

**DEPARTMENT OF HEALTH
Board of Chiropractic Medicine**

RULE TITLE: Deceptive and Misleading Advertising

RULE NO.:

Prohibited; Policy; Definition 64B2-15.001

PURPOSE AND EFFECT: The Board proposes to update the existing language in this rule.

SUMMARY: The Board is adding requirements that advertising for a chiropractor must disclose the chiropractor by name and degree and that the listing of a degree must be by a person licensed in that profession in Florida or contain the disclaimer.

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 cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 460.405 FS.

LAW IMPLEMENTED: 456.062, 460.413(1)(d) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-15.001 Deceptive and Misleading Advertising Prohibited; Policy; Definition.

(1) It is the policy of the Board of Chiropractic that advertising by licensed practitioners of the profession of chiropractic in this State should be regulated so as to effectuate the duty of the State of Florida to protect the health, safety and welfare of its residents, while not abridging any rights guaranteed to such practitioners or to the public by the Constitution of the United States and the State of Florida, as construed by the United States Supreme Court and the Florida Supreme Court. To that end, the Board permits the dissemination to the public of legitimate information, in accordance with the Board's rules, regarding the art and science of Chiropractic and where and from whom chiropractic services may be obtained, so long as such information is in no way fraudulent, false, deceptive, or misleading.

(2) No chiropractor shall disseminate or cause the dissemination of any advertisement or advertising which is in any way fraudulent, false, deceptive or misleading. Any advertisement or advertising shall be deemed by the Board to be fraudulent, false, deceptive, or misleading if it:

(a) Contains a misrepresentation ~~misrepresentation~~ of facts; or

(b) Is misleading or deceptive because in its content or in the context in which it is presented it makes only partial disclosure of relevant facts. More specifically, the Board finds that it is misleading and deceptive for a chiropractor to advertise free services (i.e. x-rays, examination, etc.) or services for a specific charge when in fact the chiropractor is transmitting a higher charge for the advertised service to a third party payor for payment. The Board finds it misleading and deceptive to fail to include the fact that x-rays and/or video fluoroscopy will only be given if medically necessary in an

advertisement for free x-rays and/or video fluoroscopy. For the purpose of this rule, a verbal announcement or a minimum of 15 second exposure of the disclaimer clause required by Chapter 456.062, F.S., is required for free services advertised on radio or television. The Board also finds that it is misleading and deceptive for a chiropractor or a group of chiropractors to advertise a chiropractic referral service or bureau unless the advertisement specifically names each of the individual chiropractors who are participating in the referral service or bureau. Referral services that operate on a national or statewide basis, and that have at least 50 participating members, do not have to specifically name each individual chiropractor participating in the service on their advertisements. Any advertisement generated by or on behalf of a chiropractor must disclose that it is generated by or on behalf of a chiropractor by including a reference to the chiropractor by name and degree.

(c) through (h) No change.

(i) Contains any representation regarding a preferred area of practice or an area of practice in which the practitioner in fact specializes, which represents or implies that such specialized or preferred area of practice requires, or that the practitioner has received any license or recognition by the State of Florida or its authorized agents, which is superior to the license and recognition granted to any chiropractor who successfully meets the licensing requirements of Chapter 460, F.S. However, a chiropractor is not prohibited from advertising that he has attained Diplomate status in a specialty area recognized by the Board of Chiropractic; or

(j) ~~Reserved.~~ (k) Appears in any classified directory, listing, or compendium under a heading, which when considered together with the advertisement, has the capacity or tendency to be deceptive or misleading with respect to the profession or professional status of the chiropractor; or

(k)(4) Contains any other representation, statement or claim which is misleading or deceptive; or

(l)(m) Contains a reference to any other an allopathic or osteopathic medical degree or uses the initials "M.D." or "D.O." or any other initials unless the chiropractic physician has actually received such a degree and is a licensed holder of such degree in the State of Florida. If the chiropractic physician is not licensed to practice ~~allopathic or Osteopathic medicine~~ in Florida, the chiropractic physician must disclose this fact, and the letterhead, business card, or other advertisement shall also include next to the reference or initials a statement such as "Not licensed as a medical doctor in the State of Florida" or "Licensed to practice chiropractic medicine only" in the same print size or volume.

(3) No change.

Specific Authority 460.405 FS. Law Implemented 456.062, 460.413(1)(d) FS. History—New 1-10-80, Amended 11-25-81, 5-12-83, Formerly 21D-15.01, Amended 4-19-89, Formerly 21D-15.001, 61F2-15.001, Amended 7-18-95, Formerly 59N-15.001, Amended 9-21-98, 5-20-99, 4-23-00, 11-19-00.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Chiropractic Medicine
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 21, 2004
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 16, 2004

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program Office

RULE TITLE: Temporary Cash Assistance Eligibility of Pregnant Women
 RULE NO.: 65A-4.215

PURPOSE AND EFFECT: This rule amendment clarifies Temporary Cash Assistance (TCA) eligibility verification requirements for pregnant women.

SUMMARY: This rule amendment provides for acceptance of client statement for the ninth month of pregnancy and "verbal" or written verification of pregnancy and the inability to participate in TCA work activities during the last trimester of pregnancy. It also clarifies the definition of the third trimester and the ninth month of pregnancy.

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: 120.54(1), 414.45, 414.095(19) FS.

LAW IMPLEMENTED: 414.095(1),(2)(b)5.,(6) 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: 9:00 a.m., July 8, 2004

PLACE: 1317 Winewood Boulevard, Building 3, Room 470, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Eileen Schilling, Program Administrator, Economic Self-Sufficiency, 1317 Winewood Boulevard, Building 3, Room 414, Tallahassee, Florida 32399-0700, (850)414-5643

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-4.215 Temporary Cash Assistance Eligibility of Pregnant Women

(1) Temporary cash assistance (TCA) eligibility may be available is extended to eligible pregnant women who have no other eligible children in the home in the ninth month of pregnancy in accordance with Section 414.095(6), F.S.

~~Eligibility is determined as if the child was already born and residing in her home. The ninth month is defined as the calendar month in which the due date falls. A pregnant woman restricted from participation in work activities by orders of a licensed physician may qualify for TCA upon application at the beginning of the last trimester of pregnancy as determined by the licensed physician.~~

~~(2) The applicant's statement will be accepted for must provide a written medical diagnosis of pregnancy indicating the expected ninth month of pregnancy, or the expected months of the last trimester. This statement must be signed by a licensed physician, nurse practitioner, registered nurse, licensed practical nurse or certified midwife and give the anticipated date of delivery. The physician, nurse or midwife can be in private practice or acting as an associate of a hospital, clinic, or health facility. The statement must be written on the official letterhead of the physician, nurse, midwife or facility. If the applicant is restricted from work activities, this restriction must be stated in the diagnosis. A statement of Rrestrictions from work activities and the month the last trimester begins must be verified in writing or verbally signed by a licensed physician for TCA benefits to be authorized prior to the ninth month of pregnancy.~~

~~(3) The standard filing unit is determined pursuant to 65A-1.203511, and as if the child was born. Only tThe needs of the pregnant woman, however, are only considered in the budget calculation. The needs of the unborn child are not considered until birth. The pregnant woman is the only assistance group member.~~

~~(4) Pregnant women who are residents of state institutions, are in foster homes or other state-funded homes, or are having their care paid by the department in licensed maternity homes are not eligible.~~

~~(5) Unwed Mminors who are mandatory assistance filing unit members as children in another temporary cash assistance case are not eligible under this rule because of Sections 414.095(2)(b)1. and (2)(b)4., F.S.~~

~~(6) In active cases when the child is determined eligible for temporary cash assistance, the child is added for direct assistance effective the date month of birth, even when payment is authorized in a later month.~~

~~(7) When the pregnancy terminates by other than a live birth, eligibility for direct assistance continues through the month of delivery or termination of the pregnancy and extends through the month of release from the hospital for the delivery or for the termination. Notice of cancellation must be sent to the client, but ten-day advance notice is not required provided.~~

~~(8) When the mother does not bring the child home following delivery due to placement in foster care or adoption, eligibility continues through the month of delivery and any subsequent months of hospitalization necessary due to the pregnancy and delivery for the mother. The child is eligible for~~

TCA for the month of birth only. Adequate notice of cancellation must be given to the client, but ten-day advance notice is not required provided.

(9) When an application is received prior to the last month of pregnancy from a pregnant woman with no other children or, in a situation where the woman is restricted from work activity prior to the third trimester, ~~TCA the application will be accepted and~~ will be denied. The applicant will have hearing rights as provided elsewhere in rule. But, if the application can be processed in accordance with processing standards established in Rule 65A-1.205, F.A.C., so that, in the event of approval, approval will not occur prior to the last month of pregnancy or the third trimester of pregnancy, the application will not be denied solely because it is premature. When the application is denied solely because it was made prior to a period when the pregnant woman could be eligible, the Economic Self Sufficiency public assistance specialist will advise the applicant of the periods of eligibility and the conditions of eligibility for the third trimester.

Specific Authority 120.54(1), 414.45, 414.095(19) FS. Law Implemented 414.095(1), (2)(b)5., (6) FS. History—New 5-3-98, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lonna Cichon, Government Operations Consultant II
NAME OF SUPERVISOR OR PERSON WHO APPROVED PROPOSED RULE: Eileen Schilling, Program Administrator, Economic Self-Sufficiency
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 28, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 7, 2003

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Purpose and Intent	67-50.001
Definitions	67-50.005
Fees	67-50.010
Notice of Funding Availability (NOFA)	67-50.020
General Program Eligible Activities	67-50.030
General Program Restrictions	67-50.040
HAP Restrictions	67-50.050
HOME Restrictions	67-50.060
Application and Selection Procedures	67-50.070
Credit Underwriting Procedures	67-50.080
Disbursement of Funds, Draw Requests, and Loan Servicing	67-50.090
Compliance and Monitoring	67-50.100

PURPOSE, EFFECT AND SUMMARY: The purpose of these rule amendments is to refine the procedures by which the Corporation shall administer the Homeownership Loan Program.

