

(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

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).

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
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Removal from Office	29F-1.110
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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.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 186.505 FS.

LAW IMPLEMENTED: 186.505 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

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

PLACE: East Central Florida Regional Planning Council, 1011 Wymore Road, Suite 105, Winter Park, Florida 32789

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sandra S. Glenn, Executive Director, East Central Florida Regional Planning Council, 1011 Wymore Road, Suite 105, Winter Park, Florida 32789

THE FULL TEXT OF THE PROPOSED RULES IS:

29F-1.101 Organization.

There is hereby organized a regional planning council under the authority of Chapter 186, Florida Statutes, which shall be known as the EAST CENTRAL FLORIDA REGIONAL PLANNING COUNCIL, located in Comprehensive Planning District Six, consisting of the counties of Brevard, Lake, Orange, Osceola, Seminole and Volusia. Council headquarters shall be in a central location as determined by a majority vote of the Council. Field offices may be maintained at other locations.

Specific Authority 186.505 FS. Law Implemented 186.505 FS. History--New

29F-1.102 Purpose.

(1) To exercise the rights, duties, and powers of a regional planning council as defined in Chapter 186 and Section 403.723, Florida Statutes, and of a regional planning agency as defined in Chapter 23, Section 403.723, and Chapter 380, Florida Statutes, as amended, including those functions enumerated by legislative finding and declarations of Chapter 186, Florida Statutes, and other applicable federal, State and local laws.

(2) To provide regional coordination for the local governments in the East Central Florida Region.

(3) To exchange, interchange, and review the various programs referred to it that are of regional concern.

(4) To promote communication among local governments, public agencies and the private and nonprofit sectors in the Region.

(5) To identify regional problems and issues and work toward their resolution.

(6) To ensure the orderly and balanced growth and development of this Region, consistent with the protection of the natural resources and environment of the Region, and to promote safety, welfare and quality of life of the residents of the Region.

(7) To encourage and promote communications between neighboring regional planning districts in an attempt to ensure compatibility in development and long-range planning goals.

Specific Authority 186.505 FS. Law Implemented 186.505 FS. History--New

29F-1.103 Definitions.

(1) Council – the East Central Florida Regional Planning Council.

(2) Council Member(s) – representatives appointed by the Governor or by a member local government or League of Cities.

(3) Elected official – a member of the governing body of a municipality or county or a county elected official chosen by the governing body.

(4) Department – the Florida Department of Community Affairs.

(5) Federal or federal government – the government of the United States of America or any department, commission, agency or instrumentality thereof.

(6) Local general-purpose government – any municipality or county created pursuant to the authority granted under Section 1 and 2, Article VIII of the Constitution for the State of Florida.

(7) Member government – any county or any association representing a group of municipalities located within the Region.

(8) Population – the population according to the current determination by the executive office of the Governor pursuant to Section 186.901, F.S., for revenue sharing purposes.

(9) Principal member unit – each of the counties in the Region.

(10) Region or East Central Florida Region – the geographical area, including both land and water, within or adjacent to the counties of Brevard, Lake, Orange, Osceola, Seminole and Volusia.

(11) State or State government – the government of the State of Florida, or any department, commission, agency or instrumentality thereof.

(12) Strategic regional policy plan – a long-range guide for physical, economic and social development of the Region that identifies regional goals, objectives and policies.

Specific Authority 186.505 FS. Law Implemented 186.505 FS. History--New

29F-1.106 Council Meeting Agenda.

(1) For each Council meeting the Agenda shall be set in the following manner:

(a) The Agenda shall be set ten (10) days prior to each meeting.

(b) The Executive Director shall be responsible for setting the Agenda. In fulfilling this responsibility, the Executive Director may consult with the Chairperson. All items requested by the Chairperson shall be placed on the Agenda.

(c) Any additions, modifications or deletions to the Agenda subsequent to it being set shall be in accordance with the provisions of Chapter 120, Florida Statutes. In particular, such additions, modifications or deletions must be determined to be of a critical or emergency nature. Items to be included within the scope of a critical or emergency nature could be items that would require Council action prior to a subsequent regularly scheduled meeting at which time the item could be considered, and that by delaying consideration the purpose of the Council would not be reasonably achieved.

(d) The Agenda shall be considered by the Council at the beginning of each meeting and shall be accepted, or modified and accepted, in accordance with paragraph (c) of this section.

(2) Any person, individual, or organization may request that an item be placed on the Agenda. All requests shall be considered in the following manner:

(a) All requests for placing an item on the Agenda, except those made by the Chairperson, shall be made in writing to the Executive Director stating the following:

1. The subject matter to be considered;
2. The purpose in making the request;
3. The action requested of the Council, if any;
4. The meeting date at which the item would be considered, indicating the reason, if any, for requesting the date.

(b) The item requested shall be placed on the Agenda of the next regularly scheduled meeting, provided that:

1. The request is received a minimum of fourteen (14) days prior to the meeting;

2. The Executive Director determines that:

a. the subject matter of the request can reasonably be considered to be within the purpose of the Council as set forth in Rule 29F-1.102 of this chapter, and;

b. sufficient staff effort and resources are available to properly prepare a report and recommendation on the requested subject, when necessary.

In making these determinations, the Executive Director may confer with the Chairperson. All requests that are not placed on the Agenda shall be brought to the Council's attention by the Executive Director at the next meeting.

(c) Should a Council Member wish to have an item, previously considered and acted upon by the Council, reconsidered, the Council Member may request, at any regular Council meeting, that the item be placed on the next meeting Agenda. The request must receive a majority vote of the Council Members present to agenda the item.

(3) Unless otherwise provided by Chapter 120, Florida Statutes, or provided herein, Robert's Rules of Order, as revised, shall rule.

Specific Authority 186.505 FS. Law Implemented 186.505 FS. History—New

29F-1.107 Finances.

(1) The Council's work year and fiscal year shall be the twelve (12) months beginning the first day of October and ending the thirtieth day of September.

(2) The Council shall adopt a work program and budget for each fiscal year by the beginning of that fiscal year. The Council shall provide, by July 1 of each year, an estimate of the next fiscal year's membership fee to the governing body of each county local government member unit. Each county local government member unit shall include in its annual budget and provide to the Council funds in an amount sufficient to fund its proportionate share of the Council's adopted budget.

(3) The proportionate share of the Council's budget shall be an amount that bears the same ratio to the local share of the total annual Council budget as the population of each county local government member unit bears to the total population of all participatory counties. The local share is the total annual budget minus funds supplied to the Council under contract with Federal or State agencies.

(4) The Council, in adopting its annual budget, shall establish a reasonable minimum financial contribution from each county local government member unit.

(5) Assessments shall be due in full on October 1.

(6) Each county local member government that does not remit the assessed amount by November 1 shall lose all voting privileges, both for representatives from the principal member and other appointees from the county, until payment is made.

(7) The following persons are designated to sign all checks issued by the Council: 1) the Chairperson; 2) the Vice-Chairperson; 3) the Secretary-Treasurer; and 4) the Executive Director of the Council. An additional Council Member and/or additional staff persons may be designated as signator by the Council to avoid problems associated with time or distance. All checks over \$1,000 are to be signed by two (2) of the above-designated persons.

(8) The budget and such other changes, amendments or supplements as may be necessary to conduct the fiscal affairs of the Council may be amended by action of the Council provided, however, that the budget may not be amended to increase the annual per capita contribution by the county local government member units.

(9) The purchase of any single item of either equipment or goods that will require the expenditure of more than three thousand dollars (\$3,000), and that is not included in the current approved budget, must be approved by the Council.

Specific Authority 186.505 FS. Law Implemented 186.505 FS. History—New

29F-1.108 Officers, Term of Office and Duties.

(1) At the annual meeting of the Council, the Council shall elect from its membership the following officers: Chairperson, Vice-Chairperson and Secretary-Treasurer. Each member so elected shall serve for one (1) year or until reelected or a successor is elected.

(2) The newly elected officers shall be declared installed following their election, and shall assume the duties of office.

(a) The Chairperson shall be responsible for overseeing the organization of the work of the Council; for seeing that all policies of the Council are carried out; for signing any contract or other instrument that the Council deems in its interest; and for presiding over all Council meetings. The Chairperson, or a designated Council Member, shall be an ex officio member of all committees.

(b) The Vice-Chairperson shall act in the Chairperson's absence or inability to act. The Vice-Chairperson shall perform such other functions as may be assigned by the Chairperson or the Council.

(c) The Secretary-Treasurer shall be responsible for minutes for the meeting, keeping the roll of members, general oversight of the financial affairs of the Council and such other duties as may be assigned by the Chairperson or the Council.

(3) There shall be an Executive Committee consisting of the Chairperson, Vice-Chairperson, Secretary/Treasurer and the immediate past Chairperson still in continuous service on the Council. If there is no immediate past Chairperson still in continuous service, the Council shall elect a member to serve on the Executive Committee until such time as there is an immediate past Chairperson still in continuous service.

Specific Authority 186.505 FS. Law Implemented 186.505 FS. History—New _____.

29F-1.109 Vacancies.

Any vacancy in membership shall be filled for the unexpired term in the same manner as the initial appointment.

Specific Authority 186.505 FS. Law Implemented 186.505 FS. History—New _____.

29F-1.110 Removal from Office.

Should a Council Member have three (3) consecutive absences from regular meetings or miss more than one-half of the regularly scheduled meetings in a calendar year, the Secretary shall so advise the appropriate member government, or the Governor, and request another appointment. Members may be removed from the Council by the authority which made the appointment only after written notice of such action has been given to the Council.

Specific Authority 186.505 FS. Law Implemented 186.505 FS. History—New _____.

29F-1.111 Committees.

(1) The Council shall establish and maintain such committees as it deems necessary to carry out the purposes and objectives of the Council. Committees shall be created or discontinued by the Chairperson as directed by the Council.

(2) All committees and chairmen thereof shall be appointed by the Council Chairperson with the approval of a majority of the Council, except that when the need arises between regular meetings of the Council, the Chairperson may fill vacancies and/or appoint temporary committee members or a temporary committee Chairperson. Any person so appointed by the Chairperson between regular meetings of the Council shall have full and complete authority to vote and carry out the duties of regular committee members until the next regular Council meeting or such shorter period of time as the Chairperson shall determine. The authority of the person appointed by the Chairperson between regular meetings of the Council may not extend past the next regular meeting unless confirmed by a majority of the Council. If a majority of the Council does not confirm the person appointed for future service on the committee, this shall in no way affect the validity of the actions taken by such person during the period between regular meetings of the Council.

Specific Authority 186.505 FS. Law Implemented 186.505 FS. History—New _____.

29F-1.112 Staff.

(1) The Council shall employ and set the compensation of an Executive Director, who shall serve at the pleasure of the Council.

(a) The Executive Director may be dismissed by the Council provided, however, that said dismissal shall have been initiated at a regular meeting of the Council in accordance with the following procedure:

1. The question of dismissing the Executive Director shall be raised by a representative of the Council at a regular meeting of the Council;

2. The question of dismissal of the Executive Director must be approved by the Council for inclusion on the agenda of the next regular meeting of the Council;

3. The agenda in which a motion for dismissal is included shall be published not less than 7 days in advance of the regular Council meeting at which the proposal for dismissal shall be considered by the Council;

4. The notice and agenda of said Council meeting shall be mailed to each Council representative at least 7 days in advance of the meeting;

5. Any motion for dismissal of the Executive Director must be approved by a majority of Council representatives present at the meeting.

(2) The Executive Director shall employ and discharge professional, technical, or clerical staff as may be necessary to carry out the purpose of the Council. The Executive Director

may make agreements with other agencies, within or without the geographic boundaries of the region, for temporary transfer, loan or other cooperative use of staff employees and, with the consent of the Council or pursuant to procedures established by the Council, may acquire the services of consultants.

(3) The Executive Director shall be responsible to the Council for supervising and administering the work program of the Council, including preparation of a proposed annual budget, for administration and supervision of Council employees, and for acquiring employee benefit coverages.

(4) The Executive Director shall act as assistant to the Council officers in performing their duties and shall, at the direction of the Secretary-Treasurer, prepare minutes of each meeting and be responsible for distributing copies to members of the Council, and shall perform such other duties and responsibilities as directed by the Council.

(5) The Executive Director shall be an ex-officio member of all Council committees.

(6) The Executive Director shall act as agency clerk.

Specific Authority 186.505 FS. Law Implemented 186.505 FS. History--New

29F-1.113 Plans, Studies, Activities, and Reports.

(1) In the event one or more governmental units or public agencies within the Region should desire the Council staff to conduct special studies or activities pertaining to a portion of the entire Region, they may make application to the Council by ordinance, resolution, rule or order, wherein the applying entities bind themselves to pay all costs involved in the study or activity. If the Council deems the study or activity feasible, it may enter into a separate contract with the particular entity to conduct same.

(2) The Council shall prepare an annual report on its activities. Copies of this report shall be provided to the appropriate State entities and all general-purpose local governments within the Region. Copies of the report will also be available to interested persons upon payment of the cost to produce the report.

(3) The Council shall make reports jointly with other regional planning councils to the appropriate legislative committees, as required or requested.

(4) The Council shall annually prepare an accounting of the receipts and disbursements of all funds received by the Council for its preceding fiscal year. This accounting shall be rendered in accordance with Section 186.505(8).

Specific Authority 186.505 FS. Law Implemented 186.505 FS. History--New

29F-1.114 Dissolution.

In the event that the Council is dissolved, any funds remaining on hand belonging to the Council will be repaid to the various member local governments comprising the Council in proportion to their contribution during the year of such dissolution, exclusive of financial obligations incurred by the Council up until the time of dissolution.

Specific Authority 186.505 FS. Law Implemented 186.505 FS. History--New

29F-1.115 Information Request.

(1) The principal office of the East Central Florida Regional Planning Council is located at 1011 Wymore Road, Suite 105, Winter Park, Florida 32789. All official forms, publications, or documents are available for public inspection at the Council's principal office during regular business hours.

(2) Copies of the Council's forms, publications and official documents prepared for public dissemination are available as follows:

(a) Public agencies, defined as those organizations representing the public government agencies situated in the State of Florida, receive printed Council publications at no charge;

(b) Private organizations situated in Florida and all parties outside of Florida can receive printed Council publications at cost;

(c) Both private organizations and public agencies can receive Council forms and documents at cost;

(d) Council publications out of print or forms and documents are available for public inspection at the Council's principal office. Any person wishing photocopies may receive them at cost.

(3) Photocopies of other items in the public record of the Council may be obtained at cost.

Specific Authority 186.505 FS. Law Implemented 186.505 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sandra Glenn, Executive Director

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Hon. Larry Whaley, Chairman, ECFRPC

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 21, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 16, 1999

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DOCKET NO: 99-16R

RULE TITLE: RULE NO.:

Federal Regulations Adopted by Reference 62-204.800

PURPOSE, EFFECT AND SUMMARY: The proposed rule amendments adopt by reference 40 CFR 60, Subpart Ce, Emission Guidelines and Compliance Times for Hospital/Medical/Infectious Waste Incinerators, promulgated by the U.S. Environmental Protection Agency on September 15, 1997, 62 FR 48379. The proposed amendments also establish a deadline for the submittal of compliance schedules and Title V applications applicable to existing hospital/medical/infectious waste incinerators.

SPECIFIC AUTHORITY: 403.061, 403.8055 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087 FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 403.8055, FS.

SUBSTANTIALLY AFFECTED PERSONS MAY FILE OBJECTIONS WITH THE ENVIRONMENTAL REGULATION COMMISSION AT THE FOLLOWING ADDRESS: 3900 Commonwealth Boulevard, Mail Station 18, Tallahassee, Florida 32399-3000, Attention: Jacki McGorty. Objections must be received within 14 days of publication of this notice and must specify the portions of the proposed rule to which the person objects and the reason for the objection. Objections, which are frivolous, will not be considered sufficient to prohibit adoption of the rule as published.

WRITTEN COMMENTS: The Secretary of the Department of Environmental Protection will consider written comments received within 21 days of publication of this notice. Comments should be submitted to: Mr. Michael Hewett, Division of Air Resource Management, Department of Environmental Protection, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400

THE FULL TEXT OF THE PROPOSED RULE IS:

62-204.800 Federal Regulations Adopted by Reference.

(8) Chapter 40, Code of Federal Regulations, Part 60, Subpart C, Emission Guidelines and Compliance Times.

(d) Hospital/Medical/Infectious Waste Incinerators. 40 CFR 60, Subpart Ce, Emission Guidelines and Compliance Times for Hospital/Medical/Infectious Waste Incinerators, promulgated September 15, 1997, 62 FR 48379, is hereby adopted and incorporated by reference, effective September 1, 1999, subject to the following provisions.

1. Applicability. The applicability of Rule 62-204.800(8)(d), F.A.C., shall be the same as set forth in 40 CFR 60.32e.

2. Definitions. The terms used but not defined in 40 CFR 60, Subpart Ce, have the meaning given them in the Clean Air Act and in 40 CFR 60, Subparts A, B and Ec.

3. Emission Limiting Standards.

a. The opacity limit applicable to each hospital/medical/infectious waste incinerator subject to Rule 62-204.800(8)(d), F.A.C., shall be the same as set forth in 40 CFR 60.52c(b).

b. Except as provided for in Rule 62-204.800(8)(d)3.c., F.A.C., the emission limits applicable to each small, medium and large hospital/medical/infectious waste incinerator subject to Rule 62-204.800(8)(d), F.A.C., shall be the same as set forth in Table 1 of 40 CFR 60, Subpart Ce.

c. The emission limits applicable to each small hospital/medical/infectious waste incinerator, subject to Rule 62-204.800(8)(d), F.A.C., located more than 50 miles from the boundary of the nearest Standard Metropolitan Statistical Area (defined in 40 CFR 60.31e), and which burns less than 2,000 pounds per week of hospital waste and medical/infectious waste, shall be the same as set forth in Table 2 of 40 CFR 60, Subpart Ce. The 2,000 pound per week limitation shall not apply during performance tests.

