

64B8-51.002 Licensure by Examination.

(1) No change.

(2) The Electrolysis Licensure Examination shall be the International Board of Electrologist Certification (IBEC) national examination ~~a written examination developed and administered by the Department. This examination will consist of 100 multiple choice questions covering the following areas in these approximate percentages:~~

(a) <del>Definition and Characteristics of Electrolysis</del>	18%
(b) <del>New Client/Patient Consultation</del>	16%
(c) <del>Equipment for Electrolysis</del>	10%
(d) <del>Sanitation and Disinfection</del>	4%
(e) <del>Sterilization</del>	14%
(f) <del>Pre-treatment</del>	12%
(g) <del>Treatment</del>	17%
(h) <del>Post-treatment Care</del>	4%
(i) <del>Professional/Legal &amp; Ethical/Laws and Rules</del>	5%
<b>Total</b>	<b>100%</b>

(3) The minimum passing score for the examination shall be set by the national examination provider a sealed score of 350 on a scale with a maximum value of 500. The minimum passing score shall be based on a cut score study conducted by the Department.

~~(4) An applicant shall be permitted to use a strict translation dictionary approved by the Department in taking the examination. Such a dictionary shall give only the translation of words from one language to another without giving any definition or explanation of any word.~~

Specific Authority 478.43(1),(4) FS. Law Implemented 455.574, 478.45 FS. History—New 5-31-93, Formerly 21M-76.002, 61F6-76.002, Amended 7-11-95, Formerly 59R-51.002, Amended 11-13-97,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy**

RULE TITLE: \_\_\_\_\_ RULE NO.: \_\_\_\_\_  
 Temporary Permit to Practice  
 Occupational Therapy 64B11-2.005  
 PURPOSE AND EFFECT: The Board proposes to discuss this rule to determine if changes are necessary.  
 SUBJECT AREA TO BE ADDRESSED: Temporary Permit to Practice Occupational Therapy.  
 SPECIFIC AUTHORITY: 468.204 FS.  
 LAW IMPLEMENTED: 468.209(1) FS.  
 A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:  
 TIME AND DATE: 9:00 a.m., April 10, 2000  
 PLACE: Holiday Inn Select (Formerly the Clarion Hotel), 316 W. Tennessee Street, Tallahassee, Florida 32301  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye

Howerton, Executive Director, Occupational Therapy Board, 2020 S. E. Capital Circle, BIN #C05, Tallahassee, Florida 32399-3299

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

**Section II  
Proposed Rules**

**DEPARTMENT OF INSURANCE**

RULE TITLES: \_\_\_\_\_ RULE NOS.: \_\_\_\_\_  
 Disclosure Statement 4-188.003  
 Readability of Statement 4-188.004

PURPOSE AND EFFECT: Repeal rules 4-188.003 and .004 pursuant to section 120.536(2)(b), F.S. review.

SUMMARY: The language in these two rules was incorporated into section 624.472(3), F.S., thus the rules are not needed and should be repealed.

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

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

SPECIFIC AUTHORITY: 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1), 624.462, 624.472 FS.

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

TIME AND DATE: 9:00 a.m., March 29, 2000

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kevin McCarty, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, FL 32399-0314, (850)922-3140

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Kevin McCarty, (850)922-3100, Ext. 4214.

THE FULL TEXT OF THE PROPOSED RULE IS:

4-188.003 Disclosure Statement.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 624.462, 624.472 FS. History—New 3-28-89, Formerly 4-78.003, Repealed\_\_\_\_\_.

4-188.004 Readability of Statement.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 624.472(3) FS. History—New 3-28-89, Formerly 4-78.004, Repealed\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Fred Whitson, Division of Legal Services and Kevin McCarty,  
 Division of Insurer Services, Department of Insurance  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED  
 THE PROPOSED RULE: Belinda Miller, Director, Division  
 of Insurer Services, Department of Insurance  
 DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: February 16, 2000

PLACE: Department of Community Affairs, Randall Kelley  
 Training Center, Third Floor, Room 305, 2555 Shumard Oak  
 Boulevard, Tallahassee, Florida 32399-2100  
 TIME AND DATE: 10:30 a.m., March 30, 2000  
 PLACE: The Sheraton Suites Hotel – Tampa Airport, 4400  
 West Cypress Street, Tampa, Florida 33607  
 TIME AND DATE: 10:30 a.m., March 31, 2000  
 PLACE: The South Florida Regional Planning Council,  
 Conference Room, 3440 Hollywood Boulevard, Suite 140,  
 Hollywood, Florida 33021

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

RULE CHAPTER TITLE:                      RULE CHAPTER NO.:

Urban Infill and Redevelopment                      9B-69  
 Assistance Grant Program

RULE TITLES:    RULE NOS.:

Purpose	9B-69.001
Definitions	9B-69.002
Funding Availability and Allocation	9B-69.003
Grant Application Process and Application Deadlines	9B-69.004
Planning Grants	9B-69.005
Planning Grant Scoring Criteria	9B-69.006
Implementation Grants	9B-69.007
Implementation Grants Scoring Criteria	9B-69.008
Contracts	9B-69.009
Monitoring and Reporting Requirements	9B-69.010

PURPOSE, EFFECT AND SUMMARY: The purpose of Rule Chapter 9B-69, Florida Administrative Code (FAC.), is to establish guidelines by which the Department of Community Affairs, Division of Housing and Community Development shall review grants to local governments under the Urban Infill and Redevelopment Assistance Grant Program.

SUMMARY: The proposed new rule shall govern the Urban Infill and Redevelopment Assistance Grant Program which provides planning grants to local governments to develop urban infill and redevelopment plans for designated areas, and implementation grants to local governments to implement projects that are consistent with an urban infill and redevelopment plan.

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

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

SPECIFIC AUTHORITY: 163.2523 FS.

LAW IMPLEMENTED: 163.2511, 163.2514, 163.2517, 163.2520, 163.2523, 163.2526 FS.

HEARINGS WILL BE HELD AT THE TIMES, DATES AND LOCATIONS SHOWN BELOW:

TIME AND DATE: 9:30 a.m., March 27, 2000

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Julie Evans, Florida Department of Community Affairs, Division of Housing and Community Development, Urban Infill and Redevelopment Assistance Grant Program, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-3581 or Fax (850)410-1555

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Julie Evans, Division of Housing and Community Development, Bureau of Community Development, 2555 Shumard Oak Boulevard, Tallahassee, Florida, (850)488-3581, Suncom 278-3581 at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE FULL TEXT OF THE PROPOSED RULES IS:

9B-69.001 Purpose.

This rule chapter is promulgated to set forth procedures for the Department’s implementation and administration of the Urban Infill and Redevelopment Assistance Grant Program under the Growth Policy Act, Section 163.2511-163.2526, Part I, Florida Statutes (F.S.). The specific purpose of the Urban Infill and Redevelopment Assistance Grant Program described in this rule chapter is to establish review criteria for planning and implementation grant applications for local governments to develop a collaborative and holistic urban infill and redevelopment plan and to implement projects located within designated urban infill and redevelopment areas.

Specific Authority 163.2523 FS. Law Implemented 163.2511, 163.2514, 163.2517, 163.2520, 163.2523, 163.2526 FS. History—New \_\_\_\_\_.

9B-69.002 Definitions.

(1) “Administrative expenses” means those expenditures for travel and overhead directly related to planning and/or implementation activities under this grant.

(2) “Collaborative and holistic planning process” means a process in which community representatives, also referred to as stakeholders as defined in 9B-69.002(17), F.A.C., are actively involved in the decision making process of designing and implementing the urban infill and redevelopment plan. This process also includes a visioning of the area before

redevelopment occurs. The goal of the process is to effect change in the neighborhood over time, based upon a comprehensive analysis of the factors underlying the need or desire for change, as well as the means by which such change can be implemented. A guide to assist with the collaborative and holistic community participation process, Rebuilding Our Neighborhoods, A "How To" Manual for Holistic Neighborhood Revitalization, may be accessed at the Department's Division of Housing and Community Development web site at [www.dca.state.fl.us/fhcd](http://www.dca.state.fl.us/fhcd), or obtained by written request to the Department of Community Affairs, Division of Housing and Community Development, Urban Infill and Redevelopment Assistance Grant Program, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

(3) "Department" means the Department of Community Affairs.

(4) "Eligible applicant" or "applicant" means a local general purpose government that is a county or municipality. Two or more local governments may submit a joint application for funding for an area or areas with adjoining boundaries, but must designate one of the local governments as the lead applicant.

(5) "Fifty/fifty match" means cash or non-cash donations as defined in 9B-69.002(14), F.A.C. which are equal to or greater than the amount of the grant award.

(6) "General distress" means adverse conditions that exist in the area other than conditions related to poverty and unemployment as defined in s. 290.0058, F.S.

(7) "Grant application" or "application" means all forms and supporting documentation which an applicant is required to submit in order to apply for a grant from the Department. A copy of the application and instructions may be obtained by written request to the Department of Community Affairs, Division of Housing and Community Development, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

(8) "Good standing" means satisfactory performance for any fiscal year in which an applicant has received funding under the Urban Infill and Redevelopment Assistance Program. Such performance shall mean the submission of all reporting documents as required in past and present contracts or legally binding agreements under this program and resolution of all previous concerns, monitoring findings, close out reports, and audits. This shall also include, if applicable, any payments or funds due to the Department as a result of audits and close out reports associated with the Urban Infill and Redevelopment Assistance Grant Program.

(9) "Governance structure" defines how the local governing body shares the decision making process with stakeholders in designing, developing, implementing the plan for the designated area. If the area includes more than one neighborhood, the local government must ensure that the neighborhoods jointly work together in order to develop one

governance structure. The governance structure may include, but not necessarily be limited to, stakeholder groups referenced in s. 163.2517(2)(b)1., F.S.

(10) "Grant recipient" means a local government which is awarded a planning or implementation grant from the Department.

(11) "Indicators" means measurable factors which describe the physical, social and economic conditions of the designated area, which must have a defined physical boundary as required in Chapter 99-378, Laws of Florida. Such factors would include, but not necessarily be limited to, abandoned property; code violations; littered properties; decreasing property values; vacant and boarded buildings; inadequate infrastructure, physical deterioration of streets; crime rate; poverty rate and unemployment rate.

(12) "Lender" means any bank or trust company, mortgage banker/broker, savings bank, credit union, national banking association, building and loan association, insurance company, or other financial institution or governmental agency authorized to transact business within the State of Florida which customarily provides the financing of mortgages for real property in Florida. Each lender must be a qualified Federal Housing Administration (FHA), Veterans Affairs (VA), Government National Mortgage Association (GNMA), Federal National Mortgage Association (Fannie Mae), or Federal Home Loan Mortgage Corporation (FHLMC) originator and servicer.

(13) "Local government" means any county or municipality that is a general purpose government.

(14) "Match" means donations of public and private cash or grants from state agencies, federal agencies, local governments, individuals, corporations, private foundations, or other entities that have been committed to the project to implement activities identified in the plan. Up to twenty-five percent (25%) of the match may be received from non-cash sources including in-kind contributions such as donated real property, materials, office space or services, vehicles, tools, equipment or other personal property, advertising, consulting services, local government incentives, and volunteer labor to be used directly in the planning and/or implementation activities under the grant.

(15) "Nonprofit organization" means a corporation incorporated pursuant to Chapter 617, Florida Statutes and a corporation under Section 501(c)(3), Internal Revenue Code.

(16) "Plan" means an Urban Infill and Redevelopment Plan, or a plan employed in lieu thereof, as referenced in s. 163.2517(3), F.S. and 9B-69.005, F.A.C., that has been adopted by a local government ordinance and describes infill and redevelopment projects needed to improve the designated area. The designated area may include one or more neighborhoods; however, overall goals of each neighborhood

must be reflected in the adopted plan. The plan must also meet the requirements of s. 163.2517(2)(a)-(b)2., F.S. and include all the components in s. 163.2517(3)(a)-(n), F.S.

(17) "Stakeholders" means a group of individuals and organizations who have a personal stake in the self-sufficiency and growth of a community, including, but not necessarily limited to, community-based organizations, neighborhood associations, financial institutions, faith-based organizations, housing authorities, businesses, schools, and neighborhood residents.

(18) "Traditional neighborhood design (TND)" means a set of design principles that create walkable, human-scale neighborhoods that promote safety and encourage resident interaction. TND incorporates established design elements, including but not necessarily limited to a discernable center that usually includes green space; a variety of dwelling types that accommodate a range of income and age groups, located within a five-minute walk to the center; a vertical and horizontal mix of land uses; an interconnected network of streets that provide a variety of routes to any destination, disperse traffic, and create an environment suitable for pedestrians and bicycles; playgrounds within walking distance of dwellings; and appropriate civic buildings and public spaces.

(19) "Urban infill and redevelopment area" means an area or areas defined in s. 163.2514(2), F.S., the boundaries of which have been delineated in an amendment to the local comprehensive plan. The Department shall review the boundaries pursuant to s. 163.3184, F.S. to ensure that the area meets all the requirements of s. 163.2514(2), F.S. The designated area may include one or more neighborhoods; however, overall goals of each neighborhood must be reflected in the adopted plan. The plan amendment containing the delineated boundaries must receive approval from the Department.

