

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 or facsimile at (850)414-5479

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Don Stuart, Deputy Development 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. 44, November 5, 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 REVENUE

NOTICE OF CABINET AGENDA ON
NOVEMBER 23, 1999

The Governor and Cabinet, on November 23, 1999, sitting as head of the Department of Revenue, will consider approval of amendments to Rules 12D-7.0143, FAC., Additional Homestead Exemption Up To \$25,000 for Persons 65 and Older Whose Household Income Does Not Exceed \$20,000 Per Year; 12D-7.015, FAC., Educational Exemption.; 12D-7.0155, FAC., Enterprise Zone Exemption For Child Care Centers.; 12D-7.017, FAC., Exemption of Homes for the Aged.; 12D-7.018, FAC., Fraternal and Benevolent Organizations.; 12D-8.005, FAC., Assessing Property Not Returned as Required by Law and Penalties Thereon.; 12D-13.002, FAC., When Taxes Are Due; Notice of Publication; Discounts if Taxes Are Paid Before Certain Times.; 12D-13.009, FAC., Refunds.; 12D-13.064, FAC., Lands Available for Taxes.; 12D-16.002, FAC., Index to Forms. Proposed Rule 12D-7.0143, FAC., is needed to implement the provisions of Chapter 99-341, L.O.F., which provide for an additional homestead exemption for persons 65 and older. The proposed amendment to Rule 12D-7.015, FAC., is needed to implement section 4 of Chapter 99-304, Laws of Florida, which exempts from ad valorem property tax child care facilities that achieve Gold Seal Quality status. Proposed Rule 12D-7.0155, FAC., is needed to implement section 2 of Chapter 99-304, Laws of Florida, which created an ad valorem property tax exemption for child care facilities located in an enterprise zone. The proposed amendment to Rule 12D-7.017, FAC., is needed to implement section 2 of Chapter 99-208,

Laws of Florida, which created an ad valorem property tax exemption for certain non-profit homes for the aged. The proposed amendment to Rule 12D-7.018, FAC., is needed to clarify the application of the ad valorem property tax exemption to property of fraternal and benevolent organizations. The proposed amendment to Rule 12D-8.005, FAC., is needed to conform the rule to section 2, Chapter 99-239, Laws of Florida, which provides for a mandatory 30 day and additional optional 15 day extension of time to file tangible personal property tax returns upon request by a taxpayer. The proposed amendment to Rule 12D-13.002, FAC., is needed to conform the rule to section 2, Chapter 98-139, Laws of Florida, which provides for discounts on corrected tax notices. The proposed amendment to Rule 12D-13.009, FAC., is needed to clarify that the date of a refund claim relates back to the date a certificate of correction is delivered to and received by the tax collector where the date of the certificate of correction predates the date of the taxpayer's refund application. The proposed amendment to Rule 12D-13.064, FAC., is needed to implement the provisions of sections 3 and 4, Chapter 99-190, Laws of Florida, which provide for cancellation of omitted ad valorem property taxes on purchases by a county or other governmental unit from the list of lands available for taxes; and that land on the list escheats to the county three years after the property was offered for tax deed sale. The proposed amendments to Rule 12D-16.002, FAC., are needed to implement forms revisions created in Chapters 99-208, 99-251, 99-341, and 99-378, Laws of Florida; delete obsolete forms; and incorporate other technical changes made to forms. The proposed amendments were originally noticed in the Florida Administrative Weekly of October 8, 1999, Vol. 25, No. 40, pp. 4635-4644. A public hearing on the proposed rules was held on November 1, 1999. No comments were received at the public hearing that were directly addressed to the subject of the proposed rules as published in the October 8, 1999, Florida Administrative Weekly.

DEPARTMENT OF CITRUS

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| RULE CHAPTER NO.: | RULE CHAPTER TITLE: |
| 20-48 | Targeted Value-Added Promotions Program for Fresh Grapefruit |
| RULE NOS.: | RULE TITLES: |
| 20-48.004 | Allocation; Disbursement of Funds |
| 20-48.005 | Program Requirements |
| 20-48.006 | Qualification of Advertising/Merchandising |
| 20-48.008 | Proof of Performance; Claim for Payment |

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules, in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 35, September 3, 1999 issue of the Florida Administrative Weekly.

20-48.004(8) and (9) are changed as follows:

(8) Participant will not be responsible for matching funds on media promotions. Payment will be made by the Department directly to the retailer involved for demonstration promotions scheduled at participant's request. Media demo programs will be fully reimbursed (up to \$5,000). All other demo programs are eligible to be reimbursed at the rate of non-media promotions must be scheduled in conjunction with Department media program in selected markets.

(9) All claims must be submitted and filed with the Department no later than July 31 of each shipping season and must include ~~pre and post promotion~~ FOB pricing, and movement and an explanation of the volumetric variance when movement during promotion period was significantly less than anticipated on Participant's commitment form. A Targeted Value-Added Promotion Program Evaluation form CIT/MKTG/154/EFF 10/20/99 must accompany each claim, or payment to retailer cannot be processed. Claims that are incomplete or otherwise late will be rejected by the Department with written notification to the participant.

20-48.005(3)(b) is changed as follows:

(3)(b) Targeted VAP Agreement Form CIT/MKTG/153/EFF. 10/20/99 ~~8/4/99~~ for a media/demo promotion,

20-48.006(1) and (3) are changed as follows:

(1)(b) Feature ad + expanded display (end cap or secondary table).

Feature ad must include the Florida Sunshine Tree or Florida Citrus Growers' symbol and either the American Heart Association Heart Check logo or at least one of the following Department of Citrus approved value-added messages:

1. High in vitamin C
2. Rich in dietary fiber
3. Heart Healthy Source of potassium
4. Significant source of folate
- 4.5. Cholesterol free and fat free

(c) For club stores (that do no feature advertising) other comparable advertising or promotion will be deemed to meet the minimum activity requirement if approved at least 21 days in advance by the Florida Department of Citrus staff.

(3) Promotions may be established to tie-in with Department media scheduled in selected markets. Only the following types of promotions are eligible for Targeted VAP funds in these media markets:

- (a) Demonstration/sampling program
- (b) Graphic grapefruit bin use
- (c) Bagged grapefruit promotion
- (d) Multi-unit pricing (beyond the \$1 mark) on bulk loose citrus.

20-48.008(3) is changed as follows:

(3) ~~Copy of load invoice from shipper, or A~~ a properly executed Targeted Value-Added Promotion Program Evaluation Form CIT/MKTG/154EFF. 10/20/99 ~~volume confirmation form.~~

DEPARTMENT OF CITRUS

RULE CHAPTER NO.: 20-114
 RULE CHAPTER TITLE: Ownership and Use of "Wintersweet" Certification Mark

RULE NOS.:
 20-114.001 Ownership
 20-114.002 Permission Required for Use
 20-114.003 General Restrictions and Standards
 20-114.004 Use on Fruit, Containers and Merchandise
 20-114.005 Definitions
 20-114.006 Withdrawal of License or Permission

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment published in the Florida Administrative Weekly, Vol. 25 No. 30, July 30, 1999 has been withdrawn.

DEPARTMENT OF HEALTH

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

RULE NO.: 64B4-3.0035
 RULE TITLE: Demonstrating Knowledge of Laws and Rules for Licensure

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 25, No. 32, August 13, 1999, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee. The Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling held an additional public hearing on October 21, 1999, in Naples, Florida and voted to change the rule to read as:

64B4-3.0035 Demonstrating Knowledge of Laws and Rules for Licensure.

An applicant for licensure in Clinical Social Work, Marriage and Family Therapy or Mental Health Counseling may demonstrate knowledge of the laws and rules for licensure in the following manner:

(1) An applicant may complete an approved course consisting of a minimum of eight (8) hours which shall include the following subject areas:

- (a) Chapter 455, Part II, F.S., (Regulation of Professions and Occupations, General Provisions)
- (b) Chapter 90.503, (Psychotherapist-Patient Privilege)

(c) Chapter 394, F.S., (Part I Florida Mental Health Act)

(d) Chapter 397, F.S.

(e) Chapters 415 and 39, F.S., (Protection from Abuse, Neglect and Exploitation)

(f) Chapter 491, F.S., (Clinical, Counseling and Psychotherapy Services)

(g) Chapter 64B4, F.A.C., (Rules of the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling)

(2) The laws and rules course must provide integration of the above subject areas into the competencies required for clinical practice and interactive discussion of clinical case examples applying the laws and rules that govern the appropriate clinical practice.

(3) Upon completion of the course, the applicant shall receive a certificate of completion and submit the original certificate of completion to the Board.