4. Operator Training and Qualification. The operator training and qualification requirements applicable to each hospital/medical/infectious waste incinerator subject to Rule 62-204.800(8)(d), F.A.C., shall be the same as set forth in 40 CFR 60.53c.

5. Waste Management. The waste management plan requirements applicable to each hospital/medical/infectious waste incinerator subject to Rule 62-204.800(8)(d), F.A.C., shall be the same as set forth in 40 CFR 60.55c.

6. Inspection. Each small hospital/medical/infectious waste incinerator subject to the emission limits under Rule 62-204.800(8)(d)3.c., F.A.C., shall comply with the inspection requirements and inspection schedule set forth in 40 CFR 60.36e.

7. Compliance and Performance Testing.

a. Except as provided for under Rule 62-204.800(8)(d)7.b., F.A.C., the compliance and performance testing requirements applicable to each hospital/medical/infectious waste incinerator subject to Rule 62-204.800(8)(d), F.A.C., shall be the same as set forth in 40 CFR 60.56c, excluding the fugitive emissions testing requirements under 40 CFR 60.56c(b)(12) and (c)(3).

b. Each small hospital/medical/infectious waste incinerator subject to the emission limits under Rule 62-204.800(8)(d)3.c., F.A.C., shall comply with the compliance and performance testing requirements set forth in 40 CFR 60.37e(b).

8. Monitoring.

a. Except as provided for under Rule 62-204.800(8)(d)8.b., F.A.C., the monitoring requirements applicable to each hospital/medical/infectious waste incinerator subject to Rule 62-204.800(8)(d), F.A.C., shall be the same as set forth in 40 CFR 60.57c.

b. Each small hospital/medical/infectious waste incinerator subject to the emission limits under Rule 62-204.800(8)(d)3.c., F.A.C., shall comply with the monitoring requirements set forth in 40 CFR 60.37e(d).

9. Reporting and Recordkeeping.

a. The reporting and recordkeeping requirements applicable to each hospital/medical/infectious waste incinerator subject to Rule 62-204.800(8)(d), F.A.C., shall be the same as set forth in 40 CFR 60.58c(b), (c), (d), (e), and (f), excluding 60.58c(b)(2)(ii) and (b)(7).

b. In addition to the requirements of Rule 62-204.800(8)(d)9.a., F.A.C., each small hospital/medical/infectious waste incinerator subject to the emission limits under Rule 62-204.800(8)(d)3.c., F.A.C., shall comply with the reporting and recordkeeping requirements set forth in 40 CFR 60.38e(b).

10. Compliance Times.

a. Each hospital/medical infectious waste incinerator subject to Rule 62-204.800(8)(d), F.A.C., shall comply with the operator training and qualification requirements of Rule 62-204.800(8)(d)4., F.A.C., according to the schedule set forth in 40 CFR 60.39e(e).

b. Each small hospital/medical/infectious waste incinerator subject to the emission limits under Rule 62-204.800(8)(d)3.c., F.A.C., shall comply with the inspection requirements of Rule 62-204.800(8)(d)6., F.A.C., according to the schedule set forth in 40 CFR 60.39e(e).

c. Except as provided for under Rule 62-204.800(8)(d)10.d., F.A.C., each hospital/medical/infectious waste incinerator subject to Rule 62-204.800(8)(d), F.A.C., shall comply with all remaining requirements of Rule 62-204.800(8)(d), F.A.C., according to the schedule set forth in 40 CFR 60.39e(b).

d. Each hospital/medical/infectious waste incinerator subject to Rule 62-204.800(8)(d), F.A.C., that chooses to comply with the alternate schedule set forth in 40 CFR 60.39e(c), shall submit to the Department the information specified in 40 CFR 60.39e(d)(1)(i) and (ii) as part of the permit application required pursuant to Rule 62-204.800(8)(d)11., F.A.C.

11. Permit Application Deadline. Any hospital/medical/infectious waste incinerator subject to Rule 62-204.800(8)(d), F.A.C., is subject to the permitting requirements of Chapter 62-213, F.A.C. Any hospital/medical/infectious waste incinerator that becomes subject to the permitting requirements of Chapter 62-213, F.A.C., for the first time solely because it is subject to Rule 62-204.800(8)(d), F.A.C., shall file an application for an operation permit under the requirements of Chapter 62-213, F.A.C., no later than May 1, 2000, unless the facility will cease operations permanently within one year of the U.S. Environmental Protection Agency's approval of the Florida Department of Environmental Protection's 40 CFR 60, subpart Ce implementation plan, in which case an application

for an operation permit under the requirements of Chapter 62-213, F.A.C., shall not be required. Any hospital/medical/infectious waste incinerator that has previously filed an application for an operation permit under the requirements of Chapter 62-213, F.A.C., shall file an amendment to its application (if the permit has not been issued) or an application for a permit revision no later than May 1, 2000.

Specific Authority 403.061, 403.8055 FS. Law Implemented 403.031, 403.061, 403.087 FS. History—New 3-13-96, Amended 6-25-96, 10-7-96, 10-17-96, 12-20-96, 4-18-97, 6-18-97, 7-7-97, 10-3-97, 12-10-97, 3-2-98, 4-07-98, 5-20-98, 6-8-98, 10-19-98, 4-1-99.

NAME OF PERSON ORIGINATING PROPOSED RULE: Larry George, Administrator, Office of Policy Analysis and Program Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Howard L. Rhodes, Director, Division of Air Resource Management

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

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE TITLE:

RULE NO.:

Exemption of Spouse of Member of Armed Forces from License Renewal Requirements

64B11-5.0065

PURPOSE AND EFFECT: The Board proposes to create a new rule to address a spouse's exemption from license renewal if he or she is a member of the armed forces.

SUMMARY: The Board approved for a new rule to be promulgated which will set forth language that a spouse of a member of the armed forces will be exempt from the license renewal requirements.

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

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

SPECIFIC AUTHORITY: 455.207(2), 468.204 FS.

LAW IMPLEMENTED: 455.507(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Occupational Therapy /MQA, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-5.0065 Exemption of Spouse of Member of Armed Forces from License Renewal Requirements.

A licensee who is the spouse of a member of the armed forces of the United States and was caused to absent from the State of Florida because of the spouse's duties with the armed forces and who at the time the absence became necessary was in good standing with the Board of Occupational Therapy and entitled to practice as an Occupational Therapist or Occupational Therapist Assistant in Florida shall be exempt from all licensure renewal provisions. The licensee must document the absence and the spouse's military status to the Board.

Specific Authority 455.507(2), 468.204 FS. Law Implemented 455.507(2) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Occupational Therapy
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Occupational Therapy
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 14, 1999
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 28, 1999

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLES:	RULE NOS.:
Legal Base and Authority	65A-24.012
Administrative Responsibilities	65A-24.013
Terms, Definitions, Abbreviations, Acronyms	65A-24.014
General Eligibility	65A-24.015
Eligible Categories	65A-24.016
Time Limitations for Program Administration	65A-24.017
Ineligible Categories of Assistance	65A-24.018
Reconsideration Review and State Fair Hearing	65A-24.019
Fraud, Duplication of Benefits, Grant Misapplication, Exemptions from Garnishment	65A-24.020
Applications, Locations, Time Limitations	65A-24.023
Document, Substantiate, Verify	65A-24.024

PURPOSE AND EFFECT: These proposed rule amendments correct statutory, technical and rule content deficiencies. The proposed amendments are the result of a rule review conducted to specifically identify obsolete and redundant rule text and inappropriate statutory, federal regulation or rule citations within these rules.

SUMMARY: 65A-24.012 – Federal statute and regulation citations and the name of the department are updated; 65A-24.013 – the entire rule is repealed; 65A-24.014 – the definitions of “legally married”, “Adequate Flood Insurance” and “Verify” are amended; minor grammatical corrections are made; the definition of “National Flood Insurance program” is expanded; and, the definitions of “Administrative Panel” and

“Generic Rooms” are removed; 65A-24.015 – Federal statute and regulation citations and the address of the Grant Coordinating Officer are updated; 65A-24.016 – statements about qualifying housing repairs, personal property and flood insurance are amended; 65A-24.017 – A federal regulation citation is updated; 65A-24.018 – Statements about ineligible expenses are amended or added in regard to improvements and additions, property for secondary or vacation homes, and food with some minor rewording in other statements; 65A-24.019 – The name of the appeal hearing office is updated; statements about an administrative review panel are removed; and statements about fair hearings/appeals are simplified; 65A-24.020 – A federal regulation citation is updated; 65A-24.023 – Statements about civil rights information are removed; and 65A-24.024 – The address for obtaining the State Administrative Plan is updated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.35 FS.

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

TIME AND DATE: 11:00 a.m., July 19, 1999

PLACE: Building 3, Room 414, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Wilbur Williams, Coordinator for Special Programs, 1317 Winewood Boulevard, Building 3, Room 412J, Tallahassee, Florida 32399-0700

THE FULL TEXT OF THE PROPOSED RULES IS:

- 65A-24.012 Legal Base and Authority.
 - (1) Federal
 - (a) No change.
 - (b) Section ~~411 408~~ of P. L. 93-288, Individual and Family Grant Program.
 - (c) through (d) No change.
 - (e) Federal Emergency Management Agency Regulation 44 CFR ~~206.131, IFG Subpart E 205-54~~.
 - (2) State
 - (a) No change.
 - (b) Section ~~414.35 409-60~~, Florida Statutes, Emergency ~~Disaster~~ Relief.
 - (c) No change.
 - (d) Section 20.19, Florida Statutes, Department of ~~Children Health and Family Rehabilitative~~ Children Health and Family Rehabilitative Services.

(e) Section 216.212, Florida Statutes, Budgets for federal funds; restrictions on expenditure of federal funds restricted.

(f) through (g) No change.

Specific Authority 414.45 FS. Law Implemented 414.35 FS. History—New 10-1-87, Formerly 10C-24.012, Amended.

65A-24.013 Administrative Responsibilities.

Specific Authority 414.45 FS. Law Implemented 414.35 FS. History—New 10-1-87, Formerly 10C-24.013, Repealed.

65A-24.014 Terms, Definitions, Abbreviations, Acronyms.

(1) through (2) No change.

(3) Family – A social unit living together and comprised of:

(a) Legally married individuals or those couples living together as if they were married persons in a common law arrangement and their dependents; or

(b) through (c) No change.

(4) Dependent – A person who is normally claimed as such on the Federal tax ~~r~~Return of another, according to the Internal Revenue Code. It may also mean the minor children of a couple not living together where the children live in the affected residence with the parent who does not actually claim them on the tax return.

(5) No change.

(6) Assistance from Other Means – Assistance including monetary or in-kind contributions, from: other Federal, State or local governmental programs; insurance; voluntary or charitable organizations; or from any sources other than those of the individual or family. It does not include expendable items, as defined in this rule.

(7) through (20) No change.

(21) National Flood Insurance Program, – NFIP – the program of flood insurance coverage and floodplain management administreed under the Act (the National Flood Insurance Act of 1968) and applicable Federal regulations in 44 CFR, Subchapter B.

(22) through (23) No change.

~~(24) Administrative Panel — One or more professional employees from the Department of Children and Family Services who will determine grant eligibility, items, services, and amounts to be awarded. These individuals may not be application nor verification staff.~~

~~(24)(25) Temporary Housing Assistance Program – No other changes.~~

~~(25)(26) Minimal Repair Program, MRP – No other changes.~~

~~(26)(27) Incidence Period – No other changes.~~

~~(27)(28) Emergency – No other changes.~~

~~(28)(29) IFG Program Manager – No other changes.~~

~~(29)(30) Expendable Items – No other changes.~~

~~(30)(31) Flowage Easement – No other changes.~~

~~(31)(32) Designated Area – No other changes.~~

~~(32)(33) Financial Assistance for Acquisition or Constructive Purpose – No other changes.~~

~~(33)(34) Immediate Threat – No other changes.~~

~~(34)(35) Primary Residence – No other changes.~~

~~(34)(35) Primary Residence – No other changes.~~

~~(35)(36) Essential Living Area – No other changes.~~

~~(36)(37) Destroyed – No other changes.~~

~~(38) Generic Room — A standard, average room with floors, walls, ceiling, entry and windows.~~

~~(37)(39) Adequate Flood Insurance – A flood insurance policy that will ~~which~~ covers real or personal property, or both, up to the amount of the maximum IFG program grant award \$5,000 building and \$2,000 contents for homeowners or \$5,000 contents for renters.~~

~~(38)(40) Document – No other changes.~~

~~(37) Destroyed – No other changes.~~

~~(39)(41) Verify – To confirm the accuracy of information through a source other than the individual. Verification may be secured on the telephone, in written form, ~~or~~ by personal contact, or, in the case of necessary expenses and services needs, verified by an on-site inspection.~~

~~(40)(42) Substantiate – No other changes.~~

Specific Authority 414.45 FS. Law Implemented 414.35 FS. History—New 10-1-87, Formerly 10C-24.014, Amended.

65A-24.015 General Eligibility.

To qualify for a grant an individual or family representative must:

(1) through (4) No change.

(5) Meet all requirements as contained in:

(a) Federal Register, Volume 51, No. 178, September 15, 1986, pages 32642 through 32651. Federal Emergency Management Agency, 44 CFR Part 206.131 ~~205~~, Individual and Family Grant Programs, as amended by P.L. 100-707; hereby incorporated by reference;

(b) No change.

(c) FEMA ~~Federal Emergency Management Agency~~ Memorandum dated Sep 4, 1987, Subject: Comments on Proposed IFG Regulation, hereby incorporated by reference;

(d) through (f) No change;

(g) Individual and Family Grant Program State Administrative Plan approved by the Federal Emergency Management Agency for each individual disaster, including all amendments made thereto for each disaster. Copies may be obtained following the submission to and approval of FEMA ~~by the Federal Emergency Management Agency~~ for each disaster, by contacting the Grant Coordinating Officer or Program Administrator, Public Assistance Policy Development and Training, Department of Children and Family Services, 1317 Winewood Boulevard, Building 1 6, Room 203B 441, Tallahassee, Florida 32399-0700.

(6) Individuals or families who incur a necessary expense or serious need in the major disaster area may be eligible for assistance without regard to their alienage, their residency in the major disaster area, or their residing in the state, except that for assistance in the "housing" category, where ownership and residency in the declared disaster area are required.

Specific Authority 414.45 FS. Law Implemented 414.35 FS. History--New 10-1-87, Formerly 10C-24.015, Amended.

65A-24.016 Eligible Categories.

Assistance shall be made available to meet necessary expenses or serious needs by providing essential items or services in the following categories:

(1) Housing. With respect to primary residences, including mobile homes, that which are owner-occupied at the time of the disaster, grants shall be authorized to:

(a) Repair, replace, or rebuild the residence, including costs associated with a mobile home (developing a mobile home site, towing, connecting to utilities and setting up the home);

(b) Provide access to the residence (including repair or replacement of private roads or bridges serving one or more than one family);

(c) Clean and ~~or~~ make sanitary;

(d) Remove debris from the such residences if the debris constitutes a health or safety hazard to the resident or threatens to cause additional damage to the residence;

(e) Provide ~~or take~~ minimal protective measures to protect against the immediate threat of damage (including moving mobile homes to prevent or reduce damage); and

(f) Implement hazard mitigation ~~Minimization~~ measures.

(2) through (5) No change.

(6) Cost of a three ~~the first~~ year's flood insurance premium to meet the requirements of adequate flood insurance as defined in 65A-24.014, F.A.C.

(7) No change.

(8) Other items that may be determined necessary on a case-by-case basis such as expenses as are determined by the Administrative Panel as necessary to meet a serious family need.

Specific Authority 414.45 FS. Law Implemented 414.35 FS. History--New 10-1-87, Formerly 10C-24.016, Amended.

65A-24.017 Time Limitations for Program Administration.

The following time limits will be adhered to during the operation of this program.

(1) As per federal regulation 44 CFR 206.131(j)(1)(i) ~~205.54(vii)(f)~~, the Governor may indicate his intention to implement the IFG Program in his initial request for major disaster declaration or by separate letter no later than seven days following the day on which the major disaster was declared.

(2) No change.

Specific Authority 414.45 FS. Law Implemented 414.35 FS. History--New 10-1-87, Formerly 10C-24.017, Amended.

65A-24.018 Ineligible Categories of Assistance.

Grants will not be authorized for any item or service in the following categories:

(1) No change.

(2) Improvements or additions to real or personal property, except where state or local codes require such upgrading as required by under the category of "minimization measures";

(3) Landscaping;

(4) Real property for secondary or vacation homes;

(5)~~(4)~~ No other changes.

(6)~~(5)~~ No other changes.

(7) Food;

(8)~~(6)~~ To purchase items that can be or services generally characterized as nonessential, luxury or decorative;

(9)~~(7)~~ No other changes.

(10)~~(8)~~ Cover serious needs and necessary expenses for which assistance from other sources has been offered or received; and

(11)~~(9)~~ Engage in Conduct any activities prohibited by law.

Specific Authority 414.45 FS. Law Implemented 414.35 FS. History--New 10-1-87, Formerly 10C-24.018, Amended.

65A-24.019 Reconsideration Review and State Fair Hearing.

