

state shall be filed on a Certificate of Fetal Death, DH Form 428, Nov. 97, both hereby incorporated by reference and available from the department.

Specific Authority 382.003(10), 382.008 FS. Law Implemented 382.003(7),(11), 382.008 FS. History—New 2-29-04, Amended _____.

PART VII ASSOCIATED ACTIVITIES

64V-1.019 Disposition of Fetal Demise.

In accordance with Section 383.33625, F.S., a Notification of Disposition of Fetal Demise, DH Form 1966, ~~Oct 03~~ ~~Aug 03~~, hereby incorporated by reference and available from the department shall be issued by a health care practitioner as provided by law.

Specific Authority 383.33625(3) FS. Law Implemented 383.33625 FS. History—New 2-29-04, Amended _____.

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF TRANSPORTATION

Table with 2 columns: RULE CHAPTER NO.: and RULE CHAPTER TITLE:; RULE NOS.: and RULE TITLES:; containing rule numbers and titles like Airport Licensing, Registration, and Airspace Protection.

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. 14, April 2, 2004, Pages 1356-1380 issue of the Florida Administrative Weekly.

SUMMARY OF CHANGE: Changes are being made in response to a review by the Joint Administrative Procedures Committee.

1. Subparagraph 14-60.003(2)(b)9., F.A.C.: The definition of IFR is revised to delete the incorporation by reference statement.

2. Subparagraph 14-60.003(2)(b)23., F.A.C.: The definition of VFR is revised to delete the incorporation by reference statement.

3. Subsection 14-60.005(2), F.A.C.: This section is changed to delete "renewal of an" and substitute "issuance of a new" when referring to a site approval order. The revised language reads as follows:

"(2) Issuance ~~Renewal~~ of a new ~~an~~ airport site approval order shall be required by the Department, whenever."

4. Paragraph 14-60.005(2)(a), F.A.C.: This section is changed to delete the word "considers" and substitute "has determined" and to add the phrase "because the site approval application contained inaccurate data or misrepresentation of facts" so that the revised section reads as follows:

"(a) The Department has determined ~~considers~~ the airport site approval order to be invalid because the site approval application contained inaccurate data or misrepresentation of facts."

5. Paragraph 14-60.005(2)(c), F.A.C.: This section is changed to read as follows:

"(c) The license for an existing public airport has expired, without having a new license issued ~~being renewed.~~"

6. Paragraph 14-60.005(3)(c), F.A.C.: The term "expedited" is deleted in reference to site approval. The section is changed to read:

"(c) Temporary Airport. Temporary, public or private airport site approval applicants, due to the limitations placed on their use for a period of less than 30 days and the restriction to no more than 10 operations per day, and due to a normal short lead-time prior to the necessity for activating flight operations, shall have ~~an expedited~~ site approval process with each proposal evaluated by the Department based upon the application. Applicants for a temporary, public or private airport site approval should contact the Department at the earliest opportunity to present their requirements and request ~~an expedited~~ site proposal review and Department approval or disapproval."

7. Subsection 14-60.005(4), F.A.C.: The conditions for site approval are added.

(4) Conditions for Site Approval. The Department shall grant site approval for a proposed airport that complies with the requirements of Section 330.30, Florida Statutes, subject to any reasonable conditions necessary to protect the public health, safety, or welfare. Such conditions shall include operations limited to VFR flight conditions, restricted approach or takeoff direction from only one end of a runway, specified air-traffic pattern layouts to help prevent mid-air collision conflict with aircraft flying at another nearby airport, airport noise abatement procedures in order to satisfy community standards, or other environmental compatibility measures."

8. Subsection 14-60.005(6), F.A.C.: The sentence relating to retention of records for private airport site approval applicants is revised to read as follows: "However, all private airport site approval applicants shall retain for their records all

of the required documentation related to the site approval application, in order to be able to respond to any possible future local, state, or federal inquiry.”

9. Subsection 14-60.005(6), F.A.C.: The following subsections are added:

“(a) The Private Airport Registration and Site Approval website (<http://www.florida-aviation-database.com/>) uses a series of interactive screens to provide information and receive input from private airport owners. To begin the process, general airport site approval information is provided in narrative outline form as an overview of the process, listing requirements included in paragraphs 14-60.005(5)(a)-(m), F.A.C.

(b) In keeping with the legislative requirement for controlled electronic access to the state aviation database, the Department’s site uses a “User ID” and “Password” system. New users will be required to “Create an Account” online by providing essential information: name, address, telephone number, and e-mail address. The website will respond providing an initial “User ID” and “Password” for the user to complete the site approval process.