SPECIFIC AUTHORITY: 420.507(12), (23), (14) FS.

LAW IMPLEMENTED: 420.5088, 420.5089 FS.

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

TIME AND DATE: 10:00 a.m., Thursday, July 8, 2004

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

THE PERSON TO CONTACTED REGARDING THE PROPOSED RULES IS: Bridget Warring, Homeownership Loan Program Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301, (850)488-4197

THE FULL TEXT OF THE PROPOSED RULES IS:

67-50.001 Purpose and Intent.

The purpose of this ~~r~~Rule ~~c~~Chapter is to establish the Homeownership Loan Program procedures by which the Corporation shall:

(1) Administer the Application process, determine loan amounts, and service loans to Developers for the construction of affordable housing under the Florida Homeownership Assistance Program (HAP)/Construction Loan Program and provide purchase assistance to Eligible Homebuyers under the HAP Permanent Loan Program; as authorized by Sections 420.507 and 420.5088, Florida Statutes (F.S.); and

(2) Administer the Application process, determine loan amounts, and service loans to Developers for the construction of affordable housing and provide purchase assistance to Eligible Homebuyers under the HOME Investment Partnerships (HOME) Homeownership ~~Loan~~ Program; as authorized by Chapter 420.5089, F.S. and HUD regulations, 24 CFR § 92, which is adopted and incorporated into this ~~r~~Rule chapter by reference.

Specific Authority 420.507 (12), (14) FS, Law Implemented 420.507(23), 420.5088, 420.5089(2) FS. History--New 9-5-02, Amended _____.

67-50.005 Definitions.

(1) "Act" means the Florida Housing Finance Corporation Act, ~~as found in Chapter 420, Part V, F.S. Florida Statutes, as amended in effect on the date of this Rule Chapter.~~

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

(3) "Adjusted Income" means the gross income from wages or assets, cash or non-cash contributions, and any other resources and benefits determined to be income by the U.S. Department of Housing and Urban Development (HUD), adjusted for household size, as defined in 24 CFR § 5.609, formerly known as Section 8, which is adopted and incorporated herein by reference.

(4) "Affiliate" means any person or entity that:

(a) Directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with the Applicant;

(b) Serves as an officer or director, agent, employee, or any business entity or person associated with the Applicant in the furtherance of a business venture for which the Applicant is applying for one of Florida Housing's Programs ~~assistance from the Corporation~~; or

(c) Is the spouse, parent, child, sibling, or relative by marriage of a person described in paragraph (a) or (b) above.

(5) "Applicant" means any person or legally formed entity that is seeking a loan or funding from Florida Housing by submitting an Application for one of Florida Housing's Programs. ~~a legally formed entity in existence at the time of Application, which is authorized to conduct business in the state of Florida, and:~~

(a) ~~With respect to the HAP Program, is a Non Profit Developer, or a Non Profit Sponsor proposing to build affordable homeownership housing;~~

(b) ~~With respect to the HOME Program, is a Community Housing Development Organization (CHDO), a public housing authority, a local government, a Non-Profit organization, or a private for-profit organization (including a corporation, limited partnership, limited liability company, partnership and a sole proprietorship) proposing to build affordable homeownership housing.~~

(6) "Application" means the forms and exhibits created by Florida Housing for the purpose of providing the means to apply for one or more Florida Housing programs. A completed Application may include additional supporting documentation provided by an Applicant completed forms from the Application Package together with all exhibits submitted to the Corporation in order to apply for either HAP or HOME Loan funds, in accordance with this Rule Chapter and the Application Package instructions, which is adopted and incorporated herein by reference.

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

(8) "Application Package" ~~or "HOMEOWN-0530 (Rev. 4/03)"~~ means the forms and instructions obtained from the Corporation, at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329 and available on the Corporation's website at www.floridahousing.org, which shall be completed and submitted to the Corporation in order to apply for a specific Florida Housing Program(s) either HAP or HOME funds, which is adopted and incorporated herein by reference and effective on the date of the latest amendment to this Rule Chapter.

(9) "Application Period" means the period during which Applications shall be accepted, ~~as noticed in the Florida Administrative Weekly and posted on Florida Housing's web site at www.floridahousing.org.~~

(10) “Appraisal” means an appraisal of a residence prepared by a Qualified Appraiser.

(11)(10) “Area Median Income” (AMI) means the median income for an area, with adjustments made for household size, as determined by the United States Department of Housing and Urban Development (HUD).

(12)(11) “Board” means the Board of Directors of the Florida Housing Finance Corporation.

(13) “Calendar Days” means, with respect to computing any period of time allowed by this rule, the day of the event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday.

(14)(12) “Code” means the Internal Revenue Code of 1986, as in effect on the date of this Rule Chapter, together with corresponding and applicable final, temporary or proposed regulations, and revenue rulings issued or amended with respect thereto notices, and revenue rulings issued by the Treasury Department or the Internal Revenue Service of the United States, and which is adopted and incorporated herein by reference.

(15)(13) “CBO” or “Community Based Organization” means a Community Based Organization as defined by Section 420.503 or 420.524, F.S. a private non-profit corporation, organized under Chapter 617, F.S., if a Florida Corporation, or under similar state law if organized in a jurisdiction other than Florida, authorized to conduct business in Florida, and certified by the Corporation to receive priority when applying for HAP funds.

(16)(14) “CHDO” or “Community Housing Development Organization” or means Community Housing Development Organization as defined in Section 420.503, F.S. (CHDO) means an organization that is organized pursuant to HUD Notice CPD 97-11, which is adopted and incorporated herein by reference.

(17)(15) “Consolidated Plan” means the plan prepared in accordance with HUD Regulations, 24 CFR § 91, which is adopted and incorporated herein by reference, and which describes needs, resources, priorities and proposed activities to be undertaken with respect to certain HUD programs, including the HOME Program a plan which describes the needs, resources, priorities and proposed activities to be undertaken which is prepared by the Department of Community Affairs, in accordance with HUD Regulation, 24 CFR § 91, which is adopted and incorporated herein by reference.

(18)(16) “Construction Loan” means a loan made available to a Developer, in amount not to exceed thirty three percent (33%) of the Total Development Cost, which utilizes either HAP or HOME Construction funds.

(19)(17) “Contact Person” means the person with whom Florida Housing the Corporation will correspond concerning the Application and the Development, as designated by the Applicant. This person cannot be a third party consultant.

(20)(18) “Contractor” means a person or entity who enters into a written contract to sell commodities or provide contractual services to the Corporation, duly licensed by the State of Florida who provides services in accordance with Chapter 489, F.S.

(21)(19) “Corporation” or “FHFC” or “Florida Housing” means the Florida Housing Finance Corporation as defined in Section 420.503, F.S. means the Florida Housing Finance Corporation.

(22)(20) “Credit Underwriter” means the independent contractor under contract with the Corporation having the responsibility for providing credit underwriting services; including, but not limited to, a comprehensive analysis of the Applicant, the real estate, the economics of the Development, the ability of the Applicant and the Development team to proceed, the evidence of need for affordable housing in order to determine that the Development meets the program requirements and determine a recommended HAP or HOME loan amount.

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

(24) “Credit Underwriting Report” means a report that is a product of Credit Underwriting.

(25) “Default” means the failure to make required payments on a financial loan secured by a first mortgage which leads to foreclosure and loss of property ownership.

(26) “Department” or “DCA” means the Department of Community Affairs as defined in Section 420.503, F.S.

(27)(21) “Developer” means an individual, association, corporation, joint venture, or limited partnership, which possesses limited liability company, or partnership, possessing the requisite skill, experience, and credit worthiness to successfully produce affordable single-family housing pursuant to this Rule Chapter.

(28) “Developer Fee” means the fee earned by the Developer.

(29)(22) “Development” means Project as it is defined in Section 420.503, F.S. any work or improvement located or to be located in the state, including real property, all buildings, and any other real and personal property which is:

(a) Designed and intended for the primary purpose of providing decent, safe, and sanitary residential housing for persons or households;

(b) Consists of at least four (4) homes;

(c) Meets the minimum set aside requirements and sales price limits of either the HAP or HOME Program, as applicable; and

(d) Can be identified by legal description or street address.

~~(30)(23)~~ “Development Cost” means the total of all costs incurred in the completion of a Development excluding Developer Fee, acquisition cost of existing developments, and total land cost as shown in the Development Cost line item on the development cost pro forma within the Application, as shown in the Development Cost line item on the development cost pro forma within the Application, subject to the approval by the Credit Underwriter and the Corporation, and pursuant to 24 CFR § 92.206 where applicable.

~~(31)(24)~~ “Difficult to Develop Areas” or “DDA” means any area designated by the Secretary of Housing and Urban Development as having high construction, land, and utility costs relative to area median gross income in accordance with Section 42(d)(5) of the Internal Revenue Code.

~~(32)(25)~~ “Document” means a written, electronic media, or graphic matter of any kind whatsoever, however produced or reproduced, including records, reports, memoranda, minutes, notes, graphs, maps, charts, contracts, opinions, studies, analysis, photographs, financial statements and correspondence as well as any other tangible item on which information is recorded.

~~(33)(26)~~ “Draw” means the disbursement of funds to a Development under the HAP or HOME Program.

~~(34)(27)~~ “Elderly” means elderly as defined in Section 420.503, F.S. (67-32), with respect to the HAP Program, a person 62 years of age or older, and with respect to the HOME Program, a person meeting the Federal Fair Housing Act requirements for the Elderly.

~~(35)(28)~~ “Eligible Homebuyer” means one or more natural persons or a household, irrespective of race, creed, religion, national origin, or sex, determined by the Corporation to be of very low or low to moderate income and who will utilize the home as their primary residence. In determining the income standards of eligible persons for its various programs, the Corporation shall take into account the following factors:

- (a) Requirements mandated by state and federal law;
- (b) Targeted areas of special need in the state; and
- (c) The need for household size adjustments to accomplish the purposes set forth in this ~~r~~Rule ~~c~~Chapter.

~~(36)~~ “Entitlement Area” means a unit of general Local Government that has been designated by HUD to receive an allocation of HOME funds.