(20) "Visioning" means a collaborative planning process whereby community stakeholders identified in s. 163.2517(2)(b)1., F.S. and Rule 9B-69.002(17), F.A.C. conceptualize the future physical appearance, qualities, and other pertinent aspects of the designated area. The vision should give consideration to traditional neighborhood design concepts, including but not necessarily limited to mixed uses, public spaces, pedestrian walkability, street design, lighting, and building appearance. The visioning process should cover, short term as well as long-term community redevelopment area improvements. As part of this process, stakeholders should focus on identifying the positive assets of the area and how those assets can be strengthened. In addition, the stakeholders should focus on barriers that prevent positive change from occurring in the area and visualize how to overcome those barriers. The vision can be depicted in writing and enhanced with graphic representations.

(21) "WAGES" means the Work and Gain Economic Self Sufficiency Program, as authorized in Chapter 414, F.S.

Specific Authority 163.2523 FS. Law Implemented 163.2511, 163.2514, 163.2517, 163.2520, 163.2523, 163.2526 FS. History—New

#### 9B-69.003 Funding Availability and Allocation.

(1) The Urban Infill and Redevelopment Grant application cycle and the maximum grant amount in each category will be set forth in the Notice of Funding Availability published in the Florida Administrative Weekly. The applicant must be in good standing with the Department and may only apply for one grant for the designated Urban Infill and Redevelopment Area for two consecutive years in order to continue a project or projects not completed during the previous year. The two year limitation will become effective during the state fiscal year 2000-2001. The applicant is exempt from the two year limitation during the state fiscal year 1999-2000.

(2) Applicants receiving fifty-fifty match implementation grants or outright implementation grants for projects less than \$50,000 may contract with special districts, including community redevelopment agencies, and nonprofit community development organizations to implement projects that are consistent with an adopted urban infill and redevelopment plan.

(3) Thirty percent (30%) of the funds allocated to the Urban Infill and Redevelopment Assistance Grant Program shall be made available by the Department for use by local governments to develop an urban infill and redevelopment plan.

(4) Sixty percent (60%) of the funds allocated to the Urban Infill and Redevelopment Assistance Grant Program shall be used for fifty/fifty matching grants for implementing projects specified in the adopted plan. The total match must be equal to the grant amount. No more than twenty-five percent (25%) of the match may come from non-cash sources.

(5) Ten percent (10%) of the funds allocated to the Urban Infill and Redevelopment Assistance Grant Program shall be used for non-matching grants to implement projects specified in the adopted plan. These grants shall be in an amount of less than \$50,000.

(6) An applicant may only apply for one implementation grant during an application cycle for the designated urban infill and redevelopment area. The applicant may not receive funding in both implementation grant categories for the same area.

(7) The Department reserves the right to transfer any unallocated funds from one grant category to another grant category if there is an insufficient pool of applicants requesting funding under a grant category.

Specific Authority 163.2523 FS. Law Implemented 163.2511, 163.2514, 163.2517, 163.2520, 163.2523, 163.2526 FS. History—New

9B-69.004 Grant Application Process and Application Deadlines.

(1) Grant Application Process. The Department will provide notice of the Urban Infill and Redevelopment Assistance Grant Program application cycle in the Florida Administrative Weekly. Interested parties who wish to be notified of the Urban Infill and Redevelopment Assistance Grant Program application cycle may contact the Department and request to be placed on the Department's mailing list. Interested parties may request a copy of the application by writing to the Department of Community Affairs, Division of Housing and Community Development, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

(2) Application Deadlines. Any application not received by the deadline stated in the Notice of Funding Availability (NOFA), as advertised in the Florida Administrative Weekly, will not be considered for funding and will be returned to the applicant. Failure by the postal service, courier service, or any other entity to deliver the application by the set deadline will not excuse compliance with the deadline. This shall include applications delivered by the grant recipient, individuals, airlines, courier services, including, but not limited to Federal Express, Airborne Mail, UPS, U.S. Postal Service, or others who might experience airline or vehicle delays causing the application to be delivered after the exact time specified.

(3) Eligibility Review. All applications submitted to the Department will first be reviewed for minimum threshold requirements as prescribed in Rule 9B-69.005(4), F.A.C. for planning grants, and Rule 9B-69.007(3), F.A.C. for implementation grants. Applications which do not meet minimum threshold requirements will not be scored.

(4) Notice of intended grant award or intended denial of a grant award will be provided to each applicant by mail with a statement of the applicant's appeal rights under Chapter 120, F.S.

(5) Scoring Review. Once eligibility has been determined, the application will be scored and ranked using criteria outlined in Rule 9B-69.006, F.A.C., and Form UIGP-1P for planning grants, and Rule 9B-69.008, F.A.C. and Form UIGP-2M for implementation grants. An interagency committee will be composed of employees of the Department, and may include, but not necessarily be limited to, representatives of the following organizations: the Office of Urban Opportunity, the Florida Housing Finance Corporation, the Office of Tourism, Trade and Economic Development, the Florida Redevelopment Association, the Florida League of Cities and the Florida Association of Counties. The committee will review, score and rank the applications and submit a funding recommendation to the Secretary of the Department for final selection of grant recipients.

Specific Authority 163.2523 FS. Law Implemented 163.2511, 163.2514, 163.2517, 163.2520, 163.2523, 163.2526 FS. History--New

9B-69.005 Planning Grant.

Planning grant funds are for local governments to develop urban infill and redevelopment plans for areas designated in s. 163.2514(2), F.S. In lieu of developing a new plan, the local government may utilize an existing plan or amend an existing plan as outlined in Rule 9B-69.005(1), F.A.C. An urban infill and redevelopment plan, whether new, existing, or amended, must satisfy all of the requirements under s. 163.2517(3), F.S. and s. 163.2517(2)(a)-(b)2., F.S. In addition, the plan must identify how all activities and service, education, and training programs outlined in the plan will be financially sustained over a period of time.

(1) Existing Plans. If an existing plan is used, the local government must submit evidence reflecting that the plan was developed in a collaborative and holistic planning effort. If an existing plan was developed without community participation, then the local government must provide evidence that the plan was resubmitted to the community stakeholders for their participation, review and support and then re-adopted by the local government.

(a) If an existing plan does not contain all the required plan elements, it must be amended to:

1. Include all elements required in s. 163.2517(3)(a)-(n), F.S.
2. Include a collaborative and holistic community participation process as required in s. 163.2517(2)(a)-(b)2., F.S.
3. Update plans that were prepared more than five (5) years prior to the application deadline date.

(2) Eligible Uses of Planning Grant Funds. Funds shall be restricted to activities directly related to the development of an urban infill and redevelopment plan or amending an existing plan to include criteria specified in s. 163.2517(3)(a)-(n), F.S. Funds may be used for the following:

(a) Administrative expenses not to exceed fifteen percent (15%) of the total grant award for travel, overhead, office rental space, postage, mailing, printing, reproduction of documents, and other expenses directly related to planning activities under this grant.

(b) Eighty-five percent (85%) of the funds may be used for activities listed in 1-9 of this section.

1. Paying professional salaries related directly to the development of the plan.

2. Fees associated with amending the local comprehensive plan to delineate the boundaries of the urban infill and redevelopment area. The Department shall review the comprehensive plan amendment pursuant to s. 163.3184, F.S. and s. 163.2517(4), F.S. to ensure that the area meets the requirements of s. 163.2514(2), F.S.

3. Developing a collaborative and holistic community participation process. The collaborative process should result in a plan that contains goals, objectives, projects and activities that address solutions to neighborhood problems and offer

opportunities to improve the quality of life in the designated area. The process should create both short-term and long-term goals and objectives so that residents can see some successes in the short term while continuing to pursue and achieve long term goals.

4. Procuring technical assistance from facilitators who have extensive experience in neighborhood planning, community organizing, and conducting neighborhood or stakeholder meetings. The facilitators may also assist with developing the plan.

5. Creating a governance structure that will assist the local government in making decisions during the planning process.

6. Building the capacity of the governance structure to assist those involved in becoming more knowledgeable about the planning and implementation process.

7. Convening meetings and costs related to securing meeting space for activities directly related to this grant.

8. Developing and implementing community participation processes, including, but not necessarily limited to, advertising to solicit resident and community involvement, marketing, community organizing/kick-off activities.

9. Training stakeholders on the visioning and planning process, as well as in mediation and consensus building skills, for use in the development of the urban infill and redevelopment plan.

10. Presentations and training on traditional neighborhood design and pedestrian walkability.

(3) Ineligible Uses of Grant Funds. Planning grant funds may not be used for activities that are not directly related to the grant. Ineligible uses of planning grant funds include, but are not necessarily limited to:

(a) Paying off existing debt from prior projects unrelated to the grant.

(b) Reimbursement of costs for administrative expenses, including salaries and travel for staff, unrelated to activities under the grant.

(c) Reimbursement for any administrative or planning activities that occurred prior to entering into a contractual agreement with the Department, including preparation of the grant application.

(4) Threshold criteria for planning grants.

(a) General applicant information.

(b) Purpose of the designated area.

(c) Boundary delineation of the designated area pursuant to s. 163.2514(2), F.S. A nominated area may contain less than an entire census block group. In such cases, the application shall be scored based on data for the entire census block group.

(d) Existing plan elements.

(e) Documentation to reflect that all known community and stakeholder groups in the designated area have been notified of the local government's intent to apply for funding under this program.

(f) Line-item planning budget.

Specific Authority 163.2523 FS. Law Implemented 163.2511, 163.2514, 163.2517, 163.2520, 163.2523, 163.2526 FS. History--New

9B-69.006 Planning Grant Scoring Criteria.

(1) Planning grant applications that meet the minimum threshold requirements will be scored and ranked according to the following topic areas:

(a) Location of the designated area per s. 163.2523, F.S.:

(b) Narrative description of the community participation process;

(c) Composition of governance structure; and

(d) Composition of stakeholder groups and their support and commitment to the process.

(2) The maximum scores for each criterion are set forth in the grant application as Form UIGP-1P. Scores awarded under each criterion will be added and the resulting sum shall constitute the total score for the applicant. Scores for all applicants will then be ranked by the review committee, and a funding recommendation will be submitted to the Secretary of the Department for final selection of grant recipients.

(3) If a planning grant application was partially funded due to the depletion of fiscal year's funds, then, subject to the annual legislative appropriation of funds, the Department may fund the remaining portion of the application out of the next available funds.

Specific Authority 163.2523 FS. Law Implemented 163.2511, 163.2514, 163.2517, 163.2520, 163.2523, 163.2526 FS. History--New

9B-69.007 Implementation Grants.

Two categories of implementation grant funds are available: 1) fifty-fifty matching grants and 2) non-match grants for projects with expenditures of less than \$50,000. Applicants may apply for one implementation grant per designated area.

(1) Eligible Uses of Implementation Funds. Implementation grant funds shall be restricted to implementing project activities directly related to the adopted plan for the following.

(a) Administrative expenses shall not exceed fifteen percent (15%) of the total grant award for salaries and benefits for administration of the grant; travel; overhead; office rental space; postage; mailing; printing; reproduction of documents; and other expenses directly related to implementing projects in the plan.

(b) The remaining eighty-five percent (85%) may be used for activities including, but not necessarily limited to, those listed below:

1. Targeting economic development;

2. Job creation;

3. Transportation;

4. Crime prevention;

5. Neighborhood revitalization and preservation;

6. Construction or rehabilitation of affordable housing, including home ownership and rental units within the urban infill and redevelopment area;

7. Job training to promote job development skills, pre-employment skills or on-the-job-training opportunities;

8. Youth services and training to promote youth pre-employment skills;

9. Crime prevention activities to decrease, prevent, and eliminate criminal activities within and adjacent to the urban infill and redevelopment area;

10. Drug prevention activities to decrease, prevent, and eliminate drug trafficking or drug related activities within and adjacent to the urban infill and redevelopment area;

11. Senior services that promote and encourage activities for seniors;

12. Construction of parks or renovation of existing recreation/community facilities to promote community and recreational activities within the urban infill and redevelopment area;

13. Environmental cleanup activities including, but not limited to, community marketing of cleanup activities, and environmental cleanup clinics/programs;

14. Educational programs, after school programs, programs including but not limited to youth activities and to create youth dropout prevention programs and youth sports programs;

15. Health care programs that educate or provide direct services to the community on issues that include, but are not limited to, family planning, teenage pregnancy, preventative healthcare, mental health, and other similar programs;

16. Childcare and adult care programs to provide opportunities for individuals to work during daytime or evening hours;

17. Economic development activities related to providing job opportunities, attracting new businesses, and retaining existing businesses that provide goods and services to the urban infill and redevelopment area;

18. Home buyer assistance programs including, but not limited to, down payment and closing cost assistance programs, home buyer counseling programs, and pre- and post-purchase counseling;

19. Demolition of existing buildings within the urban infill and redevelopment area that minimize, to the maximum extent possible, the displacement of residents and businesses in the area;

20. Reconstruction, rehabilitation, or preservation of existing buildings;

21. Development of vacant parcels within the urban infill and redevelopment area;

22. Improvement of infrastructure/public facilities within the urban infill and redevelopment area;

23. Improvement of public transit lines and services within the urban infill and redevelopment area;

24. Assistance to the governance structure to form a non profit organization under Chapter 617, F.S. and s. 501(c)(3) Internal Revenue Code to implement urban infill projects within the urban infill and redevelopment area;

25. Acquisition of real property for projects within the urban infill and redevelopment area;

26. Development of resident driven programs or other incentives to keep residents actively involved in the implementation of projects outlined in the plan, including grants to neighborhood associations to fund beautification projects; or

27. Relocation assistance and other support for individuals and businesses displaced as a result of redevelopment in the area.