(c) The airport site approval screen asks the user to input data related to type of facility (airport, heliport, or ultralight); proponent information (name, address, phone number, fax number, and e-mail address); facility data (facility name, physical location, geographical location-latitude, longitude, and elevation, and primary type of facility use); and landing area data (runway/helipad magnetic bearing, length, width, and type of surface – paved/unpaved).

(d) The user certifies the accuracy of the information and data entered on the screen and submits the information to the Department.

(e) Approval or denial of the airport site approval application is issued by the Department via e-mail to the applicant’s e-mail address, along with an airport site approval order, if granted.”

10. Paragraph 14-60.005(7)(a), F.A.C.: The section is changed to delete information that already covered in Section 120.60(1), Florida Statutes. The section is changed to read as follows:

“(a) Department Process for Public Airports. The Department shall conduct a review and detailed audit, as necessary, of the submitted airport site approval application and all required supporting documentation for accuracy and completeness. ~~The Department shall notify the applicant of any incomplete application within 30 days of its receipt. The applicant shall have 90 days from the date of the Department notice to provide a complete application.~~ Failure of the applicant to provide a complete application by the conclusion of this period shall result in the Department returning the application to the applicant without action. Site approval shall be granted for public airports only after the Department determines the conditions of subsection 14-60.005(4), F.A.C.,

above, are satisfied and only after favorable completion of a physical inspection of the proposed public airport site by Department authorized personnel.”

11. Paragraph 14-60.005(8)(a), F.A.C.: This section is revised to remove the “for good cause” reference. The section is changed to read as follows:

“(a) Issuance. The Department approval of a proposed public or private airport site shall be documented by issuance of an airport site approval order, which shall remain valid for a period of two years from its effective date and which can be extended for subsequent periods of two years ~~for good cause~~, provided conditions for site approval that led to the initial approval of the site have not changed to a degree that would cause the Department to now deny a site approval. Special conditions imposed on the site approval order must be satisfied prior to airport licensing or registration.”

12. Paragraph 14-60.006(1)(a), F.A.C.: This section is revised to list conditions so that the section reads as follows:

“(a) Public Airport. Public airports shall be licensed after the site approval is granted by the Department, including completion of the public announcement and physical airport inspection process, if the Department finds the facility to be in compliance with all requirements for the license. The license shall be subject to any conditions that are necessary to protect the public health, safety, or welfare. ~~Such conditions shall include the requirement to remove natural growth obstructions, relocate aircraft parking sites beyond runway protective boundaries, or provide aircraft warning lights on structures in close proximity to the runway or potential ground hazards.~~”

13. Paragraph 14-60.006(1)(b), F.A.C.: The section is changed to add a specific website reference as follows:

(b) Private Airport. Private airports shall be registered on the Private Airport Registration and Site Approval Website (http://www.florida-aviation-database.com), after the site approval is granted by the Department, including completion of the public announcement process, if the facility is in compliance with all requirements for registration, including self-certification by the registrant of operational and configuration data necessary to ensure compliance with Chapter 330, Florida Statutes, and this rule chapter.

14. Paragraph 14-60.006(1)(b), F.A.C.: This section is further changed to add the following subsections relating to internet application:

“1. Private airport owners who have previously received airport site approval through that process will subsequently use their “User ID” and “Password” to access the private airport registration screen available online.

2. The private airport registration screen includes information regarding the private airport: facility name, type of facility, dates related to the site approval process, dates related to the registration process (including expiration date); contact name, address, phone and fax numbers, and e-mail address; facility and runway data.

3. The user certifies the accuracy of the information and data entered on the screen and submits the information to the Department.

4. Private airport owners are encouraged to provide updates of airport and contact information at anytime it occurs to ensure the Department has accurate and current information. Any update automatically renews the airport's registration for a two-year period from the date of update and that information will be reflected on the website, including a new expiration date.

5. Information regarding the facility's location with respect to county, latitude, longitude, and field elevation can only be updated directly by the Department in order to ensure compatibility of critical data with the FAA's airport database. Private airport owners should contact the Department to make any changes in this facility data."

15. Rule 14-60.007, F.A.C.: The C.F.R. reference is spelled out in detail as follows:

"Airports fulfilling the requirements of Title 14, C.F.R., Aeronautics and Space, Chapter 1, the FAA Federal Aviation Regulations, Federal Aviation Administration, Department of Transportation, Part 139, Certification and Operations: Land Airports Serving Certain Air Carriers, dated January 1, 2004, incorporated herein by reference, airport certification program shall be considered to meet the minimum standards for licensed airports shown enumerated below."

