

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF BANKING AND FINANCE

Division of Accounting and Auditing

RULE TITLE: Consolidated Equipment Financing Program  
 RULE NO.: 3A-3.001

PURPOSE AND EFFECT: To incorporate changes that have been made to the Checklist for Requesting Comptroller's Approval to Installment Purchase Equipment through the Consolidated Equipment Financing Program.

SUBJECT AREA TO BE ADDRESSED: Checklist for Requesting Comptroller's Approval to Installment Purchase Equipment through the Consolidated Equipment Financing Program.

SPECIFIC AUTHORITY: 17.29, 287.064(8) FS.

LAW IMPLEMENTED: 287.063, 287.064 FS.

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

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

PLACE: Room 414, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jack Peterson, Financial Administrator, Bureau of Accounting, Room 414, Fletcher Building, Tallahassee, Florida, (850)410-2434

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3A-3.001 Consolidated Equipment Financing Program.

(1) No change.

(2)(a) An agency which desires to make deferred payment purchases shall make a written request to participate in the Program or a written request for exemption from the Program. An agency which desires to refinance existing deferred payment purchases may make a written request to participate in the Program. An agency requesting permission to participate in the Program must submit to the Comptroller for preaudit review and approval the following:

1. A completed and executed Checklist for Requesting Comptroller's Approval to Installment Purchase Equipment through the Consolidated Equipment Financing Program, revised 5/99 4/96. The form is hereby incorporated by reference and is available from the Division of Accounting and Auditing, Bureau of Accounting, 101 E. Gaines Street, Fletcher Building, Suite 414, Tallahassee, Florida 32399-0350.

2. through (8)(e) No change.

Specific Authority 17.29, 287.064(8) FS. Law Implemented 287.063, 287.064 FS. History--New 9-10-86, Amended 12-20-94, 5-12-97, 1-27-98,

DEPARTMENT OF BANKING AND FINANCE

Division of Finance

RULE TITLE: Proof of Entitlement to Unclaimed Property  
 RULE NO.: 3D-20.0022

PURPOSE AND EFFECT: The purpose of the proposed amendments is to clarify what documents should be submitted to the Department when submitting claims for unclaimed property pursuant to Chapter 717, F.S.

SUBJECT AREA TO BE ADDRESSED: Proof of entitlement to unclaimed property.

SPECIFIC AUTHORITY: 717.138 FS.

LAW IMPLEMENTED: 92.525, 717.124, 717.1243, 717.126 FS.

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

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

PLACE: Room 330, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Peter DeVries, Chief, Unclaimed Property Section, Room 326, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9544

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 3D-20.0022 follows. See Florida Administrative Code for present text.)

3D-20.0022 Proof of Entitlement to Unclaimed Property.

(1) Burden of Proof. Each claimant submitting a claim for unclaimed property has the burden to provide the Department with a preponderance of evidence to prove a legal or equitable entitlement to such property. In addition to any statutory requirements and the requirements of Rule 3D-20.0021, F.A.C., each claimant filing a claim to unclaimed property shall provide the following:

(2) Form of Identification. Each claimant shall provide the Department with a copy of a current driver license showing their name and present address. If a current driver license is not available, the claimant shall provide a copy of another form of official identification showing the full name and current address of such person. This subsection does not apply to an attorney or private investigator acting on behalf of the claimant.

(3) Claims on Behalf of Deceased Apparent Owners. A claimant filing a claim for unclaimed property as an heir or as the personal representative of a deceased apparent owner's estate shall provide an authenticated copy of the deceased apparent owner's death certificate issued by an official or agency of the place where the death occurred.

(a) Claims for Estate Property Having an Aggregate Value of \$1,000 or Less and Estate not Probated.

1. If the apparent owner died testate, the claimant shall provide a certified copy of the will and an executed Estate Affidavit, Form DBF-AP-1243 (effective 1-18-99), which is hereby incorporated by reference and available from the Department of Banking and Finance, Division of Finance, Room 330, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, Telephone 1(888)258-2253.

2. If the apparent owner died intestate, the claimant shall provide a completed Estate Affidavit, Form DBF-AP-1243.

(b) All claimants to property which does not meet the requirements of paragraph (3)(a) above must provide the Department with Letters of Administration if the estate is pending or a probate court order of discharge if the estate is closed.

(c) Open Probate Estates - Claims by Personal Representatives.

1. The personal representative shall provide authenticated Letters of Administration showing the personal representative's right to act on behalf of the estate of the apparent owner.

2. The personal representative shall also provide an original, executed affidavit in the following form:

AFFIDAVIT

STATE OF \_\_\_\_\_ )

COUNTY OF \_\_\_\_\_ )

After being duly sworn, the affiant states as follows:

1. My name is \_\_\_\_\_ . I have personal knowledge of the matters set forth herein.

2. I am the personal representative or the co-personal representative of the Estate of \_\_\_\_\_ .

3. The Probate of the estate is presently pending the \_\_\_\_\_ Court in and for \_\_\_\_\_ County, State of \_\_\_\_\_ . The address, area code and telephone number of the Clerk of the Court in this matter is \_\_\_\_\_

4. Select one of the following:

a. As personal representative of the estate, I am authorized to file a claim for unclaimed property on behalf of the estate.

b. As co-personal representative of the estate, I am authorized to file a claim for unclaimed property on behalf of the estate. It is not necessary that the other co-personal representative of the estate join in this claim.

c. As co-personal representative of the estate, I am authorized to file a joint claim for unclaimed property on behalf of the estate with the other co-personal representative of the estate. The name, address and telephone number of the other co-personal representative of the estate is \_\_\_\_\_

Under penalties of perjury, I declare that I have read the foregoing affidavit and that the facts stated in it are true.

Signature of Affiant

Date

Printed Name of Affiant

Street Address

City, State and Zip Code

Telephone Number

(d) Closed Probate Estate - Claims by Heirs. The heir or heirs shall provide authenticated court documents such as the petition for discharge or report of distribution which identify the heir or heirs together with their relative interests in the estate of the deceased apparent owner.