(2) Ineligible Uses of Grant Funds.

(a) Supplanting of any public or private funds already committed to the project.

(b) Payment of existing debt on existing projects unrelated to activities under this grant program.

(c) Down payment or collateral for projects unrelated to activities addressed in the plan.

(d) Reimbursement for expenses, including administrative expenses, that were incurred prior to receiving funds under the grant program.

(e) Reimbursement for project activities which occurred prior to entering into a contractual agreement with the Department.

(3) Threshold criteria. For implementation grants, the following documentation must be submitted to meet minimum threshold requirements:

(a) Written evidence of firm commitments of match dollars and other pledges of financial support that have been committed to the project;

(b) A copy of the new or existing plan that includes an implementation budget, and all elements required pursuant to s. 163.2517(3)(a)-(n), F.S. and s. 163.2517(2)(a)-(b)2., F.S.; and

(c) Documentation that the local government has adopted the plan by ordinance in which the public must have been informed of the date and time for public hearings as required in s. 163.2517(5), F.S.

(d) The Urban Infill and Redevelopment Assistance Grant Program shall obtain from the Department, documentation reflecting its review and approval of the local government's comprehensive plan amendment to delineate the boundaries of the urban infill and redevelopment area pursuant to s. 163.2517(4), F.S.

(4) Applications which do not meet minimum threshold will not be scored.

Specific Authority 163.2523 FS. Law Implemented 163.2511, 163.2514, 163.2517, 163.2520, 163.2523, 163.2526 FS. History–New

9B-69.008 Implementation Grant Scoring Criteria.

(1) Implementation grant applications that meet minimum threshold requirements will be deemed eligible and will be scored and ranked using the following criteria.

(a) Narrative describing the conditions of the urban infill and redevelopment area and a description of how the local government will implement projects outlined in the plan. The summary shall also describe incentives the local government will offer to residents, stakeholders, and governance structure to keep those individuals actively involved in the implementation of plan activities. Additionally, a description of the community participation process referenced in s. 163.2517(2)(a)-(b)2., F.S. shall be provided.

(b) Amount of leveraged funds contributed to the project.

(c) In-kind services contributed to the project.

(d) Local government incentives and financial expenditures.

(e) If an implementation grant application was partially funded due to the depletion of the fiscal year’s grant funds, subject to the annual legislative appropriation, the Department may fund the remaining portion of the application out of the next available funds.

(2) The Department shall give priority in scoring to applications that meet the following criteria:

(a) Projects that are located within or adjacent to other state redevelopment initiatives as outlined in s. 163.2523, F.S.

(b) Projects that provide employment opportunities to clients of the WAGES program.

(3) The maximum scores for each criterion are set forth in the grant application as Form UIGP-2M. Scores awarded under each criterion will be added and the resulting sum shall constitute the total score for the applicant. Scores for all applicants will then be ranked by the review committee, and a funding recommendation will be submitted to the Secretary of the Department for final selection of grant recipients.

Specific Authority 163.2523 FS. Law Implemented 163.2511, 163.2514, 163.2517, 163.2520, 163.2523, 163.2526 FS. History–New

9B-69.009 Contracts.

The Department shall, following the determination of applicants to be funded, enter into a written agreement with the grant recipient outlining the scope of work to be completed. The agreement shall be signed and returned to the Department within 45 days of receipt of the agreement. Failure to sign the contract within the 45 day period may result in withdrawal of funding by the Department. Withdrawn funds will be awarded to the next applicant in ranking order.

Specific Authority 163.2523 FS. Law Implemented 163.2511, 163.2514, 163.2517, 163.2520, 163.2523, 163.2526 FS. History–New

9B-69.010 Monitoring and Reporting Requirements.

(1) Monitoring. The Department may, at any time, monitor the applicant to ensure that planning activities and implementation projects are progressing as outlined in the applicant’s scope of work and schedule of deliverables in the contractual agreement. The applicant will receive a 14-day advance written notification of the scheduled on site monitoring visit.

(2) Reporting. For planning and implementation grants, the applicant must submit to the Department a quarterly report for quarters ending March 31, June 30, September 30, and December 31, which reflects progress and accomplishments during the reported quarter. Reports must be received by the Department no later than 15 days after the end of each quarter.

Specific Authority 163.2523 FS. Law Implemented 163.2511, 163.2514, 163.2517, 163.2520, 163.2523, 163.2526 FS. History–New

NAME OF PERSON ORIGINATING PROPOSED RULE: Julie Evans, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Steven Seibert, Secretary, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 18, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 3, 2000

**DEPARTMENT OF CORRECTIONS**

RULE TITLES: RULE NOS.:

State and Institutional Classification	
Committees	33-601.209
Custody Classification	33-601.210
Classification – Transfer of Inmates	33-601.215
Confidential Records	33-601.901

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to provide uniformity and consistency in the development and implementation of classification procedures, to revise the custody grade classification system to provide for a new community custody status, to provide for the use of an automated custody status evaluation, and to update staff titles and forms related to classification and records.

SUMMARY: The proposed rules set forth uniform procedures for inmate classification, provide for a new custody status for inmates having community contact, and provide for use of an automated custody status evaluation.

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: 20.315, 944.09, 945.10, 945.25, 958.11 FS.

LAW IMPLEMENTED: 20.315, 921.20, 944.09, 944.17, 944.1905, 945.10, 945.12, 945.25, 947.13, 958.11 FS., 42 USCS 290 ee-3.

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

TIME AND DATE: 9:00 a.m., March 30, 2000

PLACE: Law Library Conference Room, Room B-404, 2601 Blair Stone Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULES IS:

33-601.209 State and Institutional Classification Committees.

(1) The inmate classification system is comprised of two primary operational components which have been established to provide uniformity and consistency in both the development and implementation of classification policies and procedures. These two components are the State Classification Committee and the Institutional Classification Committee. These components have specific authority and responsibility relative to the operation and management of the inmate classification system.

(2) The State Classification Committee shall be composed of a chairperson, a vice-chairperson and other members as designated by the Chief of Classification and Central Records.

(a) The State Classification Committee (SCC) refers to a committee or committee member at the central office level who is responsible for the overall classification decisions of inmates. Duties include approving or rejecting institutional classification committee (ICC) recommendations. In addition, the SCC has authority for decision making relating to care, custody, placement or control of inmates within the Florida Department of Corrections as directed by the Chief of the Bureau of Classification and Central Records.

(3) The Institutional Classification Committee is responsible for making local classification decisions as defined in rule and procedure. The Institutional Classification Committee shall be comprised of the following members:

(a) Warden or assistant warden who shall serve as chairperson.

(b) Classification supervisor

(c) Chief of Security

(d) Other members as necessary when appointed by the warden or designated by rule.

Specific Authority 944.09 FS. Law Implemented 944.09, 944.17, 944.1905, 958.11 FS. History—New

33-601.210 Custody Classification.

(1) No change.

(2) Custody Grade Classification.

(a) Each inmate shall be placed in one of the five ~~four~~ custody grades: community, minimum, medium, close or maximum.

(b) Information from all available sources shall be used to complete an automated ~~the~~ custody Classification Questionnaire. The questionnaire shall reflect the degree of supervision appropriate for the inmate.

(c) The result of completing an ~~a~~ automated questionnaire shall be a computer generated numerical score or status custody for the inmate ~~determined in accordance with the instructions contained on the questionnaires. A status custody is a custody range determined by the inmate's status, i.e. a death row inmate is maximum custody by virtue of his status of having a death sentence. The ranges of numerical scores are approximate and may vary by not more than five points depending upon such factors as sentencing demographics, intake, and other such factors affecting the number of inmates sentenced for the particular types of crimes.~~ Numerical scores and corresponding custody grades are as follows:

~~Numerical scores and corresponding custody grades are as follows:~~

<del>Initial</del>	<del>Custody</del>
<del>Questionnaire</del>	<del>Grade</del>
<del>1-14</del>	<del>Minimum</del>
<del>15-26</del>	<del>Medium</del>
<del>27+-</del>	<del>Close</del>
	<del>Maximum—Death</del>
	<del>Sentence Cases</del>

~~No score value; these inmates are placed into maximum custody due to their sentence status~~

(d) The custody grade resulting from an inmate's ~~questionnaire~~ score may be modified if circumstances indicate the need for an exception. The specific reason for the modification shall be explained in shown on the automated system questionnaire. Reasons for increasing or decreasing the custody grade might, in appropriate cases, include one of the following comments with proper explanation:

1. Charge reduced as a result of plea bargaining.
2. Charge dropped as a result of plea bargaining.
3. Other active/inactive commitments.
4. Commitment includes mandatory or retained jurisdiction provisions.

5. Community and public interest concerns (i.e., judge's or prosecutor's recommendation, victim/victim family interest, legislative inquiry, law enforcement interest, executive inquiry, personal notoriety, case notoriety, etc.)

a. Family environment (no family ties; strong family ties; married/head of household; crime history in family; family desertion, family transience, etc.)

b. Military record.

6. Community supervision record.

7. Status prior to sentencing (i.e., high bond, bond forfeiture, release on bond, jail adjustment, etc.).

8. Physical or mental health status.

(e) All custody assignments will require the approval of the Institutional Classification Committee.

(f)(e) Any modification of the resulting custody grade from on the system generated custody or any assignment to community or minimum custody inmate questionnaire shall require the review and approval of a the State Classification Committee member based upon the criteria listed in (l) below superintendent or, in the case of reception centers, of the superintendent or assistant superintendent.

(g) A member of the State Classification Committee shall have the authority to initiate a custody assessment and determine the custody level of an inmate whenever the committee member determines that a new assessment is necessary for the safety of the public or the needs of the department.

(h)(f) Except for the offenses listed below, any inmate who is convicted or has been previously convicted or adjudicated delinquent for any crime where a sex act was intended, attempted or completed shall not be eligible for assignment to community or minimum custody status unless he has previously successfully completed the mentally disordered sex offender program prior to the repeal of Chapter 917, F.S.:

1. Acts relating to prostitution;
2. Urinating in public;
3. Nude sunbathing or swimming;
4. Nude or semi-nude adult entertainment;
5. Exposure of buttocks (mooning);
6. Striking.

(i)(g) Any inmate who has been certified as a mentally disordered sex offender pursuant to ch. 917, F.S. shall not be assigned to minimum custody status unless they have successfully completed the mentally disordered sex offender program.

(j)(h) Any inmate who has been designated as an alien by the department, who has been in the custody of the department less than six months, and:

1. For whom no decision has been made by the Immigration and Naturalization Service regarding deportation,
2. For whom an evaluation regarding deportation is pending, or

3. A decision has been made to deport, shall not be assigned to lower than close minimum custody status.

(k)(f) The following inmates shall not be classified as less than close custody unless approved for assignment to a lower medium or minimum custody by the Chairperson of the State Classification Committee Assistant Secretary for Security and Institutional Management as provided in (l)(f) below:

1. Inmates under sentence of death (maximum custody).
2. Inmates formerly under sentence of death.
3. Inmates serving life sentences with a 25 year mandatory provision and who are not within 5 years of an established release date.
4. Inmates serving life sentences and who are not within 10 years of an established release date.
5. Inmates serving 25 year sentences or longer and who are not within 15 years of a release date.

(l)(f) The Chairperson of the State Classification Committee Assistant Secretary for Security and Institutional Management may approve an inmate listed in (k)(f) for lower medium or minimum custody after consideration of the following criteria:

1. Overall institutional adjustment.
2. Time served.
3. Prior offense history.
4. Seriousness of instant offense.
5. Program participation.
6. Needs of the department.
7. Whether inmate poses a threat to the public.
8. Disciplinary record.
9. Escape history.
10. Security needs.

(k) The effective date of this rule is July 21, 1991. Following the effective date of the rule, each inmate shall be evaluated pursuant to these requirements for custody classification no later than the time of his next scheduled progress review.

(3) Review of Inmates Who Have Special Needs. The secretary shall appoint a special needs committee in central office to review those cases in which inmates have been determined by medical services as having special medical needs or inmates who are elderly and have special needs which may be in conflict with the custody levels authorized. The special needs committee will evaluate the special needs, the custody requirements and the institutional placement best suited to meet an inmate's needs. This committee has the authority to make the final assignment that meets the inmate's needs within the medical and facility resources of the department. This may include a special custody exception on a case by case basis. Inmates identified as having special needs or requiring special review shall be recommended to the impaired inmate special needs coordinator in the central office who will coordinate with classification services and refer each

case to the special needs committee. The special needs committee shall be comprised of the Chairperson of the State Classification Committee, the Americans with Disabilities Act Coordinator, Assistant Secretary for Operations, Assistant Secretary for Programs, and the Impaired Inmate Coordinator ~~Assistant Secretary for Health Services, or their designees.~~ Committee decisions shall be reviewed by the secretary.