(1) Right of Appeal. Any decision regarding eligibility for, or amount of assistance may be appealed within 60 days after the date on which the applicant for such assistance is notified of the award or denial of award of such assistance. Purpose. In order to provide the individual or family with a detailed explanation of the Department's proposed action, an opportunity for a reconsideration review of the proposed action will be provided, upon request. The affected individual or family and representative will be allowed an opportunity to discuss the proposed action with a Department representative or Administrative Panel member and present any additional pertinent information or evidence. An additional purpose of the Reconsideration Review is to provide an initial mediation step that may possibly eliminate the need to resort to a State Fair Hearing. The State Fair Hearing entails a considerable length of time and would not provide a rapid means of responding to an appeal request in a timely manner consistent with the immediate urgency of the program.

(2) Reconsideration Review Request. At the applicant's written request, either separate from or as an initial step in an appeal, the Individual and Family Grant Program will review the state's determination of eligibility or grant amount and notify the applicant of the results of this reconsideration review. The individual requesting Reconsideration Review

must do so in person or in writing to the specified office within 10 days of the dates shown on the Federal Emergency Management Agencies rejection or approval notice.

~~(3) Scheduling Reconsideration Review. Upon receiving a request for a Reconsideration Review, the Administrative Panel will schedule a review to be held within 15 days of receiving the request.~~

~~(4) Reconsideration Review Decision. The review by the Administrative Panel will include the initial action taken and any additional information submitted that is necessary to make an objective decision. The Administrative Panel will notify the individual of the decision and issue appropriate forms for action required.~~

~~(5) Fair Hearing. The individual must be advised of his right to have his case reviewed by a Fair Hearing Officer instead of a Reconsideration Review or following such, but may not request a Reconsideration Review following a State Fair hearing.~~

~~(3)(6) State Fair Hearing. The individual must be advised of his right to have his case reviewed by a Fair Hearing Officer. At the applicant's written If specifically requested by the individual, a face-to-face hearing will be conducted by a State Hearing Officer from the Office of Public Assistance Appeal Hearings Section. The individual will be informed that such an appeal may result in a delay in reaching a final decision up to 3 months from the date of the request.~~

~~(4)(7) Fair Hearing Decision. The decision of the State Hearing Officer may uphold, reverse or modify the decision rendered by the IFGP Administrative Panel and the decision will be final and binding, unless changed by judicial action by a court of competent jurisdiction.~~

~~(5)(8) No other changes.~~

~~(6)(9) No other changes.~~

Specific Authority 414.45 FS. Law Implemented 414.35 FS. History--New 10-1-87, Formerly 10C-24.019, Amended _____.

65A-24.020 Fraud, Duplication of Benefits, Grant Misapplication, Exemptions from Garnishment.

(1) through (5) No change.

(6) Exemptions from Garnishment. As provided in 44 CFR ~~206.131~~ ~~205.54~~ all proceeds received or receivable under the IFG Program shall be exempt from garnishment, seizures, encumbrance, levy, execution, pledge, attachment, release, or waiver. No rights under this provision shall be assignable or transferable. The exemptions listed above will not apply to the state recovering grant funds obtained fraudulently, grants expended for unauthorized items or services, grants expended for items for which assistance is received from other means and grants not expended or committed as of the date the State requests Federal reimbursement and grants authorized for acquisition or construction purposes where proof of purchase of flood insurance has not been provided to the state as required.

Specific Authority 414.45 FS. Law Implemented 414.35 FS. History--New 10-1-87, Formerly 10C-24.020, Amended _____.

65A-24.023 Applications, Locations, Time Limitations.

(1) Applications. An application is a specific written request on the designated FEMA application form, which has been signed by the applicant, with the exception of telephone applications, to have his eligibility determined. The applicant must be informed of categories of assistance, penalties for fraud, right to appeal and to have a fair hearing, ~~and the Civil Rights provisions.~~ An applicant may withdraw the application at any time without affecting the right to reapply during the time period established for receiving applications. The applicant is responsible to keep appointments with staff and furnish information, documentation and verification needed to establish eligibility within time periods specified.

(2) through (3) No change.

Specific Authority 414.45 FS. Law Implemented 414.35 FS. History--New 10-1-87, Formerly 10C-24.023, Amended _____.

65A-24.024 Document, Substantiate, Verify.

(1) Applicants shall be required to provide documentation to the Department such as, ~~but not limited to,~~ estimates, receipts, bills, titles, deeds, award letters and insurance payoffs and policies applicable to the category of assistance as required by the program and as specified within the approved State Administrative Plan for each disaster. The State Administrative Plan is maintained by the Grant Coordinating Officer ~~Public Assistance Policy Development and Training section,~~ Department of Children and Family Services, at 1317 Winewood Boulevard, Building 1 6, Room 203B 441, Tallahassee, Florida 32399-0700.

(2) through (6) No change.

Specific Authority 414.45 FS. Law Implemented 414.35 FS. History--New 10-1-87, Formerly 10C-24.024, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rodney McInnis and Tab Bush

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Audrey Mitchell, Program Administrator, Public Assistance Policy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 14, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 30, 1999

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-21.002
Application and Selection Process for Loans	67-21.003
Applicant Administrative Appeal Process	67-21.0035
Selection Criteria and Guidelines for Selection of Developments	67-21.004
Determination of Method of Bond Sale	67-21.0045

Selection of Qualified Lending
 Institutions as Credit Underwriters,
 Originators or Servicers 67-21.005
 Development Requirements 67-21.006
 Fees 67-21.007
 Terms and Conditions of Loans 67-21.008
 Interest Rate on Mortgage Loans 67-21.009
 Issuance of Revenue Bonds 67-21.010
 No Discrimination 67-21.011
 Advertisements 67-21.012
 Private Placements of Multifamily
 Mortgage Revenue Bonds 67-21.013
 Credit Underwriting Procedures 67-21.014
 Use of Bonds with other Affordable
 Housing Finance Programs 67-21.015
 Compliance Procedures 67-21.016
 Transfer of Ownership 67-21.017
 Refundings and Troubled
 Development Review 67-21.018
 Issuance of Bonds for 501(c)(3)'s 67-21.019

PURPOSE AND EFFECT: The purpose of Rule Chapter 67-21, Florida Administrative Code (F.A.C.), is to establish the procedures by which the Florida Housing Finance Corporation shall administer the application process, determine loan amounts and issue multifamily mortgage revenue bonds for new construction or substantial rehabilitation of affordable rental units under the Multifamily Mortgage Revenue Bond Program.

SUMMARY: Prior to the opening of an Application Cycle, the Corporation (1) researches the market need for affordable housing throughout the state of Florida and (2) evaluates prior application cycles to determine what changes or additions should be made to the Rule or Application. The proposed amendments to the Rule and adopted reference material include changes that will create a formulated process for selecting Developments that apply for funding in 2000 application cycle.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 420.507, 420.508 FS.

LAW IMPLEMENTED: 420.502, 420.503, 420.507, 420.508, 420.509 FS.

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

DATE AND TIME: 2:00 p.m., July 12, 1999

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, 6th Floor, Seltzer Room, 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, (850)488-4197

THE FULL TEXT OF THE PROPOSED RULES IS:

67-21.002 Definitions.

(1) "Acknowledgment Resolution" means the official action taken by Florida Housing to reflect its intent to attempt to finance a Development provided that the requirements of Florida Housing, the terms of the Loan Commitment, and the terms of the Credit Underwriting Report are met. Such official action shall ~~will~~ not be taken until Florida Housing has received the information necessary to make the findings required by the Code and the Act.

(2) "Act" means the Florida Housing Finance Corporation Act, sections 420.501 through 420.517, Florida Statutes, as amended.

(3) "Affiliate" means any person that (i) directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with the Applicant (ii) serves as an officer or director of the Applicant or of any Affiliate of the Applicant, or (iii) is the spouse, parent, child, sibling, or relative by marriage of a person described in (i) or (ii) above.

(4)(3) "Annual Recertification" means the compilation of the gross income of all persons or families qualified as lower-income tenants to continue to meet the requirements established in section 142(d) of the Code.

(5)(4) "Annual Household Income" means the gross income of a person, together with the gross income of all persons who intend to permanently reside with such person in the Development to be financed by Florida Housing, annual household income to be defined as that income as of the date of occupancy shown on the income certification promulgated from time to time by Florida Housing.

(6) "Applicant" means any person or entity, for profit or not-for profit, that is seeking a loan from Florida Housing for a multifamily Development and that has agreed to subject itself to the regulatory powers of Florida Housing by submitting an Application.

(7)(5) "Application" means the completed Form MFMRB2000 ~~MRMRB2000~~ and its appendices together with exhibits ~~and the Application Fee~~ submitted to Florida Housing by the Applicant ~~Developer~~ in accordance with the provisions of this Rule Chapter and in the Application in order to apply for the Multifamily Bond Program.

(8)(6) "Application Fee" means the non-refundable application fee to Florida Housing in an amount ~~not to exceed one percent of the requested Loan amount and~~ as listed in 67-21.007 established in the Application.

~~(7)~~ "Application Review" means the review of all applications by Florida Housing staff wherein a determination is made as to whether any application is complete.

~~(9)~~~~(8)~~ "Authorized Investments" means any of the following securities:

(a) Investments permitted under s. 215.47(1) and (2), without regard to any limitations set forth therein.

(b) Investment agreements the issuer of which is rated or the guarantor of which is rated in one of the three highest rating categories by a nationally recognized rating service.

~~(10)~~~~(9)~~ "Board" or Board of Directors means the Board of Directors of Florida Housing.

~~(11)~~~~(10)~~ "Bond Counsel" means the ~~nationally recognized~~ attorney or law firm retained by Florida Housing to serve the specialized function generally described in the industry as bond counsel.

~~(12)~~~~(11)~~ "Bonds" or "Revenue Bonds" means the Bonds of Florida Housing issued to finance Mortgage Loans, including any Bond, debenture, note, or other evidence of financial indebtedness issued by Florida Housing under and pursuant to the Act.

~~(13)~~~~(12)~~ "Bond Trustee" or "Trustee" means a financial institution with trust powers which acts in a fiduciary capacity for the benefit of the bond holders, and in some instances Florida Housing, in enforcing the terms of the Program Documents.

~~(14)~~~~(13)~~ "Code" is the Internal Revenue Code of 1986, as amended, or similar predecessor or successor provisions applicable to a Development to be financed under this rule, together with corresponding and applicable final, temporary or proposed regulations and revenue rulings issued or amended with respect thereto by the Treasury Department or Internal Revenue Service of the United States.

(15) "Completeness and Threshold Check" or "CTC" means the examination of the Application by a Credit Underwriter assigned by FHFC. This examination shall determine if all required information has been provided in the Application. Simultaneously, the Credit Underwriter shall verify and analyze all information in accordance with the Completeness and Threshold Check List found in Appendix A of the Application.

(16) "Contact Person" means a person with decision-making authority for the Applicant, Developer, or owner of the Development with whom the Corporation will correspond concerning the Application and the Development.

(17) "Corporation" or "Florida Housing" or "FHFC" means the Florida Housing Finance Corporation created pursuant to the Act.

~~(18)~~~~(14)~~ "Cost of Issuance Fee" means the fee charged by Florida Housing to the Applicant for the payment of the costs and expenses associated with the sale of Bonds and the loaning of the proceeds, including a fee for Florida Housing.

~~(19)~~~~(15)~~ "Credit Enhancement or Guarantee Instrument" means a letter of credit, third party guarantee, insurance contract or other collateral or security pledged to Florida Housing or its Trustee for a minimum of ten years by a third party Credit Enhancer or financial institution securing, or insuring or guaranteeing the repayment of the mortgage loan or Bonds under Florida Housing's Program. A Credit Enhancement or Guarantee Instrument of less than ten years must be approved by the Board prior to being accepted to secure any Bonds.

~~(20)~~~~(16)~~ "Credit Enhancer" means a financial institution, insurer or other third party which provides a Credit Enhancement or Guarantee Instrument acceptable to Florida Housing securing repayment of the Mortgage Loan or Bonds issued pursuant to Florida Housing's Program.

~~(21)~~~~(17)~~ "Credit Underwriter" means the legal representative under contract with Florida Housing having the responsibility for providing stated agreed-upon credit underwriting services. Such services shall include, for example, a comprehensive analysis of the Applicant, the real estate, the economics, but not be limited to, reviewing the financial feasibility and viability of the Developments, the ability of the Applicant and the Development team to proceed, and the evidence of need for affordable housing in order to determine that the Development meets the Program requirements. The Credit Underwriter shall determine a recommended Bond amount and, at the direction of Florida Housing, recommending to Florida Housing the maximum amount of a Loan that should be made to a Development, whether an initial loan or a refunding, or the expected net operating income of the Development.

~~(22)~~~~(18)~~ "Credit Underwriting Report" means a report that is produced follows the Threshold Check and includes recommendations or suggestions submitted by the Credit Underwriter designated by Florida Housing and includes a thorough analysis of the proposed Development and a statement as to whether a loan is recommended, and if so, the amount recommended to review such information. The Credit Underwriter or Florida Housing may request such information as is necessary to properly analyze the credit risk being presented to Florida Housing and/or the bondholders. The Applicant Developer shall pay the cost of such credit underwriting in addition to any other fees payable to Florida Housing in conjunction with the Application and Program financing.

~~(19)~~ "Cross-collateralization" means the ~~pledging of the security of one Development to the obligations of another development.~~

~~(23)~~~~(20)~~ "Demonstration Development" shall mean a development which provides a unique, demonstrated benefit to a population or area not adequately served by existing Florida Housing programs, and which Ddevelopment may serve as a replicable model for future Florida Housing programs.

(24) "Developer" means any individual, association, corporation, joint venturer or partnership which possesses the requisite skill, experience, and credit worthiness to successfully produce affordable multifamily housing pursuant to this Rule Chapter. The Developer, as identified in an Application, may not change until the Development is complete.

~~(21) "Developer, Applicant or Borrower" are considered synonymous for the purposes of this rule, depending upon the stage of the loan process and shall be considered to apply to related entities as determined by Florida Housing and shall mean any individual, association, corporation, joint venturer or partnership that is a sponsor or financial beneficiary of a multifamily Development and that is requesting a loan from Florida Housing for such Development and that has agreed to subject itself to the regulatory powers of Florida Housing by submitting an Application.~~

(25)(22) "Developer Fees" means the fee earned by the Developer of a Development. Developer Fees include Developer overhead, Developer profit, and the contingency reserve. Developer Fees are not included in the calculation of Total Development Costs. For new construction Developments, Developer fees shall be limited to 20 percent of Total Development Costs, excluding land costs and any reserves required by lenders. For acquisition and rehabilitation Developments, Such fee Developer fees shall be limited to 16 45 percent of Total Development Costs excluding land and building acquisition costs. A Developer Fee on the building acquisition cost shall be limited to 4% of the cost of the building(s) exclusive of land cost. Consulting fees, if any, must be paid out of the Developer Fee. Consulting fees include, for example, payments for Application consultants, construction management or supervision, or local government consultants. Fees for the Applicant's attorney(s) which are in excess of an amount equal to the greater of \$40,000 or 0.75% of the total amount of the Bonds must also be paid out of the Developer Fee. Fees for services provided by architects, accountants, appraisers, engineers or Financial Advisors may be included as part of the Total Development Costs, except those fees for a Financial Advisor that are in excess of \$10,000 must be paid out of the Developer Fee before Developer overhead, profit and acquisition costs, and any reserves required by lenders, plus five percent of total acquisition costs. For the purpose of the HUD Risk Sharing Program, if there exists an Identity of Interest relationship as defined herein between the Applicant, Borrower, or Developer and the General Contractor, the allowable fees shall in no case exceed the amount allowed for the Developer Fees pursuant to the HUD subsidy layering regulations review. Florida Housing shall not authorize fees to be paid fees for duplicative services or duplicative overhead. Any amounts paid to Developer consultants or agents (or attorneys in excess of an amount equal to the greater of \$40,000 or 0.75% of the principal amount of the Bonds) in connection with construction and financing of the

~~Development (excluding attorneys employed by or on behalf of Florida Housing) shall be deducted against the total Developer Fees permitted hereunder.~~

(26)(23) "Development" means any work or improvement located or to be located in the state, including real property, buildings, and any other real and personal property, designed and intended for the primary purpose of providing decent, safe, and sanitary residential housing, whether new construction, the acquisition of existing residential housing, or the remodeling, improvement, rehabilitation, or reconstruction of existing housing, which is intended for use as multifamily rental housing, together with such related nonhousing facilities as Florida Housing determines to be necessary, convenient, or desirable. A Development shall constitute a "project" within the meaning of the Act.

(27) "Difficult Development Area" 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), IRC.

(28)(24) "Disclosure Counsel" means the Special Counsel designated by Florida Housing to be responsible for the drafting and delivery of Florida Housing's disclosure documents such as including, but not limited to, preliminary official statements, official statements, reoffering memorandums or private placement memorandums and continuing disclosure agreements. The fees of Disclosure Counsel shall be set by contract with Florida Housing and shall be paid from the Cost of Issuance Fee or from the Good Faith Deposit submitted with the Loan Commitment.

~~(25) "Elderly Person" means a person 62 years of age or older.~~

~~(26) "Elderly Household" means a household of one or more natural persons or a family wherein the head or co-head of the household is an Elderly Person at initial move in.~~

(29)(27) "Elderly Housing" or "Elderly Unit" means housing or a unit being occupied or reserved for qualified persons pursuant to the Federal Fair Housing Act and Section 760.29(4), Florida Statutes Elderly Persons.

(30) "Eligible Persons" or "Eligible Household" means one or more natural persons or a family, irrespective of race, creed, national origin, or sex, determined by the Corporation to be of low or very low income. In determining the income standards of eligible persons for its various programs, the Corporation shall take into account the following factors:

(a) Requirements mandated by federal law.

(b) Variations in circumstances to the different areas of the state.

(c) Whether the determination is for rental housing.

(d) The need for family size adjustments to accomplish the purposes set forth in this Rule Chapter.