(e) If the estate has been or is being probated in another jurisdiction in a procedure where there is no court order, the claimant shall file with the Department probate documents which identify the heirs, and shall, upon request of the Department, provide the name, address and telephone number of a court or other government official who is able to answer questions about the probate procedures of that jurisdiction.

(4) Unclaimed Business Accounts.

(a) If the unclaimed business account belongs to an active proprietorship or partnership, the claimant shall provide:

1. Documents which indicate that the apparent owner is the same proprietorship or partnership as shown on the Department's records;

2. Documents which reflect the claimant's authorization to file a claim on behalf of the proprietorship or partnership.

(b) If the unclaimed business account belongs to an active corporation, the claimant shall provide:

1. Documentation from the state of incorporation which identify the officers and directors of the corporation;

2. Documents which reflect that the apparent owner is the same corporation as shown on the Department's records;

3. Documentation reflecting the claimant's right to act on behalf of the business.

(c) If the unclaimed business account belongs to a dissolved corporation or partnership, the claimant shall provide:

1. Documents from the state of incorporation showing the date of dissolution;
2. Documentation showing that the apparent owner is the same corporation or partnership as shown on the Department's records;
3. Documents showing entitlement to all or a proportional share of the dissolved corporation or partnership if the claim is filed by, or on behalf of, a shareholder of a dissolved corporation or a partner of a dissolved partnership.
4. Documentation reflecting the claimant's right to act on behalf of the business.
5. A completed United States Bankruptcy Court Application for Search of Bankruptcy Records.
6. If the bankruptcy search is negative, the officer, shareholder or partner making the claim shall file an executed and completed affidavit which states:

AFFIDAVIT

STATE OF \_\_\_\_\_ )
COUNTY OF \_\_\_\_\_ )

After being duly sworn, the affiant states as follows:

1. My name is \_\_\_\_\_ . I have personal knowledge of the matters set forth herein.
2. I am an officer, shareholder or partner of \_\_\_\_\_ (“Account Owner”).
3. The account owner is not now nor has it ever been a debtor in bankruptcy.

Under penalties of perjury, I declare that I have read the foregoing affidavit and that the facts stated in it are true.

Signature of Affiant \_\_\_\_\_ Date \_\_\_\_\_
Printed Name of Affiant \_\_\_\_\_
Street Address \_\_\_\_\_
City, State and Zip Code \_\_\_\_\_
Telephone Number \_\_\_\_\_

Specific Authority 717.138 FS. Law Implemented 92.525, 717.124, 717.1243, 717.126 FS. History--New 3-20-91, Amended 3-13-96, 8-18-96, 1-28-97, 1-18-99,\_\_\_\_\_.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Incorporation by Reference
RULE CHAPTER NO.: 14-15
RULE TITLE: Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways
RULE NO.: 14-15.002
PURPOSE AND EFFECT: The Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways, commonly referred to as “the Green Book,” is being revised.
SUBJECT AREA TO BE ADDRESSED: The rule adopts the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways, commonly referred to as “the Green Book.” Because the manual has been revised, that revised edition has to be incorporated by reference.

SPECIFIC AUTHORITY: 334.044(2), 336.045(1) FS.
LAW IMPLEMENTED: 336.045 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James C. Myers, Administrative and Management Support, Level IV, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-15.002 Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways.

The Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways “Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways”, 1999 ~~1989~~ edition, is hereby incorporated by this rule and made a part of the rules of the Department of Transportation. Copies of this Department manual and any amendments thereto are available from the Department of Transportation, Maps and Publications Sales, 605 Suwannee Street, Mail Station 12, Tallahassee, Florida 32399-0450, at no more than cost pursuant to 120.53(2)(a), Florida Statutes.

Specific Authority 334.044(2), 336.045(1) FS. Law Implemented ~~120.53(2);~~ 336.045 FS. History--New 1-22-76, Amended 7-13-81, 6-24-84, Formerly 14-15.02, Amended 8-25-86, 11-29-89,\_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Medicaid County Health Department Certified Match Program  
 RULE NO.: 59G-4.058

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid County Health Department Certified Match Program Coverage and Limitations Handbook, July 1998. The effect will be to promulgate a rule for the Florida Medicaid County Health Department Certified Match program.

SUBJECT AREA TO BE ADDRESSED: Medicaid County Health Department Certified Match Program.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 381.0056, 381.0057, 409.905, 409.908, 409.9122 FS.

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

TIME AND DATE: 9:00 a.m., July 12, 1999

PLACE: Ft. Knox Office Complex, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ward Peck, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)922-7307 or SC 292-7307

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.058 Medicaid County Health Department Certified Match Program.

(1) This rule applies to all county health departments enrolled in the Medicaid County Health Department Certified Match Program, as described in 409.9122.

(2) All county health department providers enrolled in Medicaid under the County Health Department Certified Match Program must comply with the Florida Medicaid County Health Department Certified Match Program Coverage and Limitations Handbook, July 1998, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and EPSDT 221, which is incorporated by reference, in 59G-5.020. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 381.0056, 381.0057, 409.905, 409.908, 409.9122 FS. History—New

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Provider Enrollment  
 RULE NO.: 59G-5.010

PURPOSE AND EFFECT: The purpose of this rule is to incorporate by reference the revised Florida Medicaid Provider Enrollment Application, July 1999. The application was revised to change all the references from Unisys, Inc. to Consultec, Inc. in preparation for Consultec’s takeover as the new Medicaid fiscal agent on July 1, 1999. In addition, the revised application contains the following policy corrections and changes:

1. We added the enrollment policy for providers with multiple office locations.
2. We added the policy that out-of-state independent laboratories that are licensed in Florida may enroll as in-state providers.
3. We added the policy that Community Mental Health Providers and Specialized Therapeutic Foster Care Providers to the list of providers who can use the one page Application for New Location Code.
4. We corrected the surety bond policy to read that “One bond is required for each provider location up to five (5) bonds or an aggregate amount of \$250,000 per geographical area.” The current Application says that Home Health Agencies are required to have a bond for every location.
5. We included a revised Electronic Claims Submission Agreement.