(4) ~~Reclassification and~~ Progress Assessments Reports.

(a) As used in this subsection:

1. "Review" means meeting of the Institutional Classification Committee team.

2. "Assessment" ~~"Report"~~ means a formal evaluation of the inmate's progress towards the goals set for him or her by the Institutional Classification Committee reclassification and progress report.

(b) Assessments Reports shall be periodically prepared for the purpose of:

1. Recording the inmate's adjustment to the institution and treatment program.

2. Recording changes of program that have taken place.

3. Evaluating the inmate's potential future adjustment.

4. Making recommendations for program changes, establishing goals and motivating the inmate to achieve the goals.

5. Provide the inmate with an opportunity to become involved in assessing his needs and in selecting programs to meet those needs.

(c) All inmates shall be scheduled for assessments and reviews that and reports shall be completed as follows:

1. Inmates with three years or less remaining to serve shall receive an a assessment and review progress report every six months;

2. Inmates with more than three years remaining to serve shall receive an a assessment and review progress report every twelve months;

3. Inmates with life sentences with no parole, life sentences with no established release date, or death sentences will receive an a assessment and review progress report every twenty-four months. At the point where a parole release date is established in these cases the schedule of progress reports shall be in accordance with 33-601.210(4)(c)1. and 2.

4. Close management, work release and transition plan documentation may be substituted for the required assessments reports.

(d) Assessments and reviews Reports should also be used to document any program changes made by the Institutional Classification Committee between regularly scheduled reviews. In such cases, only the areas encompassing the change need to be noted in the report. Such an abbreviated report will not alter the schedule of reviews.

(e) The schedule for assessments and reviews may be altered and an unscheduled assessment and review report prepared upon request by the Florida Parole Commission, in

the case of an escape or other unusual occurrence, or in any other case where it is determined ~~felt~~ such report would be of value. An unscheduled review shall revise the scheduled date of the next review and subsequent reviews.

(f) In preparing assessments reports, care should be taken that all pertinent facts are included to insure that all up-to-date information concerning changes in an inmate's activity are documented. Additionally, any new recommendations of the committee team in regard to inmate goals ~~or team recommendations~~ should be carefully documented and supporting facts included. If at the time of the review the inmate is being recommended for work release, the DC4-803, Approval for Community Release and Furlough, or DC40, Community Release Recommendation will suffice for the assessment report format.

(g) ~~The last scheduled review prior to the parole biennial interview shall be completed in the format of a progress report.~~ Additionally, An a assessment and review progress report will be completed on all transfer recommendations except as authorized by a member of the State Classification Committee. Movement from one location to another on a temporary basis does not require an a assessment and review progress report.

(h) An A assessment and review progress report shall be prepared whenever an inmate is being recommended for parole or for permanent transfer to another institution. When an inmate is transferred on an emergency basis and there is insufficient time to prepare an a assessment and review progress report, a written statement will be included in the inmate record outlining the emergency situation and any pertinent security or medical problems. An A assessment and review progress report from the sending institution should be forwarded to the receiving institution as soon as possible.

(i) All ~~reports that include a~~ recommendations for a transfer to another facility or to a contract drug treatment program, or for work release shall require the approval of the State Classification Committee classification supervisor and the superintendent.

(j) At the time of the first assessment and progress review, should the inmate record not contain either a pre-sentence or post-sentence investigation, the classification officer specialist is responsible for requesting such documents from the Probation and Parole Services Office in the region from which the inmate was committed. Care should be exercised to ensure that at least sixty (60) days has lapsed since the post-sentence investigation was originally requested prior to making this follow-up.

(k) Additional gain time is to be considered at the time of any scheduled or unscheduled review.

(1) Assessments and reviews Reports may contain recommendations for the setting of sentences pursuant to section 921.22, F.S. Such recommendations should specify a definite period of years or months, taking into account the tentative expiration date on the set term, the amount of gain time earned and the amount of time it will take to process the

recommendation. Such recommendations should be based on all information concerning the inmate which is available to the committee team.

(m) The department may in selected cases recommend to the Florida Parole Commission that an inmate be placed on parole at an earlier date than scheduled. Note should be made of an inmate's presumptive parole release date (PPRD) when considering such possibilities. If it is felt that such significant progress has taken place since the setting of the PPRD that it should be moved forward to an earlier date, then such recommendations should be made to the Parole Commission in an assessment and review progress report setting forth the basis for recommending a change in the PPRD. All assessments and reviews reports containing parole recommendations will be reviewed and approved or disapproved signed by the Institutional Classification Committee classification supervisor and forwarded to the State Classification Committee warden for approval his concurrence or disapproval. The assessment and review report shall then be submitted to the Chief of the Bureau of Classification and Central Records Director of the Adult Services Program Office who, on behalf of the secretary, shall make a recommendation to the Parole Commission. A copy of the report shall be forwarded to the Parole Commission.

(5) Forms and Attachments. Form DC4-869, Custody Questionnaire. ~~The following form~~ is incorporated by reference in this rule. A copy of this form may be obtained by writing the Forms Control Administrator, Office of the General Counsel inmate classification coordinator, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Requests for forms to be mailed must be accompanied by Enclose a self-addressed stamped envelope. ~~The (a) Form DC4-869 Custody Questionnaire~~, effective date of this form is May 13, 1996.

Specific Authority 20.315, 944.09, 958.11 FS. Law Implemented 20.315, 921.20, 944.09, 944.17(2), 944.1905, 958.11 FS. History—New 12-7-81, Formerly 33-6.09, Transferred from 33-6.009, Amended 6-8-82, 10-26-83, 6-8-86, 7-8-86, 10-27-88, 1-1-89, 7-4-89, 10-12-89, 1-2-91, 7-21-91, 8-30-92, 5-13-96, 6-12-96, 11-19-96, 10-15-97, Formerly 33-6.0045, Amended

### 33-601.215 Classification – Transfer of Inmates.

Upon completion of the reception process, each inmate shall be assigned and transferred to the institution approved by the State Classification Committee that ~~which~~ might best facilitate his institutional progress. Inmates may subsequently be transferred from one institution to another; however, the goal of the classification system is to retain inmates at institutions for longer periods of time in order to reduce transfers and stabilize the inmate population. Inmates participating in academic, vocational, substance abuse or betterment programs will not be transferred to another institution prior to completion of the program unless the program is available at the receiving institution, or for purposes of population management or

security and safety concerns specifically set forth in writing. Transfers are subject to review by the inmate grievance procedure.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09, 945.12 FS. History—New 10-8-76, Formerly 33-6.03, Amended 7-21-91, 10-11-95, Formerly 33-6.003, Amended

### 33-601.901 Confidential Records.

(1) through (3) No change.

(4) An inmate desiring access to information shall submit the written request to his or her classification officer specialist or officer-in-charge of a community facility; a supervised offender shall submit the request to his or her supervising officer. If the request does not meet the requirements specified in s. 945.10(3), F.S., the request shall be denied in writing. If the request meets the requirements specified in s. 945.10(3), the request shall be approved without further review. If the request meets the requirements specified in s. 945.10(3), F.S., but details exceptional circumstances other than those listed, the classification officer specialist or officer-in-charge shall review the request and make a recommendation to the classification supervisor ~~or superintendent of community facilities~~ who shall be the final authority for approval or disapproval of requests from inmates; for supervised offenders, the recommendation shall be submitted to the correctional probation circuit administrator or designee who shall be the final authority for approval or disapproval.

(5) No change.

(6) The following records or information contained in department files shall be confidential and shall be released for inspection only as authorized in this rule:

(a) Medical reports, opinions, memoranda, charts or any other medical record of an offender, including dental and medical classification reports as well as clinical drug treatment and assessment records; letters, memoranda or other documents containing opinions or reports on the description, treatment, diagnosis or prognosis of the medical or mental condition of an offender; the psychological screening reports contained in the admission summary; the psychological and psychiatric evaluations and reports on offenders; health screening reports; Mentally Disordered Sex Offender Status Reports. Other persons may review medical records only upon when necessary to ensure that the offender's overall health care needs are met, or a specific written authorization from the offender whose records are to be reviewed, or as provided by law. If a request for inmate medical records is submitted upon consent given by the patient inmate/offender, the department's Consent for Inspection and/or Release of Confidential Information, Form DC4-711B must be utilized in order to obtain inmate medical records held by the department. Form DC4-711B is hereby incorporated by reference. Copies of this form are available at from the Forms Control Administrator, Office of the General Counsel any institution or the Office of Health Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Requests for forms to be mailed must be

accompanied by a self-addressed stamped envelope. The effective date of this form is \_\_\_\_\_ ~~June 12, 1996~~. Offenders under supervision, or previously under supervision, who desire information from their own records, shall be referred to the agency or office originating the report or document to obtain such information. Inmates desiring access to information in their own medical records shall submit a written request to the health information specialist/supervisor. If the request does not meet the requirements specified in subsection (1), the request shall be denied. If the request meets the requirements specified in subsection (1) and falls within exceptions (a) through (e) of s. 945.10(3), F.S., the request shall be approved without further review. The records will be provided upon receipt of payment. If the request meets the requirements specified in s. 945.10(3), but details exceptional circumstances other than those listed in (a) through (e) or falls within (f), the health information specialist/supervisor shall review the request and make a recommendation to the chief health officer who shall be the final authority for approval or disapproval.

(b) through (h) No change.

(7) No change.

(8) Unless expressly prohibited by federal law, the following confidential records or information may be released to the Office of the Governor, the Legislature, the Parole Commission, the Department of Legal Affairs, the Department of ~~Children and Family Health and Rehabilitative Services~~, a private correctional facility or program that operates under a contract, a state attorney, the court, or a law enforcement agency:

(a) through (d) No change.

(9) After victim information has been redacted, access to preplea, pretrial intervention, presentence or postsentence investigations is authorized as follows:

(a) through (b) No change.

(c) To a public defender upon request.

Written requests under paragraphs (b) and (c) above must be submitted to the Bureau Chief of ~~Classification and Central Records Admission and Release~~ for approval if the request pertains to an inmate record. If the request pertains to a report in a supervision file, the request shall be submitted to the correctional probation circuit administrator or designee of the office where such record is maintained. If the request pertains to confidential health information, the request shall be submitted to the institutional chief health officer.

(10) Parties establishing legitimate research purposes who wish to review preplea, pretrial intervention, presentence and postsentence investigation reports in the records of current or prior inmates or offenders must obtain prior approval from the Bureau Chief of Research and ~~Data Analysis Statistics~~ pursuant to rule ~~33-20.007~~. Parties seeking to review records pursuant to this section shall be required to submit a written request to the Bureau Chief of ~~Central Records Admission and Release~~ if the report pertains to an inmate, or to the

correctional probation circuit administrator or designee of the office where the record is located if the report pertains to a supervised offender. The written request must disclose the name of the person who is to review the records; the name of any organization, corporation, business, school or person for which the research is to be performed; the purpose of the research; any relationship to offenders or the families of offenders; and a confidentiality agreement must be signed. After submitting the required written request, research parties must receive written approval as described in this section prior to starting the project.

(11) No change.

Specific Authority 20.315, 944.09, 945.10, 945.25 FS. Law Implemented 944.09, 945.10, 945.25, 947.13 FS., 42 USCS 290 ee-3. History—New 10-8-76, Amended 6-10-85, Formerly 33-6.06, Amended 1-12-89, 7-21-91, 9-30-91, 6-2-92, 8-4-93, 6-12-96, 10-15-97, 6-29-98, Formerly 33-6.006, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
STAN CZERNIAK

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 17, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 14, 2000

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: RULE NO.:

Rules of Prohibited Conduct and Penalties for Infractions 33-601.314

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide a specific disciplinary charge for inmates' refusal to participate in mandatory programs.

SUMMARY: The proposed rule provides a specific disciplinary charge for inmates' refusal to participate in mandatory programs.

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: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.14, 944.279, 944.28 FS.

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

TIME AND DATE: 9:00 a.m., April 4, 2000

PLACE: Law Library Conference Room, Room B-404, 2601 Blair Stone Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.314 Rules of Prohibited Conduct and Penalties for Infractions.

The following table shows established maximum penalties for the indicated offenses. As used in the table, "DC" means the maximum number of days of disciplinary confinement that may be imposed and "GT" means the maximum number of days of gain time that may be taken. Any portion of either penalty may be applied.

SECTION 1 through SECTION 9-15 No change.

9-16 Refusing to work or participate in mandatory programs 60 DC + 90 GT

SECTION 9-17 through SECTION 11 No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.14, 944.279, 944.28 FS. History--New 3-12-84, Formerly 33-22.12, Amended 1-10-85, 12-30-86, 9-7-89, 11-2-90, 6-2-94, 10-01-95, 3-24-97, 7-9-98, 8-13-98, Formerly 33-22.012, Amended 9-30-99.