With respect to the use of Housing Credits, an “Eligible Person” or “Eligible Household” shall mean one or more persons or a family having a combined income which meets the income eligibility requirements of the Housing Credits Program and Section 42 of the Code.

~~(31)(28)~~ “Executive Director” means the Executive Director or Chief Executive Officer of Florida Housing.

~~(32)(29)~~ “Final Board Approval” means formal action by the Board of Directors to adopt a resolution to award a portion of Florida Housing’s State Bond Allocation to a Development and which triggers preparation of final Program Documents.

~~(33)(30)~~ “Financial Advisor” means, with respect to an issue of Bonds, a professional who is either under contract to Florida Housing or is engaged by the Applicant Developer who advises on matters pertinent to the issue, such as structure, timing, marketing, fairness of pricing, terms, bond ratings, cash flow, and investment matters.

~~(34)(31)~~ “Florida Housing” means the Florida Housing Finance Corporation as created by the Act.

~~(35)(32)~~ “General Contractor” means an entity duly licensed in the State of Florida meeting the following criteria:

(a) The Development superintendent is an employee of the General Contractor and the costs of that employment are charged to the general requirements line item of the General Contractor’s budget;

(b) The Development construction trailer and other overhead is paid directly by the General Contractor and charged to general requirements;

(c) Building permits are issued in the name of the General Contractor;

(d) Payment and performance bond (or approved alternate security for General Contractor’s performance, such as a letter of credit or other guarantee acceptable to Florida Housing) is, ~~if required,~~ issued in the name of the General Contractor; and

(e) No more than 20 percent of the construction cost is sub-contracted to any one entity.

~~(36)(33)~~ “General Contractor’s Fee” means a fee inclusive of general requirements, profit and overhead. General Contractor’s Fees shall be limited to 14 percent of hard costs, excluding any hard cost contingencies. For the purpose of the HUD Risk Sharing Program, if there exists an Identity of Interest as defined herein between the Applicant Borrower and the General Contractor, the allowable fees shall in no case exceed the amount allowable pursuant to the HUD subsidy layering review. Additionally, fees ~~shall will~~ be allowed to be paid only to the person or entity that actually meets the definitional requirements to be considered a General Contractor. Florida Housing ~~shall will~~ not allow fees for duplicative services or duplicative overhead.

~~(37)(34)~~ “Good Faith Deposit” means a total deposit equal to one percent of the Loan amount reflected in the Loan Commitment ~~or the Application, whichever is greater,~~ paid by the Applicant Borrower to Florida Housing, which ~~shall will~~ be

applied toward the Cost of Issuance Fee, and of which one-half is payable not later than 7 calendar days after the Board approves the final Credit Underwriting Report at the time of entering into final credit underwriting and the balance is payable at the time of execution of the Loan Commitment. If the Good Faith Deposit is exhausted, the Applicant shall Developer will be required to pay an additional deposit to ensure payment of the expenses associated with the processing of the Application, the sale of the Bonds, including document production and the securitization of the Loan. The Good Faith Deposit shall be remitted by certified check or wire transfer.

~~(38)~~ “Housing Credit Program” means the federal tax credit program administered by FHFC in accordance with Section 42 of the Code and rule Chapter 67-48, F.A.C.

~~(39)(35)~~ “HUD Risk Sharing Program” means the demonstration program authorized by Section 542 of the Housing and Community Development Act of 1992.

~~(40)(36)~~ “Identity of Interest” means, for the purpose of the HUD Risk Sharing Program, any person or entity that has a one percent or more financial interest in the Development and in any entity providing services for a fee to the Development. Unless otherwise excluded, persons or entities that share in the net profits of the Development shall be construed as having an ownership interest to the extent that they share in Development or project revenues. The Identity of Interest definition shall not apply to the tax credit syndicator, limited partner investors, or professionals who are retained pursuant to a negotiated fee arrangement consistent with industry standards and which fee arrangement does not incorporate the payment of fees from Development operating revenues.

~~(41)(37)~~ “Income Certification,” “Tenant Income Certification” or “Form TIC-1” means that Form TIC-1 which is adopted and incorporated herein by reference, revised February 1999 July 22, 1996, and which shall be used to certify the income of all tenants residing in a Set-aside unit in a Development.

~~(42)(38)~~ “Issuer” means the Florida Housing Finance Corporation.

~~(43)(39)~~ “Land Use Restriction Agreement” means that agreement among Florida Housing, the Bond Trustee and the Applicant Developer which sets forth certain restrictions on the use of the Development to comply with the Code, the Act, this rule, the policies of Florida Housing and any requirements of a Credit Enhancer. Such document may also be known as the “LURA” or the “Regulatory Agreement” and ~~shall will~~ be recorded prior to the Mortgage in the public records in the county where the Development is located, unless the Board or the Executive Director expressly agrees to subordinate the LURA to facilitate the financing.

~~(44)(40)~~ “Loan” means the loan made by Florida Housing to the Applicant Developer from the proceeds of the Bonds issued by Florida Housing.

~~(45)(41)~~ “Loan Agreement” means the Loan or Program Document wherein Florida Housing and the Applicant Developer specify the terms and conditions upon which the proceeds of the Bonds shall be loaned, and the terms and conditions for repayment of the Loan.

~~(46)(42)~~ “Loan Commitment” means the Loan or Program Document executed by Florida Housing and the Applicant Developer after the issuance of a favorable Credit Underwriting Report and filed with Florida Housing along with full payment of the Good Faith Deposit before substantive work commences on Program Documents other than the Loan Commitment. The Loan Commitment defines the conditions under which Florida Housing agrees to lend the proceeds of the Bonds to the Applicant Borrower for the purpose of financing all or a portion of a Development.

~~(47)~~ “Local Government” means a unit of local general-purpose government as defined in Section 218.31(2), FS, (1995).

~~(48)(43)~~ “Local Public Fact Finding Hearing” means a public hearing requested by any person residing in the county or municipality in which the proposed Development is located and which is conducted by Florida Housing for the purpose of receiving public comment or input regarding the financing of a proposed Development with Bonds by Florida Housing.

~~(49)(44)~~ “Lower Income Tenants” means individuals or families whose annual income does not exceed either 50 percent or 60 percent; ~~(depending on the minimum Set-aside elected)~~ of the area median income as determined by HUD with adjustments for household size. In no event shall occupants of a Development unit be considered to be Lower Income Tenants if all the occupants of a unit are students [~~as defined in Section 151(c)(4) of the Code~~] or if the tenants do not comply with the provisions of the Code defining Lower Income Tenants. (See Section 142 of the Code.) If Taxable Bonds or Bonds that do not require State Bond Allocation are being used to finance the Development, Lower Income Tenants shall be defined as an individual or family with an Annual Household Income not in excess of 80 percent of the state or county median income, whichever median income is higher. In the event Bonds are issued on behalf of a corporation organized under Section 501(c)(3) of the Code, the set-aside shall not be less than required by the 501(c)(3) documents.

~~(50)(45)~~ “Mortgage” means the instrument securing the Loan which creates a first, co-equal or acceptable subordinate lien on the Development, subject to permitted encumbrances.

~~(51)(46)~~ “Mortgage Loan” means the Loan secured by the Mortgage and evidenced by a Note or Mortgage Note.

~~(52)~~ “Notice of Funding Availability” or “NOFA” means the notification published in the Florida Administrative Weekly which shall contain the deadline for submission of Applications, the estimated funding amount, and any targeting

requirements. Said notice shall be published at least 30 days prior to the deadline contained in such notice. The NOFA shall be mailed to all entries on FHFC’s Program mailing list.

~~(53)~~ “Principal” means any individual acting in their individual capacity or acting as president, vice president, treasurer or secretary, member of the board of directors or the legal or beneficial owner of 10% or more of any class of stock of a corporation which is a general partner of a limited partnership Applicant or Developer; or the general partner of a limited partnership that is the general partner of a limited partnership Applicant or Developer; or is a partner in a general partnership or joint venture acting alone or as a part of another entity that is an Applicant or Developer. With respect to a limited liability company either acting alone or as a part of another entity that is an Applicant or Developer, each manager and each member is a principal. With respect to a registered limited liability partnership either acting alone or as a member of another entity that is an Applicant or Developer, each partner is a principal. With respect to a trust either acting alone or as a part of another entity that is an Applicant or Developer, any individual or entity owning 10% or more of the beneficial interest in the trust is a principal. A General Contractor, Management Agent, Architect/Engineer, Attorney that participates on an arms-length fee arrangement are not considered Principals of the Applicant entity.

~~(54)(47)~~ “Private Placement” means the sale of Florida Housing Bonds directly or through an Underwriter or Placement Agent to 35 or fewer initial purchasers who are not purchasing the Bonds with the intent to offer the Bonds for retail sale and who are Qualified Institutional Buyers.

~~(55)(48)~~ “Program” means Florida Housing’s Multifamily Mortgage Revenue Bond Program.

~~(56)(49)~~ “Program Documents or Loan Documents” means the Loan Commitment, Loan Agreement, Note, Mortgage, Credit Enhancement or Guarantee Instrument, Land Use Restriction Agreement, Trust Indenture, Preliminary and Final Official Statements, Intercreditor Agreement, Assignments, Bond Purchase Agreement, Compliance Monitoring Agreement, Mortgage Servicing Agreement and such other documents as are required by Florida Housing to issue and secure repayment of the Bonds and Mortgage, to protect the interests of the Bond owners and Florida Housing and, ~~if applicable,~~ to protect the tax-exempt status of the Bonds.

~~(57)(50)~~ “Public Policy Criteria” means the requirements and guidelines established by Florida Housing and set forth in 67-21.004, F.A.C. Applicants who seek a Loan from Florida Housing shall elect which Public Policy Criteria they shall will agree to incorporate into the design of their Development. These shall will be incorporated in the Loan Commitment and Program Documents. Such Public Policy Criteria have been adopted for the purpose of accomplishing the programmatic goals of the Code, Florida Housing and the Act.

(58)(54) “Qualified Institutional Buyer” is sometimes called a “sophisticated investor” and specifically includes the following:

(a) Any of the following entities, acting for its own account or the accounts of other Qualified Institutional Buyers, that in the aggregate, own and invests on a discretionary basis at least \$100 million in securities of issuers that are not affiliated with the entity:

1. Any insurance company as defined in section 2(13) of the Securities Exchange Act;

2. Any investment company registered under the Investment Company Act or any business development company as defined in section 2(a)(43) of that Act;

3. Any Small Business Investment Company licensed by the U.S. Small Business Administration under sections 301(c) or (d) of the Small Business Investment Act of 1958;

4. Any plan established and maintained by a state or state agency or any of its political subdivisions, on behalf of their employees;

5. Any employee benefit plan within the meaning of title I of the Employee Retirement Income Security Act of 1974;

6. Trust funds of various types, except for trust funds that include participants’ individual retirement accounts or H.R. 10 plans;

7. Any business development company as defined in section 202(a)(22) of the Investment Advisors Act of 1940;

8. Any organization described in section 501(c)(3) of the Internal Revenue Code, corporation (except a bank or savings and loan defined in Section 3(a)(2) or 3(a)(5)(A) of the Securities and Exchange Act, or a foreign bank or savings and loan or similar institution), partnership, Massachusetts or similar business trust, or any investment adviser registered under the Investment Advisors Act.

(b) Any dealer registered under Section 15 of the Securities Exchange Act, acting on its own behalf or on the behalf of other Qualified Institutional Buyers who in the aggregate own and invest at least \$10 million of securities of issuers not affiliated with the dealer (not including securities held pending public offering).

(c) Any dealer registered under section 15 of the Securities Exchange Act acting in a riskless principal transaction on behalf of a Qualified Institutional Buyer.

(d) Any investment company registered under the Investment Company Act that is part of a family of investment companies that together own at least \$100 million in securities of issuers, other than companies with which the investment company or family of investment companies is affiliated.

(e) Any entity, all of whose equity owners are Qualified Institutional Buyers.

(f) Any bank or savings and loan defined in section 3(a)(2) or 3(a)(5)(A) of the Securities Exchange Act, or foreign bank or savings and loan or similar institution that, in aggregate with the other Qualified Institutional Buyers, owns and invests in at

least \$100 million in securities of affiliates that are not affiliated with it and that has an audited net worth of at least \$25 million as demonstrated during the 16 to 18 months prior to the sale.

(59) “Qualified Census Tract” means any census tract which is designated by the Secretary of Housing and Urban Development as having 50% or more of the households at an income which is less than 60% of the area median gross income in accordance with Section 42(d)(5), IRC.

(60)(52) “Qualified Lending Institution” means any bank or trust company, mortgage banker, savings bank, credit union, national banking association, savings and loan association, building and loan association, insurance company, the Florida Housing Development Corporation, or other financial institution authorized to transact business in the State of Florida and which customarily provides service or otherwise aids in the financing of mortgages on real property in Florida.

(61)(53) “Qualified Project Period” means the period of time, as provided in the Code, that a Development Project financed with Tax-Exempt Bonds must comply with the Lower Income Tenant Set-aside.

(62)(54) “Set-Aside” means the occupancy requirements or restrictions for Developments financed by Florida Housing. Such Set-aside requirements shall ~~will~~ be set forth in the Land Use Restriction Agreement and other such Program Documents as are deemed necessary by Florida Housing. The minimal Set-aside requirements are as follows:

(a) For Taxable Bonds – 20 percent or more of the residential units in the Development shall ~~will~~ be occupied or held available for occupancy by one or more persons or a family whose Annual Household Income does not exceed 80 percent of the State or county median income, whichever median income is higher.

(b) For Tax-Exempt Bonds – 20 percent or more of the residential units in the Development shall ~~will~~ be occupied or held available for occupancy by one or more persons or a family whose Annual Household Income does not exceed 50 percent of the State or county median income whichever is higher or 40 percent or more of the residential units in the Development shall ~~will~~ be occupied by or held available for one or more persons or a family whose Annual Household Income does not exceed 60 percent of the State or county median income whichever is higher or that which is required by the Code at the time of issuance of the Bonds or required by Florida Housing to meet its programmatic purposes.

(63)(55) “Special Counsel” means the attorney, attorneys, law firm or law firms retained by Florida Housing to serve as counsel to Florida Housing or as Disclosure Counsel pursuant to a contract between the Special Counsel and Florida Housing.

(64)(56) “State Board of Administration” or “SBA” means the State Board of Administration created by and referred to in s. 9, Article XII of the State Constitution.

~~(65)(57)~~ "State Bond Allocation" means the allocation of the State private activity bond volume limitation pursuant to Chapter 159, Part VI, F.S., administered by the Division of Bond Finance and allocated to Florida Housing for the issuance of its tax-exempt Bonds.

~~(66)(58)~~ "Student" means an individual who is considered a full-time student by the educational institution being attended or will be a full-time student at an educational institution with regular facilities and students other than correspondence school, during five months of the certification year.

~~(67)(59)~~ "Taxable Bonds" means those Bonds on which the interest earned is included in gross income of the owner for federal income tax purposes pursuant to the Code.

~~(68)(60)~~ "Tax-exempt Bonds" means those Bonds on which all or part of the interest earned is excluded from gross income of the owner for federal income tax purposes pursuant to the Code.

~~(69)(61)~~ "TEFRA Hearing" means a public hearing held pursuant to the requirements of the Code and in accordance with the Tax Equity and Fiscal Responsibility Act (TEFRA), at which members of the public or interested persons are provided an opportunity to present evidence or written statements or make comments regarding a requested application for Tax-exempt financing of a Development by Florida Housing.

~~(62)~~ "Threshold Check" means the required ~~documentation verification and review by the Credit Underwriter before a Development may be approved for admission to final Credit Underwriting.~~

~~(70)(63)~~ "Total Development Cost" means the sum total of all costs incurred in the construction ~~development~~ of a Development all of which shall be subject to the approval by the Credit Underwriter and shall be approved by Florida Housing as reasonable and necessary. Such costs may include, but not be limited to:

(a) The cost of acquiring real property and any building thereon, including payment for options, deposits, or contracts to purchase properties.

(b) The cost of site preparation, demolition, and development.

(c) Any expenses relating to the issuance of Tax-exempt Bonds or Taxable Bonds by Florida Housing related to the particular Development.

(d) Fees in connection with the planning, execution, and financing of the Development, such as those of architects, engineers, attorneys, accountants, Financial Advisors and Florida Housing. The fees for attorneys and Financial Advisors are limited pursuant to Rule 67-21.002(25), F.A.C.

(e) The cost of studies, surveys, plans, permits, insurance, interest, financing, tax and assessment costs, and other operating and carrying costs during construction, rehabilitation, or reconstruction of the Development.

(f) The cost of the construction, rehabilitation, and equipping of the Development.

(g) The cost of land improvements, such as landscaping and offsite improvements related to the Development, whether such costs are paid in cash, property, or services.

(h) Expenses in connection with initial occupancy of the Development.

(i) Allowances established by Florida Housing for working capital, or contingency reserves, and reserves for any anticipated operating deficits during the first two years after completion of the Development.

(j) The cost of other such items, including relocation costs, indemnity and surety bonds, premiums on insurance, and fees and expenses of trustees, depositories, and paying agents for Bonds.

Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.502, 420.503, 420.507, 420.508 FS. History—New 12-3-86, Amended 2-22-89, 12-4-90, 11-23-94, 2-6-97, 1-7-98, Formerly 9I-21.002, Amended 1-26-99,

67-21.003 Application and Selection Process for Loans.