SUBJECT AREA TO BE ADDRESSED: Medicaid provider enrollment.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.907, 409.908 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 p.m., Monday, July 12, 1999

PLACE: 2728 Ft. Knox Blvd., Bldg. 3, Conference Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Karen Girard, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)922-7344

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-5.010 Provider Enrollment.

- (1) Unless otherwise specified in 59G-4, F.A.C., all providers and billing agents are required to enroll in the Medicaid program and submit a completed Florida Medicaid

Provider Enrollment Application, AHCA Form 2200-0003 (July 1999) ~~November 1998~~ which is available from the fiscal agent and incorporated in this rule by reference.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.907, 409.908 FS. History—New 9-22-93, Formerly 10P-5.010, Amended 7-8-97, 9-8-98, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Cosmetology**

RULE TITLE: \_\_\_\_\_ RULE NO.: \_\_\_\_\_

Special Assessment Fee 61G5-24.020

PURPOSE AND EFFECT: The proposed rule will establish a special assessment to be paid by all licensees.

SUBJECT AREA TO BE ADDRESSED: Special Assessment Fee.

SPECIFIC AUTHORITY: 455.219(2), 477.016 FS.

LAW IMPLEMENTED: 455.219(2) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ed Broyles, Executive Director, Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G5-24.020 Special Assessment Fee.

(1) In order to eliminate the current cash deficit in the operating funds of the Board, each active and voluntary inactive licensee and registration holder, including all licensed cosmetologists, cosmetology and specialty salon license holders, registered specialists, registered hair braiders, registered hair wrappers, and registered body wrappers, who received their initial license or registration prior to the effective date of this rule shall pay a one-time special assessment fee of thirty dollars (\$30.00). Those licensees and registrations holders who are scheduled to renew their license or registration during 1999 shall pay the special assessment fee no later than October 31, 1999. Those licensees and registration holders who are scheduled to renew their license or registration during 2000 shall pay the special assessment fee no later than October 31, 2000.

(2) Failure to comply with this rule and pay the required fee shall constitute grounds for disciplinary action pursuant to Sections 477.029(1)(i), and 455.227(1)(b) and (q), F.S.

Specific Authority 455.219(2), 477.016 FS. Law Implemented 455.219(2) FS. History—New \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling**

RULE CHAPTER TITLE: \_\_\_\_\_ RULE CHAPTER NO.: \_\_\_\_\_

Licensure – Clinical Social Work, Marriage and Family Therapy and

Mental Health Counseling Applicants 64B4-3

PURPOSE AND EFFECT: The Board proposes to review the rules within this chapter to consider possible amendments.

SUBJECT AREA TO BE ADDRESSED: Verification of supervised experience for Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling applicants; documentation of course content completed in independent study; examination for licensure; course content documentation; security and monitoring procedures of licensure examination; examination review procedures supervision required until licensure; limited licenses.

SPECIFIC AUTHORITY: 455.561, 455.574, 491.004(5), 491.014(4)(c) FS.

LAW IMPLEMENTED: 455.561, 455.574, 491.005, 491.012, 491.014(4)(c) FS.

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

TIME AND DATE: 9:00 a.m. or shortly thereafter on July 26, 1999

PLACE: The Embassy Suites, 5835 PG Lee Boulevard, Orlando, Florida 32822

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 2020 Capital Circle, S. E., Bin #C08, Tallahassee, Florida 32399-3258

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

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE TITLE: \_\_\_\_\_ RULE NO.: \_\_\_\_\_

Notice to the Department of Mailing Address and Place of Practice of Licensee 64B15-14.0015

PURPOSE AND EFFECT: The Board proposes an amendment to delete “certified” in the rule to clarify the rule regarding how each licensee shall mail their addresses to the department.

SUBJECT AREA TO BE ADDRESSED: Notice to the Department of Mailing Address and Place of Practice of Licensee.

SPECIFIC AUTHORITY: 455.711 FS.

LAW IMPLEMENTED: 455.711 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: William Buckhalt, Executive Director, Board of Osteopathic Medicine, 2020 S. E. Capital Circle, Bin #C06, Tallahassee, Florida 32399-3259

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

TIME AND DATE: 9:00 a.m., July 13, 1999

PLACE: Room 290, Oakland Building, 2009 Apalachee Parkway, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: William A. Passetti, Chief, Bureau of Radiation Control, (850)487-1004

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-14.0015 Notice to the Department of Mailing Address and Place of Practice of Licensee.

Each licensee shall provide by ~~certified~~ mail written notification to the department of the licensee's current mailing address and place of practice. The term "place of practice" means the primary physical location where the osteopathic physician practices the profession of osteopathic medicine.

Specific Authority ~~455.711 FS, 94-119, Laws of Florida~~. Law Implemented ~~455.711 FS, 94-119, Laws of Florida~~. History--New 12-26-94, Formerly 59W-14.0015, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Division of Environmental Health and Statewide Programs**

RULE TITLES:	RULE NOS.:
Fees	64E-3.001
Continuing Education Requirements	64E-3.008

PURPOSE AND EFFECT: The purpose and effect of these proposed rules is to collect from radiologic technologist applicants the actual cost of the examination charged by the testing organization and to establish certificate expiration dates corresponding to the last day of the certificate holder's birth month.

SUBJECT AREA TO BE ADDRESSED: Certification of radiologic technologists.

SPECIFIC AUTHORITY: 468.303, 468.3065, 468.309(1),(2),(3) FS.

LAW IMPLEMENTED: 468.304, 468.306, 468.3065, 468.309, 468.3095 FS.