16. Paragraph 14-60.007(6)(a), F.A.C.: This section is changed to spell out the specific title, number, and effective date of the incorporated document as follows:

"1. The standard measurement of PCI results in seven ratings from "Excellent" to "Failed," as shown in Table 5, below. Industry standards to objectively and consistently characterize and evaluate runway pavements are available from the American Society of Testing Material as ASTM Standard D 5340-03 "Standard Test Method for Airport Pavement Condition Index Surveys," dated 2003, based on FAA guidance, incorporated herein by reference. A runway PCI value of 10 or below indicates that the pavement has deteriorated significantly and the runway pavement shall be considered by the Department to not meet acceptable licensed airport standards."

17. Paragraph 14-60.009(1)(e), F.A.C.: This section is deleted in its entirety. Subsequent paragraph (1)(f) is renumbered as paragraph (1)(e).

18. Paragraph 14-60.009(3)(b), F.A.C.: This section is changed to read as follows:

"(b) The applicant local government shall provide to the Department a copy of the local government ~~its~~ decision on the application for variance within ten days of issuance of the decision."

19. Subsection 14-60.009(4), F.A.C.: This section is changed to specify the federal guidelines and standards. The section is changed to read:

"(4) Obstruction Marking and Lighting. Obstruction marking or lighting recommended in an FAA aeronautical determination shall be considered a requirement for the structure for compliance with Department standards. As minimum standards, the Department herein incorporates by reference obstruction marking and lighting standards and guidelines described in the U.S. Department of Transportation, Federal Aviation Administration Advisory Circular 70/7460-1K (AC 70/7460-1K) "Obstruction Marking and Lighting," dated August 1, 2000. These standards shall be applied as follows:"

18. Rule 14-60.011, F.A.C.: The title of Form 725-040-12 is corrected to be consistent with the actual title of the form, which is correctly listed in paragraph 14-60.005(3)(a), F.A.C. The title of the form is corrected as follows: "Public Airport Site Approval Application and License Application."

20. Form Revisions: In both Form 725-040-11, Airspace Obstruction Permit Application, and Form 725-040-12, Public Airport Site Approval Application, the following statement is deleted: "Failure to Provide All Requested Information May Delay Processing of Your Application."

21. Paragraph 14-60.007(6)(a), F.A.C.: The section and Table 4 are deleted. Because of deleting paragraph (6)(a), what was proposed as paragraph (6)(b) is renumbered accordingly. Also, because of the deletion of Table 4, the previously proposed Table 5 becomes Table 4. The net result is as follows:

(6) Runway Pavement Standards for Licensed Airports. ~~(b)~~ Pavement Condition Index. The "Pavement Condition Index" ("PCI") value is an indicator of the integrity and viability of a runway surface with a focus on pavement cracking, swelling, rutting, and depressions. For runway pavement, the value indicates the capability of the runway surface, in contact with aircraft tires, to provide a suitable environment for maintaining aircraft directional control, which may be adversely affected by runway undulations, or for preventing foreign object damage. Foreign object damage can result from pavement spalling, which may dislodge small or large pieces of pavement that could severely damage aircraft control surfaces or propellers, penetrate aircraft wing or fuselage surfaces protecting flammable fuel tanks or other critical components, or be ingested into turbo-jet or turboprop-jet engine intakes with potential catastrophic loss of power during critical phases of flight.

~~(a)~~ The standard measurement of PCI results in seven ratings from "Excellent" to "Failed," as shown in Table ~~4~~ 5, below. Industry standards to objectively and consistently characterize and evaluate runway pavements are available from the American Society of Testing Material, based on FAA guidance, incorporated herein by reference. A runway PCI value of 10 or below indicates that the pavement has deteriorated significantly and the runway pavement shall be considered by the Department to not meet acceptable licensed airport standards.

(b)2- Temporary remedies may include displacement of the threshold, shortening the length of the runway to no less than the minimum effective length as shown in subsection 14-60.007(1), F.A.C., or closing the runway until permanent corrective action can be completed.

(c)3- Depending on the number of runways available and the extent of pavement condition index deficiencies, failure to implement temporary or permanent remedies will result in the Department revoking the airport license on the ground that the airport has become unusable due to unsafe conditions per subparagraph 14-60.006(6)(e), F.A.C..