(1) Florida Housing hereby adopts by reference the Application and its appendices (Form MFMRB2000, MFMRB99, effective October 1999 ~~November 1998~~) which provides the instructions and forms necessary for submission of an Application for participation in the Program. Said Application package form may be obtained from Florida Housing by contacting the Multifamily Bond Program Administrator, Florida Housing at 227 N. Bronough Street, Suite 5000, Tallahassee, Florida 32301. ~~Said Application includes~~ A a detailed timeline timeframe, including deadlines for receipt of information necessary to complete the final Credit Underwriting, shall be provided to all Applicants after the cycle has closed. The detailed timeline shall include the deadlines which must be met for ~~For~~ those Applicants using Developments utilizing either or both of Florida Housing's Guarantee Fund and through the HUD Risk-Sharing programs; ~~the timeframes set forth in the Application relative to those programs must also be met.~~

(2) An Application may be submitted at any time; however, priority in reviewing and ranking Applications for award of State Bond Allocation for a calendar year shall be given to Applications received by Florida Housing by the deadline specified in the Notice of Funding Availability published ~~noticed~~ in the Florida Administrative Weekly. Applications received after the noticed deadline shall not be processed, reviewed, or ranked in any way until such time as the list of Applications received by the noticed deadline has been exhausted. The notice shall be published at least 14 days prior to any such deadline and shall also be mailed to each person and entity who has requested a copy of such notice. As set forth in said notice, Florida Housing may elect to reserve a portion of its private activity bond allocation for multifamily revenue bonds for use solely for Demonstration Developments

~~or in connection with HUD multifamily developments. Developments wholly owned by not-for-profit corporations qualifying under Section 501(c)(3) of the Code which are not requesting State Bond Allocation are governed by Rule 67-21.019, F.A.C. shall not be required to submit an Application under the Program.~~

(3) All Applications must be complete, accurate, legible and timely when submitted, and must be accompanied by the applicable Application Fee which includes the estimated costs for the ~~and~~ TEFRA fees, CTC, Limited Restricted Appraisal, and Market Study. An original and ~~three two~~ photocopies ~~opies~~ shall be submitted, except if a Development is proposing to use Florida Housing's Guarantee Fund Program, an original and four photocopies shall be submitted; or if a Development is proposing to participate in HUD Risk Sharing, an original and five photocopies shall be submitted.

(4) Upon receipt of an Application, all required copies and all applicable fees, staff shall assign a tracking number and a Credit Underwriter for each Application. The Applications shall then be forwarded to the assigned Credit Underwriter for the CTC.

(5) Applications which receive a satisfactory CTC shall be ranked using the criteria established by the Board and listed in Rule 67-21.004, F.A.C.

(6) This ranking shall be transmitted to all Applicants along with notice of appeal rights. Following the completion of the informal appeal process, the resultant ranking shall be presented to the Board for approval along with the Hearing Officer's Recommended Orders, if any. The Board shall be asked to issue Acknowledgement Resolutions at this time.

~~(4) Upon receipt, an Application shall undergo Application Review. Any change in information submitted in an Application may be grounds for rejection of an Application.~~

~~(7)(5) Based on the order of the ranked Applications and the availability of State Bond Allocation, the Board shall designate those Applications to be offered the opportunity to enter final Credit Underwriting. on staff's determination that an Application is complete, the Executive Director shall designate those Developments to undergo the Threshold Check and staff shall assign a Credit Underwriter to each Development. Developments which receive a satisfactory Threshold Check shall be ranked by the Board utilizing the Selection Criteria and Guidelines enumerated in Rule 67-21.004 and targeting criteria selected by the Board. Applications which are not deemed complete or which do not receive a satisfactory Threshold Check shall remain unranked; however, if there is not a sufficient number of completed Applications which have achieved satisfactory Threshold Checks to utilize available private activity bond allocation, Florida Housing may elect to allow incomplete Applications to provide additional information necessary to rank such Applications on the same basis as Applications were previously ranked. Based on their ranking and the availability of State Bond Allocation, the~~

~~Board shall designate those Developments to be invited to enter Credit Underwriting. The Board may invite more Developments into Credit Underwriting than can be funded with the available State Bond Allocation. Applicants electing to proceed to Credit Underwriting with Applications ranked below the available State Bond Allocation do so at their own risk. Applicants shall be notified in writing of the opportunity to enter final Credit Underwriting. A detailed timeline for submitting required fees and information to the Credit Underwriter shall be included. Failure to meet the deadlines established by such timeline shall result in the immediate termination of Credit Underwriting activities and the Application shall be moved to the bottom of the ranked list. Applicants electing to proceed to final Credit Underwriting do so at their own risk.~~

(8) Applications which do not receive a satisfactory CTC shall remain unranked; however, if there is not a sufficient number of ranked Applications to use the available State Bond Allocation for the Program, Florida Housing shall notify all unranked Applicants and provide a period of 14 days for such Applicants to submit all necessary information and documents to the assigned Credit Underwriter to cure all unsatisfactory items.

(9) At the conclusion of the 14 day cure period, the Credit Underwriter shall evaluate the additional information and determine if the Application is now satisfactory for purposes of the CTC. This determination must be submitted to FHFC not later than 7 days after the end of the 14 day cure period.

(10) Applications that successfully complete the CTC after the 14 day cure period shall be evaluated and ranked by staff using the criteria established by the Board and listed in Rule 67-21.004, F.A.C. This ranking shall be presented to the Board for approval and authorization of invitations to Credit Underwriting. In the event that time constraints preclude presentation of this ranking to the Board for approval and authorization of Credit Underwriting, staff shall offer Applicants the opportunity to enter Credit Underwriting at their own risk only to the extent that there is sufficient State Bond Allocation to fully fund the proposed Developments.

~~(11)(6) Based on the ranking and the availability of State Bond Allocation, Florida Housing shall initiate TEFRA hearings on the proposed Developments. The invitation into Credit Underwriting and the Acknowledgment Resolution are nonbinding commitments used by Florida Housing to formally acknowledge a proposed Development and to establish a date for certifying reimbursable costs. Neither the TEFRA hearing, the The invitation into final Credit Underwriting, nor and the Acknowledgment Resolution do not in any way obligate Florida Housing to finance the proposed Development in any way.~~

(12)(7) Upon receipt of the Credit Underwriting Report, issuance of the Acknowledgment Resolution, Florida Housing shall submit the Application to its Financial Advisor, if any, for

a preliminary recommendation of determination for the method of Bond Sale for each Development pursuant to Rule 67-21.0045.

~~(8) Following Florida Housing receipt of a favorable Threshold Check from the Credit Underwriter and the preliminary recommendation of the method of Bond Sale from Florida Housing's Financial Advisor, if any, or from the staff, the Board shall designate by resolution the method of Bond Sale considered appropriate for financing. The Board shall also assign a bond underwriter, structuring agent, or Financial Advisor, as needed.~~

~~(13)(9) Proposed Developments that are ranked, but not selected by the Board to enter final Credit Underwriting, shall remain on the ranking list in the event State Bond Allocation becomes available to fund additional other Developments. Developments on the ranking list that are not designated by the Board to receive State Bond Allocation in the calendar year in which Application was made shall be removed from the ranking list. If the current year's State Bond Allocation is insufficient to finance a Development, a new Application must be filed to be eligible for a future year's State Bond Allocation.~~

~~(14)(10) Florida Housing shall notify the Applicant, in writing, of the Board's determination related to approval of the entering final Credit Underwriting Report and require request that the Applicant submit one-half of the Good Faith Deposit within 7 calendar days, and the information required to complete final Credit Underwriting. The notice shall also inform the Applicant of the Board's determination with respect to the method of Bond Sale. The Applicant must remit one-half of the Good Faith Deposit to Florida Housing within seven business days of receipt of the notice. The Good Faith Deposit shall be subject to forfeiture in accordance with the terms of the Program Documents in the event the Loan is not closed. The Applicant shall comply with time frames for submitting information required for final Credit Underwriting established by Florida Housing based on the recommendation of the Credit Underwriter.~~

~~(15)(11) Upon favorable recommendation of the final Credit Underwriting report and preliminary recommendation of the method of bond sale from Florida Housing's Financial Advisor, or from the staff, the Board shall designate by resolution the method of bond sale considered appropriate for financing. receipt of staff recommendation, The Board shall consider authorizing the execution of the Loan Commitment and shall consider reserving State Bond Allocation for a Development. The Board shall also assign a bond underwriter, structuring agent, or Financial Advisor and any other professionals necessary to complete the transaction. Staff shall assign FHFC counsel as needed.~~

~~(16)(12) Following receipt of one-half of the Good Faith Deposit, Florida Housing's assigned counsel shall begin documenting the terms of the transaction, including the Loan Commitment. After execution of the Loan Commitment by the Developer, receipt of a favorable Credit Underwriting report, and payment of the balance of the Good Faith Deposit, staff shall agenda final approval of the proposed Development for the Board.~~

~~(17)(13) Upon execution of a Loan Commitment Applicant shall pay and the submission of the balance of the Good Faith Deposit and by the Developer, Florida Housing shall authorize the preparation of the required documents which shall include:~~

- ~~(a) Loan Agreement;~~
- ~~(b) Note;~~
- ~~(c) Mortgage;~~
- ~~(d) Guarantee Instrument Agreements, if any;~~
- ~~(e) Land Use Restriction Agreement;~~
- ~~(f) Trust Indenture;~~
- ~~(g) Preliminary and Final Official Statements;~~
- ~~(h) Financial Monitoring Agreements;~~
- ~~(i) Compliance Monitoring Agreements; and~~
- ~~(j) Such other documents as are necessary to establish and secure the Mortgage Loan and the issuance of the Bonds.~~

~~(18) If any Applicant, an Affiliate of an Applicant or a partner of a limited partnership is determined by the Corporation to have engaged in fraudulent actions or to have deliberately misrepresented information within the current Application or in any previous Applications for financing or Housing Credits administered by the Corporation, the Applicant and any of Applicant's Affiliates shall be ineligible to participate in any program administered by the Corporation for a period of up to two fiscal years, which shall begin from the date the Board approves disqualification of the Applicant's Application.~~

~~(19) Prior to instituting any change, including change orders and other changes resulting in any modification or deviation from the final Credit Underwriting Report as approved by the Board, Applicant shall notify Florida Housing Finance Corporation. All changes to the Development plans, tenant programs and other specifications which were used to describe the Development in accordance with this Rule Chapter and MFMRB2000 and represented to the Credit Underwriter and Development servicer are affected by this prior notification requirement. Failure to obtain FHFC's approval prior to implementing any changes to an Application that detailed the Development's plans, programs and specifications shall result in making the Applicant subject to the ineligibility conditions specified in 67-21.003 (18) above.~~

Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.502, 420.507(4),(13),(14),(18),(19),(20),(21),(24); 420.508 FS. History—New 12-3-86, Amended 12-4-90, 11-23-94, 9-25-96, 1-7-98, Formerly 9I-21.003, Amended 1-26-99, _____.

67-21.0035 Applicant Administrative Appeal Procedures.

(1) Following the Credit Underwriter's completion of the CTC, a notice regarding whether or not the Application received a satisfactory CTC shall be provided to each Applicant.

(2) Applicants who wish to contest the decision relative to the CTC for their own Application must petition for a review of the decision in writing within 10 calendar days of the date of the notice. The request must specify in detail the basis for the appeal and the issues to be appealed. Unless the appeal involves disputed issues of material fact, the appeal shall be conducted on an informal basis. Florida Housing staff shall review the appeal and shall provide to the Applicant a written position paper which indicates whether a change will be made regarding each issue appealed. If the Applicant disagrees with Florida Housing's position paper, the Applicant shall be given an opportunity to participate in an informal administrative hearing. If the appeal raises issues of material fact, a formal hearing shall be conducted pursuant to Section 120.57(1), Florida Statutes. Failure to timely file a petition shall constitute a waiver of the right of the Applicant to such an appeal.

(3) For purposes of 67-21.035(2) above, the written notification, petition, or request for review is deemed timely filed when it is received by the FHFC prior to 5:00 PM Tallahassee, Florida time of the last day of the designated time period at the following address: Florida Housing Finance Corporation 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, Attention: Corporation Clerk. For the purpose of this subsection, "received" means delivery by hand, U.S. Postal Service, or other courier service, or by facsimile. Petitions or requests for review that are not timely filed shall constitute a waiver of the right of the Applicant to such a review.

Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.502, 420.507(4),(13),(14),(18),(19),(20),(21),(24); 420.508 FS. History—New _____.

67-21.004 Federal Set-Aside and Public Policy Requirements Selection Criteria and Guidelines for Selection of Developments.

(1) Each Application shall designate one of the following minimum federal Set-aside requirements that the Development ~~shall will~~ meet when the Development construction or rehabilitation is completed:

(a) Twenty percent of the residential units in the Development ~~shall will~~ be occupied by or reserved for occupancy by one or more persons or a family whose Annual Household Income does not exceed 50 percent of the area State or county median income limits adjusted for family size, whichever is higher (the 20/50 Set-aside); or

(b) Forty percent of the residential units in the Development ~~shall will~~ be occupied by or reserved for occupancy by one or more persons or a family whose Annual Household Income does not exceed 60 percent of the area State or county median income limits adjusted for family size, whichever is higher (the 40/60 Set-aside).

(2) In addition to meeting the minimum required Set-aside described in paragraph (1) above, each Development selected for financing in the Program shall have Florida Housing Program funding that does not exceed \$65,000 per unit, ~~excluding raw land,~~ and shall satisfy the Public Policy Criteria as follows: a minimum of three of the Public Policy Criteria requirements listed in paragraphs (a) and (b) below. At least two of the three Public Policy Criteria must be selected from the list of criteria set forth in paragraph (a).

(a) All Applicants A Development Application shall commit to provide reflect the Developer's commitment to satisfy a minimum of two of the following criteria:

1. ~~At least 20 percent of the units in the Development shall be three bedroom units or greater.~~

2. ~~at At~~ At least 20 percent or 40 percent of each unit size in excess of one bedroom and studio units in the Development to shall be occupied or reserved for occupancy by Lower Income Tenants in proportion to the minimum Set-aside requirement elected, as follows:

1.a. ~~if the Development satisfies the 20/50 Set-aside, 20 percent of the units at or below 50 percent of area median gross income limit, adjusted for family size and determined in accordance with Section 142(d) of the Code, or~~

2.b. ~~if the Development satisfies the 40/60 Set-aside, 40 percent of the units at or below 60 percent of area median gross income limit, adjusted for family size and determined in accordance with Section 142(d) of the Code, or~~

3.e. ~~in the case of Developments financed through the issuance of Taxable Bonds (or for specific cases pursuant to the Code, Tax-exempt Bonds), 20 percent of the units at or below 80 percent of state or county median income limit, whichever is higher, and with family size adjustment (or for Developments financed prior to the Code, as amended,) or without family size adjustment). The foregoing shall not apply to Developments which are also financed with Tax-exempt debt in which at least 50 percent of the Bonds issued are Tax-Exempt in nature.~~

(b) In addition to satisfying 67-21.004(2)(a) above, a Development Application shall reflect the Applicant's commitment to satisfy a minimum of three of the Public Policy Criteria listed in 1-6 below in this sub-paragraph.

1. At least 20% of the units in the Development shall be three bedroom units or greater.

3. ~~All Set-aside units in the Development shall have lower rent rates than comparably sized new units in the area and which were built at the same time or since construction of the Development and which are of comparable construction~~

quality. Documentation of comparable rents must be made to Florida Housing and its compliance monitoring agent as requested.

~~2.4.~~ Increase the selected minimum Set-aside units by 10 percent, therefore:

(i) if the Development satisfies a 20/50 Set-aside, at least 30 percent of the units in the Development, shall be occupied or reserved for occupancy by persons or families having incomes at or below 50 percent of area median gross income limit, adjusted for family size and determined in accordance with Section 142(d) of the Code,

(ii) if the Development satisfies a 40/60 Set-aside, at least 50 percent of the units in the Development, shall be occupied or reserved for occupancy by persons or families having incomes at or below 60 percent of area median gross income limit, adjusted for family size and determined in accordance with Section 142(d) of the Code, or

(iii) in the case of Developments financed through the issuance of Taxable Bonds, at least 30 percent of the units in the Development shall be occupied or reserved for occupancy by persons or families having incomes at or below 80 percent of the state or county median income limit, whichever is higher, and with family size adjustment (or for Developments financed prior to the 1986 IRS Code, as amended) or without family size adjustment). The foregoing shall not apply to Developments which are also financed with Tax-exempt debt in which at least 50 percent of the Bonds issued are Tax-exempt in nature.

~~5.~~ At least 10 percent of the units in the Development shall be allocated for priority in renting to applicants for occupancy who are active participants in a welfare to work program approved by Florida Housing.

~~3.6.~~ All units in the Development shall serve as Elderly Units pursuant to the Federal Fair Housing Act. This criterion cannot be selected in combination with the criteria to provide a minimum percentage of three-bedroom or four-bedroom units.

~~(b) A Development Application may comply with one or more of the following optional requirements:~~

~~4.1.~~ The Applicant Developer agrees to a Qualified Project Period that shall extend a minimum of 10 years beyond the period of time provided for in the Code.

~~5.2.~~ The Applicant Developer of the Development shall develop and implement a minimum of two tenant programs as an integral part of the Development and approved by Florida Housing, such as day after school child care, adult literacy training, health care, or meals, or other tenant programs as described in the Application.

~~6.3.~~ The Applicant Developer of the Development shall develop and implement a program as described in the Application approved by Florida Housing that would assist Lower Income Tenants in moving into a homeownership situation.