**DEPARTMENT OF HEALTH**

**Division of Family Health Services**

RULE CHAPTER TITLE:                      RULE CHAPTER NO.:

Physically Drug Dependent Newborns,                      64F-4  
     Substance Exposed Children, Children  
     Adversely Affected by Alcohol, and the  
     Families of These Children

RULE TITLES:                                      RULE NOS.:

Definitions    64F-4.001

Reducing the Impact of Prenatal                      64F-4.002  
     Substance Abuse

Reporting Requirements for Physically                      64F-4.003  
     Drug Dependent Newborns, Substance  
     Exposed Children, and Children Adversely  
     Affected by Parental Alcohol Abuse

Acceptance of Reports for Investigation                      64F-4.004  
     and Abuse Registry Responsibility for  
     Initiating Investigations

Requirements for Notification of the State                      64F-4.005  
     Attorney and Law Enforcement Officials

District Responsibilities for Interprogram                      64F-4.006  
     Coordination of the Investigation and  
     Other Services Provided to Substance  
     Exposed Children and Their Families

Abuse Registry Staff Responsibilities                      64F-4.007

C&F Responsibilities                                      64F-4.008

CHD Responsibilities                                      64F-4.009

Responsibilities of the Licensed Substance                      64F-4.010  
     Abuse Treatment Providers and the  
     Women's Intervention Specialists

PURPOSE AND EFFECT: Repeal rules that lack specific

statutory authority and amend rules to comply with current

statutory language and other rules.

SUBJECT AREA TO BE ADDRESSED: Responsibilities for

services for families including substance exposed children.

SUMMARY OF STATEMENT OF ESTIMATED

REGULATORY COST: None.

Any person who wishes to provide information regarding this

statement of estimated regulatory costs, or to provide a

proposal for a lower cost regulatory alternative must do so in

writing within 21 days of this notice.

SPECIFIC AUTHORITY: 120.535, 383.011, 383.011(2),

383.14, 39.201, 383.216(10) FS.

LAW IMPLEMENTED: 39.408, 381.001, 393.068, Chapter

39, 381.0011, 383.011, 397.406, 893.03, 383.14, 39.395,

39.401(2)(a), 39.201 FS.

ANYONE WISHING TO PROVIDE INPUT MAY ATTEND

A RULE DEVELOPMENT WORKSHOP, WHICH WILL BE

HELD AT THE TIME, DATE AND PLACE SHOWN

BELOW:

TIME AND DATE: 1:00 p.m., July 15, 1999

PLACE: Building 5, Room 406, 1317 Winewood Boulevard,

Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Trish Mann, Division of Family Health Services, 2020 Capital Circle, S. E., Bin #A-13, Tallahassee, FL 32399-0700

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64F-4.001 Definitions.

~~For the purpose of this rule chapter, the following definitions will apply:~~

(1) "Abuse ~~hotline registry~~" means Florida's central abuse hotline and tracking system established and maintained by the department to receive all reports of child abuse and neglect made pursuant to ~~Chapter 39 ss. 415.502—415.514~~, F.S.

(2) "Care coordination" means the linking of ~~county health department (CHD) and other~~ health, social, and economic services to improve access to and continued participation in comprehensive prenatal and infant health care.

(3) "Client Information System" means the automated, department-wide information system ~~that which~~ supports the planning, budgeting, management, administration, and delivery of services.

(4) "Department" means State of Florida Department of Health.

(5) "Health care provider" means physicians, physician's assistants, certified nurse midwives, licensed midwives, advanced registered nurse practitioners, and other health care professionals who are licensed in the state of Florida pursuant to Chapters 458 or 459, F.S., or Chapters 464 or 467, F.S., and are actively providing prenatal, intrapartal, or pediatric care.

~~(6) "Physically drug dependent newborn" means an infant age birth to 28 days who has been exposed prenatally to a Schedule I or II drug as defined in s. 893.03, F.S., has the presence of a Schedule I or II drug in his or her system, and exhibits symptoms of withdrawal from the drug.~~

~~(7) "Reasonable cause to suspect" means there are sufficient grounds to make a rational person think that harm is likely to happen to a child because of abuse or neglect, or that an existing injury was the result of abuse or neglect.~~

~~(6)(8)~~ "Service provider" means the primary service provider in a program providing social, or medical, substance abuse, or mental health treatment services to the client and family.

~~(7)(9)~~ "Schedule I and II drugs" means any of the Schedule I or II drugs listed in s. 893.03, F.S. This rule does not apply to those controlled substances administered in conjunction with medically approved treatment procedures or administered in conjunction with a detoxification program as defined in s. 397.021, F.S.

~~(8)(10)~~ "Substance exposed child" means a child from birth to ~~eighteen~~ five years who has been exposed prenatally to a Schedule I or II drug as defined in 64F-4.001(9), F.A.C., or a

child exhibiting abnormal growth, abnormal neurological patterns, abnormal behavior, or abnormal cognitive development, whose parents, adult household members, or other persons responsible for the child's welfare exhibit continued chronic and severe use of a Schedule I or II drug.

~~(9)(11)~~ "Women's Intervention Specialists (WIS)" are employees hired by drug treatment providers licensed by the Alcohol and Drug Abuse, and Mental Health Program Office (SAPO ADM) of the Department of Children and Families who provide community education, outreach, and assessment to assist women's enrollment into alcohol and other drug treatment, aftercare services, and any other needed support services.

Specific Authority 383.011(2), ~~397.406, 415.514~~ FS. Law Implemented Chapter 39, Part III, 381.0011, 383.011, 397.406, ~~415.502, 415.514~~, 893.03 FS. History—New 11-30-93, Amended 5-8-96, Formerly 10D-115.002, Amended \_\_\_\_\_.

64F-4.002 Reducing the Impact of Prenatal Substance Abuse.

(1) Health care providers employed by the department or with whom the department contracts for services will ensure that all women of childbearing age who receive services are given information about the adverse effects of prenatal exposure to alcohol and drug use, will review with the women their history of alcohol and other drug use, and will refer for treatment as the professional determines.

(2) Any health care provider employed by the department or with whom the department contracts for services or any departmental staff who identifies that a pregnant woman is abusing alcohol or other drugs will, with the client's consent, refer the client to notify:

(a) The WIS or other substance abuse treatment provider, as designated by the district SAPO ADM program, for outreach and referral to a substance abuse treatment program with the releases of information signed; and

(b) Healthy Start for care coordination services ~~The local CHD for outreach and care coordination;~~ and

(3) During every prenatal visit with a woman identified as using alcohol or other drugs, all health care providers who are employed by the department or with whom the department contracts for services shall:

(a) Assess and document the woman's current alcohol and other Schedule I – IV drug use pattern;

(b) Document whether the woman is receiving substance abuse treatment; and

(c) Reinforce the information previously given about the adverse affects of alcohol and other drugs, and support positive steps toward abstinence.