~~(37)(29)~~ “Executive Director” means the Executive Director of the Florida Housing Finance Corporation.

~~(38)(30)~~ “F.A.C.” means the Florida Administrative Code.

~~(39)~~ “FAW” means the Florida Administrative Weekly.

~~(40)~~ “FHA” means the Federal Housing Administration of the United States Department of Housing and Urban Development or other Agency or instrumentality created or chartered by the United States government to which the powers of the Federal Housing Administration have been transferred.

~~(41)(31)~~ “F.S.” means the Florida Statutes.

~~(42)(32)~~ “FannieMae” means the Federal National Mortgage Association, a corporation organized and existing under the Federal National Mortgage Association Charter Act, 12 U.S.C. 1716 et seq.

~~(33)~~ “FHA” means the Federal Housing Administration of the United States Department of Housing and Urban Development or other Agency or instrumentality created or chartered by the United States government to which the powers of the Federal Housing Administration have been transferred.

~~(43)~~ “Farmworker” means Farmworker as defined in Section 420.503, F.S.

~~(44)~~ “Farmworker Household” means a household of one or more persons wherein at least one member of the household is a Farmworker at time of initial occupancy.

~~(45)(34)~~ “Financial Institution” means a state or federal association, bank, trust company, international bank agency, representative office or international administrative office, or credit union.

~~(46)(35)~~ “First Mortgage” means the recorded mortgage which is superior to any other lien or encumbrance on the property to which the HAP or HOME Construction Loan and the HAP or HOME Permanent Loan is subordinate.

~~(47)~~ “Florida Housing” or “FHFC” or “Corporation” means the Florida Housing Finance Corporation as created by the Act.

~~(48)(36)~~ “Florida Keys Area” means all lands in Monroe County, except:

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

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

(c) Federal properties.

~~(49)~~ “Funding Cycle” means the period of time commencing with the Notice of Funding Availability or Notice of Credit Availability pursuant to this rule chapter and concluding with the issuance of Allocations or loans to Applicants who applied during a given Application Period.

~~(50)~~ “General Contractor” or “Contractor” means a person or entity duly licensed by the State of Florida who provides services in accordance with Chapter 489, F.S.

~~(51)~~ “HAP” or “Florida Home Ownership Assistance Program” means the Florida Homeownership Assistance Program created under Section 420.5088, F.S.

~~(52)~~ “HAP Development” means any Development which receives financial assistance from the Corporation under the HAP Program.

~~(53)(38)~~ “HLP” or “Homeownership Loan Program” means the combined rRule and Application, incorporating the HAP Construction, HAP Permanent, and HOME Homeownership Loan Programs.

(54) “HOME” or “HOME Program” means the HOME Investment Partnerships Program administered by the Corporation pursuant to HUD Regulation 24 CFR § 92, which is adopted and incorporated herein by reference, and Section 420.5089, F.S.

~~(55)(37)~~ “HOME-Assisted Units” mean the specific units that are funded with HOME funds, pursuant to 24 CFR § 92.254.

(56) “HOME Development” means any Development which receives financial assistance from the Corporation under the HOME Program.

~~(57)(39)~~ “HUD” means the United States Department of Housing and Urban Development.

~~(58)(40)~~ “HUD Regulations” means the regulations of HUD in 24 CFR § 92, incorporated herein by reference, together with subsequent amendments thereto, as in effect on the date of this Rule Chapter.

~~(59)(41)~~ “LURA” or “Land Use Restriction Agreement” or means the agreement between the Corporation and the Applicant; which sets forth the Set-Aside requirements and other Development requirements, if any, under a Florida Housing the HAP or HOME Program.

(60) “Loan Closing Date” means the actual closing date of the loan for developments using HLP funding for construction or the date the firm commitment was issued for developments using funding for purchase assistance for homebuyers.

~~(61)(42)~~ “Local Government” means a unit of local general-purpose government; as defined in Section Chapter 218.31(2), F.S.

~~(62)(43)~~ “Low Income” means the Adjusted Income for persons or households that does not exceed eighty percent (80%) AMI.

~~(63)(44)~~ “Match” means non-federal contributions to a HOME Development eligible pursuant to the HUD Regulations. the contributions obtained from other than federally funded program contributions that are dedicated to a HOME Development, pursuant to CPD 97-03, incorporated herein by reference.

~~(64)(45)~~ “Maximum Purchase Price” means:

(a) With respect to the HAP Program, the maximum purchase price of a house in an area as determined by the Single Family Mortgage Revenue Bond Program (SF MRB), as in effect at the time of the beginning of the construction of the house; and

(b) With respect to the HOME Program, the maximum purchase price of a house in an area as determined by HUD, as in effect at the beginning of the construction of the house.

~~(65)(46)~~ “Moderate Income” means the Adjusted Income for persons or households that does not exceed one hundred fifty percent (150%) AMI.

(66) “Mortgage” means Mortgage as defined in Section 420.503, F.S.

(67) “Mortgage Loan” means Mortgage loan as defined in Section 420.503, F.S.

~~(68)(47)~~ “Non-Entitlement Area” means a unit of general local government that has not been designated by HUD to receive HOME assistance.

~~(69)(48)~~ “Non-Profit” means a qualified non-profit entity as defined in Section 42(h)(5)(C), subsection 501(c)(3) or 501(c)(4) of the Internal Revenue Code, and organized under Chapter 617, F.S., if a Florida Corporation, or under similar state law if organized in a jurisdiction other than Florida, to provide low-income 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 a Sponsor for housing.

~~(70)(49)~~ “Non-Profit Sponsor” means, with respect to the HAP Program, a unit of local government or public housing authority, established pursuant to Chapter 421, F.S., or a Community Based Organization, as defined in subsection subsection 67-50.005(15)(14), F.A.C., which has agreed to sponsor an Eligible Development utilizing either a Non-Profit or for-profit Developer.

~~(71)(50)~~ “Note” means a unilateral agreement containing an express and absolute promise to pay to the Corporation a principal sum of money on a specified date, which provides the interest rate, and is secured by a mortgage.

~~(72)(52)~~ “PLP” or “Predevelopment Loan Program” means the Corporation’s Predevelopment Loan Program, established by the Act Chapters 420.521 through 420.529, F.S., and Rule Chapter 67-38, F.A.C.

(73) “PLP Loan” means a direct loan from Predevelopment Loan Program.

~~(51)~~ “Permanent Loan” means a zero percent (0%) interest rate, non-amortizing second mortgage loan made to an Eligible Homebuyer, who has an Adjusted Income that does not exceed eighty percent (80%) AMI.

~~(74)(53)~~ “Preliminary Allocation” means a non-binding reservation of HAP or HOME funds issued to a Development prior to the credit underwriting process.

~~(75)(54)~~ “Principal” means an Applicant, any general partner of an Applicant, and any officer, or director of any Applicant or of any general partner of an Applicant.

(76) “Project,” or “Property” means Project as defined under Section 420.507, F.S.

~~(77)(51)~~ “Purchase Assistance Loan” or “Permanent Loan” means a zero percent (0%) interest rate, non-amortizing second mortgage loan made to an Eligible Homebuyer, who has an Adjusted Income that does not exceed eighty percent (80%) AMI.

(78) “Qualified Appraiser” means an individual or firm that is qualified as an appraiser by the society of real estate appraisers or the American Institute of Real Estate Appraisers

and acceptable or approved by FHA, VA, FannieMae, Freddie Mac or any private mortgage insurance provider to provide appraisal reports.

(79)(55) “Qualified Census Tract” means any census tract that is designated by the Secretary of HUD as having either 50% or more of the households at an income that is less than sixty percent (60%) AMI or a poverty rate of at least twenty five percent (25%), in accordance with Section 42(d)(5)(C), Internal Revenue Code.

(80) “RD” or “Rural Development” means Rural Development Services (formerly the Farmer’s Home Administration) of the United States Department of Agriculture.

(81)(56) “Received” means as it relates to delivery of a document by a specified deadline means, unless otherwise indicated, delivery by hand, U.S. United States Postal Service or other courier service, ~~unless otherwise indicated~~, in the office of the Corporation no later than 5:00 p.m., Eastern Time, on the deadline date.

(82)(57) “Review Committee” means a committee of Corporation staff ~~persons~~ appointed by the Executive Director or assignee who will make recommendations to the Board regarding Program participation.

(83)(58) “Rural Area” means an area that is eligible to receive assistance from the United States Department of Agriculture – Rural Development.

(84) “SFMRB” or “Single Family Bond Program” means the Corporation’s Single-Family Mortgage Revenue Bond Program.

(85) “SHIP” or “SHIP Program” means the State Housing Initiatives Partnership Program created pursuant to the State Housing Initiative Partnership Act, Sections 420.907-9079, F.S.

(86)(59) “Second Mortgage” means the recorded mortgage securing the HAP or HOME Construction Loan or the HAP or HOME Purchase Assistance ~~Permanent~~ Loan, which is subordinate only to the First Mortgage.

(87)(60) “Scattered Sites” means a Development consisting of five or more single family residential units, where no more than four single family residential units are located on any one site and any additional site or sites must not share a common boundary.

(88)(61) “Servicer” means the entity, and any subcontractors, under contract with the Corporation to provide loan servicing, including administration and compliance monitoring.

(89) “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.

(90) “Set-Aside” means the occupancy requirements or restrictions for Developments financed by Florida Housing.

(62) “Single Family Bond Program” means the Single Family Mortgage Revenue Bond Program (SF MRB), pursuant to Rule Chapter 67-25, F.A.C.

(91)(63) “Sponsor” means Sponsor as defined in Section 420.503, F.S., with respect to the HOME Program, any individual, association, corporation, joint venture, partnership, trust, or other legal entity or combination thereof, that has been approved by the Corporation as qualified to construct a Development.

(92)(64) “State” means the State of Florida.

(93)(65) “Threshold” means the minimum criteria to be met for an Application to be considered complete, as required by this ~~r~~Rule ~~c~~Chapter and the Application Package.

(94) “Total Development Cost” means the total of all costs incurred in the construction of a Development, all of which shall be subject to the approval by the Credit Underwriter and the Corporation as reasonable and necessary.