(4) A laws and rules course offered by a Board approved laws and rules course provider shall qualify for continuing education credit even if the provider is not an approved continuing education provider pursuant to Rule 64B4-6.004, F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 2020 Capital Circle, S. E., Bin #08, Tallahassee, Florida 32399-3258

FLORIDA HOUSING FINANCE CORPORATION

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| RULE NOS.: | RULE TITLES: |
| 67-32.002 | Definitions |
| 67-32.004 | General Program Restrictions |
| 67-32.010 | Right to Inspect and Monitor Funded Developments |
| 67-32.011 | Fees |

NOTICE OF CHANGE

Notice is hereby given that in response to written recommendations made by the Joint Administrative Procedures Committee, the following changes in addition to nonpublished technical corrections/clarifications have been made to Rule 67-32, Florida Administrative Code, a published in Vol. 25, No. 35, of the Florida Administrative Weekly on September 3, 1999.

67-32.002 Definitions.

(5) "Elderly" describes a person 62 years of age or older. Persons meeting the Fair Housing Act requirements for Elderly, pursuant to Section 760.29(4), Florida Statutes, shall be considered Elderly.

67-32.004 General Program Restrictions.

(1) Loans shall be subject to the following restrictions:

(a) A loan for life-safety, building preservation, health, sanitation, or security related repairs or improvements may not exceed \$200,000 per housing community for the Elderly.

(b) Loans under this Program shall be made:

1. For life-safety related installations, modifications, or improvements, building preservation, health, sanitation, or security-related installations, modifications, or improvements as set forth in the National Fire Protection Association Life Safety Code Handbook NFPA 101 (1997) (1985) and all publications referenced in Chapter 32 and Appendix B thereof. Examples shall include smoke detectors, smoke detection systems, automatic door closures and alarm systems; and

67-32.010 Right to Inspect and Monitor Funded Developments.

The Corporation or its agents shall have the right to inspect and monitor the records and facilities of all of the funded Developments. Such inspections shall occur during the implementation phase of the repairs or improvements and may occur after completion of such repairs or improvements as a result of suspected default or noncompliance issues ~~may occur without notice at any reasonable time.~~

67-32.011 Fees.

Specific Authority 420.5087(3)(c)2. FS. Law Implemented 420.5087(3)(c), 420.507(32-011)(19) FS. History--New 10-2-89, Amended 2-25-96, Formerly 91-32.011, Amended 11-9-98.

FLORIDA HOUSING FINANCE CORPORATION

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| RULE NOS. | RULE TITLES: |
| 67-37.002 | Definitions |
| 67-37.007 | Uses and Restrictions Upon SHIP Local Housing Distribution Funds for Local Housing Assistance Plans |
| 67-37.015 | Compliance Monitoring for Housing Developed with SHIP Local Housing Distribution Funds |
| 67-37.016 | Reporting Requirements |

NOTICE OF CHANGE

Notice is hereby given that in response to oral and written comments and recommendations made by the Joint Administrative Procedures Committee, the following changes in addition to non-published technical corrections/clarifications have been made to Rule 67-37, Florida Administrative Code as published in Vol. 25, No. 37 of the Florida Administrative Weekly on September 17, 1999.

67-37.002 Definitions.

~~(3)(7)~~ "Annual Report" or "Form SHIP-AR/99-1" ~~or "Form SHIP-AR/97-1"~~ is a multi-page report that is required to be completed and submitted to the Corporation by September 15 of each year pursuant to Section 420.9075(9), F.S., and is adopted and incorporated herein by reference- with an effective date of _____.

67-37.007 Uses of and Restrictions Upon SHIP Local Housing Distribution Funds for Local Housing Assistance Plans.

(f) Financing, or "buy-down" costs, if directly attributable to assisting eligible persons to own a home or obtain rental occupancy (e.g., security and utility deposit assistance) in a home or unit which has obtained a certificate of occupancy in the 12-month period immediately preceding the contract for sale and purchase or has never been occupied or lease of the premises. When used to purchase an existing housing unit, closing costs and down payment assistance will be considered toward fulfilling the 75 percent construction requirement only if the housing unit receives rehabilitation. Any other costs may be submitted to the Review Committee for review and approval.

~~(10)(12)~~ Rental units constructed, rehabilitated or otherwise assisted from the local housing assistance trust fund must be monitored at least annually for 15 years or the term of assistance, whichever is longer, for compliance with tenant income and affordability requirements. In determining the maximum allowable rents, 30 percent of the applicable income category divided by 12 months shall be used based on the number of bedrooms. A one-person household shall be used for an efficiency unit, and for units with separate bedrooms, one and one-half persons per bedroom shall be used. A rental limit chart based on the above calculation adjusted for bedroom size will be provided to the local governments by the Corporation annually. ~~The Corporation will monitor the activities of the local governments to determine compliance with program requirements.~~

67-37.015 Compliance Monitoring for Housing Developed With SHIP Local Housing Distribution Funds.

(3) The staff or entity with administrative authority for a local housing assistance plan assisting rental developments shall monitor and determine tenant eligibility and the amount of subsidy using the same guidelines as specified at (2) above, at least annually for 15 years or the term of assistance, whichever is longer. The Corporation will monitor the activities of the local governments to determine compliance with program requirements.

67-37.016 Reporting Requirements.

~~(1) Each county, eligible municipality, or interlocal entity shall submit to the Corporation by September 15 of each year a report of its affordable housing plan and accomplishments through June 30 immediately preceding submittal of the report. The Annual Report must be filed with the Corporation utilizing the Annual Report Form SHIP-AR/99-1. Annual Report Form SHIP-AR/99-1 may be obtained from the Corporation by contacting the SHIP Program at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301. Forms provided by the Corporation. Form, SHIP AR/97 1, must be submitted to fulfill this requirement. The report shall be certified as accurate and~~

~~complete by the county's or eligible municipality's chief elected official or his or her designee. Transmittal of the annual report by the county's or eligible municipality's chief elected official, or his or her designee, schedule for implementation.~~

FLORIDA HOUSING FINANCE CORPORATION

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|------------|--------------------------------|
| RULE NOS.: | RULE TITLES: |
| 67-45.001 | Definitions |
| 67-45.002 | Notice of Funding Availability |
| 67-45.003 | General Program Restrictions |
| 67-45.006 | Loan Processing |

NOTICE OF CHANGE

Notice hereby given that in response to recommendations made by the Joint Administrative Procedures Committee, the following changes have been made to Rule Chapter 67-45, Florida Administrative Code, as published in Vol. 25, No. 33 of the Florida Administrative Weekly on August 20, 1999.

67-45.001 Definitions.

(1) "Act" means the Florida Housing Finance Corporation Act as found in Chapter 420, Part V, F.S.

(2) "Construction Loan" means a loan to a non-profit sponsor or developer under the Florida Home Ownership Assistance Program's Construction Loan Program as more fully described in Rule Chapter 67-44, F.A.C.

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

(4) "Demonstration Development" means a development which provides a unique, demonstrated benefit to a population or area not adequately served by existing Florida Housing programs, may serve as a replicable model for future Florida Housing programs, and otherwise complies with any rule of Florida Housing regarding Demonstration Developments.

~~(5)(4)~~ "Down Payment Assistance Loan" or "Loan" means a Florida Home Ownership Assistance Program loan in the amount of \$2,500.00 for which no interest is charged and for which repayment of principal is deferred until the expiration of the term of the First Mortgage, or in the event of sale, transfer, refinancing or rental of the Home, in which case the Loan is due and payable in full at that time. The Down Payment Assistance Loan may be used for down payment ~~and/or~~ or closing costs associated with the purchase of the Home.

~~(6)(5)~~ "Eligible Borrower" means a person or persons or family or families:

- (a) Who receives a Down Payment Loan;
- (b) Who intend to permanently reside as a household in the Home as their principal single-family residence;
- (c) Whose total annual family income at time of closing does not exceed 72 percent for a family of one or two persons or 80 percent for a family of three or more persons of the State or local median income, whichever is greater.
- (d) Who are participating in the Corporation's Single-Family Bond Program.

(7)(6) "FannieMae" means the Federal National Mortgage Association.

(8)(7) "FHA" means the Federal Housing Administration of the U.S. Department of Housing and Urban Development or other Agency or instrumentality created or chartered by the United States government to which the powers of the Federal Housing Administration have been transferred.

(9)(8) "First Mortgage" means the recorded mortgage to which the Down Payment Assistance Loan is subordinated and which is superior to any other lien or encumbrance on the property.

(10)(9) "Florida Home Ownership Assistance Program" means the Florida Home Ownership Assistance Program created under Section 420.5088, F.S., which includes the Construction Loan Program, the Permanent Loan Program and the Down Payment Assistance Loan Program.