Table 4 5 Licensed Airports Pavement Condition Index		
Qualitative Rating	PCI Value	
	Minimum	Maximum
Excellent	86	100
Very Good	71	85
Good	56	70
Fair	41	55
Poor	26	40
Very Poor	11	25
Failed	0	10

22. Corrections to typographical errors:

a. Subsection 14-60.007(1), F.A.C.: Change subsection numbering from (a), (b), (c), (b), (b) to (a), (b), (c), (d), (e).

b. Sub-subparagraph 14-60.007(2)(c)1.c., F.A.C.: Change as follows:

“c. For a runway that is paved, that is to be used by an aircraft that weighs less than or equal to 12,500 pounds, and that has a non-precision instrument approach: the approach surface ratio is 20:1, the length is 10,000 feet, the inner width is 500 feet, and the outer width of the approach surface ~~width~~ is 2,000 feet.”

c. Sub-subparagraph 14-60.007(2)(d)2.c., F.A.C.: Change as follows:

“c. For a heliport with a precision instrument approach: the transition ratio is 7:1, which extends horizontally for a distance of 350 ~~35~~ feet.”

d. Paragraph 14-60.007(5)(a), F.A.C.: Delete the redundant “and” as follows:

“(a) Runway (Not Paved). For a runway that is not paved, the runway safety area shall have a length equal to the length of the runway, terminating at the end of the runway, and ~~and~~ the runway safety area shall have a width of 120 feet.”

e. Paragraph 14-60.007(5)(d), F.A.C.: Change to read as follows:

“(d) Heliport. A heliport shall have a runway safety area whose length extends 20 feet beyond the FATO and a width ~~extends of~~ 20 feet beyond the FATO.”

f. Rule 14-60.007, F.A.C., Table 3: The Heliport Safety Area Width is changed as follows:

Heliport	20 feet Beyond FATO	20 feet <u>Beyond FATO</u>
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g. Paragraph 14-60.007(7)(c), F.A.C.: Delete the last sentence as follows:

“(c) Airport operators shall be required to establish and enforce effective control of unauthorized vehicles and pedestrian access within the aircraft movement areas. ~~Any aircraft tie downs or moorings used to secure aircraft shall be located outside of the landing area, primary surface, and transition surface areas.~~”

h. Paragraph 14-60.007(7)(e), F.A.C.: Change “locked” to “located” as follows:

“(e) At least two category 80-B-C, or higher, type fire extinguishers shall be available at the airport, readily accessible, operationally functional, bear an unbroken seal, and be located ~~locked~~ in an area clearly identified to the public.”

h. Subsection 14-60.007(10), F.A.C.: Change “that” to “than” as follows:

“(10) Airport Lighting. The Department does not require airports to be lighted. However, if an airport is lighted, it shall comply with the following standards. The minimum lights that shall be provided are threshold and runway end lights, displaced threshold lights, segmented circle lights, FATO or TLOF lights, and windsock lights. All lights shall be on flush or frangible mounts not more than ~~that~~ 14 inches tall. The following airport lighting requirements shall apply to licensed airports.”

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.”

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.”

FLORIDA HOUSING FINANCE CORPORATION

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

NOTICE OF CHANGE

Notice is hereby given that in response to oral and written comments and non-published technical corrections/clarifications the following changes have been made to Rule 67-50, Florida Administrative Code, as published in Vol. 30, No. 24 of the Florida Administrative Weekly, on June 11, 2004.

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.

67-50.001 Purpose and Intent.

(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 Program as authorized by Section Chapter 420.5089, F.S. and HUD regulations, 24 CFR § 92, which is adopted and incorporated into this 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, Chapter 420, Part V, F.S. as amended.

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

(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 the Corporation’s pPrograms; or

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

~~(5)(10)~~ “AMI” or “Area Median Income” means the median income for an area, with adjustments made for household size, as determined by the U.S. United States Department of Housing and Urban Development (HUD).

~~(6)(5)~~ “Applicant” means any person or legally formed entity that is seeking a loan or funding from the Corporation Florida Housing by submitting an Application for one of the Corporation’s Florida Housing’s pPrograms.

~~(7)(6)~~ “Application” means the forms and exhibits created by the Corporation Florida Housing for the purpose of providing the means to apply for one or more of the Corporation’s Florida Housing programs. A completed Application may include additional supporting documentation provided by an Applicant.

~~(8)(7)~~ No change.