(95)(66) “Treasury” means the United States Department of Treasury or other agency or instrumentality created or chartered by the United States to which the powers of the Department of Treasury have been transferred.

(96)(67) “Unit” means a residential unit used as a single family residence and the land appurtenant that is taxed as real property under state laws, not including a two, three or four household residence, unless each unit is owner-occupied.

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

(69) “USDA RD” ~~means the United States Department of Agriculture Rural Housing Services.~~

(98)(70) “Very Low-Income” means the Adjusted Income of persons or households that does not exceed fifty percent (50%) AMI.

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

Specific Authority 420.507(12), (23) FS. Law Implemented 420.507(23), 420.5088, 420.5089 FS. History—New 9-5-02, Amended 5-4-03, _____.

67-50.010 Fees.

(1) The Corporation shall collect an Application fee from all Applicants when ~~initially~~ applying for HLP funding during any Application Period either HAP or HOME funds.

(2) With respect to ~~the HAP Program~~, the Applicant is responsible for all or a portion of the following fees, which are part of the Total Development Cost and must be included in the Development Cost Pro Forma:

- (a) Credit Underwriting fee;
- (b) Loan Servicing fees; and
- (c) Construction inspection fees.

(3) With respect to ~~the HOME Program~~, the fees referenced in subsection (2) above are paid directly by the HOME Program.

(4) Penalty Fees: Applicants will be charged a penalty fee of \$100 for each extension request for the following:

- (a) Deadline to submit information to the Credit underwriter;
- (b) Loan Closing date;
- (c) Commencement of Construction;
- (d) Construction Completion; and
- (e) Commitment Expiration.

~~(5)~~(4) Failure to pay any fee shall cause the loan commitment ~~under any Program~~ to be terminated or shall constitute a default on the respective loan documents.

Specific Authority 420.507(12), (23) FS. Law Implemented 420.507(19), 420.5088, 420.5089 FS. History—New 9-5-02, Amended 5-4-03, _____.

67-50.020 Notice of Funding Availability (NOFA).

The Corporation shall post the NOFA, which advises the availability of HLP funding which sets forth the availability of funding for the HAP Construction Loan, the HAP Permanent Loan and the HOME Homeownership Loan Programs, on the Corporation’s website at www.floridahousing.org and publish in the Florida Administrative Weekly (FAW).

Specific Authority 420.507(12), (23) FS. Law Implemented 420.5088, 420.5089 FS. History—New 9-5-02, Amended _____.

67-50.030 General Program Eligible Activities.

(1) Eligible Applicants are:

(a) With respect to the HAP Program, is a Non-Profit Developer, or a Non-Profit Sponsor, local government, or public housing authority proposing to build affordable homeownership housing; and

(b) With respect to the HOME Program, is a Community Housing Development Organization (CHDO), a public housing authority, a local government, a Non-Profit organization, or a private for-profit organization (including a corporation, limited partnership, limited liability company, partnership and a sole proprietorship) proposing to build affordable homeownership housing.

~~(2)~~(1) Funds may be used ~~to pay~~ for the following eligible costs:

(a) Development hard costs as they directly relate to the identified assisted units ~~for the costs necessary~~ to meet local and State building codes and the Model Energy Code.

(b) Soft costs as they relate to the identified assisted units. ~~The costs~~ must be reasonable and necessary, as determined by the Corporation and Credit Underwriter, and associated with the financing, development, or both, including and include:

1. Architectural, engineering or related professional services required to prepare plans, drawings, specifications or work write-ups;
2. Costs to process and close the financing for a Development, such as credit reports, fees for evidence of title, recordation, building permits, attorney fees, cost certifications, and estimates;
3. Developer fees, including administrative overhead, are limited to sixteen percent (16%) of the Total Development Cost;
4. Impact fees;
5. Costs of Development audits required by the Corporation or compliance monitoring agent;
6. Affirmative marketing and fair housing costs; and
7. Temporary relocation costs, as required for the HOME program.

~~(3)~~(2) Funds may be used to construct one (1) speculative unit or model home for up to ten (10) units in the Development, up to two (2) speculative units or model homes for eleven (11) to twenty (20) units in the Development and a maximum of three (3) speculative units or model homes for a Development with over twenty (20) units ~~at any period of time.~~ Funds will be disbursed on a pro-rata basis with other funding sources.

~~(4)~~(3) Prepayment of the loan is permitted without penalty.

~~(5)~~(4) The Corporation shall make HLP funding HOME Permanent Loan funds available to participating lenders in the Single Family Mortgage Revenue Bond (SF MRB) Program for eligible homebuyers, in accordance with the SF MRB documents and rRule cChapter 67-25, F.A.C. If HLP funding is used in conjunction with the SF MRB Program, the homebuyer may not utilize more than one down payment assistance program sponsored by the Corporation.

Specific Authority 420.507(12), (23) FS. Law Implemented 420.5088, 420.5089 FS. History—New 9-5-02, Amended 5-4-03, _____.

67-50.040 General Program Restrictions.

(1) Eligible Developments must:

(a) Be designed and intended for the primary purpose of providing decent, safe, and sanitary residential housing for persons or households;

(b) Consist of at least four (4) homes;

(c) Meet the minimum set-aside requirements and sales price limits of either the HAP or HOME Program, as applicable; and

(d) Be identified by legal description or street address.

(2)(1) An Applicant may not submit an application for both HAP and HOME funding for the same Development during an Application Period under the Homeownership Loan Program.

(3)(2) Applications shall be limited to one submission per subject property, per Application Period, and funding requests shall be limited to the lesser of twenty five ~~thirty three~~ percent (25%) (~~33%~~) of the Total Development Cost or \$1,000,000 for the HAP Program or the lesser of twenty five ~~thirty three~~ percent (25%) (~~33%~~) of the Total Development Cost or \$2,000,000 for the HOME Program.

(4)(3) The HLP HAP or HOME Construction Loan or Purchase Assistance Permanent Loan must be in not lower than a second lien position and shall not share priority with any other liens unless approved by the Board.

(5)(4) The term of the HLP HAP or HOME Construction Loan shall be for a period of three (3) five (5) years, beginning on the Loan Closing Date.

(6)(5) The accumulation of all Development financing, including the HLP HAP or HOME Loan and all existing debt within a Development, may not exceed the Total Development Cost, as determined by the Credit Underwriter. The accumulated sales generated revenue of all single-family homes must equal the Total Development Cost as proposed by the Applicant in the Application. Any changes to the Total Development Costs during the underwriting process may result in the adjustment of home sales prices to reflect these changes.

(7)(6) The proceeds from the HLP Purchase Assistance HAP or HOME Permanent Loan made to an Eligible Homebuyer shall be used to repay the HLP HAP or HOME Construction Loan. Upon the closing of each house, the HAP or HOME Construction Loan provided for each house shall be repaid by the Applicant.

(8)(7) Applicants are responsible for:

- (a) The construction of affordable housing;
- (b) The marketing of units in the Development and providing referrals of potential Eligible Borrowers to the first mortgage lender;
- (c) Meeting the pre-sale requirements established by the first mortgage lender;
- (d) Assisting the Corporation and the Servicer with performing Draw inspections, collecting payments and defaults, foreclosure procedures and performing compliance monitoring; and
- (e) With respect to the HOME Loan, ensuring compliance with HUD requirements, pursuant to 24 CFR § 92.

(9)(8) Prior to disbursing any funds, there must be a written agreement with the Applicant ensuring compliance with the requirements of the HLP HAP or HOME Program, pursuant to this Rule Chapter, Florida Statutes, and HUD Regulations, as applicable.

(10)(9) The Corporation shall require adequate insurance to be maintained on the Development as determined by the first mortgage lender and the Corporation's Servicer, including fire, hazard and other insurance sufficient to meet mortgage standards.

(11)(10) The Corporation or its Servicer shall monitor the compliance with all terms and conditions of the HLP HAP or HOME Loan and any violation of any term or condition shall constitute a default of the Loan.

(12)(11) The construction period shall be for a period of not more than three (3) years beginning on the Loan Closing Date, unless approved by the Board for a specified period of time, closing date of the Construction Loan or the date of Florida Housing's commitment for a Development utilizing purchase assistance only. With approval by the Board, a one-year extension is permissible provided that the Applicant: Applicants applying for an extension must:

- (a) Requests the extension in writing at least sixty (60) days prior to the end of the construction period;
- (b) States a specific length of time needed to complete the Development and the reason the extension is needed;
- (c) ~~Provides the Applicant's past performance history;~~
- (c)(d) Provides a comprehensive work completion plan and construction schedule;
- (d)(e) Supply ~~Supplies~~ an alternate financing plan in the event the original financing source withdraws; ~~and~~
- (e)(f) Provides assurance that the ~~one-year~~ extension will result in the successful completion of the Development; and
- (f) Applicants will be charged a penalty fee of \$100 for each extension request.

(13)(12) The Applicant shall not refinance, increase the principal amount, or alter any terms or conditions of any construction loan superior or inferior to the HLP HAP or HOME Loan without prior approval of the Corporation's Board of Directors.

(14)(13) The unpaid principal balance of the Loan shall be due and payable upon the sale or transfer of the secured property.

(15)(14) If the Board of Directors determines that any Applicant or any Affiliate of an Applicant has:

- (a) Engaged in fraudulent actions;
- (b) Materially misrepresented information to the Corporation regarding any of its Developments; within the current Application or in any previous applications for financing or an allocation of Housing Credits administered by the Corporation;
- (c) Been convicted of fraud, theft or misappropriation of funds;
- (d) Been excluded from federal or Florida procurement programs; or

(e) Been convicted of a felony, and upon determination by the Board of Directors that such action substantially increases the likelihood that the Applicant will not be able to produce quality affordable housing, the Applicant or any Principal, or Affiliate of an Applicant or Developer and any of the Applicant's Affiliates will be ineligible for funding or allocation in any program administered by the Corporation for a period of two (2) years, which will begin from the date the Board of Directors makes such determination. Such determination shall be made either pursuant to a proceeding conducted pursuant to Sections 120.569 and 120.57, F.S., or as a result of a finding by a court of competent jurisdiction.