~~(3) In the event that a Development involves a commitment to comply with the requirement described in subparagraph (2)(a)5., above, the Developer shall:~~

~~(a) Provide a written notice relating to the Development to the local housing agency, WAGES Board, applicable local government, or community project agency, if any, in the county in which the Development will be located not later than 30 days after construction begins stating the total number of units to be constructed, including bedroom size, the location, the name and telephone number of the person to contact for further information.~~

~~(b) Provide a notice containing both the information referred to in paragraph (a), above, and the anticipated date on which leasing will begin to each agency referred to in paragraph (a), above, no later than one month prior to the anticipated date of initial occupancy or completion of rehabilitation of any unit.~~

~~(c) Develop a system under which:~~

~~1. at least 10 percent of all units in the Development shall be reserved for a period of one month from the date of initial occupancy or completion of rehabilitation of any unit in the Development for active participants in a welfare to work program approved by Florida Housing to apply for occupancy;~~

~~2. at all times, active participants in a welfare to work program approved by Florida Housing shall be given priority over other applicants for occupancy; and~~

~~3. after initial occupancy of a unit or completion of rehabilitation of such unit, a separate waiting list of applicants currently participating in a welfare to work program approved by Florida Housing shall be maintained.~~

~~(3)(4) All Public Policy Criteria and factors selected by the Applicant shall Developer set forth in Rule 67-21.004 will be verified through Florida Housing's Credit Underwriting if the Development Application is approved by Florida Housing. Any proposed changes to the Public Policy Criteria selected by the Applicant Developer and identified in its Development Application may be only to other Public Policy Criteria set forth in Rule 67-21.004 and must be submitted to Florida Housing for prior approval. Florida Housing may grant such approval if it would not alter the Application ranking Development's priority.~~

~~(4)(5) Initial consideration shall will be given based on any or all of the criteria set forth below as shall be established by the Board of Florida Housing and included in the Application and in such order of priority as set forth in the Application. Each criteria shall, will, where possible, be evaluated on a sliding scale as set forth in the Application.~~

~~(a) A commitment to provide more than the minimum low-income set-aside; however, in no event shall the Set-aside for Multifamily Bond requirements exceed 80% of the units;~~

(b) Developments with no other Florida Housing subsidy (Developments utilizing Florida Housing's Guarantee Fund, HUD Risk-Sharing or Predevelopment Loan Fund ~~shall~~ will not be considered as having a Florida Housing subsidy);

(c) Demonstration Developments that can serve as a model for satisfying a defined housing need as determined by the Board;

(d) The experience of the Developer or Applicant;

(e) Diversification of the Developers receiving funding in a given cycle;

(f) Diversification of the Developers receiving funding in previous cycles;

(g) Developments ~~with which~~ the lowest ratio State of private activity ~~Bond~~ allocation per unit financed;

(h) Developments which benefit a specific population, county or other area of the state;

(i) Developments which have special or unique value to a population targeted by the Board;

(j) Developments which target relief in areas of the state affected by a natural disaster;

(k) Developments with the lowest per-unit Developer and General Contractor fee; ~~and profit and/or lowest per-unit cost;~~

(l) Developments with the lowest per unit cost;

~~(m)~~ (l) Developments with a commitment for credit enhancement;

~~(n)~~ (m) Developments with credit enhancement not constituting a private placement of Bonds;

~~(o)~~ (n) Public Policy Criteria Selected by the Applicant; ~~Developer;~~

~~(p)~~ (o) Developments with a commitment from the Florida Housing Finance Corporation Guarantee Program;

(q) Special farmworker housing needs;

(r) Urban-infill housing needs.

Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.502, 420.507(4),(6),(12),(13),(14),(18),(19),(21), 420.508 FS. History-New 12-3-86, Amended 2-22-89, 12-4-90, 11-23-94, 9-25-96, 2-6-97, 1-7-98, Formerly 9I-21.004, Amended 1-26-99,_____.

67-21.0045 Determination of Method of Bond Sale.

(1) Florida Housing may sell Bonds for the purpose of financing a proposed Development through a negotiated sale, competitively bid sale or Private Placement. Prior to the sale of Bonds for a Development, the Board shall authorize a resolution specifying the method of sale.

(2) With the exception of Applicants who are seeking a Private Placement, following receipt of the Credit Underwriting Report, approval of the Development ranking list by the Board, staff shall provide Florida Housing's Financial Advisor, ~~if any,~~ copies of the such report ~~Applications~~ for review and preparation of a written recommendation for the method of Bond sale.

(3) In preparing a recommendation for the method of sale to the Board, the Financial Advisor shall consider the following:

(a) The cost components of the sale, including interest costs and financing costs. The purpose of the analysis is to determine how these costs are affected by the alternative forms of sale.

(b) The anticipated credit and security structure of the transaction.

(c) The proposed financing structure of the transaction.

(d) The financing experience of the Applicant ~~Developer.~~

(e) Florida Housing's programmatic objectives.

(f) Market stability.

(g) Other factors identified by staff, counsel, or the Applicant ~~Developer.~~

~~(4) Upon receipt of the Applications, Florida Housing's Financial Advisor shall evaluate each proposed transaction and make a preliminary written recommendation on the appropriate form of sale. The written recommendation shall include an identification of the Development, the recommended method of sale, and a brief rationale for the preliminary recommendation for each Development, and a summary statement as to why the particular method of sale is being recommended.~~

(5) For those transactions that Florida Housing's Financial Advisor recommends as candidates for a competitive sale, Florida Housing ~~shall~~ will engage a structuring agent. ~~(The Applicant may, at its sole expense, Developer shall engage a Financial Advisor for the transaction. Any cost to the Applicant in excess of \$10,000 must be paid out of Developer Fee.)~~

(6) For those transactions that Florida Housing's Financial Advisor recommends for a negotiated sale, Florida Housing ~~shall~~ will appoint an underwriter.

~~(7) Following the Threshold Check for a Development, staff will transmit the Development's term sheet to Florida Housing's Financial Advisor for a final recommendation as to the method of Bond sale. The analysis shall apply the considerations listed in paragraph (3) above. Florida Housing's Financial Advisor shall prepare a final written recommendation as to the method of Bond sale for consideration by the Board. The recommendation shall identify the Development, recommend the method of sale, include a discussion of each criterion's relevance and effect on the transaction, and a summary statement as to why the particular method of sale is being recommended.~~

Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.507(4),(13),(19),(20), 420.508, 420.509 (12) FS. History-New 1-7-98, Formerly 9I-21.0045, Amended 1-26-99,_____.

67-21.005 Selection of Qualified Lending Institutions As Credit Underwriters, Originators or Servicers.

(1) Qualified Lending Institutions shall be selected to underwrite, participate in the origination of and service eligible Mortgage Loans.

(2) The criteria which shall be considered for selection of Qualified Lending Institutions to participate in the Program shall include:

(a) The statutory requirement that the lending institution be a bank or trust company, mortgage banker, savings banker, savings bank, credit union, national banking association, building and loan association, insurance company, the Florida Housing Development Corporation, or other financial institution or governmental agency authorized to transact business in the State of Florida and which customarily provides service or otherwise aids in the financing of mortgages on real property located in the State of Florida.

(b) The credit underwriting and loan servicing experience and financial condition of the Qualified Lending Institution.

(c) Marketability of the Bonds using the Qualified Lending Institution as credit underwriter and servicer.

(d) Requirements of any rating agency rating the Bonds applicable to a credit underwriter and servicer.

Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.502(20), 420.507(4),(6),(13),(18),(19),(20),(21), 420.508 FS. History—New 12-3-86, Amended 9-25-96, 1-7-98, Formerly 9I-21.005, Amended 1-26-99, Repromulgated.

67-21.006 Development Requirements.

A Development shall at a minimum meet the following requirements or an Applicant Developer shall be able to certify that the following requirements shall be met with respect to a Development:

(1) Must provide safe, sanitary and decent multifamily residential housing for lower, middle and moderate income persons or families.

(2) Must be owned, managed and operated as a Development to provide multifamily residential rental property comprised of a building or structure or several proximate buildings or structures, each containing four or more dwelling units and functionally related facilities, in accordance with section 142(d) of the Code.

(3) All of the Development shall consist of similar units, containing complete facilities for living, sleeping, eating, cooking and sanitation for a single person or family.

(4) None of the units in the Development shall be used on a transient basis, nor shall they be knowingly leased for a period of less than 180 days unless a determination is made by Florida Housing that there is a specific need in that particular area for leasing arrangements of less than 180 days, but in no event shall a lease be for a period less than 30 days, nor shall a Development be used as a hotel, motel, dormitory, fraternity house, sorority house, rooming house, hospital, sanitarium, nursing home or rest home or trailer court or park.

(5) All of the dwelling units shall be rented or shall be available for rent on a continuous basis to members of the general public, and the Applicant Developer shall not give preference to any particular class or group in renting the dwelling units in the Development, except to the extent that dwelling units are required to be occupied in compliance with the Code or are being held for older persons in accordance with the Federal Fair Housing Act and set aside for Elderly Persons in Developments with Elderly Units approved by Florida Housing.

(6) The ~~Developer~~ or Applicant shall have no present plan to convert the Development to any use other than the use as a residential rental property.

(7) None of the units shall at any time be occupied by the owner of the Development or an individual related to the owner as such terms are defined by the Code; provided, however, that in Developments containing more than 50 residential units, such owner or related person may occupy up to one unit per each 100 units in a Development and such owner or related person must reside in a unit that is in a building or structure which contains at least five residential units.

(8) Commencing with the date on which at least 10 percent of the units in the Development are occupied:

(a) At least 20 percent or 40 percent, whichever is applicable based on Applicant's selection of the minimum federal Set-Aside, of the occupied and completed residential units in the Development shall be occupied by Lower Income Tenants, prior to the satisfaction of which no additional units shall be rented or leased, except to an individual or family that is also a Lower Income Tenant;

(b) All of the Public Policy Criteria selected in the Application must be met; and

(c) After initial rental occupancy of such residential units by Lower Income Tenants, at least 20 percent or 40 percent, whichever is applicable based on Applications selection of the minimum federal Set-aside, of the completed residential units in the Development project at all times shall be rented to and occupied by Lower Income Tenants as required by Section 142(d) of the Code, if the Development is financed with the proceeds of Tax-exempt Bonds, or as required by the Act, if the Development is financed with the proceeds of Taxable Bonds, or held available for rental if previously rented to and occupied by a Lower Income Tenant.

(9) The Applicant Developer shall obtain and maintain on file income certifications from each Lower Income Tenant immediately prior to initial occupancy and at least annually thereafter.

(10) The ~~Developer~~ or Applicant shall not take, permit, or cause to be taken any action which would adversely affect the exemption from federal income taxation of the interest on Tax-exempt Bonds, nor shall the Applicant Developer fail to

take any action which is necessary to preserve the exemption from federal income taxation of the interest on Tax-exempt Bonds.

(11) The ~~Developer or~~ Applicant shall take such action or actions as shall be necessary, to comply fully with the Code, Florida Statutes, and Florida Housing Rules.

(12) The ~~Developer or~~ Applicant shall execute or cause to be executed a Loan Agreement, Mortgage and such Credit Enhancement or Guarantee Instruments as shall be necessary to secure the Bonds.

(13) The Applicant Developer may limit the leasing of ~~Elderly u~~Units in a Development to older persons or those persons who qualify pursuant to the Federal Fair Housing Act in conjunction with the required income restrictions. Elderly Persons or to Elderly Persons who qualify as Lower Income Tenants and who comply with the Code income limitations.

(a) ~~The Developer may elect to achieve compliance with the requirement that 20 or 40 percent of the units in a Development be set aside for Lower Income Tenants or families as required by the Code by electing to lease to Elderly Persons who are also Lower Income Tenants under the Code.~~

(b) ~~The Developer may lease Elderly Units to Lower Income Tenants if a sufficient number of Elderly Persons cannot be found and the following criteria have been satisfied:~~

(14) In the event that the Applicant has determined that the market no longer supports the Development as housing for older persons pursuant to the Federal Fair Housing Act and desires to rent to younger persons or families, the following criteria must be met:

1. A Evidence of a viable marketing plan is submitted to and is acceptable to Florida Housing showing to show a good faith effort to market the unit to older persons.

2. The Applicant demonstrates Developer shows that a good faith effort was made to lease the unit in accordance with the Federal Fair Housing Act to older persons an Elderly Person and that such effort was made for at least six months 30 days after the certificate of occupancy for the relevant unit was issued.

~~3. The Developer agrees to continually maintain a waiting list with priority for Elderly Persons who apply after such time that such unit or units were made available to Lower Income Tenants.~~

c. The Applicant has requested and received Board approval.

(15)(14) The Applicant and Developer of a proposed rehabilitation Development shall make every effort to rehabilitate existing housing (i) without displacing existing tenants or (ii) by temporarily moving existing tenants to unaffected units within the Development until the renovation of affected units are completed.

(16)(15) The owner of a Development must notify Florida Housing of an intended a change in the management company. Florida Housing must approve the Applicant's Developer's

selection of a management agent prior to such company assuming responsibility for the Development. The Applicant's Developer authorized representative and management agent of the Development must attend a Florida Housing-sponsored training workshop on certification and compliance procedures prior to the leasing of any units in the Development.

(17)(16) The Applicant Developer shall use cost certifications with respect to each Development as required by the United States Department of Housing and Urban Development ("HUD") in connection with Developments financed by HUD, including the HUD Risk Sharing Program.

(18)(17) The Applicant Developer shall provide annually to the Trustee audited financial statements on the Development and any other information required by Florida Housing to comply with continuing disclosure requirements imposed by law.

Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.502, 420.507(9),(11),(14),(18),(19),(20),(21), 420.508 FS. History—New 12-3-86, Amended 2-22-89, 12-4-90, 9-25-96, 1-7-98, Formerly 91-21.006, Amended 1-26-99,_____.

67-21.007 Fees.

Florida Housing shall collect the following fees and charges in conjunction with the Program:

(1) Application Package Fee: Each Applicant must obtain an Application Package and "Developer's Handbook" from Florida Housing. A fee of \$60 shall be payable to Florida Housing by any person requesting a copy of the Application Package, and said fee must be received by Florida Housing prior to the issuance of an Application Package.

(2) Application Fee: At the time of submission of the Application, Applicants shall submit a non-refundable Application fee to Florida Housing in the an amount of \$11,500 not to exceed one percent of the Loan Amount and established in the Application form. This fee includes the minimum estimated costs for the Limited Restricted Appraisal, Market Study, Completeness and Threshold Check, and TEFRA Fee. If actual costs exceed estimated costs for these items, Applicant shall be responsible for payment of the balance due as invoiced.

(3) TEFRA Fee: This fee is included in Application fee. \$500 of the Application Fee As part of the Application process, Applicants shall submit a \$500.00 deposit to Florida Housing that shall be applied to the actual cost of publishing required newspaper advertisements and Florida Administrative Weekly notices of TEFRA hearings. If the actual cost of the required publishing exceeds \$500.00, Applicant shall be invoiced for the difference. If a Local Public Fact Finding Hearing is requested, the Applicant Developer shall be responsible for payment of any fees incurred by Florida Housing's counsel. If the first TEFRA approval period has expired and second TEFRA notice and hearing is required, Applicant is responsible for all costs associated with additional TEFRA process.

~~(4) Threshold Check Fee: Applicants shall submit the required non-refundable Threshold Check Fee for each Development to the Credit Underwriter designated by Florida Housing within seven calendar days of the date of the notification from Florida Housing that the Application has entered the Threshold Check process and prior to credit review by the Credit Underwriter. The Threshold Check Fee shall be determined pursuant to a contract between Florida Housing and the Credit Underwriter and shall be set forth in the Application.~~

~~(5) Appraisal Fee: Applicants shall submit the required non-refundable Appraisal Fee for each Development to the Credit Underwriter designated by Florida Housing simultaneously with the delivery of the Threshold Check Fee. The Appraisal Fee shall be determined pursuant to the contract between Florida Housing and the Credit Underwriter and shall be set forth in the Application. This fee shall not be required for Applicants meeting the requirements of Rule 67-21.014(3)(e).~~

~~(6) Market Study Fee: Applicants shall submit the required non-refundable Market Study Fee for each Development to the Credit Underwriter designated by Florida Housing simultaneously with the delivery of the Threshold Check Fee. The Market Study Fee shall be determined pursuant to the contract between Florida Housing and the Credit Underwriter and shall be set forth in the Application. This fee shall not be required for Applicants meeting the requirements of Rule 67-21.014(3)(e).~~

~~(4)(7) Final Credit Underwriting And Appraisal Fee: Applicants shall submit the required non-refundable Final Credit Underwriting and Appraisal Fee for each Development to the Credit Underwriter designated by Florida Housing within seven calendar days of the date of the invitation by Florida Housing to enter the final credit underwriting process and prior to final credit review by the Credit Underwriter. The Final Credit Underwriting Fee shall be determined pursuant to a contract between Florida Housing and the Credit Underwriter and shall be set forth in the Application.~~

~~(5)(8) Good Faith Deposit: The Applicant shall pay a total deposit equal to one percent of the Bond Amount Loan Amount in the Loan Commitment or the Loan Amount in the Application, whichever is larger, to Florida Housing, which may be applied toward the Cost of Issuance Fee. The Good Faith Deposit is payable in two equal installments: the first installment (one-half of one percent); is due when the Board approves the final Credit Underwriting Report within seven business days of receiving the invitation to enter the final phase of credit underwriting. The balance is payable when at the time of the Developer executes executing the Loan Commitment which shall be not later than 5 calendar days from receipt of the Loan Commitment.~~

~~(6)(9) Cost of Issuance Fee: Florida Housing shall require Applicants Borrowers or participating Qualified Lending Institutions selected for participation in the Program, to deliver to Florida Housing, or, at the request of Florida Housing, directly to the Trustee, before the date of delivery of the Bonds, a Cost of Issuance Fee in an amount determined by Florida Housing to be sufficient to pay the costs and expenses relating to issuance of the Bonds, which amount shall be deposited into an account to be held by the Trustee. Florida Housing shall provide the Applicant with a good faith estimate of the Cost of Issuance Fee following award of a portion of Florida Housing's State Bond Allocation to the Development by the Board. The Applicant Developer shall pay all costs and expenses incurred by Florida Housing in connection with the issuance of the Bonds, the expenditure of the Loan proceeds, and provision of a Credit Enhancement, if any, even if such costs and expenses may exceed the Cost of Issuance Fee. Any amounts remaining in this account at the time the balance is transferred and the account closed pursuant to the Trust Indenture shall will be returned to the Applicant, considered additional Florida Housing Fee and will be retained by Florida Housing.~~