(11)(10) "Home" means a residential unit used as a single-family residence, which is taxed as real property under the laws of the State of Florida and is located within the State, including a condominium unit and a manufactured home meeting FannieMae or FHA standards, which is acceptable to any insurer providing private mortgage insurance, FHA, VA or RHS, as applicable, but not a two-, three- or four-family residence, unless each unit in such residence is owner occupied, and land appurtenant to the residential unit which:

(a) Is designed and intended primarily for residential housing;

(b) Is determined by a qualified appraisal to have an expected useful life of not less than 30 years or the term of the First Mortgage, whichever is less;

(c) Will be occupied by the owner as his or her principal residence within a reasonable time after financing is provided. For purposes of this subparagraph, 60 days shall be deemed as a reasonable time;

(d) Has a sales price which does not exceed the Maximum Acquisition Cost as set forth in Rule 67-45.001(12), F.A.C.

(e) Maintains the basic livability of the residence and does not provide, other than incidentally, a source of income to the Eligible Borrower (including child care services, on a regular basis for compensation).

(12)(11) "Lender" 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, or other financial institution or governmental agency authorized to transact business within the State of Florida which institution customarily provides services in the financing of mortgages for real property in Florida. Lenders must be qualified FHA, VA, RHS, Government National Mortgage Association (GNMA), FannieMae, or Federal Home Loan Mortgage Corporation Association (FHLMC) originators and servicers or sellers and servicers as required by the program documents and approved as a participant for the particular Single-Family Bond Program,

or any other public or private loan program approved by the Corporation's Board of Directors, under which the Down Payment Assistance Loan is subordinated.

(13)(12) "Maximum Acquisition Cost" means the Maximum Acquisition Cost under the Corporation's Single-Family Bond Program.

(14)(13) "Permanent Loan" or "Loan" means a loan to a borrower under the Florida Home Ownership Assistance Program's Permanent Loan Program as more fully described in Rule Chapter 67-46, F.A.C.

(15)(14) "RHS" means United States Department of Agriculture Rural Housing Services which was formerly known as the Farmer's Home Administration.

(16)(15) "Second Mortgage" means the recorded mortgage securing the Construction Loan, Down Payment Assistance Loan or Permanent Loan which is subordinate only to the lien of the First Mortgage.

(17)(16) "Single-Family Bond Program" means the Single-Family Mortgage Revenue Bond Program implemented pursuant to Rule Chapter 67-25, F.A.C., or any other public or private loan program approved by the Corporation's Board of Directors as a substitute for the Single-Family Mortgage Revenue Bond Program.

(18)(17) "VA" means the U.S. Department of Veterans Affairs.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.507(23), 420.5088 FS. History--New 8-7-95, Formerly 91-45.001, Amended.

67-45.002 Notice of Funding Availability.

The Corporation shall publish a notice in the Florida Administrative Weekly announcing its intention to provide funding for qualified mortgage loans under the Single-Family Bond Program and the Down Payment Assistance Loan Program and inviting qualified Lenders to submit offers to originate to the Corporation at least seven (7) days prior to selection. Such notice shall be published at least sixty (60) days prior to the anticipated availability of Loan funds. The Corporation shall set forth in said notice any election to reserve up to 10 percent of the available funding for use solely for Demonstration Developments pursuant to rule promulgated by Florida Housing. The Corporation's Board of Directors, in its sole discretion, may reserve up to 10 percent of the available funding for Demolition Developments.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.5088 FS. History--New 8-7-95, Formerly 91-45.002, Amended.

67-45.003 General Program Restrictions.

Loans will be subject to the following restrictions:

(1) In no case may an Eligible Borrower receive both a Down Payment Assistance Loan and a Permanent Loan.

(2) Loans shall be made available only to Eligible Borrowers to finance Homes which do not exceed the Maximum Acquisition Cost.

(3) Loans will be serviced by the Corporation or its designated servicer.

(4) Loans shall be evidenced by a properly executed note as evidence of the indebtedness and shall be secured by a properly executed and recorded mortgage, subject only to the lien of the First Mortgage.

(5) Prepayment of the Loans shall be permitted without penalty.

(6) Loans are not assumable.

(7) No more than one-fifth of the funds available in the Trust Fund may be made available by the Board of Directors to provide loan loss insurance reserve funds to facilitate homeownership for any persons or families whose incomes do not exceed 120 percent of the State median income or local median income, whichever amount is higher. In the event of default, the reserve funds are authorized to be used ~~may be used, at the sole discretion of the Corporation's Board of Directors,~~ to offset losses incurred by both the first mortgagee and the second mortgagee.

~~(8) During the first 9 months of each fiscal year the program's allocation will be utilized as follows:~~

~~(a) Sixty percent of the program funds shall be reserved for Downpayment Assistance Loans.~~

~~(b) Twenty percent of the program funds shall be reserved for Permanent Loans.~~

~~(c) Twenty percent of the program funds shall be reserved for Construction Loans. If, at the end of 9 months, the Corporation determines that there is insufficient demand for loans under any of the above categories, the Corporation may, at its sole discretion, transfer all or a portion of the remaining allocation to fund another HAP loan program.~~

~~(9) If the application of the above percentages would cause the reservation of program funds under paragraph 8(a) to be less than \$1 million, the reservation for paragraph 8(a) shall be increased to \$1 million or all available funds, whichever amount is less, with the increase to be accomplished by reducing the reservation for paragraph 8(b) and, if necessary, paragraph 8(c).~~

Specific Authority 420.507(12),(23) FS. Law Implemented 420.5088 FS. History--New 8-7-95, Formerly 91-45.003, Amended

67-45.006 Loan Processing.

(1) All applications and Loans shall be processed by the Lenders in accordance with ~~the~~ each Lender's standard underwriting criteria and any criteria in regard to Second Mortgages which may be imposed by FHA, VA, FannieMae, RHS or other parties insuring or guaranteeing the First Mortgage loan.

(2) Loan applications shall be reviewed by the lender originating the First Mortgage on the basis of first-come, first-served.

(3) Upon approval of an application by a Lender, the Corporation shall be contacted by telephone or telecopy, as provided in the applicable program documents, to ascertain the availability of sufficient funds for making the Loans. The Executive Director, or his or her designee, shall either confirm the availability of sufficient funds to make the Loan or shall inform the Lender that the amount requested for the Loan exceeds the funds available to fund the Loan.

(4) If sufficient funds are not available to fund the full amount of the Loan as requested, the application shall be deferred to a waiting list maintained by the Corporation on a first-come, first-served basis. Such application shall be considered as soon as sufficient funds become available to finance the Loan in full, as requested.

(5) Confirmation of sufficient available funds for a requested Loan shall be provided first by a telephonic confirmation by the Corporation or its designee, and then confirmation of fund availability shall be made in writing by the Corporation or its designee to the Lender.

Specific Authority 420.507(12),(23) FS. Law Implemented 429.5088 FS. History--New 8-7-95, Formerly 91-45.006, Amended

FLORIDA HOUSING FINANCE CORPORATION

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|-------------------|--------------------------------|
| RULE NOS.: | RULE TITLES: |
| 67-46.001 | Definitions |
| 67-46.002 | Notice of Funding Availability |
| 67-46.003 | General Program Restrictions |

NOTICE OF CHANGE

Notice hereby given that in response to recommendations made by the Joint Administrative Procedures Committee, the following changes have been made to Rule Chapter 67-46, Florida Administrative Code, as published in Vol. 25, No. 33 of the Florida Administrative Weekly on August 20, 1999.

67-46.001 Definitions.

(1) "Act" means the Florida Housing Finance Corporation Act as found in Chapter 420, Part V, F.S.

(2) "Construction Loan" means a loan to a non-profit sponsor or developer under the Florida Home Ownership Assistance Program's Construction Loan Program as more fully described in Rule Chapter 67-44, F.A.C.

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

(4) "Demonstration Development" means a development which provides a unique, demonstrated benefit to a population or area not adequately served by existing Florida Housing programs, may serve as a replicable model for future Florida Housing programs, and otherwise complies with any rule of Florida Housing regarding Demonstration Developments.

~~(5)~~(4) "Down Payment Assistance Loan" means a loan to a borrower under the Florida Home Ownership Assistance Program's Down Payment Assistance Loan Program as more fully described in Rule Chapter 67-45, F.A.C.

~~(6)(5)~~ "Eligible Borrower" means a person or persons or family or families:

- (a) Who receives a Permanent Loan;
- (b) Who intends to permanently reside as a household in the Home as their principal single-family residence;
- (c) Whose total annual family income at time of closing does not exceed 80 percent of the State or local median income adjusted by household size.
- (d) Who are participating in the Corporation's Single-Family Bond Program.

If the Corporation determines that there is insufficient demand for Permanent Loans by persons or families who are participating in the Corporation's Single-Family Bond Program, based upon the number of applications for loans compared to remaining available funds, the Corporation ~~may~~ shall make such Loans to persons or families who are receiving a first mortgage loan through another Corporation single-family program. ~~or any other public or private loan approved by the Corporation's Board of Directors.~~

~~(7)(6)~~ "FannieMae" means the Federal National Mortgage Association.