~~(9)(8)~~ “Application Package” 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 Wwebsite at www.floridahousing.org, which shall be completed and submitted to the Corporation in order to apply for a specific Corporation Florida Housing pProgram(s).

(9) through (10) renumbered (10) through (11) No change.

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

~~(14)(13)~~ “CBO” or “Community Based Organization” means a Community Based Organization as defined by Section 420.503 or 420.524, F.S.

~~(15)(16)~~ “CHDO” or “Community Housing Development Organization” or means Community Housing Development Organization as defined in Section 420.503, F.S.

~~(16)(14)~~ “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 the Treasury Department or the Internal Revenue Service of the United States, and is adopted and incorporated herein by reference.

(17) “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.

(18) “Construction Loan” means a loan made available to a Developer, which utilizes either HAP or HOME ~~Construction~~ funds for construction purposes.

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

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

~~(25)(26)~~ "DCA" or "Department" or "DCA" means the Department of Community Affairs as defined in Section 420.503, F.S.

~~(26)(31)~~ "DDA" or "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 Code.

(27) through (29) renumbered (28) through (30) No change.

~~(31)(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.

(34) "Elderly" means elderly as defined in Section 420.503(15), F.S. ~~(67-32)~~.

(40) "FHA" means the Federal Housing Administration of the U.S. 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(18), F.S.

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

(48) through (49) renumbered (47) through (48) No change.

~~(49)(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.

~~(50)(51)~~ "HAP" or "Florida Home Ownership Assistance Program" means the Florida Home Ownership Homeownership Assistance Program created under Section 420.5088, F.S.

(52) through (53) renumbered (51) through (52) No change.

~~(53)(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) through (56) renumbered (54) through (55) No change.

~~(56)(39)~~ "HUD" means the U.S. United States Department of Housing and Urban Development.

~~(57)(58)~~ "HUD Regulations" means the regulations of HUD in 24 CFR § 92 ~~together with subsequent amendments thereto, as in effect on the date of this rule chapter.~~

~~(58)(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 ~~is~~ was issued for developments using funding for purchase assistance for homebuyers.

~~(59)(42)~~ "Local Government" means a unit of local general-purpose government as defined in Section Chapter 218.31(2), F.S.

~~(60)(62)~~ No change.

~~(61)(59)~~ "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 Corporation Florida Housing pProgram.

~~(62)(63)~~ "Match" means non-federal contributions to a HOME Development that are eligible pursuant to the HUD Regulations.

~~(63)(64)~~ "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) through (69) renumbered (64) through (68) No change.

~~(69)(70)~~ "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 Chapter 67-50.005(15), F.A.C., which has agreed to sponsor an Eligible Development utilizing either a Non-Profit or for-profit Developer.

(71) through (75) renumbered (70) through (74) No change.

~~(75)(76)~~ "Project," or "Property" means Project as defined under Section 420.507, F.S.

~~(76)(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.

~~(77)(79)~~ "OCT" or "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) of the Code.

~~(79)(80)~~ “RD” or “Rural Development” means Rural Development Services (formerly the Farmer’s Home Administration) of the U.S. United States Department of Agriculture.

(81) through (82) renumbered (80) through (81) No change.

~~(82)(58)~~ “Rural Area” means an area that is eligible to receive assistance from the U.S. United States Department of Agriculture – Rural Development.

(87) through (89) renumbered (83) through (86) No change.

~~(87)(90)~~ “Set-Aside” means the occupancy requirements or restrictions for Developments financed by the Corporation Florida Housing.

~~(88)(62)~~ “SFMRB” or “Single Family Bond Program” means the Corporation’s Single-Family Mortgage Revenue Bond Program, pursuant to Rule Chapter 67-25, F.A.C.

~~(89)(85)~~ No change.

~~(90)(91)~~ “Sponsor” means sSponsor as defined in Section 420.503, F.S.

(92) through (94) renumbered (91) through (93) No change.

~~(94)(66)~~ “Treasury” means the U.S. 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) through (99) renumbered (95) through (98) No change.

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.

(2) With respect to HAP, 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 ~~d~~Development ~~c~~Cost ~~p~~Pro ~~f~~Forma:

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

(4) Penalty Fees: Applicants will be charged a penalty fee of \$100 for each extension request, payable at the time of the 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.

Specific Authority 420.507(4),(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, on the Corporation’s Wwebsite ~~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.

(2) Funds may be used for the following eligible costs:

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

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

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 and Contractor fees are limited to 14% of the actual construction 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.