NAME OF PERSON ORIGINATING PROPOSED RULE: Stan Czerniak

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 17, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 21, 2000

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE CHAPTER TITLE: General and Procedural RULE CHAPTER NO.: 40E-1

RULE TITLE: Permit Application Processing Fees RULE NO.: 40E-1.607

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to decrease the District's existing water use individual irrigation permit application processing fee structure at the direction of the South Florida Water Management District Governing Board. This change was inadvertently omitted from the rule amendments passed in November, 1999. Specifically, these fees are assessed in order to defray the cost of processing, monitoring, and inspecting for compliance required in connection with consideration of such applications.

SUMMARY: The proposed rule amendments will reduce permit application processing fees for many Individual Irrigation Water Use Permits with a duration less than 20 years.

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

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

SPECIFIC AUTHORITY: 373.109, 373.421(6)(b) FS.

LAW IMPLEMENTED: 373.109, 373.421(6)(b) FS.

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

TIME AND DATE: 9:00 a.m., April 13, 2000

PLACE: South Florida Water Management District Headquarters, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: For technical questions, Claudia Kugler, Dir., Business Operations, Regulation Department, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6850 or (561)682-6850 (e-mail ckugler@sfwmd.gov); or for legal/administrative questions, Julie Jennnis, Senior Legal Research Asst., 1(800)432-2045, Extension 6294 or (561)682-6294 (e-mail jjennis@sfwmd.gov).

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-1.607 Permit Application Processing Fees.

A permit application processing fee is required and shall be paid to the District when certain applications are filed pursuant to District rules. An application shall not be considered complete until the appropriate application fee is submitted. These fees are assessed in order to defray the cost of evaluating, processing, monitoring, and inspecting for compliance required in connection with consideration of such applications. Fees are non-refundable in whole or part unless the activity for which an application is filed is determined by the District to be exempt or the fee submitted is determined by the District to be incorrect. Failure of any person to pay the applicable fees established herein will result in denial of an application. Activities that do not require a permit and are exempt pursuant to Rules 40E-2.051, F.A.C. or 40E-3.051, F.A.C. are not subject to the following permit application fees. The District's permit application processing fees are as follows:

(1) Water Use Permit Application processing fees are in the following table:

TABLE 40E-1.607(1)  
 PERMIT APPLICATION PROCESSING FEES FOR  
 WATER USE PERMIT APPLICATIONS  
 REVIEWED PURSUANT TO CHAPTERS 40E-2 AND  
 40E-20, F.A.C.

Fee amounts shall apply to applications for new permits, permit modifications, and permit renewals, except as noted.

Category	Amount
Individual Public Water Supply Maximum daily allocation Greater than 0.1 million gallons per day (mgd) through 1 mgd	\$ 2700
Greater than 1 mgd through 10 mgd	\$ 5500
Greater than 10 mgd	\$ 7000
Individual <del>Agriculture</del> Irrigation <del>renewal</del> with a duration less than 20 years	\$1000
Individual Irrigation; <del>except Individual Agriculture Irrigation renewal</del> with a duration of <u>less than</u> 20 years Maximum daily allocation Greater than 0.1 mgd through 1 mgd	\$ 1000
Greater than 1 mgd through 10 mgd	\$ 2500
Greater than 10 mgd	\$ 3500
Individual Mining (Dewatering) Maximum daily allocation Greater than 0 mgd through 1 mgd	\$ 1800
Greater than 1 mgd through 10 mgd	\$ 3250
Greater than 10 mgd	\$ 4000
Individual Industrial Maximum daily allocation Greater than 0.1 mgd through 1 mgd	\$ 1400
Greater than 1 mgd through 10 mgd	\$ 2750
Greater than 10 mgd	\$ 3500
General	\$ 350
Short-term Dewatering	\$500
Permit Transfer to Another Entity Pursuant to Rules 40E-1.611 and 40E-2.351, F.A.C.	\$ 450
Letter Modification to Individual Permit	no fee
Letter Modification to General Permit	no fee

(2) through (6) No change.

Specific Authority 373.109, 373.421(6)(b) FS. Laws Implemented 373.109, 373.421(6)(b) FS. History—New 1-8-89, Amended 1-2-91, 11-15-92, 6-1-93, 1-23-94, 10-3-95, 4-1-96, 11-8-99, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Terrie Bates, Director, Department of Environmental Resource Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: South Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 10, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 28, 2000

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Payment Methodology for Nursing Home Services  
 RULE NO.: 59G-6.010

PURPOSE AND EFFECT: The purpose of the proposed amendment to the Florida Title XIX Long-Term Care Reimbursement Plan is to incorporate changes to the long-term care reimbursement plan payment methodology to increase patient care reimbursement as required by Section 30 of House Bill 1971, as incorporated into the General Laws of Florida, Chapter 99-394. An add-on to the patient care component is to be effective for the April 1, 2000 rate semester. The additional patient care reimbursement is to be used by nursing facilities to recruit and retain qualified staff and to provide appropriate care.

The effect of the proposed amendment is to provide a detailed methodology for increasing the patient care reimbursement effective April 1, 2000.

SUMMARY: The proposed amendment to rule number 59G-6.010 incorporates revisions to the Florida Title XIX Long-Term Care Reimbursement Plan. The amendment adjusts the payment methodology to increase the nursing home patient care reimbursement effective April 1, 2000.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A statement of estimated regulatory cost has not been prepared.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

IF REQUESTED IN WRITING 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):

DATE AND TIME: March 27, 2000, 10:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, FL 32308  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Carol Shotwell, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2106C, Tallahassee, Florida 32308, (850)414-2759

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.010 Payment Methodology for Nursing Home Services.

Reimbursement to participating nursing homes for services provided shall be in accord with the Florida Title XIX Long-Term Care Reimbursement Plan, Version XVIII ~~XVII~~ Effective Date ~~January 11, 2000~~ and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Deputy Director for Medicaid, 2727 Mahan Drive, Mailstop 8 Building 3, Tallahassee, Florida 32308. The plan incorporates Provider Reimbursement Manual (HCFA Pub. 15-1).

Specific Authority 409.919 FS. Law Implemented 409.908 FS. History—New 7-1-85, Amended 10-1-85, Formerly 10C-7.482, Amended 7-1-86, 1-1-88, 3-26-90, 9-30-90, 12-17-90, 9-15-91, 3-26-92, 10-22-92, 4-13-93, 6-27-93, Formerly 10C-7.0482, Amended 4-10-94, 9-22-94, 5-22-95, 11-27-95, 11-6-97, 2-14-99, 10-18-99, 1-11-00,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Carol Shotwell  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Gary Crayton  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 23, 2000  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 23, 1999

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE TITLES: Probable Cause Panel  
ADOPTION OF MODEL RULES OF PROCEDURE: Adoption of Model Rules of Procedure  
PURPOSE AND EFFECT: The Board proposes to amend Rule 61G17-1.0051 to update the rule text with regard to the appointment of members. Rule 61G17-1.008 is being repealed because the uniform rules of procedures have been adopted in Chapter 28, Florida Administrative Code and are effective for all boards.

RULE NOS.: 61G17-1.0051  
61G17-1.008

SUMMARY: The Board has determined that amendments are necessary to Rule 61G17-1.0051 to further clarify the number of members for the probable cause panel. Repeal of Rule 61G17-1.008.

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: 120.53(1), 455.225 FS.

LAW IMPLEMENTED: 120.53(1), 455.225 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 RULES IS: Sherry Landrum, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0756

THE FULL TEXT OF THE PROPOSED RULES IS:

61G17-1.0051 Probable Cause Panel.

(1) No change.

(2) The chair shall appoint ~~at least~~ two members to serve on the probable cause panel. ~~The chair shall also designate its presiding officer. If only two members are appointed, one of which must be either a present or former surveyor and mapper member of the Board. The other member shall be and the other must be either a surveyor and mapper a present or former consumer member of the Board if one is available and willing to serve or a surveyor and mapper who is a past member of the Board.~~ Nothing herein shall be construed to limit to one the number of surveyor and mapper past Board members that the chair may appoint to the probable cause panel if there are more than two members appointed to that panel by the chair.

(3) A majority vote of the probable cause panel shall determine whether probable cause exists to believe that a violation has occurred of Chapter 455, Chapter 472, the applicable provisions of Chapter 177, Florida Statutes, or Chapters 61G17-1 through 61G17-9, Florida Administrative Code, relevant rules. In the event if there are only the two members of the probable cause panel and if they fail to agree on any particular case, the chair of the Board shall assign a third person to the probable cause panel solely for the purpose of casting the decisive vote in that case. The third person shall be a member of the Board.

Specific Authority 120.53(1), 455.225 FS. Law Implemented 120.53(1)(c), 455.225 FS. History—New 2-7-91, Amended 3-23-93, Formerly 21HH-1.0051, Amended 5-31-95,\_\_\_\_\_.

61G17-1.008 Adoption of Model Rules of Procedure.

Specific Authority 120.53(1) FS. Law Implemented 120.53(1) FS. History—New 1-3-80, Formerly 21HH-1.08, 21HH-1.008, Repealed\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Surveyors and Mappers



NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Surveyors and Mappers  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 13, 2000  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 16, 1999

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE TITLE: Unauthorized Practice of Surveying and Mapping by or as Part of a Business Entity  
 RULE NO.: 61G17-2.003

PURPOSE AND EFFECT: The Board proposes to amend this rule by deleting certain rule text because of lack of statutory authority.

SUMMARY: The Board has determined that subsections (3)(a), (5), (7) and (8) should be deleted from this rule due to lack of statutory authority.

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: 472.008, 472.033 FS.

LAW IMPLEMENTED: 472.021, 472.033 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: Sherry Landrum, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0756

THE FULL TEXT OF THE PROPOSED RULE IS:

61G17-2.003 Unauthorized Practice of Surveying and Mapping by or as Part of a Business Entity.

- (1) through (2) No change.
- (3) Business entities may not provide surveying and mapping services to the public unless:
  - ~~(a) there is a registered surveyor and mapper in residence at each surveying and mapping office providing surveying and mapping services to the public who is not also in residence at any other office, and~~
  - (b) through (d) renumbered (a) through (c) No change.
  - (4) No change.

~~(5) No surveyor and mapper may serve simultaneously as the surveyor and mapper in residence at more than one surveying and mapping office providing surveying and mapping services to the public.~~

~~(5)(6) A business entity may be disciplined for any violation for which an individual surveyor and mapper may be disciplined.~~

~~(7) For the purposes of this rule, the resident surveyor and mapper is the surveyor and mapper with authority over all surveying and mapping documents issued from the office whether by the resident surveyor and mapper or by another surveyor and mapper out of that office.~~

~~(8) Nothing in this rule is intended to deny a temporary absence of the resident surveyor and mapper from the office so long as that surveyor and mapper remains in authority.~~

Specific Authority 472.008, 472.033 FS. Law Implemented 472.021, 472.033 FS. History—New 3-12-92, Formerly 21HH-2.003, Amended 6-1-95,

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Surveyors and Mappers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Surveyors and Mappers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 13, 2000

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE TITLES: Experience 61G17-3.001  
 Education 61G17-3.0021

PURPOSE AND EFFECT: The Board proposes to amend Rule 61G17-3.001 by updating the rule text and deleting unnecessary language. Rule 61G17-3.0021 is being amended by deleting certain rule text that is no longer needed.

SUMMARY: The Board has determined that Rule 61G17-3.001 should be amended to further clarify what the Board will accept when verifying an applicant's experience. The Board has determined that Rule 61G17-3.0021 should be amended by deleting subsections (3) and (4) as they are no longer necessary since 472.013, F.S. requires the education to be a 4 year degree.

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: 472.008, 472.013 FS.

LAW IMPLEMENTED: 472.005, 472.013 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 RULES IS: Sherry Landrum, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0756

THE FULL TEXT OF THE PROPOSED RULES IS:

61G17-3.001 Experience.

To verify an applicant's experience the Board will accept ~~require~~ evidence as to employment from employers or supervisors who are registered surveyors and mappers, and if such evidence is unavailable, the Board will consider written documentation from a registered surveyor and mapper who has personal knowledge of the applicant's experience. Such evidence shall set forth the quality and character of the applicant's duties and responsibilities. ~~Should the Board find that the information submitted by the applicant is deficient or insufficient, the Board will issue a notice of intention to deny and will allow the applicant one opportunity to submit additional information before any requested hearing is conducted.~~

Specific Authority 472.008 FS. Law Implemented 472.013 FS. History--New 1-3-80, Amended 6-9-80, 1-11-84, Formerly 21HH-3.01, Amended 1-16-92, Formerly 21HH-3.001, Amended 5-30-95, 10-1-97,\_\_\_\_\_.

61G17-3.0021 Education.

(1) through (2) No change.