(16)(15) If an Applicant or any Principal, or Affiliate of an Applicant or Developer has any existing Developments participating in any Corporation programs that remain in non-compliance with the Code, the applicable Florida Statutes and rRule cChapters, and loan documents, or any loan commitment after any applicable cure period granted for correcting such non-compliance has ended, at the time of submission of the Application or issuance of a credit underwriting report, the requested allocation will be denied, upon determination by the Board of Directors that such non-compliance substantially increases the likelihood that such Applicant will not be able to produce quality affordable housing. The Applicant and the Affiliates of the Applicant or Developer shall be prohibited from new participation in any of the Corporation's Programs for the subsequent cycle and continuing until such time as all of their existing Developments are in compliance.

(17) Applicants that choose to withdraw from the program after the receipt of a firm commitment and prior to developing any units shall be responsible for repayment of any expenses paid by the Corporation, including credit underwriting, environmental review, and monitoring services fees.

(18)(16) The name of the Development provided in the Application may not be changed or altered after submission of the Application during the history of the Development with the Corporation unless the change is mandated by local, state or federal governmental authorities, or otherwise approved by the Board Corporation. Evidence of such mandate must be submitted to the Corporation upon official within thirty (30) Calendar Days of notification by the local, state or federal authorities.

(17) Permanent Loans. Prior to disbursing any funds for either the HAP or HOME Permanent Loan, the Eligible Homebuyer must execute a homebuyer agreement, ensuring compliance with the requirements of this Rule Chapter, Florida Statutes and 24 CFR § 92, when applicable.

(19)(18) The Eligible Homebuyer must maintain replacement cost hazard insurance naming the Corporation as an additional insured.

(20)(19) A mortgagee policy of title insurance in the amount of the HLP Purchase Assistance HAP or HOME Permanent Loan must be provided naming the Corporation as an additional insured.

(21)(20) Loans shall be evidenced by a properly executed note and secured by a properly executed and recorded mortgage provided by the Corporation.

(22) Failure to comply with the agreed upon income set-aside requirements as stated in the Application shall result in a retroactive interest rate adjustment from the HLP Construction Loan interest rate to the current market rate.

(23) Applicants will be required to submit progress reports, as directed by Florida Housing. Failure to provide the information and documentation requested may result in the withdrawal of any remaining funds.

(24)(21) Failure to comply with any part of this rRule cChapter without a waiver or variance being granted by the Board, pursuant to Chapter 120.542, F.S., and rRule cChapter 28-104, F.A.C., shall result in the disqualification of the Applicant and withdrawal of any the preliminary commitment for Loan funds.

(25) Scattered Sites Developments. Applicants will have 60 days in which to submit site control information to the underwriter for analysis. Failure to submit the required documentation for all sites identified in the Application will result in the underwriter adjusting the funding request proportionate to the number of units for which site control was secured. If the site control information submitted to the underwriter is less than 50% of the total units committed to in the initial Application, Florida Housing will require the Applicant to withdraw and relinquish the allocation.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History—New 9-5-02, Amended 5-4-03, _____.

67-50.050 HAP Program Restrictions.

(1) HAP Construction Loans shall be made available for the construction of affordable housing Developments, as defined in subsection 67-50.005(29)(22), F.A.C. Funding Funds shall also be made available for land acquisition, predevelopment expenses and infrastructure; however, in no event shall the funds be used solely for these purposes.

(2) A Non-Profit organization must have control of the Development and materially participate in the development and sale of the property through the construction period.

(3) Non-Profit Sponsor Applicants must:

(a) Have been in existence for at least one (1) year prior to applying for HAP funds; and

(b) Own the property or have a valid contract for purchase of the property; and

(c) Utilize the services of either a Non-Profit or for-profit Developer who has a proven record of providing similar housing.

(4) The interest rate for a HAP Construction Loan is zero percent (0%).

(5) The Land Use Restriction Agreement (LURA) shall contain restrictive covenants to ensure that the Development maintains the minimum set-aside requirements ~~for of the HAP Program, pursuant to Chapter 420.5088, F.S.,~~ as well as the specific amenities and set-asides the Applicant committed to in the Application.

(6) HAP ~~Purchase Assistance Permanent~~ Loan. The terms of the HAP ~~Purchase Assistance Permanent~~ Loan made to an Eligible Homebuyer are as follows:

(a) A HAP ~~Purchase Assistance Permanent~~ Loan shall be made available to an Eligible Homebuyer who purchases a home built by a Developer participating in the ~~HLP Homeownership Loan~~ Program, under ~~the HAP Program~~.

(b) The Eligible Homebuyer must have an Adjusted Income that does not exceed eighty percent (80%) AMI at the time of ~~the loan~~ closing.

(c) A HAP ~~Purchase Assistance Permanent~~ Loan is ~~limited to available in an aggregate amount not to exceed the lesser of \$30,000, twenty five percent (25%) of the purchase price of the house and may not exceed the initial amount of per home assistance as stated in the Application, or the amount necessary to meet credit underwriting criteria, based on the monthly mortgage payment (which includes the principal, interest, taxes and insurance) to income underwriting ratio.~~

(d) ~~Repayment of the HAP Purchase Assistance Loan is due upon the first to occur of the maturity of the first mortgage loan or upon the sale, transfer, refinancing, or rental of the secured property.~~

~~(e)(d)~~ When the HAP ~~Purchase Assistance Permanent~~ Loan is used in conjunction with another Corporation subordinate mortgage program, the Eligible Homebuyer's Adjusted Income may not exceed fifty percent (50%) AMI and the aggregate amount of the Corporation's ~~l~~oans may not exceed thirty-five percent (35%).

~~(f)(e)~~ The combined loan-to-value ratio cannot exceed one hundred five percent (105%) of the appraised value ~~of the home~~. In the 105% loan-to-value calculation, the Corporation will not include any subsidy that contains forgivable terms within a five (5) year period.

~~(g)(f)~~ The HAP ~~Purchase Assistance Permanent~~ Loan shall be underwritten by the first mortgage lender and reviewed by the Corporation's designated Servicer.

~~(h)(g)~~ The purchase price of the house cannot exceed the appraised value or the maximum purchase price, as determined by the ~~SF MRB Single Family Mortgage Revenue Bond~~ Program, as in effect at the time of the beginning of the construction of the house.

Specific Authority 420.507(12), (23) FS. Law Implemented 420.507(23), 420.5088 FS. History--New 9-5-02, Amended 5-4-03, _____.

67-50.060 HOME ~~Program~~ Restrictions.

(1) HOME ~~funding funds~~ shall be made available for construction of affordable housing and homebuyer purchase assistance for Eligible Developments, pursuant to 24 CFR § 92.

(2) The maximum per-unit subsidy ~~amount~~ of HOME ~~funding is limited to funds that the Corporation may allocate may not to exceed~~ twenty five percent (25%) of the purchase price ~~of the house and may not exceed the initial amount of per home assistance as stated in the Application.~~

(3) The annual interest rate for the construction loan will be determined as follows:

(a) All for-profit Applicants that have one hundred percent (100%) ownership interest in the Development held by the general partner entity will receive a three percent (3%) per annum interest rate loan.

(b) All qualified non-profit Applicants that have one hundred percent (100%) ownership interest in the Development held by the general partner entity will receive a zero percent (0%) interest rate loan.

(c) All Applicants consisting of a non-profit and for-profit partnership will receive a zero percent (0%) interest rate on the portion of the loan equal to the qualified non-profit's ownership interest in the Development. A three percent (3%) interest rate shall be charged on the portion of the loan equal to the for-profit's ownership interest in the Development. Should the Applicant sell, transfer, or convey any portion of the ownership in the Development, the loan interest rate ratio will be adjusted to conform with the new percentage of for-profit to non-profit ownership.

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

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

(6) All units must adhere to affordability requirements pursuant to 24 CFR § 92.254 and the recapture provisions described in 24 CFR § 92.254(5)(ii)(1).

(7) Funds shall not be used to pay for ineligible costs in accordance with 24 CFR § 92.214 (a) and the following ineligible costs:

(a) Development reserve accounts for replacement, anticipated increases in operating costs, or operating subsidies, except as described in this ~~r~~Rule ~~c~~Chapter;

(b) Administrative costs; and

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

(8) All contracts for the construction of a Development with 12 or more HOME-Assisted Units must contain a provision requiring that the wages paid to all laborers and mechanics employed for the construction of the Development will not be less than the wages prevailing in the locality, as predetermined by the U.S. Secretary of Labor pursuant to the Davis-Bacon Act, 40 U.S.C. § 276a-265-a-5 (1994), 24 CFR § 92.354, 24 CFR § 70 (volunteers) and 40 U.S.C. 276c, which are adopted and incorporated herein by reference. Such contracts shall also be subject to the overtime provisions of the Contract Work Hours and Safety Standards Act, 40 U.S.C. 327-333 (1994), and the Copeland Act (Anti-Kickback Act) 40 U.S.C. § 276c (1994) and the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et seq.), which are adopted and incorporated herein by reference.

(9) If the Development has 12 or more HOME-Assisted Units, the General Contractor and all available subcontractors shall attend a Corporation-sponsored pre-construction conference regarding federal labor standards provisions.

(10) A representative of the Applicant must attend a Corporation-sponsored training session on income certification and compliance procedures.

(11) The Corporation is required by HUD to match non-federal funds to the HOME allocation as specified in 24 CFR § 92.218.

(12) All HOME Developments must conform to the following federal requirements:

(a) Equal Opportunity and Fair Housing as enumerated in 24 CFR § 92.202 and 92.250, 42 U.S.C. 2000d et seq., 42 U.S.C. 3601-3620, 42 U.S.C. 6101, and 24 CFR § 5.105(a), which are adopted and incorporated herein by reference.

(b) Affirmative Marketing as enumerated in 24 CFR § 92.351, which is adopted and incorporated herein by reference.