~~(8)(7)~~ "FHA" means the Federal Housing Administration of the U.S. Department of Housing and Urban Development or other Agency or instrumentality created or chartered by the United States government to which the powers of the Federal Housing Administration have been transferred.

~~(9)(8)~~ "First Mortgage" means the recorded mortgage to which the Permanent Loan is subordinated and which is superior to any other lien on the property.

~~(10)(9)~~ "Florida Home Ownership Assistance Program" means the Florida Home Ownership Assistance Program created under Section 420.5088, F.S., which includes the Construction Loan Program, the Permanent Loan Program and the Down Payment Assistance Loan Program.

~~(11)(10)~~ "Home" means a residential unit used as a single-family residence, which is taxed as real property under the laws of the State of Florida and is located within the State, including a condominium unit and a manufactured home meeting FannieMae or FHA standards, each of which is acceptable to any insurer providing private mortgage insurance, FHA, VA or RHS, as applicable, but not a two-, three- or four-family residence, unless each unit in such residence is owner occupied, and has land appurtenant to each residential unit which:

- (a) Is designed and intended primarily for residential housing;
- (b) Is determined by a Qualified Appraisal to have an expected useful life of not less than 30 years or the term of the First Mortgage, whichever is less;
- (c) Will be occupied by the owner as his or her principal residence within a reasonable time after financing is provided.

For purposes of this subparagraph, 60 days shall be deemed as a reasonable time;

(d) Has a sales price which does not exceed the Maximum Acquisition Cost as set forth in Rule 67-46.001(12), F.A.C.

(e) Reasonably maintains the basic liveability of the residence and does not provide, other than incidentally, a source of income to the Eligible Borrower (including child care services on a regular basis for compensation).

~~(12)(11)~~ "Lender" 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, , or other financial institution or governmental agency authorized to transact business within the State of Florida which institution customarily provides services in the financing of mortgages for real property in Florida. Lenders must be qualified FHA, VA, RHS, Government National Mortgage Association (GNMA), FannieMae, or Federal Home Loan Mortgage Corporation Association (FHLMC) originators and servicers, or sellers and servicers as required by the program documents and approved as a participant for the particular Single-Family Bond Program, or any other public or private loan program approved by the Corporation's Board of Directors, under which the Permanent Loan is subordinated.

~~(13)(12)~~ "Maximum Acquisition Cost" means the Maximum Acquisition cost under the Corporation's Single-Family Bond Program.

~~(14)(13)~~ "Permanent Loan" or "Loan" means a Florida Home Ownership Assistance Program Loan for which no interest is charged and which shall be limited to:

(a) the lesser of \$15,000 or 25 percent of the purchase price of the Home or the amount necessary to enable the purchaser to meet credit underwriting criteria, for those individuals and families whose income is 65 percent or less of the county's median income and shall have a term not to exceed 30 years or the term of the First Mortgage.

(b) the lesser of \$10,000 or 10 percent of the purchase price of the Home or the amount necessary to enable the purchaser to meet credit underwriting criteria, for those individuals and families whose income is 80 percent or less of the county's median income and shall have a term not to exceed 30 years or the term of the First Mortgage. Proceeds of the loan may be used only to assist with down payment and closing cost expenses, ~~or and/or~~ to reduce the principal amount of the First Mortgage. Repayment shall be deferred for the term of the First Mortgage, except in the event of sale, transfer, refinancing or rental of the Home in which case the Loan shall become due and payable in full at that time.

~~(15)(14)~~ "RHS" means United State Department of Agriculture Rural Housing Service which was formerly known as the Farmer's Home Administration.

~~(16)(15)~~ "Second Mortgage" means the recorded mortgage securing the Construction Loan, Down Payment Assistance Loan or Permanent Loan which may be a consolidated note and mortgage and is subordinate only to the First Mortgage.

~~(17)~~(16) "Single-Family Bond Program" means the Single-Family Mortgage Revenue Bond Program implemented pursuant to Rule Chapter 67-25, F.A.C., or any other public or private loan program approved by the Corporation's Board of Directors as a substitute for the Single-Family Mortgage Revenue Bond Program.

~~(18)~~(17) "VA" means the U.S. Department of Veterans Affairs.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.507(23), 420.5088 FS. History--New 8-7-95, Formerly 91-46.002, Amended.

67-46.002 Notice of Funding Availability.

The Corporation shall publish a notice in the Florida Administrative Weekly announcing its intention to provide funding for qualified mortgage loans under the Single-Family Bond Program and the Permanent Loan Program and invite qualified Lenders to submit offers to originate to the Corporation at least seven (7) days prior to selection. Such notice shall be published at least sixty (60) days prior to the anticipated availability of Loan funds. The Corporation shall set forth in said notice any election to reserve up to 10 percent of the available funding for use solely for Demonstration Developments pursuant to rule promulgated by Florida Housing. The Corporation's Board of Directors, in its sole discretion, may reserve up to 10 percent of the available funding for Demolition Developments.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.5088 FS. History--New 8-7-95, Formerly 91-46.002, Amended.

67-46.003 General Program Restrictions.

Loans will be subject to the following restrictions:

- (1) In no case may an Eligible Borrower receive both a Down Payment Assistance Loan and a Permanent Loan.
- (2) Loans shall be made available only to Eligible Borrowers to finance Homes which do not exceed the Maximum Acquisition Cost.
- (3) Loans will be underwritten and serviced by the Corporation or its designated servicer.
- (4) Loans shall be evidenced by a properly executed note or other evidence of indebtedness and shall be secured by a properly executed and recorded mortgage.
- (5) Prepayment of the Loans shall be permitted without penalty.
- (6) Loans are not assumable.
- ~~(7) During the first 9 months of each fiscal year the program's allocation will be utilized as follows:~~
 - ~~(a) Sixty percent of the program funds shall be reserved for Downpayment Assistance Loans.~~
 - ~~(b) Twenty percent of the program funds shall be reserved for Permanent Loans.~~
 - ~~(c) Twenty percent of the program funds shall be reserved for Construction Loans. If, at the end of 9 months, the Corporation determines that there is insufficient demand for~~

~~loans under any of the above categories, the Corporation may, at its sole discretion, transfer all or a portion of the remaining allocation to fund another HAP loan program.~~

~~(8) If the application of the above percentages would cause the reservation of program funds under paragraph 7(a) to be less than \$1 million, the reservation for paragraph 7(a) shall be increased to \$1 million or all available funds, whichever amount is less, with the increase to be accomplished by reducing the reservation for paragraph 7(b) and, if necessary, paragraph 7(c).~~

Specific Authority 420.507(12),(23) FS. Law Implemented 420.5088 FS. History--New 8-7-95, Formerly 91-46.003, Amended.

FLORIDA HOUSING FINANCE CORPORATION

| | |
|------------------|---------------------------------------|
| RULE NOS: | RULE TITLES: |
| 67-47.010 | Definitions |
| 67-47.020 | Notice of Funds Availability ("NOFA") |
| 67-47.060 | Eligible Activities |
| 67-47.110 | Administrative Procedures |

NOTICE OF CHANGE

Notice is hereby given that in response to oral and written comments received at the August 23, 1999 Rule Hearing and recommendations made by the Joint Administrative Procedures Committee, the following changes have been made to Rule Chapter 67-47, Florida Administrative Code, as published in Vol. 25, No. 30 of the Florida Administrative Weekly on July 30, 1999.

67-47.010 Definitions.

(4) "Applicant" means

(a) For the HOME Competitive Application Cycle, any entity possessing the requisite skill, experience, and credit worthiness to successfully construct or rehabilitate affordable Home Ownership units for eligible Low-Income Families pursuant to the provisions of the HOME Program and Rule Chapter 67-47, F.A.C. as further described below:

i. For acquisition and new construction or acquisition and rehabilitation Developments, an eligible Applicant is a Local Government, Regional Planning Council, Public Housing Authority, for-profit or Non-profit sponsor or developer, or qualified CHDO with a firm loan commitment from a Lender as defined in Form 3 of the Application.