~~(4) Substance abuse treatment providers receiving state or federal funds will give assessment and treatment priority to alcohol and other drug abusing pregnant women and to other women up to one year postpartum.~~

~~(4)(5)~~ All ~~departmental~~ health care providers employed by the department or with whom the department contracts for prenatal care providers will consider pregnant substance abusing women as high risk for poor birth outcomes and give them priority appointments for prenatal care ~~and referral for Healthy Start care coordination.~~

Specific Authority 383.011 FS. Law Implemented 383.011, 383.14 FS. History—New 11-30-93, Formerly 10D-115.003, Amended \_\_\_\_\_.

64F-4.003 Reporting Requirements for Physically Drug Dependent Newborns, Substance Exposed Children, and Children Adversely Affected by Parental Alcohol Abuse.

(1) Hospitals and birthing centers will complete the Healthy Start Infant Risk Screening Instrument and will refer for Healthy Start care coordination all infants known to be substance exposed children.

~~(2)(1)~~ Any person who knows, or has reasonable cause to suspect, that a ~~newborn is physically drug dependent; or that a child, birth to five years of age, is a substance exposed child for whom there is a reasonable cause for concern that the parent or caregiver is unable to provide safe care for the child,~~ must report such knowledge or suspicion to the abuse hotline registry as required by s. 39.201 415.504 (1), F.S. ~~This report must conform to the criteria for accepting a report as listed in 64F-4.004, F.A.C.~~ The Florida abuse hotline registry's statewide, toll free, telephone number is 1-800-96-ABUSE.

~~(3)(2)~~ If there is knowledge or a reasonable cause to suspect that a parent, adult household member, or other person responsible for the child's welfare is dependent on alcohol and that dependence causes abuse, abandonment or neglect of the person to be unable to care for the child, a report of ~~neglect or harm~~ will be made to the abuse hotline registry. The reporter must describe specific behaviors of the mother or other caregiver, whether repeated conduct or a single incident of carelessness, that could reasonably be expected to result in harm, or indicate the specific harm to the child.

~~(3) Reports by professionals, as listed in s. 415.504 (1), F.S., must be confirmed in writing to the local protective investigation office of the department within 48 hours of the oral report.~~

(4) If the circumstances are such or the condition of the child is such that, based on suspicion or knowledge, to release the child to the parent or legal custodian would present an imminent danger to the child, any person in charge of a hospital or institution or any physician treating a child may hold the child in custody for up to 24 hours without parental consent as specified in s. 39.395 415.506, F.S. That person must immediately notify the abuse hotline registry, which will initiate an investigation and decision on custody of the child.

Specific Authority 120.535, 383.011, 383.14, 39.201 415.514 FS. Law Implemented 39.395, 39.401(2)(a), 383.011, 39.201 415.502, 415.514 FS. History—New 11-30-93, Formerly 10D-115.004, Amended \_\_\_\_\_.



64F-4.004 Acceptance of Reports for Investigation and Abuse Registry Responsibility for Initiating Investigations.

Specific Authority 383.011, 415.514 FS. Law Implemented 383.011, 415.502 – 415.514 FS. History–New 11-30-93, Amended 5-8-96, Formerly 10D-115.005, Repealed.

64F-4.005 Requirements for Notification of the State Attorney and Law Enforcement Officials.

Specific Authority 415.514 FS. Law Implemented 415.503(9)(a)2., 415.505(1)(a) FS. History–New 11-30-93, Amended 5-8-96, Formerly 10D-115.006, Repealed.

64F-4.006 District Responsibilities for Interprogram Coordination of the Investigation and Other Services Provided to Substance Exposed Children and Their Families.

(1) The Healthy Start coalitions and the county health departments, in conjunction with the Department of Children and Families Each district administrators will ensure that a mechanism is developed to provide coordinated, transdisciplinary assessment ~~investigation of~~ and intervention for the health, safety, and service needs of women who abuse alcohol or other drugs prenatally, and of substance exposed children ~~reported as abused, neglected, or threatened with harm based on parental abuse of alcohol, physical drug dependence, or substance exposure.~~ The mechanism will include:

(a) Prompt information exchange among service providers working with the family including information relating to behaviors, medical or psychological conditions which would place a child or adult at risk or in danger, missed appointments, substance abuse, failure to follow through with planned services or agency or court ordered requirements. ~~Notification of staff of C&F, CHD, and the WIS or licensed substance abuse treatment provider for the purpose of initiating the investigation, assessing the home situation, making emergency placement, or making service decisions as indicated below;~~

(b) Transdisciplinary assessment of the child, family, and home environment ~~as outlined in 64F-4.008, 64F-4.009, and 64F-4.010, F.A.C.;~~

(c) Notification of the CHD of the discharge from the birthing ~~facility~~ hospital of a ~~physically drug dependent newborn or~~ substance exposed child; and

(d) Transdisciplinary, interagency communication with all service providers working with the family before reaching a placement decision.

(2) Healthy Start coalitions and the county health departments, in conjunction with Each district administrators will ensure that a mechanism is developed to provide service delivery across program lines which includes:

(a) Early identification and referral of substance abusing pregnant women to prenatal care and substance abuse treatment;

(b) Granting priority appointments for both prenatal services offered through CHDs ~~and~~ or any health care provider with whom the department contracts for services ~~and for substance abuse treatment services provided by the department contracted facilities that serve women;~~

(c) Expediting the processing of requests for public assistance through Economic Services and requests for determination of Medicaid eligibility;

(d) Informing health care providers ~~employed by DOH or with whom DOH contracts for services~~ of their responsibilities relating to women who abuse alcohol and drugs during pregnancy;

(e) Informing hospitals, birthing centers, and health care providers about their responsibilities related to ~~physically drug dependent newborns,~~ substance exposed children, and their families pursuant to these rules;

(f) Communicating the importance of requesting a signed release from the client for each health care, social service, or other treatment agency working with the child and mother, allowing agency staff to communicate, for purposes of care coordination, with other agencies working with the mother, the caregiver, or the child;

(g) Ensuring prompt information exchange among all service providers actively working with the client and family. This includes information related to:

1. Missed alcohol and other drug abuse treatment or health care appointments;
2. Positive drug toxicology laboratory reports;
3. Behaviors or conditions which would place the child in danger;
4. Other behaviors that indicate a failure to follow through with the family support plan, performance agreement or protective supervision case plans; and
5. Change of client address.