~~(3) To determine whether an applicant for licensure has met the educational requirements of Section 472.013(2)(c), F.S., the Board shall require evidence to demonstrate:~~

~~(a) that the applicant has an Associate degree from a college which has regional accreditation from an agency recognized by the U.S. Department of Education; and~~

~~(b) that the applicant's specific course of study included at least thirty-two (32) semester hours or forty-eight (48) quarter hours in a combination of courses in surveying and mapping, civil engineering, forestry, mathematics, photogrammetry, land law, and the physical sciences.~~

~~(4) To determine whether an applicant for licensure has met the educational requirements of Section 472.013(2)(d), F.S., the Board shall require evidence to demonstrate that the applicant either graduated from high school or earned a Graduate Equivalency Diploma.~~

Specific Authority 472.013 FS. Law Implemented 472.005, 472.013 FS. History--New 9-7-93, Amended 5-30-95, 10-1-97,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Professional Surveyors and Mappers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Surveyors and Mappers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 13, 2000

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE TITLES:	RULE NOS.:
Written Examination Designated; General Requirements	61G17-4.001
Content of Examination	61G17-4.002
Grading	61G17-4.004
Grades Review Procedure	61G17-4.006

PURPOSE AND EFFECT: The Board proposes to reword Rules 61G17-4.001, 4.002, 4.004 and 4.006 in an attempt to clarify the rule text.

SUMMARY: The Board has determined that Rule 61G17-4.001 should be substantially rewritten to clarify the written examination designated and the general requirements. The Board has determined that Rule 61G17-4.002 should be reworded to clarify the content of the examination. The Board has determined that Rule 61G17-4004 be rewritten to clarify the grading process and the rule title will be changed to "Grading". Rule 61G17-4.006 is also being reworded to clarify the grading review procedure.

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: 455.217(1), 472.008, 472.013 FS.

LAW IMPLEMENTED: 455.217(1),(2), 472.013, 472.015 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 RULES IS: Sherry Landrum, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0756

THE FULL TEXT OF THE PROPOSED RULES IS:

(Substantial rewording of Rule 61G17-4.001 follows. See Florida Administrative Code for present text.)

61G17-4.001 Written Examination Designated; General Requirements.

(1) The examination shall consist of the following:

(a) Principles and Practice Examination prepared by the National Council of Examiners for Engineering and Surveying (NCEES):

(b) Fundamentals Examination prepared by the National Council of Examiners for Engineering and Surveying (NCEES):

(c) Florida Jurisdictional Multiple Choice Examination prepared by the Department and given prior to the NCEES examinations:

(d) Florida Jurisdictional Essay Examination, prepared by the Department, will be given following the Florida Jurisdictional Multiple Choice Examination.

(2) The Principles and Practice Examination and the Fundamentals Examination will not be required for licensure if the applicant has successfully completed those NCEES portions previously; however, the Florida Jurisdictional Examinations will be required of all applicants.

(3) Except as provided by NCEES testing requirements, examinations are open book, that is, the use of notes, reference books, and slide rule, is permitted. Programmable and non-programmable calculators are permitted so long as they are: hand-held, silent, battery-operated, non-printing, self-contained, and without auxiliary memory capabilities, video screens, or peripheral equipment. All such materials including pens and pencils are to be furnished by the applicant. Applicants should come equipped with ordinary drawing instruments.

(4) National examination security requirements as set forth by the NCEES shall be followed throughout the administration of the NCEES Principles and Practice Examination and the

NCEES Fundamentals Examination. Examination security requirements as set forth by the Department in Rule 61-11.014, F.A.C., shall be followed throughout the administration of the Florida Jurisdictional Multiple Choice Examination and the Florida Jurisdictional Essay Examination.

Specific Authority 455.217(1), 472.008 FS. Law Implemented 455.217(1), 472.013, 472.015 FS. History--New 1-3-80, Amended 6-9-80, 1-25-84, 5-22-85, Formerly 21HH-4.01, Amended 9-16-87, 8-30-92, Formerly 21HH-4.001, Amended 5-30-95, 11-15-95, 4-16-96, 8-10-97.

(Substantial rewording of Rule 61G17-4.002 follows. See Florida Administrative Code for present text.)

61G17-4.002 Content of Examination.

(1) The Fundamentals Examination shall be on surveying and mapping fundamentals and will include questions taken from subjects normally connected with requirements for basic fundamentals in the practice of surveying and mapping. The examination problems selection is made by the NCEES.

(2) The Principles and Practice Examination shall be based on professional practice and principles in surveying and mapping and will involve the applicant's finding solutions to problems designed to test the applicant's ability to apply acceptable surveying and mapping practice to problems which are representative of those commonly encountered in the profession of surveying and mapping. The examination problem selection is made by the NCEES.

(3) The Florida Jurisdictional Multiple Choice Examination shall be based on Florida's laws and rules regarding the practice of surveying and mapping. The following areas shall be tested on the examination and will be weighted approximately as designated:

<u>Statute/Rule</u>	<u>Area Tested</u>	<u>Assigned Weight</u>
<u>Chapter 177, Part I, Florida Statutes.</u>	<u>Platting</u>	
<u>Chapter 177, Part II, Florida Statutes.</u>	<u>Coastal Mapping</u>	<u>30%</u>
<u>Chapter 161, Florida Statutes.</u>		
<u>Rule 62B-33, Florida Administrative Code.</u>		
<u>Chapter 177, Part III, Florida Statutes.</u>	<u>Restoration of Corners</u>	
<u>Chapter 472, Florida Statutes.</u>	<u>Land Surveying</u>	<u>10%</u>
<u>Chapter 718, Florida Statutes.</u>	<u>Condominiums</u>	<u>10%</u>
<u>Chapter 95, Florida Statutes.</u>	<u>Adverse Possession</u>	<u>10%</u>
<u>61G17-1, Florida Administrative Code.</u>	<u>Organization &amp; Purpose</u>	
<u>61G17-2, Florida Administrative Code.</u>	<u>Grounds for Discipline</u>	
<u>61G17-5, Florida Administrative Code.</u>	<u>Continuing Education</u>	<u>40%</u>
<u>61G17-17, Florida Administrative Code.</u>	<u>Minimum Technical Standards</u>	
<u>61G17-7, Florida Administrative Code.</u>	<u>Seals, Signatures, &amp; Certificates of Authorization</u>	
<u>61G17-9, Florida Administrative Code.</u>	<u>Penalties</u>	

(4) The Florida Jurisdictional Essay Examination shall be based on professional practice and principles in surveying and mapping and on Florida's laws and rules regarding the practice of surveying and mapping. The examination shall test the applicant's ability to apply acceptable surveying and mapping

standards to problems which are commonly encountered in Florida, and the practice of surveying and mapping. The candidate is expected to prepare survey descriptions, drawings,

exhibits or reports in compliance with Florida laws and rules. The following areas shall be tested on the examination and will be weighted approximately as designated:

- (a) Minimum Technical Standards – 60%
- (b) Principles and Practice – 30%
- (c) Description & Communication – 10%

Specific Authority 455.217(1) FS. Law Implemented 455.217(1) FS. History–New 1-3-80, Amended 1-25-84, Formerly 21HH-4.02, Amended 9-16-87, 12-13-88, 8-30-92, Formerly 21HH-4.002, Amended 5-30-95, 5-17-99, \_\_\_\_\_.

(Substantial rewording of Rule 61G17-4.004 follows. See Florida Administrative Code for present text.)

61G17-4.004 Grading Passing Grades.

(1) The Principles and Practice Examination and the Fundamentals Examination contain machine graded, multiple choice questions developed by the NCEES. The minimum score necessary for passing the Principles and Practice Examination and the Fundamentals Examination shall be set by NCEES through the use of a Modified Angoff Method for determining the minimally acceptable raw score necessary to pass the examination. All raw grades shall be converted to a scale of 100 and the passing grade shall be set as equivalent to 70 on such a scale.

(2) The Florida Jurisdictional Multiple Choice Examination consists of 30 multiple choice questions developed by the Department. The multiple choice questions will be weighted equally and machine graded. The Florida Jurisdictional Essay Examination consists of one or more essay questions developed by the Department. The essays shall be independently graded on a blind basis by graders. A passing grade on the Florida Jurisdictional Multiple Choice Examination and the Florida Essay Examination is defined as 70% of the total possible points on each examination.

(3) Scores on the examination will be reported as follows: the Principles and Practice Examination, the Fundamentals Examination, the Florida Jurisdictional Multiple Choice Examination and the Florida Jurisdictional Essay Examination shall have separate scores. Four passing scores must be received in order to successfully pass the examination; however, these four passing scores need not be obtained in one sitting.

Specific Authority 455.217(1) FS. Law Implemented 455.217(1) FS. History–New 1-3-80, Amended 6-9-80, 8-27-81, 1-25-84, Formerly 21HH-4.04, Amended 8-30-92, Formerly 21HH-4.004, Amended 5-30-95, 11-15-95, \_\_\_\_\_.

(Substantial rewording of Rule 61G17-4.006 follows. See Florida Administrative Code for present text.)

61G17-4.006 Grades Review Procedure.

Any applicant who takes the Florida Jurisdictional Multiple Choice Examination and the Florida Jurisdictional Essay Examination may examine the applicant's own answers and questions, papers, grades and grading key, upon such terms and conditions as set forth by the Department of Business and

Professional Regulation in Rule 61-11.017, F.A.C. The applicant shall bear the actual cost incurred by the Department in providing the examination review.

Specific Authority 455.217(2), 472.013 FS. Law Implemented 455.217(2), 472.013 FS. History–New 1-3-80, Formerly 21HH-4.06, 21HH-4.006, Amended 5-30-95, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Surveyors and Mappers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Surveyors and Mappers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 13, 2000

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE TITLES:	RULE NOS.:
Continuing Education Requirements for	
Reactivation of Inactive License	61G17-5.001
Continuing Education Credit for Biennial	
Renewal	61G17-5.0031
Proof of Continuing Education Credit Earned	61G17-5.0032
Board Approval of Continuing Education	
Providers	61G17-5.0041
Board Approval of Provider Status to	
Conduct Courses or Seminars on	
Minimum Technical Standards	61G17-5.0042
Obligations of Continuing Education	
Providers	61G17-5.0043
Evaluations of Providers	61G17-5.0044
Duration of Provider Status	61G17-5.0045

**PURPOSE AND EFFECT:** The Board proposes to amend Rule 61G17-5.001 to update the rule text with regards to continuing education requirements. The Board is amending Rule 61G17-5.0031 to update the rule text and by deleting unnecessary language. The Board proposes to amend Rule 61G17-5.0032 by deleting unnecessary rule text. The Board is amending Rule 61G17-5.0041 by deleting unnecessary language and adding new rule text to further clarify board approval of continuing education providers. The Board proposes to repeal Rule 61G17-5.0042 because the rule is no longer necessary. The Board proposes to amend Rule 61G17-5.0043 by deleting unnecessary rule text and updating preexisting language. Rule 61G17-5.0044 is being amended by the Board to update the rule text and deleting unnecessary language. The Board is amending Rule 61G17-5.0045 by adding new rule text to further clarify the duration of provider status.

SUMMARY: The Board has determined that Rule 61G17-5.001 should be amended to update the rule text to further clarify continuing education requirements for reactivation of an inactive license. The Board finds it necessary to amend Rule 61G17-5.0031 by adding new rule text and by deleting subsections (2)(d) and (e). The Board finds it necessary to amend Rule 61G17-5.0032 by deleting subsections (1) and (2) with regard to audits, and by changing the rule title to properly address the rule's content. The Board is amending Rule 61G17-5.0041 by adding new rule text and by deleting unnecessary language. Rule 61G17-5.0042 is being repealed by the Board because the rule is no longer necessary. The Board finds it necessary to amend Rule 61G17-5.0043 by deleting unnecessary rule text and updating the preexisting language. The Board is amending Rule 61G17-5.0044 to update the rule text and deleting unnecessary language. The Board finds it necessary to make amendments to Rule 61G17-5.0045 by adding new rule text to further clarify the duration of provider status.

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: 455.219, 472.008, 472.011(2), (3), (5), 472.018, 472.019(2), 472.033 FS.

LAW IMPLEMENTED: 472.018, 472.019(2), 472.033 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 RULES IS: Sherry Landrum, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0756

THE FULL TEXT OF THE PROPOSED RULES IS:

61G17-5.001 Continuing Education Requirements for Reactivation of Inactive License.

A license which has been inactive for more than one year may be reactivated upon application to the Department and demonstration to the Board by the licensee of having completed ~~attended~~ one (1) continuing education credit in hour ~~of~~ of surveying and mapping related courses or seminars per inactive month up to a maximum of twenty-four (24) continuing education credits ~~hours~~ which must be completed within one year prior to the date of application for reactivation. This education shall be related to the licensee's field of practice. Verification of the above-mentioned education shall

be in the form of tuition or registration receipts, records, or letters of verification from the institutions or entities which provided the training in question.

Specific Authority 472.019(2) FS. Law Implemented 472.019(2) FS. History--New 10-29-80, Formerly 21HH-5.01, Amended 2-7-91, Formerly 21HH-5.001, Amended 3-28-94, 5-30-95, 10-13-97, \_\_\_\_\_.

61G17-5.0031 Continuing Education Credit for Biennial Renewal.