(29) "Lender" for purposes of permanent and construction financing means a qualified Lender, group of qualified Lenders, or consortium of Lenders, or other financial institution or governmental corporation, authorized to transact business in the State, who is committed to underwrite the Home Ownership Development, ~~and~~ has unrestricted assets or capital resources in excess of the amount committed to a demonstrated capacity as determined by the Corporation at its sole discretion, to provide construction financing, end loan or construction and permanent financing for eligible Low Income Households who are purchasers of Home Ownership Units in

the Development pursuant to the provisions of 24 CFR Part 92 (1996) and Rule Chapter 67-47, F.A.C. provide construction financing, end loan or construction and permanent financing. Lenders must be qualified FHA, VA, RD, GNMA, Fannie Mae, or FHLMC originators and servicers. ~~In addition to the foregoing, for purposes of construction financing a Lender means an individual or individuals or any entity which demonstrates sufficient liquidity capacity as determined by the Corporation at its sole discretion, to simultaneously fund not less than the maximum number of speculative units allowable under Rule Chapter 67-47, F.A.C. If a Lender is referenced as a Lender in other Applications in the funding cycle, the unrestricted assets or capital resources should be in excess of the aggregate amount committed to all Development Applications submitted.~~

67-47.020 Notice of Funds Availability (“NOFA”).

(1) HOME Home Ownership funds availability for the Competitive Application Cycle and for use with the SF MRB Program shall be noticed in the Florida Administrative Weekly. The NOFA shall be published at least 60 days prior to the Application Deadline date or the beginning of the origination period for a SF MRB Program, as applicable. The NOFA shall also be mailed to each person and organization on the Corporation’s HOME Home Ownership Program mailing list. The Corporation shall set forth in said notice any election to reserve up to 10 percent of the available funding for use solely for Demonstration Developments pursuant to rule promulgated by Florida Housing.

67-47.060 Eligible Activities.

(4) Developers producing new units with a HOME Construction Loan may offer up to 25% of the units to Low-Income persons under a lease-purchase program subject to the following conditions:

(a) The Developer has a credit and home ownership counseling program in place which ~~is acceptable to the Corporation and its designated Servicee~~ meets or surpasses the quality of services standards set forth in the HUD Handbook 7610.1 as revised.

(d) The Developer has a process for managing properties during the lease period ~~including, but not limited to include:~~ collecting monthly rents, inspecting units, paying monthly debt service including taxes and insurance, maintaining an escrow account for security, damage and maintenance deposits.

67-47.110 Administrative Procedures.

(1) Notice of intended funding or denial of funding will be provided to each Applicant with a statement that Applicants who wish to contest the decision, pursuant to Chapter 120, F.S., must petition for review of the decision in writing within ~~ten (10)~~ twenty one (21) calendar days of receipt of the notice. The petition for review is deemed filed when it is received by the Executive Director, at the Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, prior to 5:00 p.m. E.S.T. on the ~~tenth~~ twenty-first day. ~~Failure to timely file a petition shall constitute a waiver of the right to an administrative proceeding under Chapter 120, F.S.~~

(2) ~~Any petition described in subsection (1) shall meet the requirements of Rule 28-5.201, F.A.C.~~ If the petition concerns the scoring of an Application, the petition shall identify the forms on which scoring is contested and shall specify the errors claimed.

FLORIDA HOUSING FINANCE CORPORATION

| RULE NOS.: | RULE TITLES: |
|------------|--|
| 67-48.002 | Definitions |
| 67-48.003 | Notice of Funding or Credit Availability |
| 67-48.004 | Application and Selection Procedures for Developments |
| 67-48.005 | Applicant Administrative Appeal Procedures |
| 67-48.006 | Compliance and Reporting Requirements |
| 67-48.007 | Fees |
| 67-48.009 | Additional SAIL Application Ranking and Selection Procedures |
| 67-48.0095 | SAIL General Program Procedures and Restrictions |
| 67-48.010 | Terms and Conditions of SAIL Loans |
| 67-48.012 | SAIL Credit Underwriting and Loan Procedures |
| 67-48.013 | SAIL Construction Disbursements and Permanent Loan Servicing |
| 67-48.020 | Terms and Conditions of Loans for HOME Rental Developments |
| 67-48.021 | HOME Credit Underwriting and Loan Procedures |
| 67-48.022 | HOME Disbursements Procedures and Loan Servicing |
| 67-48.023 | HC General Program Procedures and Requirements |
| 67-48.026 | Housing Credit Underwriting Procedures |

| | |
|------------------|--|
| 67-48.027 | Tax-Exempt Bond-Financed Developments |
| 67-48.028 | Carryover Allocation Provisions |
| 67-48.029 | Extended Use Agreement |
| 67-48.031 | Termination of Extended Use Agreement and Disposition of Housing Credit Developments |
| NOTICE OF CHANGE | |

Notice is hereby given that in response to oral and written comments and recommendations made by the Joint Administrative Procedures Committee, the following changes in addition to non-published technical corrections/clarifications have been made to Rule 67-48, Florida Administrative Code, a published in Vol. 25, No. 35, of the Florida Administrative Weekly on September 3, 1999.

67-48.002 Definitions.

(5) "Annual Owner Compliance Certification Form" or "Form AOC-1" means, with respect to a Housing Credit Development, a report format which is required to be completed and submitted to the Corporation, pursuant to Fla. Admin. Code Ann. r. 67-48.006(6), and is adopted and incorporated herein by reference, effective November 9, 1998. Such form is included as an attachment to the Application Package.

(6) "Applicable Fraction" means the fraction, the numerator of which is the number of Housing Credit Rent-Restricted Units and the denominator of which is the total number of residential rental units less any unit exempted by Internal Revenue Ruling 92-61, or the fraction, the numerator of which is the floor space of the Housing Credit Rent-Restricted Units and the denominator of which is the total floor space of the residential rental units less any unit exempted by Internal Revenue Ruling 92-61, whichever is less. The Applicable Fraction is applied to the eligible basis of a building to determine the qualified basis of a building for Housing Credit purposes.

(17) "Code" or "IRC" means the Internal Revenue Code of 1986, as in effect on the date of this Rule Chapter, together with corresponding and applicable final, temporary or proposed regulations and revenue rulings issued with respect thereto by the Treasury or the Internal Revenue Service of the United States.

(33) "Draw" means the disbursement of funds to a Development under the SAIL and/or HOME Program(s).

~~(44)(45)~~ "Final Cost Certification" or "Form FCCA" means, with respect to a Housing Credit Development, that Form FCCA which is adopted and incorporated herein by reference, revised August 1999 June 1998, and which shall be used by an Applicant to itemize all expenses incurred in association with construction or rehabilitation of a Housing Credit Development. Such form will be made available from the Corporation and shall be completed, executed and submitted to the Corporation, as specified in Fla. Admin. Code

Ann. r. 67-48.023(7)-(8), along with the recorded Extended Use Agreement, a copy of the syndication agreement disclosing the rate and all terms, the required certified public accountant opinion letter, photographs of the completed Development, the monitoring fee, and documentation of the placed-in-service date as specified in FCCA instructions. The Final Housing Credit Allocation will not be issued until such time as all items in the preceding sentence are received and processed by the Corporation. Such form is included as an attachment to the Application Package.

~~(45)(46)~~ "Final Housing Credit Allocation" means, with respect to a Housing Credit Development, the issuance of Housing Credits by the Executive Director to an Applicant upon completion of construction or rehabilitation of a Development and submission to the Corporation by the Applicant of a completed and executed Form FCCA pursuant to Fla. Admin. Code Ann. r. 67-48.023(7)-(8).

~~(67)(68)~~ "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 January 1998, and which shall be used to certify the income of all tenants residing in a set-aside unit in a Development. Such form is included as an attachment to the Application Package.

~~(71)(72)~~ "Non-Profit" means a qualified non-profit entity as defined in the HUD Regulations, Section 42(h)(5)(c), subsection 501(c)(3) or 501(c)(4) of the Code and organized under Chapter 617, Florida Statutes, if Florida Corporation, or organized under similar state law if organized in a jurisdiction other than Florida, to provide housing and other services on a not-for-profit basis, which owns at least 51% of the ownership interest in the Development held by the general partner entity and which entity is acceptable to federal and state agencies and financial institutions as a Sponsor for affordable housing. Qualification as a Non-Profit entity must be evidenced to the Corporation by the receipt from the Applicant, upon Application, of a written opinion from legal counsel. The total cost of securing this written legal opinion will be borne entirely by the Applicant. A Non-Profit entity shall own an interest in the Development, either directly or indirectly; shall not be affiliated with or controlled by a for-profit corporation; and shall materially participate in the development and operation of the Development throughout the total affordability period as stated in the Land Use Restriction Agreement and the Extended Use Agreement. If an Applicant submits Application to the Corporation as a Non-Profit entity but does not qualify as such, the Applicant will be disqualified from participation for the current cycle.

~~(74)(75)~~ "Preliminary Allocation" means a non-binding reservation of Housing Credits issued by the Executive Director to a Housing Credit Development which has successfully completed the credit underwriting process and demonstrated a need for Housing Credits.

~~(78)~~(79) "Program Report" or "Form PR-1" means the report format which is required to be completed and submitted to the Corporation pursuant to Fla. Admin. Code Ann. r. 67-48.006 and is adopted and incorporated herein by reference, effective ~~November 9, 1998~~. Such form is included as an attachment to the Application Package.