(h) Informing DOH staff, hospitals, birthing centers, and other health care providers of ways to refer people for substance abuse treatment;

(i) Developing an ongoing, coordinated assessment and case planning process that includes:

1. A single family support plan, developed in collaboration with the family, that delineates client and service provider responsibilities. A copy of the plan will be given to the family and each participating service provider;
2. Provision for ongoing case staffings which occur at a minimum of every six months for the purposes of coordinating service delivery, improving service provision, and updating the family support plan; and
3. Designation of a lead case manager.

(j) Ensuring that all opinions and assessments from service providers are part of the information presented to the court for purposes of disposition as required by s. 39.408, F.S.

(k) Ensuring that all current service providers communicate at least monthly about client status, or document their inability to communicate or the lack of need for communication in the client's clinical record.

~~(l) Compiling the county reports of substance-exposed newborns referred to CHDs specified in the County Public Health Unit Guidebook, "Technical Assistance Guidelines, Child Health 1", April 1, 1993, published by the Florida Department of Health and Rehabilitative Services which is incorporated by reference, and sending that data to the State Health Office.~~

Specific Authority 120.535, 383.216(10) ~~415.514~~ FS. Law Implemented 39.408, 381.001, 393.068, ~~415.502 - 415.514~~ FS. History-New 11-30-93, Formerly 10D-115.007, Amended.

64F-4.007 Abuse Registry Staff Responsibilities.

Specific Authority 383.011, 415.514 FS. Law Implemented 383.011, 393.068, 415.502 - 415.514 FS. History-New 11-30-93, Amended 5-8-96, Formerly 10D-115.008, Repealed.

64F-4.008 C&F Responsibilities.

Specific Authority 383.011, 415.514 FS. Law Implemented 39.408 (3)(a), 383.011, 393.068, 415.502 - 415.514 FS. History-New 11-30-93, Amended 5-8-96, Formerly 10D-115.009, Repealed.

64F-4.009 CHD Responsibilities.

Specific Authority 383.001, 397.406 FS. Law Implemented 383.001, 393.068, 397.406 FS. History-New 11-30-93, Amended 5-8-96, Formerly 10D-115.010, Repealed.

64F-4.010 Responsibilities of the Licensed Substance Abuse Treatment Providers and the Women's Intervention Specialists.

Specific Authority 396.062, 397.031(6) FS. Law Implemented 393.068, 396.052, 397.215(1) FS. History-New 11-30-93, Formerly 10D-115.011, Repealed.

**FLORIDA HOUSING FINANCE CORPORATION**

RULE TITLES:	RULE NOS.:
Definitions	67-39.002
Feasibility Studies	67-39.003
Eligibility Criteria	67-39.004
Fees and Rates	67-39.005
Contractual Provisions	67-39.006
Reimbursable Costs	67-39.008
Program Documents	67-39.010
Guarantee Program	67-39.011
Guarantee Coverage	67-39.012
Guarantee Fund Payments	67-39.014
Audit Requirement	67-39.015

PURPOSE AND EFFECT: The purpose of Rule Chapter 67-39, Florida Administrative Code (F.A.C.), is to provide for the fees, rates, and contractual provisions for the issuance of an affordable housing guarantee, under the Florida Affordable Housing Guarantee Program.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to administration of the Florida Affordable Housing Guarantee Program, as specified in Rule Chapter 67-39, F.A.C.

SPECIFIC AUTHORITY: 420.5092 FS.

LAW IMPLEMENTED: 420.5092 FS.

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

TIME AND DATE: 10:00 p.m., July 12, 1999

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Gwen Lightfoot, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

67-39.002 Definitions.

(1) "Act" means Section 420.5092 (Florida Affordable Housing Guarantee Program), Florida Statutes.

(2) "Affordable housing guarantee" means an obligation of the guarantee fund to guarantee the payment of an obligation made to finance or refinance the purchase, construction, or rehabilitation of eligible housing.

(3) Corporation "Agency" means the Florida Housing Finance Corporation Agency.

(4) "Eligible housing" means any real and personal property designed and intended for the primary purpose of providing decent, safe, and sanitary residential units for homeownership or rental for persons meeting the eligibility criteria as provided in this rule.

(5) "Eligible persons" means for those projects not subject to any other restriction applicable to other Corporation Agency-financed programs, one or more persons or a family, whose total annual adjusted household income is less than 120 percent of the median annual adjusted gross income for households within the state, or 120 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.

(6) "Feasibility study" means those studies performed pursuant to this rule.

(7) "Guarantee Fund" means the Affordable Housing Guarantee Fund created and established with proceeds of revenue bonds issued by the Corporation Agency to implement the Florida Affordable Housing Guarantee Program.

(8) "Guarantee Fund reserve requirement" means the amount of assets, or their equivalent, of the Guarantee Fund determined by the Corporation Agency as necessary to maintain the claims paying ability of the Guarantee Fund. For these purposes, an asset equivalent may include, but is not limited to, a letter of credit, insurance policy, reinsurance treaty or policy, surety, guarantee or other security arrangement.

(9) "Obligee" means a qualified lending institution under a qualified obligation, and its successors and assigns approved by the Corporation Agency.

(10) "Obligor/principals" means the original borrower under a qualified obligation, and its successors and assigns approved by the Corporation Agency.