(5) The Corporation shall make HAP and HOME ~~HLP~~ funding available to participating lenders in the SFMRB Program for eligible homebuyers, in accordance with the SFMRB documents and Rule Chapter 67-25, F.A.C. If HAP or HOME ~~HLP~~ funding is used in conjunction with the SFMRB 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.

(6) The accumulation of all Development financing, including the HLP 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 shall during the underwriting process may result in the adjustment of home sales prices to reflect these changes.

(9) Prior to disbursing any funds, there must be a written agreement with the Applicant ensuring compliance with the requirements of the HLP Program, pursuant to this rule chapter, Florida Statutes, and HUD Regulations, ~~as applicable.~~

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

(12) The construction period shall be for a period of not more than three (3) years beginning on the Loan Closing Date, unless otherwise approved by the Board for a specified period of time. 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 a comprehensive work completion plan and construction schedule;

(d) Supply an alternate financing plan in the event the original financing source withdraws; and

(e) Provides assurance that the extension will result in the successful completion of the Development.

(f) Applicants will be charged a penalty fee of \$100 for each extension request, payable at the time of the request.

(15) If the Board 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 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 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 makes such determination, pursuant to Section 420.507(14) and (34), F.S. Such determination shall be made either pursuant to a proceeding conducted pursuant to Section 120.569 and 120.57, F.S. Florida Statutes, or as a result of a finding by a court of competent jurisdiction.

(13) 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 ~~Loan~~ without prior approval of the Board.

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

(18) If the HLP commitment is cancelled by the Corporation 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.

(18) through (22) renumbered (19) through (23) No change.

~~(24)(23)~~ Applicants will be required to submit progress reports, as directed by the Corporation Florida Housing. Failure to provide the information and documentation requested ~~shall may~~ result in the withdrawal of any remaining funds.

~~(25)(24)~~ Failure to comply with any part of this rule chapter without a waiver or variance being granted by the Board, pursuant to Chapter 120.542, F.S., and rule chapter 28-104, F.A.C., shall result in the disqualification of the Applicant and withdrawal of any commitment for ~~Loan~~ funds.

~~(26)(25)~~ Scattered Sites Developments. Applicants will have 60 days from the date of the invitation to enter in credit underwriting 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, the Corporation Florida Housing will require the Applicant to withdraw and relinquish the allocation.

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

67-50.050 HAP Restrictions.

(1) HAP Construction Loans shall be made available for the construction of affordable housing Developments, as defined in subsection 67-50.005(30)(29), F.A.C. Funding 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.

(5) The Land Use Restriction Agreement (LURA) shall contain restrictive covenants to ensure that the Development maintains the minimum set-aside requirements for HAP, pursuant to Section 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 Loan. The terms of the HAP Purchase Assistance Loan made to an Eligible Homebuyer are as follows:

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

(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 Loan is limited to 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.

(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) When the HAP Purchase Assistance 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 loans may not exceed thirty-five percent (35%).~~

~~(e)(f)~~ 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.

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

~~(g)(h)~~ The purchase price of the house cannot exceed the appraised value or the maximum purchase price, as determined by the SF-MRB 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 Restrictions.

(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.

(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 rule chapter;

(b) Administrative costs; and

(c) Developer ~~F~~ees on the acquisition portion of the Development ~~C~~ost.

(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.

(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. The Corporation requires HUD Environmental Review clearance prior to commencing any physical construction activities regardless of the use of HOME funding.

(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.~~

~~(14)(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;

(a) 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);

(d) The purchase price of the property after construction must not exceed the appraised value of the property; ~~and-~~

(e) When HOME funds are used with other Corporation programs, the more stringent credit underwriting criteria will apply as it relates to eligibility requirements.

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

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

(b) Repayment of Principal on the HOME Purchase Assistance 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 current HLP Application Package (HOMEOWN-0530 (Rev. 5/04))²², 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) 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.