(1) Every person licensed pursuant to Chapter 472, Florida Statutes, must obtain at least twenty-four (24) continuing education credits per biennium.

(a) At least six (6) of the twenty-four (24) credits must be obtained by completing ~~attending~~ an approved provider's course or seminar on Florida's minimum technical standards or an approved provider's course or seminar on Florida's laws affecting the practice of surveying and mapping. The licensee shall rotate completion of ~~attendance at~~ these courses or seminars so that, for one biennium, the licensee completes ~~attends~~ a course or seminar on minimum technical standards and, for the next biennium, the licensee attends a course or seminar on laws affecting the practice of surveying and mapping.

(b) through (c) No change.

(2) Up to six (6) continuing education credits may be obtained for:

(a) through (c) No change.

~~(d) A licensee's membership on the Board of Professional Surveyors and Mappers, except that only two (2) credits will be allowed for each year of the biennium during which the licensee was a member of the Board for the immediately preceding twelve (12) consecutive months. This credit may be earned by Board members in addition to credit earned under paragraphs (2)(c) and (3)(d) of this rule;~~

~~(e) A licensee's chairmanship of the Board of Professional Surveyors and Mappers, except that only two (2) credits will be allowed for each year of the biennium during which the licensee chaired the Board for twelve (12) consecutive months. This credit may be earned by the Board chairman in addition to credit earned under paragraphs (2)(d) and (3)(d) of this rule;~~

~~(d)(f)~~ No change.

~~(e)(g)~~ No change.

(3) At least twelve (12) continuing education credits must be obtained for:

(a) The completion of ~~previously untaken~~ courses in surveying and mapping subjects at universities and colleges which are regionally accredited by an accrediting agency that is recognized by the United States Office or Department of Education, including junior and community colleges programs approved by the Board. No more than six (6) continuing education credits may be obtained for each semester hour or quarter hour equivalent thereof. A "course in a surveying and mapping subject" is a course such as: civil engineering, forestry, mathematics, photogrammetry, land law, physical

sciences, basic surveying and mapping, route surveying, mapping, control surveying, legal principles of boundaries, geodetic astronomy, subdivisions, and cartography;

(b) The completion of courses or seminars offered by continuing education providers approved by the Board for the provision of continuing education credit hours. A list of such providers is available from the Board office upon written request. Florida Continuing Education Providers may evaluate offerings by other organizations for equivalency to Florida's requirements. Upon finding equivalency, the provider may issue a Certificate of Completion for Transfer Credit that may be used by the licensee as evidence of completing continuing education as required by this rule. Equivalency can be found only if the provider can document that the other offering has met the requirements of 61G17-5.0043(1), (2), and (3), (4), and (7) through (13). The number of ~~credits~~ hours of credit shall be consistent with 61G17-5.0041;

(c) A licensee's first presentation of a continuing education course or seminar offered by a provider approved by the Board, except that no more than six (6) ~~credits~~ hours plus the ~~credits~~ credit hours allowed for that course or seminar may be obtained by the licensee;

(d) A licensee's attendance at a regularly scheduled meeting of the Board of Professional Surveyors and Mappers, except that only two (2) continuing education credits will be allowed for each day of such attendance during the biennium. ~~This credit may also be earned by Board members in addition to credit allowed under paragraphs (2)(d) and (e) of this rule.~~

(4) No change.

(5) A first time Florida licensee shall receive twenty-four (24) ~~hours of~~ continuing education ~~credits~~ credit for the biennium during which the licensee receives notice that the licensee has passed the Florida laws and rules examination.

Specific Authority 472.008, 472.018 FS. Law Implemented 472.018 FS. History—New 3-28-94, Amended 5-30-95, 9-21-98, \_\_\_\_\_.

61G17-5.0032 ~~Audits and~~ Proof of Continuing Education Credit Earned.

~~(1) Licensees shall respond to any audit of their continuing education credit that is conducted by the Board or by the Department of Business and Professional Regulation. A licensee who fails to respond to an audit within the timeframe specified in the audit letter shall automatically be referred by staff to the complaint section of the Department for the licensee's failure to respond to the audit, for possible failure to have obtained required continuing education credit, and/or for possibly having obtained licensure renewal by fraud. If a final order is entered against the licensee for the licensee's violation of this subsection, the penalty for late response shall be suspension of the license for the number of days that the response was late. If no response has been received by the date of the hearing at which the administrative complaint is considered by the Board, the penalty shall be suspension for at least one (1) year and indefinitely thereafter if the licensee has~~

~~not responded by the end of that year. The penalty shall also include a fine of up to \$100 a day for each day of nonresponsiveness up to a maximum of \$1,000.~~

~~(2) A licensee who responds to the audit within the timeframe specified in the audit letter but fails to simultaneously submit proof of all claimed continuing education credit shall automatically be referred by staff to the complaint section of the Department for possible failure to have obtained required continuing education credit and/or for possibly having obtained licensure renewal by fraud. If a final order is entered against the licensee for the licensee's violation of this subsection, the penalty for failing to simultaneously submit proof of all claimed continuing education credit shall be suspension of license for the number of days that proof of all claimed continuing education credit was late. If any proof is still required by the date of the hearing at which the administrative complaint is considered by the Board, the penalty shall be suspension for at least one (1) year and indefinitely thereafter if the licensee has not submitted proof by the end of that year. The penalty shall also include a fine of up to \$50 a day for each day of failure to submit proof, up to a maximum of \$1,000.~~

The following documentation shall constitute proof of continuing education credit:

(1) An official transcript from the registrar of a university, college, junior college or community college documenting that the licensee has completed a ~~previously untaken~~ course in a surveying and mapping subject. A "course in a surveying and mapping subject" is a course such as: civil engineering, forestry, mathematics, photogrammetry, land law, physical sciences, basic surveying and mapping, route surveying, mapping, control surveying, legal principles of boundaries, geodetic astronomy, subdivisions, and cartography;

(b) through (i) renumbered (2) through (9) No change.

Specific Authority 472.008, 472.018, 472.033 FS. Law Implemented 472.018, 472.033 FS. History—New 3-28-94, Amended 5-30-95, 10-13-97, \_\_\_\_\_.

61G17-5.0041 Board Approval of Continuing Education Providers.

~~(1)(a) Providers of continuing education courses or seminars approved by the Board prior to the effective date of this rule are hereby automatically approved under this rule until February 28, 1995, by which time the provider must have applied anew and must have met the requirements of subsections (2) and (3) of this rule.~~

~~(1)(b) Applicants for continuing education provider status who make application on or after the effective date of this rule must meet the requirements of subsections (2) and (3) of this rule to demonstrate the education and/or the experience necessary to instruct professional surveyors and mappers in the conduct of their practice, and they must reapply and be approved under this rule by February 28 of every odd-numbered year after the effective date of this rule.~~

~~(e) Applicants for course or seminar approval whose applications were complete prior to the effective date of this rule but whose applications were not reviewed by the Board as of the effective date of this rule shall be considered under Rule 61G17-5.004 as it existed prior to the effective date of this rule. If approved, the provider must, upon renewal, meet the requirements of subsections (2) and (3) of this rule and must reapply and be approved under this rule by February 28 of every odd-numbered year after the effective date of this rule.~~

~~(2) No change.~~

~~(3) To allow the Board to evaluate an initial application for continuing education provider status, the applicant must submit the following:~~

~~(a) through (b) No change.~~

~~(c) An outline and course or seminar materials for one (1) such course or seminar;~~

~~(c)(d) No change.~~

~~(e) A statement that the prospective provider will require each licensee to evaluate the course or seminar on a form which the provider will obtain from the Board office and distribute to the attendees at the conclusion of the course or seminar;~~

~~(f) through (h) renumbered (d) through (f) No change.~~

~~(4) through (6) No change.~~

~~(7) The Board retains the right and authority to audit and/or monitor programs and review records and course materials given by any provider approved pursuant to this rule. The Board shall rescind the provider status or reject individual programs given by a provider if the provider disseminated any false or misleading information in connection with the continuing education programs, or if the provider fails to conform to and abide by the rules of the Board.~~

Specific Authority 455.219, 472.008, 472.011(2), (3), (5), 472.018, 472.033 FS. Law Implemented 455.219, 472.018, 472.011(2), (3), (5), 472.033 FS. History—New 3-28-94, Amended 5-30-95, \_\_\_\_\_.

61G17-5.0042 Board Approval of Provider Status to Conduct Courses or Seminars on Minimum Technical Standards.

Specific Authority 472.008, 472.018 FS. Law Implemented 472.018 FS. History—New 3-28-94, Amended 5-30-95, 10-25-95, 3-22-98, 5-17-99, Repealed \_\_\_\_\_.

61G17-5.0043 Obligations of Continuing Education Providers.

To maintain status as a continuing education provider, the provider must:

~~(1) Require each licensee ~~course or seminar attendee~~ to complete ~~remain for~~ the entire course or seminar in order to receive a certificate of completion for the course or seminar;~~

~~(2) Within fourteen (14) days of the completion of each course or seminar presentation, send a list to the Board office of the names and license numbers of all attendees who received a certificate of completion;~~

~~(3) Provide the Board's course or seminar evaluation forms to each course or seminar attendee;~~

~~(4) Retain originals of course or seminar evaluation forms for three (3) years from the date on which the course or seminar is conducted, and provide those forms to the Board upon request;~~

~~(2)(5) Ensure that all promotional material for courses or seminars offered to professional surveyors and mappers for credit contain the provider number; assigned to the provider;~~

~~(3)(6) Send to the Board office, so that it is received at least fourteen (14) days before the first date on which the course or seminar is to be conducted for professional surveyors and mappers, a description ~~and an outline~~ for any course or seminar that has not previously been sent to the Board from the provider;~~

~~(4)(7) Allow only one ~~hour~~ of continuing education credit for each hour of classroom, audio or video instruction, an "hour of classroom, audio or video instruction" being no less or no more than sixty (60) minutes of instruction;~~

~~(5) Allow only one continuing education credit for each "hour of correspondence study." The "hour of correspondence study" must be based on the average completion time of each course as established by the provider. For correspondence study, provide to each participating licensee a written exam. In order to complete the course, the licensee must sign, date and seal the exam and receive a minimum grade of seventy percent (70%). If a licensee fails the exam, they will be permitted to take the exam again until a passing grade is achieved.~~

~~(6)(8) Notify the Board within thirty (3) days ~~two (2) weeks~~ of any change in the address or telephone number of the provider;~~

~~(9) Give the Board thirty (30) days prior notice of any significant change in the courses or seminars on file with the Board. A "significant change" is a change in the title of the course or seminar, the content of the course or seminar, the name or the qualifications of the course or seminar instructor, the number of continuing education credits allowed for the course or seminar, and the length of time in which the course or seminar is conducted;~~

~~(10) Maintain active status as a continuing education provider by conducting at least one (1) course or seminar a year for professional surveyors and mappers, renewing provider status each biennium, and paying a biennial renewal fee of \$200 so that it is received by the Board by 5:00 p.m. of the last date of the biennial renewal period;~~

~~(7)(11) Allow the Department of Business and Professional Regulation and the Board's designee to have access to information concerning courses or seminars conducted by the provider for continuing education credit;~~

~~(12) through (14) renumbered (8) through (10) No change.~~

~~(11)(13) No change.~~

(12) A course or seminar on minimum technical standards must focus on each minimum technical standard in Board rules and give examples of the practical application of each standard in the performance of a survey. A course or seminar on minimum technical standards does not focus on case law.

Specific Authority 455.219, 472.008, 472.011, 472.018 FS. Law Implemented 472.018 FS. History--New 3-28-94, Amended 5-30-95,\_\_\_\_\_.

61G17-5.0044 Evaluations of Providers.

(1) The Board will evaluate continuing education courses or seminars offered to professional surveyors and mappers for credit by:

- (a) ~~Observing Attending~~ such courses or seminars; ~~and or~~
- (b) Reviewing the files of the provider to gain information about any course or seminar offered to professional surveyors and mappers for credit; ~~or~~

~~(c) Asking course or seminar attendees to provide the Board with their evaluations of the course or seminar.~~

(2) No change.

Specific Authority 472.008, 472.018 FS. Law Implemented 472.018 FS. History--New 3-28-94, Amended 5-30-95,\_\_\_\_\_.

61G17-5.0045 Duration of Provider Status.

(1) Continuing education providers are approved only for the biennium during which they applied and must reapply for provider status at the beginning of each biennium ~~apply or for which they have been renewed by the Board~~. The biennium for continuing education providers ends on February 28th of each odd-numbered year.

(2) Providers seeking reapproval may continue to offer programs to licensees of the Board for credit until such time as a final order denying reapproval of continuing education provider status is filed with the Agency clerk. The Board is under no obligation to allow a provider to continue offering courses or seminars to professional surveyors and mappers for credit if the provider fails to follow the Board's rules regarding the provision of continuing education credit.