~~(79)~~(80) "Progress Report" or "Form Q/M Report" means, with respect to a Housing Credit Development, a report format that is required to be completed and submitted to the Corporation pursuant to Fla. Admin. Code Ann. r. 67-48.028~~(4)~~(3), and is adopted and incorporated herein by reference, effective ~~July 22, 1996~~. Such form is included as an attachment to the Application Package.

~~(81)~~(82) "Qualified Allocation Plan" or "QAP" means, with respect to the HC Program, the Qualified Allocation Plan which is adopted and incorporated herein by reference, effective ~~November 9, 1998~~, and which was approved by the Governor of the State of Florida on ~~September 25, 1998~~, pursuant to Section 42(m)(1)(B) of the Code and sets forth the selection criteria and the preferences of the Corporation for Developments which will receive Housing Credits. The QAP is included as an attachment to the Application Package.

~~(83)~~(84) "Recap of Tenant Income Certification Information" or "Form AR-1" means, with respect to the HOME and/or HC Program(s), a report format which is required to be completed and submitted to the Corporation pursuant to this Rule Chapter and is adopted and incorporated herein by reference, effective ~~November 9, 1998~~. Such form is included as an attachment to the Application Package.

~~(84)~~(85) "Rehabilitation" means, with respect to the HOME Program, the alteration, improvement or modification of an existing structure. It also includes moving an existing structure to a foundation constructed with HOME funds. Rehabilitation may include adding rooms outside the existing walls of a structure, but adding a housing unit is considered new construction. "Rehabilitation" means, with respect to the Housing Credit Program, what is stated in Sec. 42 (e) of the Code, with the exception of Sec. 42(e) (3) (A) (II) which is changed to read: "II. The requirement of this subclause is met if the qualified basis attributable to such amount, when divided by the number of low-income units, in the building, is \$20,000 or more.

67-48.003 Notice of Funding or Credit Availability.

(2) With respect to the SAIL, HOME and HC Programs, funds will initially be allocated as necessary to satisfy any final judgment of a court of law or recommended order of a hearing officer or administrative law judge or settlement agreement which has been adopted by final order approved by the Corporation's Board of Directors in connection with litigation with respect to a previous cycle.

~~(9)~~(8) In the event of a federally declared disaster, any Allocation Authority not preliminarily allocated, as well as any Authority remaining after Preliminary Allocation, ~~can~~ may be

diverted by the Board of Directors, based upon an Executive Order signed by the Governor, to one or more federally declared disaster areas.

67-48.004 Application and Selection Procedures for Developments.

(4) An original and ~~three~~ two photocopies of the original Application shall be securely bound in separate three ring binders with numbered index tabs for each form and exhibit with the materials provided in the Application Package when submitted. The submitted Application which is considered the original ~~shall~~ must contain authentic, penned in ink signatures on those forms which specifically request original signatures. Signatures which are faxed, scanned, photocopied, or otherwise duplicated will not be considered acceptable signatures within the original Application and will cause rejection of the Application, unless the form containing the original signature is located in one of the copies of the Application, in which case the applicable penalty shall be applied in accordance with Application Instructions and forms.

(9) If an Applicant or any Principal or Affiliate of an Applicant or a Developer has failed to place-in-service a Development which received a HC allocation or has any existing Developments participating in any Corporation programs that remain in non-compliance with the Code or this Rule Chapter and the cure period granted for correcting such non-compliance has ended, at the time of submission of the Application or at the time of issuance of a final credit underwriting report and the cure period granted for correcting such non-compliance has ended, the requested allocation will be denied and the Applicant and the Affiliates of the Applicant or Developer will be ~~are~~ prohibited from new participation in any of the Programs for a period of one year and until such time as all of their existing Developments participating in any Corporation programs are in compliance.

(13) The Review Committee ~~shall~~ may use other Corporation staff, ~~Department staff or professional consultants~~ to assist in reviewing certain portions of the Application.

(14) With respect to the HOME and HC Program Applications, when two or more Applications receive the same numerical score, the Application which has the higher total score on Forms 3, 4, and 7 shall be ranked higher. With respect to the SAIL Program, when two or more Applications receive the same numerical score, the Corporation shall give priority to the Application which conforms to the geographic distribution detailed in section 420.5087(1), Florida Statutes. With respect to the SAIL, ~~and HOME and HC Program Applications,~~ if two or more Applications remain tied, the Corporation shall give priority to the Application with the lowest percentage based on the following Form 10 calculation: SAIL or HOME loan amount divided by the lower of Actual Total Development Cost or Threshold Total Development Cost. With respect to the HC Program Applications, if two or more Applications remain tied, the Corporation shall give priority to the Application with

the lowest amount of HC requested per set-aside unit, as calculated on Form 10. Finally with respect to the SAIL, HOME and HC Applications, if two or more Applications continue to remain tied, priority will be given to the Application with the lowest number of total residential units the following calculation will be performed and the Application which receives the lower number ranks higher: Square footage of constructed/rehabilitated buildings as shown on Form 1 times the percentage of residential units the Applicant is committing to set aside. The total sum of Corporation funds requested, including equity received from syndication of housing Credits, is then divided by the number resulting from the calculation in the previous sentence.

67-48.005 Applicant Administrative Appeal Procedures.

(1) Following the Review Committee's determination of preliminary scores and ranking, notice of intended funding or denial of funding will be provided to each Applicant with a statement that:

(a) Applicants who wish to contest the decision relative to their own Application must petition for review of the decision in writing within 21 ~~40~~ calendar days of the date of receipt of the notice. The request must specify in detail the forms and the scores sought to be appealed. In its petition for review, the Applicant shall have the opportunity to cure transpositional or scrivener's errors that do not otherwise materially affect the Application and correct exhibits to the Application, provided that the original of such exhibit was properly recorded in the public records of its county of origin or was on file with the Secretary of State's Office for the State of Florida at the time the Application was submitted. Notwithstanding the ability to cure, a penalty will be applied in accordance with the Application Instructions and forms. Unless the appeal involves disputed issues of material fact, the appeal will be conducted on an informal basis. The Review Committee will review the appeal and will provide to the Applicant a written position paper which recommends either no change in score or an increase or decrease in a score which it deems to be in error. If the Applicant disagrees with the Review Committee's recommendation, the Applicant will be given an opportunity to participate in the informal administrative appeal hearings scheduled by the Review Committee. If the appeal raises issues of material fact, a formal administrative hearing will 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.

(2) Notice will be provided to all Applicants whose score is reduced or whose Application is deemed ineligible pursuant to 67-48.005(1)(b) that they may contest the decision relative to their own Application by petitioning for review of the decision in writing within 21 ~~40~~ calendar days of the date of receipt of the notice. The request must specify in detail the forms and the scores sought to be appealed. In its petition for review, the Applicant shall have the opportunity to cure

transpositional or scrivener's errors that do not otherwise materially affect the Application and correct exhibits to the Application, provided that the original of such exhibit is properly recorded in the public records of its county of origin or is on file with the Secretary of State's Office for the State of Florida. Notwithstanding the ability to cure, a penalty will be applied in accordance with the Application Instructions and forms. Unless the appeal involves disputed issues of material fact, the appeal will be conducted on an informal basis. The Review Committee will review the appeal and will provide to the Applicant a written position paper which recommends either no change in score or an increase or decrease in a score which it deems to be in error. If the Applicant disagrees with the Review Committee's recommendation, the Applicant will be given an opportunity to participate in the informal administrative appeal hearings scheduled by the Review Committee. No Applicant or other person or entity will be allowed to intervene in the appeal of another Applicant. If the appeal raises issues of material fact, a formal administrative hearing will 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.

67-48.006 Compliance and Reporting Requirements.

(1) Any duly authorized representative of the Corporation or the Treasury shall be permitted at any ~~reasonable~~ time during normal business hours 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.

(5)(e) Income Certification Form TIC-1 for each tenant. A sample Form TIC-1 can be obtained from the Corporation. ~~For Developments participating in Section 8 and RD Programs, the HUD Forms 50058 or 50059 or RD (or FmHA) Form 1944-8 may be used in lieu of Form TIC-1 as long as proper documentation is maintained in the tenant files.~~

(7) HC Developments will submit copies of each building's completed IRS Form 8609 and Schedule A (Form 8609) for the first year housing credits are claimed to the Compliance Section of Florida Housing Finance Corporation. These forms are incorporated by reference and are due at the same time they are filed with the Internal Revenue Service. Form 8609 and Schedule A (Form 8609) can be obtained from the Internal Revenue Service by calling 1-800-829-4477. Additionally, correspondence shall indicate what the first month of the first taxable year is.

67-48.007 Fees.