(11) "Qualified lending institution" means any bank, trust company, national bank, savings bank, state or federal savings and loan association, state or federal credit union, insurance company, private or public pension fund, philanthropic institution or any other entity approved by the Corporation Agency. The term "qualified lending institution" shall also include the Florida Housing Finance Corporation Agency. All qualified lending institutions must submit information, sufficient in detail to demonstrate the capacity to perform the functions and services necessary to adequately comply with the requirements contained in the guarantee documents. Information to be submitted must include a current ~~audited~~ financial statement; description detailing the institution's experience in originating and servicing affordable housing loans; and listing and qualifications of key personnel within the institution's affordable housing operation.

(12) "Qualified Obligation" means an obligation loan which is made or purchased by a qualified lending institution, deemed suitable for guarantee by the Corporation Agency and secured by one of the following: (i) a residential property, (ii) a residential property which is located within an eligible urban or rural area, (iii) a residential property which is located within an economic development or economic opportunity zone, (iv) a residential property which will provide affordable housing, (v) a residential property whose mortgage financing is to be provided by an entity created by local, state or federal legislation, (vi) a residential property that is being lease purchased or (vii) such other collateral as meets the requirements of the feasibility study.

(13) "Residential property" means any existing building, structure, unit thereof or unimproved real property, which is used or occupied, or is intended to be used or occupied, wholly or partly, as the home or residence of one or more persons,

including use or intended use for assisted living, emergency, transitional or shelter housing, and housing for persons with special needs.

Specific Authority 420.5092(4) FS. Law Implemented 420.5092 FS. History--New 4-5-93, Amended 2-16-94, 11-27-96, \_\_\_\_\_

#### 67-39.003 Feasibility Studies.

The Corporation Agency shall cause to be performed an affordable housing guarantee feasibility study prior to the issuance of any guarantee not contemplated by a previous feasibility study. Each such feasibility study shall be accepted by the governing board of the Corporation Agency prior to the issuance of the guarantee pursuant thereto. Such study shall determine the type of eligible housing for which a guarantee is required for the investment of private capital, the anticipated risk of default for classification of housing, and the level of fees, charges and reimbursement conditions necessary to establish a financially sound affordable housing guarantee program that exposes the funds deposited into the guarantee fund to a reasonable or acceptable level of risk.

Specific Authority 420.5092(4) FS. Law Implemented 420.5092 FS. History--New 4-5-93, Amended 2-16-94, 12-26-95, 11-27-96, \_\_\_\_\_

#### 67-39.004 Eligibility Criteria.

In order to be eligible for an affordable housing guarantee issued by the Corporation Agency, the eligible housing must be a multi-family (5 or more dwelling units) housing development or single-family, owner-occupied housing which meets the eligibility criteria provided in the applicable feasibility study. In order for an obligation to be eligible for guarantee, the Corporation Agency must first find that:

(1) The property which is the security for such mortgage meets the requirements of the definition of a qualified obligation;

(2) The obligor/principals ~~are~~ is credit-worthy;

(3) The obligation is in such principal amount and form, and contains such terms and provisions with respect to property insurance, repairs, alterations, payment of taxes and assessments, delinquency charges, default remedies, additional security and other matters as the Corporation Agency, with the advice of counsel, shall determine and are considered customary in the industry, and

(4) The requirements of the Act are adequately met by the terms of the mortgage guarantee contract or other agreements.

(5) The obligation is made for a property that the qualified lending institution's funding is equal to or less than \$65,000 per unit, excluding raw land; and

(6) Previous qualified obligations issued for the obligor/principals are being paid in a satisfactory manner as to loan, premium and fee payments and that all loan requirements of those obligations are being met by the obligor/principals.

Specific Authority 420.5092(4) FS. Law Implemented 420.5092 FS. History--New 4-5-93, Amended 2-16-94, 12-26-95, 11-27-96, \_\_\_\_\_

67-39.005 Fees and Rates.

For the issuance of an affordable housing guarantee, the Corporation Agency shall charge fees and rates as established in the applicable Feasibility Study to all applicants for a financially sound Affordable Housing Guarantee Program. A fee of not less than .1 percent (.0010) of the total proposed qualified mortgage amount shall be paid by the qualified lending institution at the time a multi-family loan or proposed loan is submitted to the Corporation Agency for consideration of an affordable housing guarantee. A fee of not less than .2 percent (.0020) of the total qualified multi-family mortgage amount shall be paid by the qualified lending institution at the time a Commitment to Guarantee is issued by the Corporation Agency.

Specific Authority 420.5092(4) FS. Law Implemented 420.5092 FS. History—New 4-5-93, Amended 2-16-94, 12-26-95, 11-27-96,\_\_\_\_\_.

67-39.006 Contractual Provisions.

The Corporation Agency shall establish contractual provisions, which may include a right of foreclosure, to foster reimbursement of moneys paid pursuant to an affordable housing guarantee in the event of a covered default for which the qualified lending institution submits a claim for loss as defined in the guarantee program documents. A copy of the guarantee program documents is available from the Corporation Agency upon request.

Specific Authority 420.5092(4) FS. Law Implemented 420.5092 FS. History—New 4-5-93, Amended 2-16-94, 12-26-95, 11-27-96,\_\_\_\_\_.

67-39.008 Reimbursable Costs.

All expenses, exclusive of Corporation Agency administrative costs, incurred in the course of processing a request for a guarantee, whether a guarantee is ever issued, shall be paid by the qualified lending institution.

Specific Authority 420.5092(4) FS. Law Implemented 420.5092 FS. History—New 2-16-94, Amended 2-16-94, 12-26-95, 11-27-96,\_\_\_\_\_.

67-39.010 Program Documents.

The issuance of an affordable housing guarantee requires the generation of certain program documents; including, but not limited to:

- (1) Master Guarantee Agreement with Qualified Lending Institution;
- (2) Commitment and Certificate of Guarantee; and
- (3) Additional Conditions to Commitment and Certificate of Guarantee.