(4) Cures 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. Applicants failing to cure successfully during the initial cure period will be given notice and have the opportunity to submit a cure during a subsequent cure period if

funding remains available. Applicants submitting an additional cure will have ten (10) days from the date of notification. The following instructions will apply to all cure submissions:

- (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.
- (7) At no time during the scoring process ~~shall~~ 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 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 rankings, 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) below can be identified at any time prior to sending the final scores to Applicants and will result in rejection of the Application.
- (9) 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 applied for (HAP or HOME);
- (d) Number of units;
- (e) Site for the Development (except for scattered site developments);
- (f) Type of Development ~~c~~Category;
- (g) County;
- (h) Demographic or ~~Area Commitment~~ or target demographic area;
- ~~(i) Total set-aside percentage of the Total Set-Aside Commitment;~~
- ~~(i)(4) Designation of Applicant (Non-Profit, for-profit, Local Government, Public Housing Authority, CBO, or CHDO); and~~
- ~~(i)(4) Funding request amount.~~

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 ~~shall~~ will undergo credit underwriting to determine the financial stability, capacity and experience of the Applicant and the economic and financial feasibility of the Development.
- ~~(2) Applicants utilizing HLP funding for construction shall undergo will be subject to an in-depth underwriting analysis consisting of including, but not limited to items on the checklist provided by the Credit Underwriter listed in the Application Instructions.~~
- ~~(3) Applicants utilizing HLP funding for purchase assistance shall undergo will be subject to an analytical review consisting of components on the checklist provided by the Credit Underwriter but not limited to the listed in the Application Instructions for purchase assistance loans.~~
- (4) The Applicant shall submit all 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. Applicants will be charged a penalty fee of \$100 for each extension request, payable at the time of the 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) 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, T~~the Corporation shall provide the draft underwriting report to the Applicant for review and comment ~~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 to the Corporation, which will address comments made by the Applicant, as deemed appropriate to the Corporation.

(6) The Credit Underwriters shall ~~may~~ request the following additional information if applicable:

(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.~~

(a)(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.

(b)(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) 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 HAP or HOME commitment is cancelled for failure to adhere to rule deadlines or for reasons~~

within Applicant's control, the Developer will be responsible for reimbursing the Corporation for fees incurred for credit underwriting and environmental review processing.

(8) 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 completion 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.

(10) A market study performed by an independent third party, licensed real estate professional, 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.

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

(15) After the approval of the Credit Underwriter's recommendation by the Board or a committee appointed by the Board, and pending resolution of any outstanding issues, the Corporations shall issue a HLP ~~Loan~~ commitment.

(16) Once the Board has approved the final credit underwriting report, the Applicant will have ninety (90) ~~sixty (60)~~ 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 ninety (90) ~~sixty (60)~~ 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) days. Applicants will be charged a penalty fee of \$100 for each extension request, payable at the time of the 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.

(18) ~~At least five (5) Calendar Days~~ Prior to the ~~H~~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 prior to or simultaneous with the HLP Construction ~~within ninety (90) days of the Loan Closing Date.~~

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

Specific Authority 420.507(4),(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 ~~H~~loan to the Total Development Cost and is pro-rata with all other construction financing, unless otherwise approved by the Corporation and the Credit Underwriter.

(4) Five percent (5%) of the Construction 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.

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

The following changes were made to the Application Package – HOMEOWN-0530 (Rev. 5/04):

1. Application Instructions:

Clarification of general instructions and submission requirements

2. Application:

a. Part III, Section A – Development Status: Clarified status of Development in regard to use with HOME funds

b. Part III, Section C – Ability to Proceed: Clarified timeframe for the submittal of site control and zoning information to the Credit Underwriter for scattered site Developments

c. Part III, Section D – Homebuyer Counseling: Changed submission requirement

d. Part III, Section H – HOME – Other Federal Requirements: Clarified Davis Bacon requirement

3. Application Forms:

a. Verification of Availability of Infrastructure / Roads Form (Exhibit 21):

Clarified utilization of unpaved roads

b. Development Cost Pro Forma (Exhibit 35): Limited Developer Fee to 16% of the Total Development Cost, Contractor’s fee to 14% of the actual Construction Cost, and hard and soft costs contingency to no greater than 8%

c. Construction Analysis (Exhibit 37): Added: “All Applicants must complete this form regardless of the use of HLP funding”

d. Permanent Analysis (Exhibit 38): Added: “On a per unit basis”; “(Total request amount divided by number of units)” at second line and “Homebuyer Contribution” under Sources/Other

e. Affordability Analysis (Exhibit 39): Clarified interest rate of 7% to be used in calculating total Monthly Housing Payment

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE CHAPTER NO.: RULE CHAPTER TITLE:

69A-2 Explosives

RULE NO.: RULE TITLE:

69A-2.024 Construction Materials Mining Activities

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to proposed Rule 69A-2.024, F.A.C., in accordance with subparagraph 120.54(3)(d)1., Florida Statutes, (2003), published in Vol. 30, No. 18, April 30, 2004, of the Florida Administrative Weekly. These changes are being made to address comments by the Joint Administrative Procedures Committee.