(c) Environmental Review as enumerated in 24 CFR § 92.352, 24 CFR § 58 and National Environmental Policy Act of 1969, which are adopted and incorporated herein by reference.

(d) Displacement, Relocation, and Acquisition as enumerated in 24 CFR § 92.353, 42 U.S.C. 4201-4655, 49 CFR § 24, 24 CFR § 42 (Subpart B), and Chapter 104(d) "Barney Frank Amendments", which are adopted and incorporated herein by reference.

(e) Labor Standards as enumerated in 24 CFR § 92.354, 40 U.S.C. 276a-276a-5, 24 CFR § 70 (volunteers), and 40 U.S.C. 276c, which are adopted and incorporated herein by reference.

(f) Lead-based Paint as enumerated in 24 CFR § 92.355, 42 U.S.C. 4821 et seq., 24 CFR § 35 and 24 CFR § 982.401(j) (except paragraph 982.401(j)(1)(i)), which are adopted and incorporated herein by reference.

(g) Conflict of Interest as enumerated in 24 CFR § 92.356, 24 CFR § 85.36 and

24 CFR § 84.42, which are adopted and incorporated herein by reference.

(h) Debarment and Suspension as enumerated in 24 CFR § 5, which is adopted and incorporated herein by reference.

(i) Flood Insurance as enumerated in Section 202 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4106), which is adopted and incorporated herein by reference.

(j) Handicapped Accessibility as enumerated in 24 CFR § 8 and 24 CFR § 100.205, which are adopted and incorporated herein by reference.

(k) Equal Opportunity Employment as enumerated in 41 CFR § 60, which is adopted and incorporated herein by reference.

(l) Economic Opportunity as enumerated in 24 CFR § 13.5, which is adopted and incorporated herein by reference.

(m) Minority/Women Employment as enumerated in 24 CFR § 85.36(e), which is adopted and incorporated herein by reference.

(13) Applicants and lenders are responsible for providing the Corporation or the Servicer with completed documentation of the homebuyer and homeownership requirements established by the Corporation and 24 CFR § 92.254 and the record keeping requirements described in 24 CFR § 92.508.

(14) A certification by the Corporation of the HUD Environmental Review is required, pursuant to 24 CFR 92.352.

(15) A HOME-assisted unit shall qualify as affordable housing if:

(a) The value or initial purchase price of the property after construction does not exceed 95% of the median purchase price for the area, pursuant to 24 CFR 92.254 ~~the Maximum Purchase Price;~~

(b) The combined loan-to-value ratio cannot exceed one hundred five percent (105%) of the after construction or appraised value of the HOME-Assisted unit, except when HOME funds are used with the SF MRB Program, where the combined loan-to-value of all assistance cannot exceed one hundred three (103%) of the lesser of the appraised value or the purchase price or as permitted in the applicable SF MRB issue documents. In the loan-to-value calculation, the Corporation will not include any subsidy that contains forgivable terms within a five (5) year period; and

(c) The person or household qualifies as an Eligible Homebuyer at the time of purchase and who will occupy the home acquired property as their principal residence throughout the affordability period, pursuant to 24 CFR § 92.254(4). ~~and~~

(d) The purchase price of the property after construction must not exceed the appraised value of the property.

(16) All homes in the Development must be sold to persons or households that have an Adjusted Income that does not exceed eighty percent (80%) AMI.

(17) The Eligible Homebuyer shall adhere to the following terms and conditions:

(a) The HOME Purchase Assistance Second Mortgage Loan shall have a zero percent (0%) interest rate and be non-amortizing with principal deferment until maturity.

(b) Repayment of Principal on the Second Mortgage Loan shall be deferred until the homebuyer sells, transfers or disposes of the home either voluntarily or involuntarily, or ceases to occupy the home as a principal residence during the affordability period, pursuant to 24 CFR § 92.254(4).

Specific Authority 420.507(12), (23) FS. Law Implemented 420.507(23), 420.5088 FS. History—New 9-5-02, Amended 5-4-03,_____.

67-50.070 Application and Selection Procedures.

(1) All Applicants must submit a completed HLP Application Package (HOMEOWN-0530 (Rev. 5/04)), which is adopted and incorporated herein by reference, and which can be obtained from the Corporation, at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329 and is available on the Corporation's website at www.floridahousing.org. All Applications must:

(a) ~~Be~~ submitted complete, legible and consistent throughout;

(b) ~~must Be~~ received by the Application Deadline, as specified in the NOFA; and-

(c) Include an original Application, with an original signature on the Applicant Certification and Acknowledgement Form (Exhibit 1), and three identical copies. Lack of an Original Application shall be grounds for automatic rejection.

Corporation staff may not assist any Applicant by copying, collating or adding documents to an Application, nor shall any Applicant be permitted to use the Corporation facilities or equipment for purposes of compiling or completing an Application.

(2) Each submitted Application will be reviewed and preliminarily scored using the factors specified in the Application Package and this ~~r~~Rule ~~c~~Chapter. Preliminary scores shall be transmitted to all Applicants along with the master ~~score~~ scoring sheet and deficiency report.

(3) Failure to submit an Application completed in accordance with the Application instructions and this ~~r~~Rule ~~c~~Chapter will result in rejection of the Application or a score less than the maximum available in accordance with the instructions in the Application and this ~~r~~Rule ~~c~~Chapter.

(4) Cure Period. Within twenty (20) Calendar Days of the date of the notice set forth in subsection (2) above, each Applicant shall be allowed to submit revised pages and additional documentation, (the "revisions") as the Applicant deems appropriate to address the issues raised in the master scoring sheet and deficiency report that could result in rejection of the Application or a score less than the maximum available.

(a) Each new page must be marked "revised."

(b) Failure to mark each new page "revised" will result in the Corporation not considering the revisions to that new page.

(c) Where revisions create an inconsistency elsewhere in the Application, the Applicant is required to make such other changes to keep the Application consistent.

(d) Pages of the Application that are not revised may not be resubmitted, with the exception of documents executed by third parties, which must be submitted in their entirety.

(e) The Applicant shall submit an original and three copies of all revisions; submissions via the internet or facsimile shall not be accepted.

(f) Only revisions received by the deadline set forth herein will be considered.

(g) Any subsequent revisions submitted prior to the deadline must include a written request to withdraw any previous revision.

(5) The Corporation shall reject an Application, as detailed in the Application Package and this ~~r~~Rule ~~c~~Chapter, if:

(a) The Development is inconsistent with the purposes of the HAP or HOME Program, as applicable.

(b) The Applicant fails to achieve the threshold requirements or the minimum score required.

(c) The Applicant or any Principal or Affiliate of an Applicant or Developer is in arrears for any financial obligation to the Corporation or any agent or assignee of the Corporation. For purposes of the HOME Program, this ~~R~~rule subsection does not include permissible deferral of HOME interest.

(6) When two or more Applications receive the same numerical score, the Applications will be ranked as outlined in the Application instructions.

(7) At no time during the scoring process may Applicants or their representatives contact Board members or Corporation staff, except for Corporation's legal staff, concerning their own Development or any other Applicant's Development. If an Applicant or its representative does contact a Board member or staff in violation of this section, the Board may, upon a determination that such contact was deliberate, disqualify such Applicant's Application.

(8) Following the receipt and review of the documentation described in subsection (4) above, and upon Board approval, the Corporation's ~~staff~~ shall issue a final score and ranking to each Applicant, disclosing whether or not the Applicant met the threshold and minimum score requirements. In determining such final scores and ranking, no Application shall be rejected or receive a point reduction as a result of any issues not previously identified in the notice described in subsection (4) above. However, inconsistencies created by the Applicant as a result of information provided pursuant to subsection (4) above will be justification for rejection or reduction of points as appropriate. Notwithstanding the foregoing, any deficiencies in

the mandatory elements set forth in subsection ~~(9)~~(10) below can be identified at any time prior to sending the final scores to Applicants and will result in rejection of the Application.

~~(9) All scores and rankings are to be approved by the Board. Those Applications which complete the threshold requirements will be presented to the Board for final approval of the preliminary allocation and the invitation to enter into credit underwriting, subject to the availability of funds.~~

~~(9)~~(10) Notwithstanding any other provisions of these rules, there are certain items that must be included in the Application and cannot be revised, corrected or supplemented after the Application Deadline. Failure to submit these items in the Application at the time of the Application Deadline shall result in rejection of the Application without opportunity to submit additional information. Any attempted changes to these items will not be accepted. Those items are as follows:

- (a) Name of Applicant;
- (b) Name of the Developer;
- (c) Funding Program applied for (HAP or HOME);
- (d) Number of units;
- (e) Site for the Development (except for scattered site developments);
- (f) Type of Development Category;
- (g) County;
- (h) Demographic or Area Commitment or target demographic area;
- (i) Total set-aside percentage of the Total Set-Aside Commitment;
- (j) Designation of Applicant; and
- (k) Funding request amount.

(10) All scores and rankings will be approved by the Board. Those Applications which complete the threshold requirements will be presented to the Board for final approval of the preliminary allocation and the invitation to enter into credit underwriting, subject to the availability of funds.

~~(11) At the time of submission of the Application, each Applicant shall disclose in writing, certifying under penalty of perjury, whether any current or recent financial business, professional, and family relationships or associations with an employee or agent of the Corporation exists or whether any current or recent financial business, professional, and family relationships or associations with a former employee or agent of the Corporation exists. In the case of a former employee or agent of the Corporation, the date of the former employee's or agent's departure from the Corporation, if the departure is less than two years from the date of the submission of the Application.~~

Specific Authority 420.507(12), (23) FS. Law Implemented 420.507(23), 420.5088, 420.5089 FS. History—New 9-5-02, Amended 5-4-03, _____.

67-50.080 Credit Underwriting Procedures.