~~(7)(10) HUD Risk Sharing Fees: Applicants also using the HUD Risk Sharing Program for the Development shall be responsible for associated fees, as follows:~~

~~(a) Format II Environmental Review Fee – The fee to be paid by the Applicant shall be determined by contract between Florida Housing and the environmental professional and shall be listed in the Application Package.~~

~~(b) Subsidy Layering Review Fee – The fee to be paid by the Applicant shall be determined by the contract between Florida Housing and the Credit Underwriter, and shall be listed in the Application Package.~~

~~(c) HUD Endorsement Closing Docket Deposit – At closing, the Applicant shall pay a \$10,000 deposit to Florida Housing to be held in escrow pending receipt of documentation required for completion of the HUD Endorsement Closing Docket. Said documentation shall be due no later than 60 days prior to the scheduled endorsement date. If all required documentation is complete and timely submitted, Florida Housing shall return the deposit and interest earned to the Applicant upon Florida Housing's receipt of the HUD Final Endorsement. If all required documentation is not timely submitted or is incomplete, Florida Housing shall will retain a daily pro-rata share of the deposit in an amount equal to one-thirtieth of the initial deposit for each day the required documentation remains outstanding. The balance and interest earned, if any, shall will be returned to the Applicant upon Florida Housing's receipt of the HUD Final Endorsement.~~

~~(d) Fees of the Florida Housing Finance Corporation Affordable Housing Guarantee Program pursuant to Rule 67-39, F.A.C.~~

~~(8)(11)~~ Compliance Monitoring Fees: The annual monitoring fee to be paid by the Applicant shall be determined by contract between Florida Housing and the monitoring agent ~~and shall be listed in the Application Package.~~

~~(9)(12)~~ Permanent Loan Servicing Fees: The annual servicing fee to be paid by the Applicant shall be determined by contract between Florida Housing and the Servicer ~~and shall be listed in the Application Package.~~

~~(10)(13)~~ Financial Monitoring Fees: The annual financial monitoring fee to be paid by the Applicant shall be determined by contract between Florida Housing and the monitoring agent ~~and shall be listed in the Application Package.~~

~~(11)(14)~~ Other Florida Housing Program Fees:

(a) Housing Credit Fees – If Housing Credits are used for the Development, the same Compliance Monitoring Fee for that program shall be collected from the Applicant in conjunction with the Compliance Monitoring fee for the Program fee schedule as described in Rule Chapter 67-48, F.A.C., shall apply and be paid by the Applicant to Florida Housing and/or the Credit Underwriter.

(b) Florida Affordable Housing Guarantee Program Fees – If the Guarantee Program is used in the Development, the same fee schedule described in Rule 67-39, F.A.C. shall apply and be paid by the Applicant to Florida Housing.

~~(12)(15)~~ Development Cost Pro Forma: All of the fees set forth above with respect to the Program and other FHFC programs are part of the Total Development Cost. These costs must be included in the Development project cost pro forma. Failure to timely pay any fee shall cause the Development to be placed at the bottom of ~~removed from~~ the ranking list and no further processing of the Application shall will occur until such fee has been paid and the Board has directed that the Application be reinstated.

Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.507(4),(19) FS. History—New 12-3-86, Amended 1-7-98, Formerly 91-21.007, Amended 1-26-99,_____.

67-21.008 Terms and Conditions of Loans.

(1) Each Mortgage Loan for a Development made by Florida Housing shall:

(a) Be evidenced by a properly executed Note or other evidence of indebtedness and be secured by a properly recorded Mortgage;

(b) Provide for payment of the Mortgage Loan in full not later than the expiration of the useful life of the property financed with the proceeds of the Mortgage Loan, and in any event, not later than 45 years from the date of the Mortgage Loan;

(c) Not exceed 95 percent of the Total Development Cost;

(d) If the Mortgage Loan is to provide financing for the construction of a Development, have each advance thereof secured, insured, or guaranteed in such manner as Florida Housing determines shall protect its interest and those of the Bond holders;

(e) Have the initial review, approval, and origination process accomplished by a Qualified Lending Institution meeting the requirements of Florida Statutes, section 420.508, which lending institution shall be paid a fee for its services which Florida Housing determines is usual in the lending industry and that is in accordance with the contract between Florida Housing and the Qualified Lending Institution;

(f) Be serviced by such Qualified Lending Institution or other private entity engaged in the business of servicing mortgage loans in Florida as Florida Housing shall approve, which servicer shall be paid such fees and charges for its services as Florida Housing shall determine is reasonable and usual in the lending industry; and

(g) Require the submission to Florida Housing ~~by the Developer~~ of an annual audited financial statement for the Development, or for the Applicant Borrower if revenue from multiple projects is being pledged.

(2) Upon approval, execution, and satisfaction of the terms of the Program Documents by the Applicant Developer and Florida Housing, the Bond sale and the Loan shall be scheduled for closing.

(3) The ~~Developer or~~ Applicant may obtain construction financing from an alternative source with the Bond proceeds being invested in accordance with an investment agreement subject to the requirements of the Code for Tax-exempt Bonds.

(4) The ~~Developer or~~ Applicant shall also establish and maintain escrow deposits sufficient to pay any insurance premiums and applicable taxes.

(5) Florida Housing shall charge such Program administration fees as are required to pay the cost of administering the Program during the life of the Bonds and Loan.

(6) The interest rate on the Loan shall be determined by Florida Housing, at the time of the sale of the Bonds based on the financing structure and the interest rate on the Bonds.

(7) Prepayments shall be permitted only in accordance with the terms and conditions of the Program Documents.

(8) Florida Housing shall appoint a trustee and servicing agent when necessary to administer the Program and service the Loan.

(9) All Florida Housing Loans are contingent upon:

(a) The sale, issuance and delivery of the Bonds and the availability of Bond proceeds.

(b) The ~~Developer or~~ Applicant obtaining title insurance on the property.

(c) The ~~Developer or~~ Applicant obtaining all governmental approvals for constructing and operating the Development as a multifamily housing Development.

(d) The Applicant Developer providing to Florida Housing and Special Counsel the Note, Mortgage, financing statements, survey, hazard insurance policies, liability insurance policies, escrow agreement, investment agreements, opinions of counsel including preference opinions, if required, and such other

documents as are necessary to ensure that Florida Housing has a properly secured Mortgage as required under the Act and to protect the holders of the Bonds.

(e) If required by Bond Counsel in order to deliver their opinion in connection with the issuance of the Bonds or at the request of Florida Housing, the Bonds being validated pursuant to chapter 75, F.S., and a certificate of no appeal issuing.

(f) Receipt of TEFRA approval for Tax-exempt Bonds.

(10) All Loans shall be reviewed and originated by a servicer designated by Florida Housing, in conformance with the Act. Early submission of the Good Faith Deposit to Florida Housing may accelerate work of the attorneys. The costs incurred as a result of early payment of the Good Faith Deposit are not refundable in the event the Development is not funded.

(11) The Applicant Developer shall agree to execute or cause to be executed all of the Program Loan Documents required by Florida Housing to secure the unconditional payment of the Loan and to retain the tax-exempt status of the Bonds, if Bonds are issued as Tax-exempt Bonds.

(12) The Applicant Borrower shall, prior to the requested date for funding, supply in draft form to Florida Housing the following documents with respect to the Development being financed, together with any other documents required by the Loan Agreement:

(a) A survey dated within 90 days of the date submitted showing the location of all improvements, encroachments, easements and rights-of-way, and a site plan which has been approved by all governmental authorities.

(b) A fully completed, executed and sealed surveyors' certification to Florida Housing.

(c) Written evidence of appropriate zoning and governmental approvals.

(d) Plans and specifications bearing the seal of a licensed engineer.

(e) Policies of insurance and evidence of payment of premiums.

(f) Required opinions of counsel necessary for the issuance of the Bonds.

(g) A commitment for mortgagee title insurance in favor of Florida Housing or its Trustee or designated servicer, with only standard exceptions and such other exceptions as are usually permitted in mortgage loans of this nature. Such policy shall be in an amount not less than the Loan amount plus an amount sufficient to cover any debt service reserve required by Florida Housing.

(h) A copy of the deed or form of deed conveying the land for the Development to the Applicant Developer.

(i) Evidence as to the status of liens, including mechanic's liens, recorded against the property and the permission of Florida Housing to allow any liens to remain recorded against the land or the Development.

(j) Such other documents as shall be reasonably required by Florida Housing, by the Loan Commitment, or by Florida Housing's respective counsel to protect the interests of Florida Housing in the financing.

(13) The Borrower shall not sell, transfer, nor otherwise assign any of its interest in the Development without the prior written consent of Florida Housing.

(14) Florida Housing may require that all Loans be guaranteed or collateralized but shall require all Loans to be secured to the extent necessary to protect Florida Housing and Bond holders.

(15) Any Loan financed with proceeds of Tax-exempt Bonds shall provide that the portion of any debt service reserve fund associated therewith to be financed with Tax-Exempt Bonds shall not exceed six months of debt service on the Bonds.

Specific Authority 420.507(12), 420.508(3)(c) FS. Law Implemented 420.502, 420.507(4),(6),(9),(11),(21), 420.508 FS. History—New 12-3-86, Amended 12-4-90, 11-23-94, 9-25-96, 1-7-98, Formerly 9I-21.008, Amended 1-26-99, _____.

67-21.009 Interest Rate on Mortgage Loans.

Florida Housing shall ~~will~~ establish the interest rate on Mortgage Loans at the time of sale of the Bonds. The interest rate shall in no event exceed the arbitrage limit which is legally allowed without jeopardizing the tax-exempt status of the Bonds, if Bonds are issued as Tax-exempt Bonds.

Specific Authority 420.507(12), 420.508(3)(c) FS. Law Implemented Chapter 75, 420.507, 420.508 FS. History—New 12-3-86, Amended 1-7-98, Formerly 9I-21.009, Amended _____.

67-21.010 Issuance of Revenue Bonds.

Florida Housing shall ~~will~~ fund Mortgage Loans with the proceeds from the sale of Revenue Bonds. The issuance and sale of the Bonds shall be governed by resolutions adopted by Florida Housing and by applicable law and rule. If Bonds cannot be sold or cannot be sold in an amount or at an interest rate or under conditions which are in the best interest of Florida Housing, Florida Housing shall terminate its Loan Commitment and such other agreements as were executed in conjunction with the proposed Loan.

Specific Authority 420.507(12), 420.508(3)(c) FS. Law Implemented 420.507(6), 420.508, 420.509 FS. History—New 12-3-86, Amended 1-7-98, Formerly 9I-21.010, Amended 1-26-99, _____.

67-21.011 No Discrimination.

Florida Housing, its staff or agents, Applicants, Developers, or participants under the Program shall not discriminate under this Program against any person or family, on the basis of race, creed, national origin, age, religion, handicap, familial status or sex, against persons or families on the basis of their having minor children, except that nothing herein shall be deemed to preclude a Developer from discrimination based on age in renting units in accordance with the Federal Fair Housing Act Elderly Housing, or to preclude a Developer from discrimination based on income in renting units Set-aside for

Lower Income Tenants in compliance with the requirements of the Code or with the requirements of section 420.509(19), F.S., for Tax-exempt Bonds.

Specific Authority 420.507(12), 420.508(3)(c) FS. Law Implemented 420.502, 420.507(14) FS. History—New 12-3-86, Amended 2-22-89, 12-4-90, 1-7-98, Formerly 9I-21.011, Amended 1-26-99, _____.

67-21.012 Advertisements.

Florida Housing shall require the ~~Applicant Developer~~ to withdraw from circulation advertisements with respect to the Development determined by Florida Housing to violate or be inconsistent with its policy of providing safe and sanitary affordable housing for low, moderate and middle income persons, families or persons or families with minor children.

Specific Authority 420.507(12), 420.508(3)(c) FS. Law Implemented 420.507(9),(14) FS. History—New 12-3-86, Amended 1-7-98, Formerly 9I-21.012, Amended 1-26-99, _____.

67-21.013 Private Placements of Multifamily Mortgage Revenue Bonds.

Florida Housing may issue Revenue Bonds to fund Mortgage Loans; or to refund outstanding Bonds by means of a negotiated Private Placement of such Bonds to a Qualified Institutional Buyer. Florida Housing shall designate the placement agent with respect to such Bonds, who shall be on Florida Housing's approved bond underwriters list. A Qualified Institutional Buyer who is an underwriter may contract to immediately resell such Bonds to other Qualified Institutional Buyers, which transaction shall continue to constitute a Private Placement. The amount of any placement agent fee and any amounts paid by any third party to an initial Qualified Institutional Buyer which is an underwriter shall be subject to the approval of Florida Housing or its designee. Unless such Bonds are rated in one of the three highest rating categories by a nationally recognized rating service, such Bonds shall not be held in a full book-entry system (but may be DTC-Eligible) and shall comply with at least one of the following criteria:

(1) The Bonds shall be issued in minimum denominations of \$100,000 and each purchaser of such Bond, including subsequent purchasers unless the requirements of (2) or (3) below are met, shall certify to Florida Housing prior to any purchase or transfer of any Bond that such purchaser is a Qualified Institutional Buyer; or

(2) The Bonds shall be issued in minimum denominations of \$250,000 and an investment letter satisfactory to Florida Housing and its counsel shall be obtained from each initial purchaser of the Bonds (including any purchaser purchasing such Bonds in an immediate resale from an underwriter), but shall not be required of subsequent purchasers of the Bonds, to the effect that, among other things, such purchaser is a Qualified Institutional Buyer, is purchasing such Bonds for its own account and not for immediate resale to other than another

Qualified Institutional Buyer, and has made an independent investment decision as a sophisticated or institutional investor; or

(3) The Bonds shall be issued in minimum denominations of \$250,000 and an investment letter satisfactory to Florida Housing and its counsel shall be obtained from each initial purchaser of the Bonds and from each subsequent transferee of the Bonds prior to any transfer thereof, to the effect that such purchaser is a Qualified Institutional Buyer.

Specific Authority 420.507(12), 420.508(3)(c) FS. Law Implemented 420.507(4),(5),(6),(9),(11),(14),(16),(18),(19),(20),(21) FS. History—New 11-23-94, Amended 1-7-98, Formerly 9I-21.013, Amended 1-26-99, _____.

67-21.014 Credit Underwriting Procedures.

(1) ~~After the cycle closing date, Following the Application Review process,~~ Florida Housing shall assign and forward all ~~those Applications determined by staff to be complete~~ to the Credit Underwriter for the Completeness and Threshold Check.

~~(a) A notification of whether or not an Application has been forwarded to Threshold Check shall be provided by Florida Housing. Upon notification that an Application has entered the Threshold Check process, the required Threshold Check Fee must be received within seven calendar days of the date of the notice. Florida Housing will, within the specified seven calendar days, submit a copy of the Applicant's Application Package to the Credit Underwriter. Failure to submit the Threshold Check Fee by the specified deadline shall result in a loss of ranking for the Application.~~

~~(a)(b)~~ A positive recommendation as to compliance with the Completeness and Threshold Check by Florida Housing's Credit Underwriter and approval by Florida Housing's Board of Directors shall be required for a Development to be invited to final Credit Underwriting.

~~(b)(c)~~ An invitation into final Credit Underwriting shall require that the Applicant submit the fFinal pPhase Credit Underwriting Fee and information required to complete the final Credit Underwriting, to the Credit Underwriter in accordance with the schedule established by Florida Housing upon the recommendation of the Credit Underwriter. Failure to submit the Final Phase Credit Underwriting Fee and information by the specified deadline shall result in a loss of ranking for the Application.

(2) The Credit Underwriter shall in final Credit Underwriting analyze and verify all information in the Application Package in order to make a recommendation to the Board on the feasibility of the Development.

(a) If the Credit Underwriter determines that special expertise is required to review information submitted to the Credit Underwriter which is beyond the scope of normal underwriting procedures, the cost of such expertise shall be borne by the Applicant.

(b) The Credit Underwriter shall review the proposed financing structure to determine whether the Loan is feasible.

(c) In addition to operating expenses, the Credit Underwriter must include an estimate for replacement reserves when calculating the final net operating income available to service the debt. A minimum amount of \$200 per unit must be deposited annually in the replacement reserve account for all Developments. This amount may be adjusted by the Board based on a physical needs assessment. An Applicant may choose to fund a portion of the replacement reserves at closing from moneys other than the proceeds of the Bonds. This partial funding ~~The amount~~ cannot exceed 50 percent of the required replacement reserves for two years and must be placed in escrow at closing. Applicants with Credit Enhancement may employ a different replacement reserve structure with Florida Housing's approval.

(d) Florida Housing shall consider the following when determining the need for construction completion guarantees based on the recommendations of the Credit Underwriter:

1. Liquidity of any guarantee provider.

2. Applicant's, Developer's and General Contractor's history in successfully completing Developments of similar nature.

3. The past performance of the Applicant, Developer, General Contractor, or management agent, in developing, constructing or managing Developments financed by Florida Housing or its predecessor, including, by way of example and not limitation, nonpayment of fees and noncompliance with program requirements.

4. Exposure of Florida Housing funds compared to Total Development Costs. At a minimum, the corporate general partner of the borrowing entity shall provide a personal guarantee for completion of construction. In addition, a letter of credit ~~and/or~~ payment and performance bond shall ~~will~~ be required if Florida Housing determines upon recommendation of the Credit Underwriter after evaluation of conditions in paragraphs 1. through 3., above, that additional surety is needed.