The rule section enumerated above is changed to read:

69A-2.024 Construction Materials Mining Activities.

(1) through (13) No change.

(14) FLORIDA CONSTRUCTION MATERIALS MINING ACTIVITIES ADMINISTRATIVE RECOVERY ACT, SECTIONS 552.32 – 552.44, FLORIDA STATUTES; BONDS, LETTERS OF CREDIT.

(a) Any person seeking to obtain a new User of Explosives License or to renew an existing User of Explosives License pursuant to the provisions of Section 552.091(5)(a), Florida

Statutes, and who is engaged in or intends to engage in the use of explosives in connection with construction materials mining activities, or any person seeking to obtain a new Construction Materials Mining Permit or to renew an existing Construction Materials Mining Permit issued pursuant to the provisions of Section 552.30, Florida Statutes, must post and maintain a bond as security on Form DFS-K3-1580 which is hereby adopted and incorporated herein by reference, except as set forth in paragraph (d).

(b) Each bond shall:

1. Be issued by a surety company or by an insurance company licensed to issue surety bonds or to transact insurance in the State of Florida;

2. Contain as a condition of the undertaking the following statement in type at least as large as the size of the type for the remainder of the bond:

THE CONDITIONS OF THIS OBLIGATION ARE SUCH THAT IF the PRINCIPAL, the above bounded _____, shall faithfully comply with and conduct business under its license or permit in accordance with the provisions of the Chapter 552, Florida Statutes, and abide by all applicable statutes and rules and regulations of the Department of Financial Services (the Department) as promulgated by the Chief Financial Officer, the obligation shall be null and void; otherwise, it shall remain in full force and effect. This bond shall be in favor of the Department and shall specifically authorize recovery by the Department on behalf of a prevailing party in an action for damages sustained under the Florida Construction Materials Mining Activities Administrative Recovery Act, Sections 552.32 – 552.44, Florida Statutes, in case the Principal is guilty of failing to pay damages awarded within 30 days after a final order is issued by an administrative law judge of the Division of Administrative Hearings, or within 30 days after the entry of an appellate mandate affirming a final order awarding damages.

3. Have attached to it a properly certified copy of the agent's Power of Attorney;

4. Be signed by the principal and have the signature of the principal witnessed;

5. Have typed below each signature the name of the person having affixed his or her signature;

6. Be countersigned by a Florida Resident General Lines Agent of the Surety which must not be a title insurer;

7. Be bound to the Department of Financial Services of the State of Florida or its successors in office, in the penal sum of \$100,000.00 in the aggregate, lawful money of the United States of America, for payment of which well and truly to be made;

8. Provide for giving 30 days notice of cancellation in writing to the principal and filed with the Department of Financial Services by United States registered mail;

9. Contain at the top, centered, in not less than 14 point boldface type lettering the words, "Construction Materials Mining Company Bond, Section 552.38, F.S."

(c) Although not required to be used, a form for a bond can be found at the Division of State Fire Marshal website located at <http://www.fldfs.com/SFM/index.htm> which, if used and properly completed, will comply in all respects with the requirements of this rule.

(b) Form DFS-K3-1580 may be obtained from the Department of Financial Services, Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, Florida 32399-0342.

(e) Any bond which is on a form other than Form DFS-K3-1580 is not acceptable and is void and of no effect.

(d)1. through 14. No change.

15. Each Letter is subject to approval by the department; however, if a Letter meets the criteria in, and complies with, subparagraphs 2. through 14. of paragraph (d) of this subsection, it shall be approved the department shall not unreasonably withhold approval of any Letter which complies with these rules.

16. Once approved by the department, no Letter may be altered or amended in any manner except with written approval of the department; however, any Letter which contains any alteration or amendment which meets the criteria in, and complies with, subparagraphs 2. through 15. of paragraph (d) of this subsection, shall be approved.

(e) No change.

(f) Each person subject to Section 552.38, F.S., must complete and maintain on file with the Department of Financial Services form DFS-K3-xxxx, which is hereby adopted and incorporated by reference. Form DFS-K3-xxxx may be obtained by contacting the department at 200 East Gaines Street, Tallahassee, Florida 32399-0340, or by visiting the Division of State Fire Marshal website located at <http://www.fldfs.com/SFM/index.htm>.

(15) No change.

Specific Authority 552.38 FS. Law Implemented 552.38 FS. History—New 11-25-01, Amended 6-24-02, Formerly 4A-2.024, Amended _____.