(1) Each Applicant will undergo credit underwriting to determine the financial stability, capacity and experience of the Applicant and the economic and financial feasibility of the Development. The type of review to be performed by the Credit Underwriter shall be determined as follows:

~~(a) Analytical Review. To expedite the underwriting process, the Corporation's Credit Underwriter shall perform an analytical review utilizing the lender's credit underwriting information when applicable:~~

~~1. If the first mortgage lender is not a related party, officer, or partner to the Applicant or Developer or any entity involved in the preparation of the Application or construction of the proposed Development.~~

~~2. The Corporation shall request the Applicant's authorization for the first mortgage lender to release their credit underwriting information to our Credit Underwriter.~~

~~3. Applicants requesting HAP or HOME Permanent Loan funds shall be subject to an Analytical Review.~~

~~(b) Credit Underwriting. The Applicant will be subject to a full credit underwriting as prescribed by the Corporation's Credit Underwriter if the Applicant will not give authorization, the first mortgage lender will not release the information, or the information provided is determined to be insufficient.~~

(2) Applicants utilizing HLP funding for construction will be subject to an in-depth analysis including, but not limited to items listed in the Application Instructions.

(3) Applicants utilizing HLP funding for purchase assistance will be subject to an analytical review consisting of but not limited to the components listed in the Application Instructions for purchase assistance loans.

~~(4)~~(2) The Applicant shall submit the required information to the Credit Underwriter within sixty (60) days of the date of the notification letter. If an extension is needed, a written request substantiating the need for the extension must be provided to the Corporation prior to the sixty (60) day initial deadline, subject to approval by the Credit Underwriter and the Corporation Staff. ~~However, the extension shall not exceed a period of sixty (60) days. Applicants will be charged a penalty fee of \$100 for each extension request.~~ In the event the time limitation expires, the Corporation will request that the Applicant relinquish the preliminary allocation and it will be made available to the next ranked Applicant.

~~(5)~~(3) The Credit Underwriter shall verify all information in the Application, including information relative to the Applicant, Developer, Contractor and other members of the Development team. Upon receipt, the Corporation shall provide to the Applicant the section from the written draft report which includes the supporting information and schedules. The Applicant shall review and provide written comments to the Corporation and Credit Underwriter within 48 hours after receipt. After the 48-hour period, the Corporation shall provide comments on the draft report and, as applicable,

on the Applicant's comments to the Credit Underwriter. The Credit Underwriter shall review and incorporate the Corporation's and Applicant's comments and release the revised report to the Corporation and the Applicant. The Corporation and the Credit Underwriter must receive any additional comments from the Applicant within 72 hours of receipt of the revised report. The Credit Underwriter will provide a final report, which will address comments made by the Applicant, to the Corporation.

~~(6)(4)~~ The underwriters may request additional information if applicable ~~but at a minimum the following will be required:~~

(a) For credit enhancers, audited financial statements for their most recent fiscal year ended, if published; otherwise the previous year's audited statements will be provided until the current statements are published or credit underwriting is complete. The audited statements may be waived if the credit enhancer is rated at least "A-" by Moody's, Standard and Poor's or Fitch.

(b) For Principals and guarantors, audited financial statements or financial statements compiled or reviewed in accordance with Statement on Standards for Accounting and Review Services (SSARS) No. 1, which is adopted and incorporated herein by reference, for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. If audited financial statements or financial statement compiled or reviewed in accordance with SSARS No. 1 are not available, unaudited financial statements prepared within the last 90 days and reviewed by the Credit Underwriter and the two most recent year's tax returns.

(c) For the Applicant and general partner, audited financial statements or financial statements compiled or reviewed in accordance with SSARS No. 1, for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. If the entities are newly formed (less than 18 months in existence as of the date that the credit underwriting information is requested), a copy of any and all tax returns with related supporting notes and schedules.

~~(7)(5)~~ The Credit Underwriter shall report any inconsistencies or discrepancies or changes made to the Applicant's Application during credit underwriting. If the Board determines at any time that the Applicant's Development or Development team is no longer the Development or Development team described in the Application, and the changes made are prejudicial to the Development or the market to be served by the Development or if any discrepancy or misrepresentation is found, the Application will be rejected and the Corporation shall bear the cost of the underwriting review under contract with the Credit Underwriter. However, if the HLP HAP or HOME commitment is cancelled for failure to adhere to Rule deadlines or for reasons within the Applicant's control, the

Developer will be responsible for reimbursing the Corporation for fees incurred for credit underwriting and environmental review processing.

~~(8)(6)~~ The Credit Underwriter shall use the following procedures during the underwriting evaluation:

(a) Review and determine if the number of loans and construction commitments of the Applicant and its Principals will impede its ability to proceed with the successful development of each proposed Corporation-funded Development.

(b) The Credit Underwriter shall consider the following when determining the need for construction completion guarantees:

1. Liquidity of the guarantor.
2. Developer and Contractor's history in successfully completing Developments of similar nature.
3. Problems encountered previously with Developer.
4. Problems encountered previously with Contractor.

(c) Review the appraisal and other market documentation to determine if the market exists to support both the demographic and income restriction set-asides committed to within the Application.

~~(9)(7)~~ A full or self-contained appraisal, as defined by the Uniform Standards of Professional Appraisal Practice, must be received on each model and typical lot being offered for sale by the Applicant and a separate market study shall be ordered by the Credit Underwriter, at the Applicant's expense, from an appraiser qualified for the geographic area and product type not later than completion of credit underwriting. The Credit Underwriter shall review the appraisal to properly evaluate the loan request in relation to the property value. Appraisals and separate market studies which have been ordered and submitted by third party credit enhancers or first mortgagors, which meet the above requirements and are acceptable to the Credit Underwriter, may be used instead of the appraisal or market study referenced above.

(10) A market study performed by an independent third party must be received that details the immediate development area and include:

- (a) Analysis of area population;
- (b) Availability of infrastructure and Services (schools, transportation, employers, recreation, and medical facilities);
- (c) Current employment market;
- (d) Current housing sales trends; and
- (e) Community need for the proposed Development.

(11) The appraisal(s) and market study are due to the Credit Underwriter within sixty (60) days from the date of the notification letter. The costs associated with the production of these reports are the Applicant's responsibility and should be included in the total development budget.

~~(12)(8)~~ If the Credit Underwriter requires additional clarifying materials, the Credit Underwriter shall request that the Applicant provide them and specify a deadline for submission. Failure to submit the required information by the specified deadline shall result in the Application being rejected, unless a written extension of time is approved by the Board of Directors.

~~(13)(9)~~ A pre-construction analysis and review of the Development's costs shall be required prior to the closing of the HLP HAP or HOME Loan.

~~(14)(10)~~ The Applicant will bear the cost of all documentation submitted to the Credit Underwriter for review (i.e., appraisal, credit report, environmental study, etc.). The Applicant may reimburse itself for these costs with HLP funding HAP or HOME funds from the first Draw.

~~(15)(11)~~ After the approval of the Credit Underwriter's recommendation by the Board of Directors, or a committee appointed by the Board, the Corporations shall issue a HLP HAP or HOME Loan commitment.

~~(16)(12)~~ Once the Board of Directors has approved the final credit underwriting report, the Applicant will have sixty (60) ninety (90) days from the credit underwriting approval date to close the Loan. If an extension is needed, a written request substantiating the need for the extension must be provided to the Corporation prior to the sixty (60) ninety (90) day initial deadline, subject to approval by the Board Credit Underwriter and the Corporation Staff; however, the extension cannot exceed a period of sixty (60) ninety (90). Applicants will be charged a penalty fee of \$100 for each extension request. In the event the time limitation expires, the Corporation will request that the Applicant relinquish the preliminary allocation and it will be made available to the next ranked Applicant.

~~(17)(13)~~ The Applicant must submit a written request for any changes to the Development or its financing from the original Application. All requests must be submitted in writing to the program administrator and contain the specific reasons for requesting the change. The written request must be submitted to the Corporation's Board of Directors for consideration.

~~(18)(14)~~ At least five (5) Calendar Days prior to the Loan closing:

(a) The Applicant must provide evidence of all necessary consents or required signatures from first mortgagees or subordinate mortgagees to the Corporation and its counsel, and

(b) The Credit Underwriter must have received all items necessary to release its letter confirming that all closing contingencies have been met, including the finalized sources and uses of the funds and Draw schedule.

(19) All other financing commitments for the Development must close within ninety (90) days of the Loan Closing Date.

~~(20)(15)~~ Upon closing of the Loan, The Applicant will be required to commence construction within ninety (90) ~~one hundred twenty (120)~~ days of the Loan Closing Date ~~closing of the Loan~~. If additional time is needed, an extension must be filed in writing prior to the ninety (90) ~~one hundred twenty (120)~~ day deadline, substantiating the need for the extension and an estimated date for commencement of construction, subject to approval by the Credit Underwriter and the Corporation Staff. Applicants will be charged a penalty fee of \$100 for each extension request.

Specific Authority 420.507(12), (23) FS. Law Implemented 420.507(23), 420.5088, 420.5089 FS. History—New 9-5-02, Amended 5-4-03, _____.

67-50.090 Disbursement of Funds, Draw Requests, and Loan Servicing.

(1) Disbursement of Funds. Construction Loan proceeds shall be disbursed in an amount that does not exceed the ratio of the Loan to the Total Development Cost and is pro-rata with all other construction financing, unless approved by the Corporation and the Credit Underwriter.

(2) Draw Requests. Ten (10) days prior to each Draw, the Applicant shall provide the Servicer with a signed, written Draw request, which includes the requested amount, documentation of liability and builder's risk insurance acceptable to the Corporation, and claims for labor and materials to date of the last inspection.

(3) Loan Servicing. The Servicer shall review the Draw request and provide the Corporation with approval of the request or an alternative amount.

(4) Five percent (5%) of the Loan funds will be held as retainage. Release of funds held as retainage for each house shall occur only after the Applicant provides:

(a) A satisfactory final inspection certificate or certificate of occupancy;

(b) A final, as-built survey;

(c) Evidence of liability and replacement cost hazard insurance acceptable to the Corporation; and

(d) A title insurance policy insuring the Corporation's interest and containing no exceptions that are unacceptable to the Corporation.

(5) In addition to the five percent (5%) retainage, the Corporation shall elect to withhold any Draw or portion of any Draw if:

(a) The actual budget cost or progress of construction is materially greater than that shown in the sources and uses statement;

(b) The percentage of progress of construction differs materially from that shown on the Draw Request; or

(c) The Draw Request cannot be supported by invoices for labor and materials.