(3) Application Fee: SAIL and HC Applicants shall submit to the Corporation at the time of submission of the Application a non-refundable Application fee of: (a) \$250 per Application per Program ~~to the Corporation~~ if Applicant or Applicant's General Partner qualifies as a Non-Profit entity pursuant to HUD Regulations, Section 42(h)(5)(c), subsection 501(c)(3) or 501(c)(4) of the Code and organized under Chapter 617,

Florida Statutes, if a Florida Corporation, or organized under similar state law if organized in a jurisdiction other than Florida, and (b) \$500 per Application per Program for all others ~~at the time of submission of each Application.~~ HOME Applicants shall submit to the Corporation at the time of submission of the Application a non-refundable fee of: (a) \$50 ~~to the Corporation~~ if Applicant qualifies or Applicant's General Partner qualifies as a Non-Profit entity pursuant to HUD Regulations, Section 42(h)(5)(c), subsection 501(c)(3) or 501(c)(4) of the Code and organized under Chapter 617, Florida Statutes, if a Florida Corporation, or organized under similar state law if organized in jurisdiction other than Florida, and (b) \$100 for all others ~~shall be charged per Application at the time of submission of each HOME Application.~~

(5) Administrative Fees: With respect to the HC Program, each Applicant to whom a Preliminary Allocation, a Binding Commitment or Preliminary Determination is granted shall submit to the Corporation a non-refundable administrative fee in the amount of 8% of the first annual Housing Credit Allocation amount to be received; ~~However, except that~~ such fee shall be 5% for Applicants that qualify or whose General Partner qualifies as a Non-Profit entity pursuant to Rule 67-48.002(71)(73), F.A.C., HUD Regulations, Section 42(h)(5)(c), subsection 501(c)(3) or 501(c)(4) of the Code and organized under Chapter 617, Florida Statutes, if a Florida Corporation, or organized under similar state law if organized in a jurisdiction other than Florida. Notwithstanding the foregoing, the fee for a Development of 4 units or less shall not exceed \$250 per unit. The administrative fee must be received by the Corporation within 7 calendar days of the date of the Preliminary Housing Credit Allocation, the Binding Commitment or the Preliminary Determination, whichever is applicable.

(12) Development Cost Pro Forma: All of the fees set forth above with respect to the SAIL Program are part of Development cost and can ~~may~~ be included in the Development cost pro forma and paid with SAIL loan proceeds, ~~if approved by the Credit Underwriter.~~ Failure to pay any fee shall cause the firm loan commitment under any Program to be terminated or shall constitute a default on the respective loan documents.

67-48.009 SAIL General Program Procedures and Restrictions.

~~(5) The Corporation may set aside a portion of the SAIL funds in order to capitalize a loan loss reserve fund to be used in the event of a default, deed in lieu of foreclosure or foreclosure on a funded Development, to safeguard the Corporation's security interest in the Development.~~

~~(5)(6)~~ Applicants cannot request additional funding for the same Development within the SAIL Program with the exception of those Developments which comply with the requirements in Fla. Admin. Code Ann. r. 67-48.002(90)(91)(a)-(c).

~~(6)(7)~~ Applicants cannot request additional funding for the same Development within the SAIL Program in order to obtain their Developer fee.

~~(7)(8)~~ Developer fee shall be limited to 16% of Development cost excluding land and building acquisition costs. A Developer fee on the building acquisition cost shall be limited to ~~4~~ 5% of the cost of the building exclusive of land. ~~A total developer fee of 20% of Development cost, excluding land and building acquisition costs, shall be allowed if the proposed Development meets all of the following conditions:~~

~~(a) Development is located in a Difficult Development Area or in a Qualified Census Tract as defined by the Department of Housing & Urban Development;~~

~~(b) Applicant commits to set aside at least 40% of the units for households at or below 50% area median income or, if the Development receives a Housing Credit Allocation, the Applicant of the SAIL and HC Development commits to set aside at least 40% of the units at 50% or less of area median income or 15% of the units at 35% or less of area median income;~~

~~(c) Applicant commits to a 50 year Land Use Restriction Agreement;~~

~~(d) Development must have at least 20% of the total units set aside for special needs population (Elderly, Large Family, Farmworker or Commercial Fishing Worker) throughout the 50 year Land Use Restriction Agreement;~~

~~(e) Neither the Applicant nor any Financial Beneficiary of the Development has received Corporation funding for more than one Application in the current cycle.~~

~~(8)(9)~~ In no event can the amount of the Developer's fee increase over what Developer fee is shown in the Application.

~~(9)(10)~~ The General Contractor's fee shall be limited to a maximum of 14% of the total construction cost.

~~(10)(11)~~ SAIL loans proceeds shall not be used to fund any contingency reserves.

67-48.0095 Additional SAIL Application Ranking and Selection Procedures.

(5) After the six-month period has expired, the Corporation shall ~~may~~ allocate SAIL funds to Applicants meeting threshold requirements, without regard to demographic category.

67-48.010 Terms and Conditions of SAIL Loans.

(6)(a) By April 15 of each year of the SAIL loan term, the Developer shall provide the Corporation and its servicer with a certification detailing the information needed to determine the annual payment to be made. However, this certification requirement will be waived until April 15 following the calendar year within which the first unit is occupied. The certification shall require submission of audited financial statements; and the SAIL annual reporting form, Cash Flow Reporting Form SR-1, Rev. 1/98. Form SR-1 can be obtained from the assigned servicer ~~and other documents that may be~~

~~required by the Corporation or its servicer.~~ The financial statements are to be prepared in accordance with generally accepted accounting principles for the 12 months ended December 31 and shall include:

67-48.012 SAIL Credit Underwriting and Loan Procedures.

(3) Any changes in a firm commitment from any other source of the funding shall be consistent with the underwriting assumptions made in connection with the SAIL loan. All items on the Credit Underwriting Checklist Form (CU-1), Rev. 11/99, with the exception of the appraisal, survey and final plans must be provided to the Credit Underwriter within 35 calendar days of the date of the preliminary SAIL commitment. The appraisal, survey and final plans shall be due to the Credit Underwriter within 60 calendar days from the date of the preliminary SAIL commitment. The Credit Underwriter shall advise the Corporation in writing of all items not received within 35 calendar days of the date of the preliminary SAIL commitment. Such form is included as an attachment to the Application Package.

67-48.013 SAIL Construction Disbursements and Permanent Loan Servicing.

(4) The Corporation shall elect to withhold any advance or portion of any advance, notwithstanding any documentation submitted by the Developer in connection with a request for an advance, if

(a) The Corporation or the Corporation's servicer determines at any time that the actual cost budget or progress of construction differs ~~materially~~ from that as shown on the loan documents; or

(b) The percentage of progress of construction of the improvements differs ~~materially~~ from that as shown on the request for an advance.

67-48.020 Terms and Conditions of Loans for HOME Rental Developments.

(11) If a default on a HOME loan occurs ~~and the Corporation determines it necessary,~~ the Corporation will ~~foreclose on any mortgage or security interest or~~ commence any legal action to protect the interest of the Corporation. The Corporation shall acquire real and personal property or any interest in the Development if that acquisition is necessary to protect any HOME loan; sell, transfer, and convey any such property to a buyer without regard to the provisions of Chapters 253 and 270, Florida Statutes; and, if that sale, transfer, or conveyance cannot be consummated within a reasonable time, lease the Development for occupancy by Eligible Persons.

67-48.021 HOME Credit Underwriting and Loan Procedures.

(2)(e)5.c. Problems encountered previously with Developer ~~and/or Contractor.~~

d. Problems encountered previously with Contractor.

~~ed.~~ Exposure of Corporation funds compared to total Development costs. At a minimum, the Credit Underwriter shall require a Personal Guarantee for completion of construction from the principal individual or the Corporate General Partner of the borrowing entity.

In addition, a letter of credit ~~and/or~~ Payment and Performance Bond will be required if the Credit Underwriter determines after evaluation of a. ~~ed.~~ above that additional surety is needed.

67-48.022 HOME Disbursements Procedures and Loan Servicing.

(3) A copy of the request for a Draw shall be delivered to the Corporation, ~~(Attention: HOME Rental Program Administrator,)~~ simultaneously with the delivery of the request to the Corporation's servicer and its inspector.

(7) The Corporation or its servicer shall elect to withhold any Draw or portion of any Draw, in addition to the retainage, notwithstanding any documentation submitted by the borrower in connection with a request for a Draw, if:

(a) The Corporation or the servicer determines at any time that the actual cost budget or progress of construction differs ~~materially~~ from that shown on the loan documents.

(b) The percentage of progress of construction of improvements differs ~~materially~~ from that shown on the request for a Draw.

67-48.023 HC General Program Procedures and Requirements.