(e) The Credit Underwriter shall review and make a recommendation to Florida Housing whether the number of loans and construction commitments of the Applicant and its principals will impede its ability to proceed with the successful development of each proposed Florida Housing Development.

(f) The Credit Underwriter shall consider the appraisal of the Development and other market study documentation to make a recommendation as to whether the market exists to support both the demographic and income restriction Set-asides committed to within the Application.

(g) If the Credit Underwriter requires additional clarifying materials in the course of the underwriting process, the Credit Underwriter shall notify Florida Housing and request the information from the Applicant. Such requested information shall be submitted within five business days of receipt of the

request therefor. Failure for any reason to submit required information by the specified deadline shall result in a loss of ranking for the Application.

(h) If audited financial statements are unavailable from the Applicant or from those members of the development team that are guaranteeing completion, the Applicant shall submit Credit Underwriter shall request federal tax returns for the past three ~~two~~ years to the Credit Underwriter.

~~(i)(3)(a)~~ Required appraisals, market studies, pre-construction analyses, and environmental studies (other than Phase I Environmental Site Assessments) shall be completed by professionals approved by Florida Housing's Credit Underwriters. Approval of appraisers and contractors to complete market and environmental studies shall be based upon review of qualifications, professional designations held, references and prior experience with similar types of Developments.

~~(j)(b)~~ A limited restricted appraisal as defined by the Uniform Standards of Professional Appraisal Practice and separate market study shall be ordered as part of the Completeness and Threshold Check or at the request of the Developer, a full or self-contained appraisal may be ordered at such time. A full or self-contained appraisal as defined by the Uniform Standards of Professional Appraisal Practice shall be ordered not later than when an Application enters final Credit Underwriting. The Applicant may choose an appraiser from the Credit Underwriter's approved list of appraisers; however, the Credit Underwriter shall order, upon notification by the Applicant and at the Applicant's expense, the appraisals of the Development. The Applicant is responsible for notifying the Credit Underwriter of the requested appraiser within 48 hours of when Application enters final Credit Underwriting ~~in time~~ to ensure the timely delivery of the appraisals. The Credit Underwriter shall review the appraisals to properly evaluate the loan request in relation to the property value.

~~(k)(e)~~ Appraisals and separate market studies submitted with the Application which have been ordered by third party credit enhancers or syndicators and which meet the above requirements and are acceptable to the Credit Underwriter may be used utilized instead of the Appraisal or market study referenced above.

~~(3)(4)~~ The Applicant shall review and provide written comments on the draft Credit Underwriting report to Florida Housing and Credit Underwriter within the time frame established by Florida Housing. Florida Housing shall provide comments on the draft report and, as applicable, on the Applicant's comments to the Credit Underwriter. The Credit Underwriter shall then review and incorporate Florida Housing's and Applicant's comments and release the revised report to Florida Housing and the Applicant. Any additional comments from the Applicant shall be received by Florida Housing and the Credit Underwriter within the established

time frame. Then, the Credit Underwriter ~~shall~~ ~~will~~ provide a final report, which ~~shall~~ ~~will~~ address comments made by the Applicant to Florida Housing.

~~(4)(5)~~ After approval by the Board of the Credit Underwriter's favorable recommendation from of final Credit Underwriting and payment of one-half of the Good Faith Deposit, the Board of Directors, Florida Housing ~~s~~Staff and Florida Housing Counsel shall begin negotiations of the Loan Commitment.

Specific Authority 420.507(12), 420.508(3)(c) FS. Law Implemented 420.507, 420.508, 420.509 FS. History--New 1-7-98, Formerly 9I-21.014, Amended 1-26-99, _____.

67-21.015 Use of Bonds with Other Affordable Housing Finance Programs.

(1) Applicants may use Tax-exempt or Taxable Bond financing in conjunction with other affordable housing finance programs administered by Florida Housing, including, by way of example, and not of limitation, the Housing Credit, the State Apartment Incentive Loan, the Florida Affordable Housing Guarantee, HOME Investment Partnerships Rental Loan, Predevelopment Loan Program and HUD Risk Sharing Programs.

(2) Applicants desiring to apply for financing from multiple programs shall submit separate applications using forms prescribed by each program and shall submit fees as required by the other programs, except that Applicants do not need to submit a separate Application for non competitive Housing Credits; this Application for Multifamily Bonds shall be used for non-competitive Housing Credits as well as Tax-exempt Bonds. Applicants shall, however, be required to pay the Housing Credits Application Fee. This fee should be submitted to the Housing Credits Program at the same time as Final Cost paperwork is submitted to the Housing Credits Program.

(3) Applicants that receive funding from other programs and the Multifamily Mortgage Revenue Bond Program shall comply with the requirements of the applicable program rule and this rule.

Specific Authority 420.507(12), 420.508(3)(c) FS. Law Implemented 420.507, 420.508 FS. History--New 1-7-98, Formerly 9I-21.015, Amended 1-26-99, _____.

67-21.016 Compliance Procedures.

(1) Any duly authorized representative of Florida Housing shall be permitted at any reasonable time to inspect and monitor Development and tenant records and facilities. All tenant records shall be maintained by the owner of the Development within 50 miles of the Development site.

(2) Florida Housing or its representative shall conduct on-site Development inspections at least annually.

(3) Florida Housing must approve the selection or replacement of a management company prior to such company assuming responsibility for the Development, using the following criteria:

(a) Review of company information including key management personnel, management experience and procedures;

(b) Review of company forms such as application for apartment residence, income verification forms, lease, etc.;

(c) Key management company representative attendance at a Florida Housing compliance workshop; and

(d) A meeting between Florida Housing compliance staff and the key management company representative after the compliance workshop.

(4) Florida Housing ~~shall~~ ~~will~~ document approval of the management company to the owner of the Development after successful completion of items (3)(a)-(d).

(5) The Owner of the Development shall maintain complete and accurate income records pertaining to each tenant occupying a Set-aside unit. Records for each occupied Set-aside unit shall contain the following documentation:

(a) The tenant's application containing the name or names of each household member, employment and income information for each household member, and other information required by the owner of the Development;

(b) An executed lease agreement listing the term of the tenancy and all of the tenants residing in the unit;

(c) Verification of the income of each tenant as is acceptable to prove income under Section 8 of the U. S. Housing Act of 1937, as in effect on the date of this Rule Chapter;

(d) Information as to the assets owned by each tenant; and

(e) Income Certification Form TIC-1 for each tenant. A sample Form TIC-1 can be obtained from Florida Housing.

(6) The Applicant shall submit Program Reports pursuant to the following: The initial Program Report shall be submitted prior to the time of Loan closing, if the Development is occupied, or by the 25th of the month following rental of the initial unit in the Development. Subsequent Program Reports shall be submitted each month and are due no later than the 25th of each month thereafter. The Program Reports shall be accompanied by the certificate of continuing program compliance and copies of all Tenant Income Certifications executed since the last Program Report (to be sent to Florida Housing and the monitoring agent).

(7) The Developer shall, at least monthly, submit to Florida Housing and the Trustee a certificate of continuing program compliance stating the percentage of dwelling units that are:

(a) Occupied by lower-income tenants.

(b) Being held vacant for occupancy by lower-income tenants.

(c) Occupied by other persons.

(8) Florida Housing shall monitor compliance of all terms and conditions of the Loan and in the Land Use Restriction Agreement, which Land Use Restriction Agreement shall be

recorded in the public records of the county wherein the Development is located. The Land Use Restriction Agreement ~~shall will~~ be recorded first. Violation of any term or condition of the documents evidencing or securing the Loan shall constitute a default during the term of the Loan. Florida Housing shall take legal action to effect compliance if a violation of any term or condition relative to the Set-aside of units for Lower Income Tenants is discovered during the course of compliance monitoring or by any other means.

(9) Sponsors shall annually certify that the household gross income, adjusted for family size of each household occupying a unit set aside for Lower Income Tenants meets income requirements specified in Section 142(d)(3)(B) of the Code. Should the annual recertification of such households result in noncompliance with income occupancy requirements, the next available unit must be rented to a household qualifying under the provisions of Section 420.5087(2), Florida Statutes, in order to ensure continuing compliance of the Development.

Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.507(4),(13),(14), 420.508, 420.509 FS. History--New 1-7-98, Formerly, 9F-21.015, Amended 1-26-99,_____.

67-21.017 Transfer of Ownership.

(1) Any transfer of ownership of any Development shall be subject to approval by Florida Housing as described below and limitations of the Code. The determination of whether a transfer of ownership of a Development shall be deemed to take place for purposes of this rule shall be made in accordance with the provisions of the Land Use Restriction Agreement and other Program Documents for such Development. Developers shall advise Florida Housing in writing of any change of ownership of the Developer aggregating 50 percent or more of ownership interests in the Developer within any six-month period.

(2) A request for transfer of ownership shall be submitted to Florida Housing in writing and include evidence that the current owner has agreed to the proposed sale. A detailed opinion letter from the Applicant's legal counsel describing the scope of the proposed transaction must also be provided. Florida Housing shall notify the current owner and potential purchaser of any additional information necessary for the Board to make an informed decision. A written request for a transfer of ownership (along with additional information requested by Florida Housing for the Board package) which is received by Florida Housing at least 21 days prior to a noticed Board meeting shall be considered at the next Board meeting.

(3) Upon favorable consideration by the Board to a request for transfer, Florida Housing shall assign a Credit Underwriter, Bond Counsel, Special Counsel, and other professionals as needed to effect the transfer.

(4) Prior to the transfer of ownership (a) the prospective purchaser and the conditions of the assumption of the Program Documents must be approved by the Credit Underwriter as meeting the terms of its credit underwriting report, Bond

Counsel and Special Counsel as complying with all applicable legal requirements, and Florida Housing as meeting the stated purposes of Florida Housing, (b) all outstanding fees owing to Florida Housing shall be paid, (c) the Development shall be in compliance with all existing regulatory requirements imposed by Florida Housing or its predecessor, (d) if the Set-aside requirements in the term of the existing Land Use Restriction Agreement are is expired or have less than 12 months remaining, such agreement shall be extended for a minimum of two years from the date of closing. The Credit Underwriter shall conduct a credit underwriting of the new owner upon any transfer of ownership. Additionally, the new owner shall be notified that any refunding of bonds associated with such Development project shall require a full Credit Underwriting of the Development.

(5) The prospective purchaser or current owner shall be responsible for payment of all fees for professional services rendered in association with the transfer of ownership.

Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.508(3)(a), 420.507, 420.508 FS. History--New 1-7-98, Formerly 9F-21.017, Amended 1-26-99,_____.

67-21.018 Refundings and Troubled Development Review.

(1) Refunding of previously issued Bonds shall in all instances be at the option of Florida Housing and not an obligation of Florida Housing.

(2) Florida Housing ~~shall will~~ endeavor where feasible to refund Bonds which are either in default or face a pending default.

(3) Approval by Florida Housing for a refunding of an issue of Bonds for reasons related to pending default shall be subject to the following:

- (a) determination of the quality of the impending default;
- (b) submission of a sworn certificate of impending default by the Developer or Credit Enhancer;
- (c) submission of sworn certificate from the Developer or Credit Enhancer that conditions causing default are likely to continue;
- (d) submission of certified information from a certified public accountant concerning cash contributions to the Development, financial condition of the Development, including analysis of tax benefits derived from Development losses, and the financial condition of the Developer or Credit Enhancer;
- (e) independent evidence of market conditions in the Development location;
- (f) evidence of effort by the Developer or Credit Enhancer to procure other sources of capital infusion;
- (g) statement by the Developer or Credit Enhancer of the continued public purpose to be achieved by refunding;

(h) agreement by the Developer or Credit Enhancer to update the Land Use Restriction Agreement, including retention of state and federal income limits;

(i) new Credit Underwriting by Florida Housing, with new Bond amount determined by Florida Housing based upon real estate underwriting criteria and equal to the lesser of the amount determined by Florida Housing or the Credit Enhancer, to provide assurance that a similar default condition will not present itself in the future;

(j) the full risk of refunding is taken by the Credit Enhancer through full indemnification of Florida Housing; with consideration given to personal indemnification from the Developer if sufficient financial strength can be demonstrated;

(k) all costs of refunding are paid by the Developer or the Credit Enhancer outside of Bond proceeds, including all applicable fees;

(l) retention of annual fees by Florida Housing;

(m) provision of other evidence of the immediacy of default;

(n) retention of the Credit Enhancement; and

(o) management of the Development is reviewed and approved by Florida Housing.

(4) In connection with all refundings, the following shall apply:

(a) All outstanding fees of Florida Housing shall be paid in connection with the refunding;

(b) The Set-Asides required by the ~~original~~ Land Use Restriction Agreement shall be extended for a period determined by Florida Housing;

(c) A Credit Underwriting and an existing property valuation report shall be required (which may incorporate any Credit Underwriting undertaken within the past twelve months in connection with a transfer of ownership of the same Development);

(d) Additional operating deficit or other guarantees and establishment of replacement reserves or increase in existing reserves may be required as specified in the Credit Underwriting report;

(e) The loan shall be amortized over the remaining life of the Bonds; and

(f) Any material changes to the underlying documents shall be deemed to constitute a refunding for purposes hereof.

(g) The owner of the Development must applicant should provide a written request for the refunding and a detailed opinion from Applicant's counsel describing the scope of the transaction on forms provided by Florida Housing. It shall not be necessary to complete an Application in connection with a refunding request.

Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.507, 420.508 FS. History—New 1-7-98, Formerly 91-21.018, Amended 1-26-99,

67-21.019 Issuance of Bonds for 501(c)(3)'s.

(1) Florida Housing shall entertain requests for it to serve as the issuer of tax exempt Bonds for the acquisition or construction of multifamily housing to be owned by a not-for-profit corporation organized under Section 501(c)(3) of the Code.

(2) In connection with all bonds issued pursuant to 67-21.019, F.A.C., Applicants shall be required to comply with the provisions of Rule 67-21.003, 67-21.004 [other than paragraph (4) therein] and Rule 67-21.0045 through 67-21.018, as if the 501(c)(3) Bonds are being issued as Tax-exempt Bonds under Section 141 of the Code, except with respect to Rule 67-21.007(4) and Rule 67-21.014, no CTC or CTC fee shall be required, and except with respect to 67-21.004(2), only one Public Policy Criteria shall be satisfied in addition to the minimum federal Set-aside.

(3) In addition, Applicant shall submit the following:

(a) an abbreviated Application using specified forms from MFMRB2000;

(b) an initial bond counsel fee of \$1,000 along with IRS Form 1023 and all attachments and correspondence to and from the IRS relative to 501(c)(3) status of the Applicant; and

(c) an opinion from Applicant's counsel (at Applicant's sole expense evidencing the Applicant's qualifications as a 501(c)(3) and Applicant's authority to incur bond debt for multifamily housing.

Specific Authority 420.507(12) FS. Law Implemented 420.502, 420.507(14),(24), 420.508 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Joyce Martinez, 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 NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 25, No. 12, March 26, 1999

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).

Section III
Notices of Changes, Corrections and
Withdrawals

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Law Enforcement

RULE NO.: RULE TITLE:
62N-24.010 Pinellas County Boating Restricted
Areas

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 25, No. 20, in the May 21, 1999, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Law Enforcement

RULE NO.: RULE TITLE:
62N-24.011 Okeechobee Waterway Boating
Restricted Areas

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 25, No. 16, in the April 23, 1999, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: RULE TITLE:
64B10-11.001 Application for Examination

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 25, No. 11, March 19, 1999, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: RULE TITLE:
64B10-11.004 Examination Review Procedures

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 11, March 19, 1999, issue of the Florida Administrative Weekly. The changes are in response to comments provided by the staff of the Joint Administrative Procedures Committee. Subsection (2) of the rule shall now read as follows:

(2) The actual costs of the examination review shall be borne by the applicant.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Nursing Home Administrators/MQA, 2020 Capital Circle, S. E., Bin #04, Tallahassee, Florida 32399-3254.

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: RULE TITLE:
64B10-15.0021 Approved Providers

NOTICE OF ADDITIONAL PUBLIC HEARING

The Board of Nursing Home Administrators hereby gives notice of an additional public hearing on the above-referenced rule to be held on August 13, 1999, at 9:00 a.m., or shortly thereafter, at the Radisson Hotel, 415 N. Monroe Street, Tallahassee, Florida. The rule was originally published in Vol. 25, No. 11, of the March 19, 1999, Florida Administrative Weekly. This additional hearing is being held in response to comments received from the Joint Administrative Procedures Committee and also comments provided by the Board members at the May 13-14, 1999 board meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Nursing Home Administrators/MQA, 2020 Capital Circle, S. E., Bin #C04, Tallahassee, Florida 32399-3254.

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

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE NO.: RULE TITLE:
64B11-4.001 Use of Prescription Devices

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 14, April 19, 1999, issue of the Florida Administrative Weekly. The changes to this rule are in response to comments provided by the staff of the Joint Administrative Procedures Committee. Subsections (1)(d) and (2)(d) of this rule shall now read as follows:

(1)(d) Supervised treatment sessions shall be conducted under the supervision of licensed occupational therapists and occupational therapy assistants who have completed an eight (8) hours course in the use of electrical stimulation devices and five (5) supervised treatments or licensed physical therapists and physical therapist assistants trained in the use of electrical stimulation devices. Treatment supervisors must have a minimum of 24 months prior experience in the use of electrical stimulation devices.

(2)(d) Supervised treatment sessions shall be conducted under the supervision of licensed occupational therapists and occupational therapy assistants who have completed an eight (8) hour course in the use of ultrasound devices and five (5)