Specific Authority 420.507(12), (23) FS. Law Implemented 420.507(18), 420.5088, 420.5089 FS. History—New 9-5-02, Repromulgated _____.

67-50.100 Compliance and Monitoring.

~~(1) The Servicer shall inspect and monitor the Development's construction site and records, as necessary, with inspections occurring during regular business hours.~~

~~(2) The Servicer shall monitor the sale of houses and determine homebuyer eligibility at initial purchase.~~

~~(3) Failure to comply with the agreed upon set aside requirements shall result in a retroactive interest rate adjustment from the HAP or HOME Construction Loan interest rate to the current market rate.~~

~~(4) Applicants shall be required to submit progress reports, as directed by Program Staff. Failure to provide the information and documentation requested may result in the withdrawal of any remaining funds.~~

Specific Authority 420.507(12), (23) FS. Law Implemented 420.507(23), 420.5088, 420.5089 FS. History--New 9-5-02, Repealed _____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 12, 2003 Corporation Board Meeting

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 29, No. 41, October 10, 2003

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Hunting Dogs; Molesting Game in Closed Season; Training; Field Trials; Prohibited for Certain Hunting

RULE NO.: 68A-12.007

PURPOSE AND EFFECT: The purpose of the proposed rule changes is to establish a permit requirement for use of dogs to take deer on private lands. The proposed rule would be implemented on a pilot basis in the Commission's Northwest Region to evaluate the effectiveness of a permit requirement for resolving conflicts arising from the trespass of deer hunting dogs onto privately owned lands.

SUMMARY: Proposed rule changes would require a permit issued by the Commission for any person using dogs to take deer on privately owned lands in the Northwest Region. The permit requirement would be implemented as a pilot project for the Northwest Region, with a review by the Commission required on or before March 30, 2007. The permit would be issued for any private property where dogs are used to take deer and would be issued to the landowner, lessee, or other person designated by the landowner. No more than one permit would be issued for each parcel of property. This permit would not be required for use of dogs on leashes for trailing wounded game.

The proposed rule would establish application requirements necessary for permit issuance and enforcement including a requirement that the landowner or an authorized agent of the landowner must sign the application. Permit provisions would be established under the proposed rule based on the need to protect wildlife, natural resources, and property owners and based on requirements of Commission rules and other applicable law. The proposed rule would require identification of any dog used for taking deer on private lands by displaying the permit number on each dog's collar or tag. The proposed rule would require individuals to be in possession of a copy of the permit while participating in the taking of deer with dogs on private lands.

The proposed rule would provide for permit revocation based on noncompliance with requirements pertaining to: failure to restrict dogs to the permitted property, or failure to identify dogs with the Commission permit number on a dog's collar or tag. A notice of noncompliance will be issued by the Commission for each separate incident. Separate incidents are defined under the proposed rule as incidents that occur on separate dates. A permit would be revoked immediately when three (3) documented incidents of noncompliance occur within 12 months or four (4) documented incidents occur within 24 months. Revocation would be pursued via administrative, non-criminal action. Permit revocation would be in effect for two (2) years from the date of revocation notice, and lands subject to the permit would not be eligible for another permit during the 2-year revocation period.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$450 for administrative preparation and \$214 for legal advertising.

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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

A HEARING ON THE PROPOSED RULE WILL BE HELD DURING THE COMMISSION'S MEETING AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 8:30 a.m., July 14, 2004

PLACE: Ramada Inn and Conference Center, 2900 North Monroe Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-12.007 Hunting Dogs; Molesting Game in Closed Season; Training; Field Trials; Prohibited for Certain Hunting.

(1) through (2) No change.

(3)(a) The purpose and intent of this subsection is to implement permit requirements for use of dogs to take deer on private lands. It is the intent of the Commission to implement this subsection as a pilot project to be in effect in for the Commission's Northwest Region. The Commission shall review this subsection on or before March 30, 2007 to determine if continuation, modification or expansion is warranted.

(b) Permits –

1. It shall be unlawful for any person to use dogs to take, attempt to take, trail, pursue or molest deer on any privately owned property in the Northwest Region unless a permit has been issued by the Commission for such property to the landowner(s), lessee or other person designated by the landowner(s). No more than one permit shall be issued for each parcel of property. All activities relating to using dogs to take deer as set forth under subsection (1), and subsequent to the receipt of said permit shall be strictly in accordance with the conditions of that permit, Commission rules and state law. A permit under this subsection shall not be required for the use of dogs on leashes for trailing wounded game.

2. Applications for a permit for taking deer with dogs shall be on such form as prescribed by the Commission and shall include: a written description of the property boundaries; a map showing property boundaries; total acreage of the property; name, street or physical address, and telephone numbers for the applicant and the landowner; and other information pertaining to the proposed activity necessary for permit issuance and enforcement of this rule. The application shall be signed by all persons owning any portion of the real property to be covered by the permit or authorized agents thereof.

3. Permits issued under this subsection shall contain conditions and limitations pertaining to the requirements of this section; to the protection of wildlife, natural resources, and other property owners; and other requirements of Commission rules and other applicable law.

(c) Identification requirements –

1. A permit number shall be issued by the Commission for each permit authorizing use of dogs for taking deer on private lands. In addition to requirements under subsection (1) of this section, any dog used for taking deer shall legibly display the entire permit number on the collar or tag required under subsection (1).

2. Any person participating in taking deer pursuant to a permit issued under this subsection shall be in possession of a copy of said permit.

(d)1. Revocation and denial of permits. Permits issued under this subsection shall be subject to revocation, non-renewal, or denial based upon noncompliance with the requirements of this subsection and the permit regarding: failure to restrict dogs to the permitted property, or failure to identify dogs with the Commission permit number. An incident of noncompliance for these two permit and rule requirements will be documented by the issuance of a notice of noncompliance to the person violating this subsection. Three (3) separate documented incidents of noncompliance during a twelve-month period, or four (4) separate documented incidents of noncompliance during a twenty-four-month period, shall result in revocation effective upon delivery of written notice of revocation to the permittee at the address provided in the permit application. A copy of each notice of noncompliance will be sent to the permittee and the landowner, and a copy of any notice of revocation will be sent to the landowner. For the purpose of this subsection, separate incidents of noncompliance shall be defined as incidents that occur on separate dates. Noncompliance with the requirements of this subsection and the permit regarding failure to restrict dogs to permitted properties and failure to identify dogs with the Commission permit number will not be the basis of criminal or non-criminal prosecution. A notice of noncompliance as described in this subsection will be used only in determination of revocation, as set forth above, will not be the basis for any other agency determination of the substantial interests of a party, and therefore will not constitute agency action as defined in Section 120.52(2), F.S. Revocation or denial under this subsection will not be subject to the additional requirements of Rule 68A-5.004, F.A.C.

2. Permit revocation under this subsection shall be effective for two (2) years from the date of the revocation notice. Any lands for which a permit has been revoked shall not be eligible for a permit under this subsection during the revocation period.

(3) through (9) renumbered (4) through (10) No change.
PROPOSED EFFECTIVE DATE: August 15, 2004.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 8-1-79, Amended 6-22-80, 6-21-82, 7-27-83, 7-5-84, 7-1-85, Formerly 39-12.07, Amended 4-11-90, 3-1-94, 7-1-94, 9-7-97, Formerly 39-12.007, Amended 12-9-99, 8-15-04.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Nick Wiley
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive
Director
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 2, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: November 26, 2003, with rule
development public meetings notice published in the May 14,
2004 issue

Enrolled Recipient; AHCA 5000-30A, October 2003,
Attachment to Cooperative Agreement for a Hospice and
Medicaid Waiver Enrolled Recipient. These forms are
available from the Medicaid fiscal agent.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Board of Landscape Architecture

RULE NO.:	RULE TITLE:
61G10-11.0035	Exemption of Spouses of Members of Armed Forces from Licensure Provisions

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1, F.S., published in Vol. 30, No. 10, of the March 5, 2004, issue of the Florida Administrative Weekly.

These changes are being made in response to objections received from the Joint Administrative Procedures Committee. The changes are as follows:

61G10-11.0035 Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions.

A licensee who is the spouse of a member of the Armed Forces of the United States and was caused to be absent from the State of Florida because of the spouse's duties with the Armed Forces shall be exempt from all licensure renewal provisions of the Department during such absence ~~so long as the spouse in the armed forces was in good standing with the military during the absence.~~ The licensee must show proof to the department of the absence, its cause and the spouse's military status.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE NOS.:	RULE TITLES:
64B-5.001	Definitions
64B-5.002	Approved Providers – Initial Provider and Course Application and Renewal, Submission of Course Information, Submission of Licensee Course Completion Data, Address

**Section III
Notices of Changes, Corrections and
Withdrawals**

**BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59G-4.140	Hospice Services

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1, F.S., published in Vol. 30, No. 17, April 23, 2004, issue of the Florida Administrative Weekly. These changes are in response to comments received from the Joint Administrative Procedures Committee.

(3) The following forms that are included in the Florida Medicaid Hospice Services Coverage and Limitations Handbook are incorporated by reference: AHCA 5000-20, July 1999, Florida Medicaid Hospice Care Services Referral for Medicaid Eligibility; AHCA 5000-21, July 1999, Florida Medicaid Hospice Care Services Election Statement; AHCA-5000-21S, July 1999, Servicios de Hospice Del Programa – De Medicaid en la Florida Declaracion de Eleccion; AHCA 5000-22, July 1999, Florida Medicaid Hospice Care Services Revocation or Change Statement; AHCA 5000-22S, July 1999, Servicios Hospice –Medicaid de la Florida, Revocacion o Declaracion de Cambio; AHCA 5000-23, July 1999, Notice of Change in Recipient's Hospice Status; AHCA 5000-24, July 1999, Notice of Hospice Election Nursing Facility; AHCA 5000-29, October 2003, Notice of Hospice Election Waiver; AHCA 5000-30, October 2003, Cooperative Agreement for a Hospice and Medicaid Waiver