(7) Each Housing Credit Development shall complete the Final Cost Certification Form FCCA-~~200099~~, which is incorporated by reference, by the earlier of the following two dates: Such form is included as an attachment to the Application Package.

(8) The completed Final Cost Certification Form FCCA-~~200099~~ shall include an audit report prepared by an independent certified public accountant. ~~In addition, the Corporation may require further review and verification of final costs, at the Applicant's expense.~~ The Corporation will issue only one complete set of Forms 8609 per Development which will be no earlier than total Development completion and the Corporation's acceptance and approval of the Development's Final Cost Certification.

(9) After the final evaluation and determination of the Housing Credit Allocation amount has been made by the Executive Director, and the recorded Extended Use Agreement has been received in accordance with 67-48.029, the Forms IRS 8609's are issued to the Applicant of the Housing Credit Development.

67-48.026 Housing Credit Underwriting Procedures.

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

(a) The Credit Underwriter, in determining the amount of housing credits a Development is eligible for when using the Qualified Basis Calculation, shall use a housing credit

~~percentage of: Maximum debt service coverage of 1.50 on all mortgages except in extenuating circumstances, such as when the Development has deep or short term subsidy, the debt service coverage may exceed 1.50 if the Credit Underwriter's favorable recommendation is supported by the projected cash flow analysis.~~

1. Thirty (30) basis points over the percentage as of the date of Invitation to Credit Underwriting up to nine percent (9%) for nine percent (9%) credits for new construction and rehabilitation Developments;

2. Fifteen (15) basis points over the percentage as of the date of Invitation to Credit Underwriting up to four percent (4%) for four percent (4%) credits for acquisition and federally subsidized Developments. A percentage of fifteen (15) basis points over the percentage as of the date of Invitation to Final Credit Underwriting will be used for Developments receiving FHFC tax-exempt bonds in calendar year 2000 or later.

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

(c) Developer fee shall be limited to 16% of Development cost excluding land and building acquisition cost. A Developer fee on the building acquisition cost shall be limited to ~~45%~~ of the cost of the building exclusive of land. A total Developer fee of ~~1820%~~ of Development cost, excluding land and building acquisition costs, shall be allowed if the proposed Development is qualified for Housing Credits pursuant to Rule 67-48.027 pertaining to Tax-Exempt Bond Financed Developments, meets all of the following conditions:

~~1. Development is located in a Difficult Development Area or in a Qualified Census Tract as defined by the Department of Housing & Urban Development;~~

~~2. Applicant commits to set aside at least 40% of the units for households at or below 50% or less of area median income or commits to set aside at least 15% of the units for households at or below 35% of area median income;~~

~~3. Applicant commits to a 50 year Extended Use Period with no option to convert after year 14;~~

~~4. Development must have at least 20% of the units targeted for special needs population (Elderly, Large Family, Farmworker or Commercial Fishing Worker) throughout the Extended Use Period; and~~

~~5. Neither the Applicant nor any Financial Beneficiary of the Development has received Corporation funding for more than one Application in the current cycle.~~

(d) In no event can the amount of the Developer fee increase over what Developer fee is shown in the Application.

~~(e)(4)~~ The General Contractor's fee shall be limited to a maximum of 14% of the total construction cost.

~~(f)(e)~~ Costs such as syndication fees and brokerage fees cannot be included in Eligible Basis. All consulting fees must be paid out of the Developer fee. Consulting fees cannot cause the Developer fee to exceed the maximum allowable fee as set forth in ~~(d)(e)~~ above.

~~(g)(f)~~ No "lump sum" or "turn key" contracts are acceptable for hard or soft Development costs. All contracts for hard or soft Development costs must be itemized for each ~~all~~ costs components.

~~(h)(g)~~ An appraisal shall be required during the credit underwriting process. The Applicant may choose an appraiser from the Credit Underwriter's approved list of appraisers; however, the Credit Underwriter shall order the appraisal for the subject property. The Credit Underwriter shall use the same appraiser as the first mortgage lender provided the appraisal has not been ordered.

~~(i)(4)~~ The Credit Underwriter shall review the appraisal and other market documentation to determine if the market exists to support both the demographic and income restriction set-asides committed to within the Application.

~~(j)(4)~~ A separate market study shall be required if the appraisal does not adequately address the market for the proposed Development.

~~(k)(4)~~ If the Credit Underwriter requires additional clarifying materials in the course of the underwriting process, the Credit Underwriter shall request same from the Applicant and shall specify deadlines for the submission of same.

(10) If the Credit Underwriter recommends that Housing Credits be allocated to the Development, the Executive Director shall determine the Credit amount, if any, necessary to make the Development financially feasible and viable throughout the Housing Credit Extended Use Period and shall issue a Preliminary Allocation Certificate or a Preliminary Determination of Housing Credits in the case of Tax-Exempt Bond-Financed Developments. If the Credit Underwriter recommends that no Credits be allocated to the Development and the Executive Director accepts the recommendation, the Applicant shall be notified that no Housing Credits will be allocated to the Development for the current cycle. No Preliminary Allocation Certificate shall be issued on a RD (formerly FmHA) Development which has not received an Obligation of Funding (RD or FmHA Form 1944-51), which Obligation of Funding is incorporated by reference. A copy of the obligation for funding can be obtained from the U.S. Department of Agriculture, P. O. Box 147010, Gainesville, FL 32614-7010. All contingencies required in the Preliminary Allocation shall be met or satisfied by the Applicant within 45 days from the date of issuance or as otherwise indicated on the Certificate unless an extension of this deadline is requested in writing by the Applicant and is granted by the Corporation in writing for good cause.

67-48.027 Tax-Exempt Bond-Financed Developments.

(1)(b) Make Application for Housing Credits using Florida Housing's Form MFMRB-2000, which form is incorporated by reference. The Form MFMRB-2000 can be obtained from Florida Housing's Multifamily Mortgage Revenue Bond Program;

67-48.028 Carryover Allocation Provisions.

(3) All Carryover documentation and the signed certification evidencing the required basis, must be submitted to the Corporation no later than the close of business on November 14 the first business day in November of the applicable calendar year.

(4) The Applicant for each Development qualifying for Carryover shall submit quarterly progress reports to the Corporation using Progress Report (Form Q/M Report Rev. 8/97), which is incorporated by reference and which will be provided by the Corporation. If the Form Q/M Report does not demonstrate continuous and adequate development and construction progress, the Corporation will require monthly submission of Form Q/M Report until satisfactory progress is achieved, until the Development is placed in service, or until a determination is made by the Corporation that the Development cannot be placed in service by the Carryover deadline and the Housing Credits are returned to the Corporation in accordance with the terms of the Carryover Allocation Agreement. Form Q/M Report shall include a written statement describing the current status of the Development; the financing, construction and syndication activity since the last report; the reasons for any changes to the anticipated placed-in-service date; and any other information relating to the status of the Development which the Corporation may request. The first report shall be due to the Corporation by the first Monday in April of the calendar year following Carryover qualification. Such form is included as an attachment to the Application package.

67-48.029 Extended Use Agreement.

(2) The following provisions shall be included, ~~without limitation,~~ in the Extended Use Agreement:

67-48.031 Termination of Extended Use Agreement and Disposition of Housing Credit Developments.

The Housing Credit extended use period for any building shall terminate upon the date a building is acquired through foreclosure (or instrument in lieu of foreclosure) or if no buyer can be found who is willing to maintain the Housing Credit Set-Aside of the Development. In the event the Applicant is unable to locate a buyer willing to maintain the Set-Aside provisions of the Extended Use Agreement, the following steps shall be taken, as set forth in Section 42(h)(6) of the Code, before a building is converted to market-rate use:

Section IV
Emergency Rules

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game 83 Specifics
RULE NO.: 53ER99-52

SUMMARY OF THE RULE: This emergency rule describes Instant Game 83, "HOLIDAY CASH," for which the Department of the Lottery will start selling tickets on a date determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prize winners and the number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEST OF THE EMERGENCY RULE IS:

53ER99-52 Instant Game 83 Specifics.

(1) Name of Game. Instant Game Number 83 "HOLIDAY CASH."

(2) Price. HOLIDAY CASH tickets sell for \$2.00 per ticket.

(3) HOLIDAY CASH Lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a VIRN under the latex area on the ticket. To be a valid winning HOLIDAY CASH Lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in Rule 53ER92-63(1)(a), F.A.C. In the event a dispute arises as to the validity of any HOLIDAY CASH Lottery ticket, the VIRN number under the latex shall prevail over the bar code.

(4) The "YOUR NUMBERS" play symbols and captions in HOLIDAY CASH are as follows:

INSERT CHART

(5) The "WINNING NUMBERS" play symbols and play symbol captions in HOLIDAY CASH are as follows:

INSERT CHART

(6) The prize symbols and captions in HOLIDAY CASH are as follows:

INSERT CHART