The documents shall be binding and shall fully describe the responsibilities of and remedies available to the signing parties. The guarantee contract or other agreement issued by the Guarantee Fund shall establish the procedures to be followed by an obligee or other beneficiary of the guarantee in the event of a default under the terms of any guaranteed obligation. Prior to submitting a claim for payment, the obligee shall pursue such actions with respect to the pledged collateral

as may be directed by the Corporation Agency from among the following: (i) becoming lawfully the obligee in possession thereof; (ii) causing a receiver to be appointed of such property; (iii) obtaining voluntary conveyance of the obligor/principals' right and title to such property; or (iv) obtaining by foreclosure clear and unencumbered title to such property. Such remedy shall be pursued in accordance with the directions provided by the Corporation Agency on the advice of counsel.

Specific Authority 420.5092(4) FS. Law Implemented 420.5092 FS. History—New 2-16-94, Amended 11-27-96,\_\_\_\_\_.

67-39.011 Guarantee Program.

In order to implement the Guarantee Program the Corporation Agency will shall have the following powers:

(1) Upon Corporation Agency board approval, issue a commitment to guarantee any qualified obligation(s) or aggregate of qualified obligations, guarantee any qualified obligations or aggregate of qualified mortgage loans, enter into contracts, agreements or treaties of insurance regarding any qualified obligations or aggregate of qualified obligations, and provide the guarantee on terms that minimize the financial risk to the guarantee fund while making the project financially feasible;

(2) Guarantee and issue commitments to guarantee any part of the payments required on qualified obligations upon such terms and conditions as contained in the program documents required under Rule 67-39.010;

(3) Enter into commitments to guarantee, contracts to guarantee and reinsurance contracts regarding qualified obligations, and to fulfill its obligations and enforce its rights under any guarantee so furnished;

(4) Fix a premium charge for its guarantee of obligations in an amount to be determined in accordance with the applicable feasibility study and establish and levy such other charges and fees in connection with applications for guarantee, guarantee commitments, contracts of guarantee and as are necessary to recover authorized reimbursable expenses under the Act or feasibility study; such premium charges, other charges and fees shall be payable as incurred;

(5) Consent to the modification, with respect to rate of interest, time of payment of any installment of principal or interest, security or any other term, of any obligation, the security for any obligation, contract or agreement of any kind which the Guarantee Fund has guaranteed or to which the Guarantee Fund is party;

(6) Foreclose any obligation in default or commence any action to protect or enforce any rights conferred upon the Corporation Agency and the Guarantee Fund, and to bid for and purchase such property at any foreclosure or at any other sale, or otherwise to acquire or take possession of any such property;

(7) Hold, manage, administer, lease or sell any property conveyed to or acquired by the Corporation Agency or the Guarantee Fund;

(8) Pay, pursue to final collection, compromise, waive or release any right, title, claim, lien or demand, however acquired, including any equity or right of redemption;

(9) Sell, at public or private sale, any mortgage, mortgage participation or other obligation held by the Corporation Agency or the Guarantee Fund;

(10) Procure insurance against any loss in connection with its property and other assets; and

(11) Establish such other contractual provisions as are necessary or incidental to the foregoing.

Specific Authority 420.5092(4) FS. Law Implemented 420.5092 FS. History—New 2-16-94, Amended 12-26-95, 11-27-96,\_\_\_\_\_.

67-39.012 Guarantee Coverage.

(1) The guaranteed percentage of the outstanding principal indebtedness of an obligation or any aggregate of obligations authorized to be guaranteed under the Act may be only for such percentage that minimizes the financial risk to the Guarantee Fund while making the project financially feasible.

(2) An obligor/principals shall be, or by reason of an obligation guaranteed by the Guarantee Fund shall become, the owner or lessee of the property which secures the qualified obligation, and shall be able to bear the usual expenses of maintaining such structure and repay the obligation.

Specific Authority 420.5092(4) FS. Law Implemented 420.5092 FS. History—New 2-16-94, Amended 11-27-96,\_\_\_\_\_.

67-39.014 Guarantee Fund Payments.

(1) The Guarantee Fund shall be maintained for the benefit of the qualified lending institutions whose qualified obligations are guaranteed under the Act. Amounts in the Guarantee Fund shall be used in accordance with the Act to satisfy any valid claim payable therefrom.

(2) Payments pursuant to contracts of guarantee and reinsurance may be made in a lump sum, or in partial payments made within such period of time as may be agreed to by the Corporation Agency and the qualified lending institution. Such payments by the Corporation Agency shall be payable solely and only from the Guarantee Fund. The Agency Corporation shall not guarantee or issue a commitment to guarantee a qualified obligation if the balance of the Guarantee Fund is less than the guarantee fund reserve requirement.

Specific Authority 420.5092(4) FS. Law Implemented 420.5092 FS. History—New 2-16-94, Amended 11-27-96,\_\_\_\_\_.

67-39.015 Audit Requirement.

At least once in each fiscal year the Guarantee Fund shall be examined for the purposes of auditing the Guarantee Fund's financial condition and determining the soundness of its management and operating policies. The Guarantee Fund shall

pay the cost of each such examination. Copies of each report, including the findings, conclusions and recommendations, shall be furnished to the Corporation Agency.

Specific Authority 420.5092(4) FS. Law Implemented 420.5092 FS. History—New 2-16-94, Amended\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: David Woodward, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329, (850)488-4197

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Susan J. Leigh, Chief Executive Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329

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

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

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Section II Proposed Rules

REGIONAL PLANNING COUNCILS

East Central Florida Regional Planning Council

RULE TITLES:	RULE NOS.:
Organization	29F-1.101
Purpose	29F-1.102
Definitions	29F-1.103
Council Meeting Agenda	29F-1.106
Finances	29F-1.107
Officers, Term of Office and Duties	29F-1.108
Vacancies	29F-1.109
Removal from Office	29F-1.110
Committees	29F-1.111
Staff	29F-1.112
Plans, Studies, Activities, and Reports	29F-1.113
Dissolution	29F-1.114
Information Request	29F-1.115

PURPOSE AND EFFECT: These rules will provide guidance for the organization and internal operation of the regional planning council.

SUMMARY: These rules provide guidance for the purpose of preparing meeting agendas, establishing a fiscal year, financing an annual budget, selecting officers, establishing committees, employing staff and preparing plans and reports in support of the operation of the regional planning council. The organizational guidelines are being updated as replacements for those of Chapter 29F-1 that are currently being repealed.