~~(3) Nor is the Board required to renew the continuing education provider status of any provider who has failed to follow the Board's rules regarding the provision of courses or seminars to professional surveyors and mappers for credit.~~

~~(4) If the Board denies the initial application or the renewal of any provider, the Board will issue a notice of intention to deny, and the applicant or the provider will be given an opportunity to be heard.~~

~~(5) Board staff will automatically renew the provider status of providers who have met the requirements of the Board's rules under this chapter and who have responded to the Board's instructions regarding the provider's courses or seminars. Where, however, questions exist regarding a provider's renewal, the Board will review and act on those questions, and the providers to be considered by the Board will be notified of the meeting. Renewing providers may continue to offer courses or seminars to professional surveyors and~~

~~mappers for credit until such time as a final order is entered against them as a result of any notice of intention to deny renewal status that is issued by the Board.~~

~~(6) No provider may reapply for continuing education provider status until at least two (2) years have elapsed since the entry of any final order of denial against the provider.~~

Specific Authority 472.008, 472.018 FS. Law Implemented 472.018 FS. History--New 3-28-94, Amended 5-30-95,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Professional Surveyors and Mappers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Surveyors and Mappers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 13, 2000

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE TITLES: \_\_\_\_\_ RULE NOS.:

Construction Layout Survey, Record or

As-Built Survey, Quantity Survey, and

Right-of-Way Survey

61G17-6.005

Control Surveys

61G17-6.0051

PURPOSE AND EFFECT: The Board proposes to amend Rule 61G17-6.005 by deleting certain rule text that is no longer necessary. The Board has determined that Rule 61G17-6.0051 should be amended to incorporate material and to update the rule text.

SUMMARY: Rule 61G17-6.0051 is being amended by the Board to delete subsection (4)(a) and (b) as the rule text is no longer needed. Rule 61G17-6.0051 is being amended by the Board to update the rule text and to incorporate the Geospatial Positioning Accuracy Standards Parts 1, 2, and 3 (1998), as set forth by the Federal Geographic Data Committee (FGDC).

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: 472.008, 472.027 FS.

LAW IMPLEMENTED: 472.027 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 RULES IS: Sherry Landrum, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0756

THE FULL TEXT OF THE PROPOSED RULES IS:

61G17-6.005 Construction Layout Survey, Record or As-Built Survey, Quantity Survey, and Right-of-Way Survey.

(1) through (3) No change.

(4) Right-of-Way Surveys: The survey map shall indicate the relationship of all section lines, quarter section lines, land grant lines, recorded subdivision lines and recorded subdivision block lines, that lie within or adjacent to the right-of-way that are materially affecting the right-of-way. The relationship between the lines and the rights-of-way shall be supported by field measurements.

~~(a) Prior to the completion of a right-of-way survey for the purpose of acquisition of property and engineering design, a right-of-way control survey consisting of the center line and the base line, if different, indicating the relationship, supported by field measurements, of all section lines, quarter lines, land grant lines, recorded subdivision boundaries, and recorded subdivision block lines that materially affect the right-of-way shall be performed.~~

~~(b) Final right-of-way survey maps shall show directly on the map or in tabular form the appropriate book and page where the description is recorded.~~

Specific Authority 472.008, 472.027 FS. Law Implemented 472.027 FS. History—New 9-1-81, Formerly 21HH-6.05, Amended 12-18-88, Formerly 21HH-6.005, Amended 12-25-95,\_\_\_\_\_.

61G17-6.0051 Control Surveys.

(1) Geodetic Control Surveys: If applicable, all geodetic control surveys, both vertical and horizontal, shall conform to the Standards and Specifications for Geodetic Control Networks (1984) as set forth by the Federal Geodetic Control Committee (FGCC), which Standards and Specifications are incorporated herein by reference, effective 5-13-96, and the Geospatial Positioning Accuracy Standards Parts 1, 2, and 3, FGDC-STD-007.1-1998, entitled “Geospatial Positioning Accuracy Standards Part 1: Reporting Methodology”, FGDC-STD-007.2-1998, entitled “Geospatial Positioning Accuracy Standards Part 2: Standards for Geodetic Networks”, and FGDC-STD-007.3-1998, entitled “Geospatial Positioning Accuracy Standards Part 3: National Standard for Spatial Data Accuracy”, which are hereby incorporated by reference, effective \_\_\_\_\_, copies of which may be obtained via the internet web site (<http://fgdc.er.usgs.gov>). No use of the terminology of these standards (such as "first order", "second order", etc.) may be made without adopting and following the standards in all details. If these standards are not employed, a survey map or report shall explain applicable standards used in the geodetic control survey. All geodetic control survey maps

or reports shall show the horizontal and vertical datum used and shall contain adequate graphical or written descriptions of the locations, construction and marking of all marks used or set and shall explain methods employed in the survey and adjustment.

(2) No change.

Specific Authority 472.008, 472.027 FS. Law Implemented 472.027 FS. History—New 12-18-88, Formerly 21HH-6.0051, Amended 12-25-95, 5-13-96,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Professional Surveyors and Mappers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Surveyors and Mappers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 13, 2000

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE TITLE: Fees  
RULE NO.: 61G17-8.0011

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text.

SUMMARY: The Board is amending this rule to reflect that the examination review fee shall be based on the actual cost that is incurred by the applicant.

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: 455.213(2), 455.217(2), 472.011, 472.013(2)(a) FS.

LAW IMPLEMENTED: 455.217(2), 472.011, 472.013(2)(a) 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: Sherry Landrum, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0756

THE FULL TEXT OF THE PROPOSED RULE IS:

61G17-8.0011 Fees.

(1) through (12) No change.

(13) The examination review fee shall be based on the actual cost incurred by the applicant is \$75.

(14) through (15) No change.

Specific Authority 472.011, 455.213(2), 455.217(2), 472.013(2)(a) FS. Law Implemented 455.217(2), 472.011, 472.013(2)(a), 472.019(2), 472.023 FS. History--New 1-5-95, Amended 4-2-98.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Surveyors and Mappers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Surveyors and Mappers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 13, 2000

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 99-39R

RULE CHAPTER TITLE: Environmental Resource Permitting RULE CHAPTER NO.: 62-330

RULE TITLE: Rules Adopted by Reference RULE NO.: 62-330.200

PURPOSE AND EFFECT: This notice corrects the previous notice published in the Florida Administrative Weekly on February 18, 2000. The previous notice omitted a statement on estimated regulatory cost. The Department proposes to revise Figure 12.2.8-1, entitled "SJRWMD Drainage Basin Map for Cumulative Impacts Evaluation" to conform to identical revisions being proposed by the St. Johns River Water Management District per a Notice of Proposed Rulemaking to be published by the St. Johns River Water Management District in the February 11, 2000, Florida Administrative Weekly (FAW). The drainage basins are referenced in the St. Johns River Water Management District "Applicant's Handbook: Management and Storage of Surface Waters," portions of which have been adopted by the Department, and are relevant to certain permitting criteria applicable to environmental resource permit (ERP) applications. Specifically, the drainage basins are used in the evaluation of whether a regulated activity will cause unacceptable cumulative impacts upon wetlands and other surface waters. With one exception, the proposed basins and watersheds are either increased in size or are the same size as those in the existing rules. The one exception is the proposed Western Etonia Lakes basin, which is proposed as a portion of the existing Etonia Creek basin.

Five of the basins/watersheds are proposed to be "nested" which means that these areas are both individual basins/watersheds and part of larger basins/watersheds. The effect of

this designation for a drainage basin is that, for impacts that are outside of a nested area but within the larger basin of which it is a part, mitigation in the nested area will be considered to be in the same drainage basin for cumulative impact review purposes. For impacts that are located within a nested area, mitigation that is located outside of the nested area but within the larger basin of which it is a part will be considered to be outside the basin for cumulative impact review purposes.

SUMMARY: Figure 12.2.8-1 is incorporated by reference in rule 62-330.200(2)(i). This rule is proposed to be amended to incorporate by reference the revised map described above. A copy of Figure 12.2.8-1, as it is proposed to be amended, is included in this notice.

Rule development workshops were conducted jointly with the St. Johns River Water Management District on November 5, 1999, in Orlando and Jacksonville.

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

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

SPECIFIC AUTHORITY: 373.026(7), 373.043, 373.118, 373.406(5), 373.414, 373.415, 373.418, 373.4211(22), 373.4211(25), 373.461, 380.06(9), 403.805(1) FS.

LAW IMPLEMENTED: 373.019, 373.042, 373.0421, 373.085, 373.086, 373.109, 373.118, 373.119, 373.129, 373.136, 373.403, 373.406, 373.413, 373.4135, 373.4136, 373.414, 373.4141, 373.415, 373.416, 373.417, 373.418, 373.419, 373.421(2)-(6), 373.4211(22), 373.4211(25), 373.422, 373.423, 373.426, 373.427, 373.429, 373.430, 373.433, 373.436, 373.439, 373.461, 380.051, 380.06(9), 403.0877, 403.813(2), 403.814 FS.

PURSUANT TO THE NOTICE PUBLISHED ON FEBRUARY 18, 2000, A HEARING WILL BE HELD BEFORE THE DEPARTMENT IF REQUESTED WITHIN 21 DAYS OF THE FEBRUARY 18, 2000, NOTICE.

TIME AND DATE: 10:00 a.m., March 16, 2000 (Thursday)

PLACE: Department of Environmental Protection, Room A204, Lab Bldg., 2600 Blair Stone Road, Tallahassee, Florida If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel at (850)488-2996 or (800)955-8771 (TDD), at least seven days before the meeting.

A HEARING ON THE ANALOGOUS RULE PROPOSED BY THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT also will be conducted by the St. Johns River Water Management District following the regularly scheduled Governing Board Meeting which begins at 9:00 a.m., on March 8, 2000, at the St. Johns River Water Management District, Highway 100 West, Palatka, Florida 32177, as noticed in the February 11, 2000, issue of the FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Douglas Fry, Florida Department of Environmental Protection, 2600 Blair Stone Road, Bureau of Submerged Lands and Environmental Resources, MS 2500, Tallahassee, Florida 32399-2400, telephone (850)921-9890 or Doug.Fry@dep.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULES IS:

62-330.200 Rules Adopted by Reference.

The Department hereby adopts by reference the following rules. The rules adopted by reference are available for inspection at the Department's Tallahassee and District offices:

(1) No change.

(2) The following rules are adopted by reference for application by the Department within the geographical jurisdiction of St. Johns River Water Management District as set forth in Section 373.069, F.S.:

(a) through (h) No change.

(i) Subsections 1.1, 1.2, 1.3, 1.4, 1.5, section 2.0, subsections 3.1, 3.2, 3.3, 3.4, 7.1, 7.2, and 7.4 of Part I "Policy and Procedures;" Part II "Criteria for Evaluation," except for sections 12.4 and 12.5; subsections 18.0, 18.1, 18.2, and 18.3 of Part III "Methodologies," and Appendix K "Legal Description Upper St. Johns River Hydrologic Basin," "Legal Description Ocklawaha River Hydrologic Basin," "Legal Description of the Wekiva River Hydrologic Basin," "Legal Description of the Econlockhatchee River Hydrologic Basin," "Legal Description of the Sensitive Karst Areas Basin, Alachua County," and "Legal Description of the Sensitive Karst Areas Basin, Marion County" of the document entitled Applicant's Handbook: Management and Storage of Surface Water (10-3-95), except as provided in subparagraphs 1. through 3.

1. through 2. No change.

3. Figure 12.2.8-1, effective [effective date of rule].

(j) No change.

(3) through (4) No change.

ADD MAP – 12.2.8-1

Specific Authority 373.026(7), 373.043, 373.044, 373.046, 373.113, 373.118, 373.406(5), 373.414, 373.415, 373.418, 373.421(22), 373.421(25), 373.461, 380.06(9), 403.805(1) FS. Law Implemented 373.019, 373.026, 373.042, 373.0421, 373.043, 373.046, 373.085, 373.086, 373.109, 373.117, 373.118, 373.119, 373.129, 373.136, 373.403, 373.406, 373.413, 373.4135, 373.4136, 373.414, 373.4141, 373.415, 373.416, 373.417, 373.418, 373.419, 373.421(2)-(6), 373.421(22), 373.421(25), 373.422, 373.423, 373.426, 373.427, 373.429, 373.430, 373.433, 373.436, 373.439, 373.461, 380.051, 380.06(9), 403.0877, 403.813(2), 403.814 FS. History—New 12-7-92, Formerly 17-330.200, Amended 10-3-95, 6-6-96, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mimi Drew, Director, Division of Water Resource Management, Department of Environmental Protection

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David B. Struhs, Secretary of the Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 13, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 29, 1999

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE TITLES: Biennial Renewal Fee, Delinquent Fee, Fee for Inactive Status and Change to

RULE NOS.: 64B1-2.001, 64B1-2.0015, 64B1-2.010

Active Status Fees for Wall Certificate or Duplicate License

64B1-2.014

PURPOSE AND EFFECT: The proposed amendments to the above referenced Rules will adjust and set forth the fees and charges for the actions and activities set forth in those rules.

SUMMARY: The proposed amendments to Rule 64B1-2.001 will decrease the biennial renewal fee to \$400; and, will set the inactive renewal fee at \$200. The proposed amendments to Rule 64B1-2.0015 will clarify when a licensed acupuncturist must pay a delinquency fee. The proposed amendments to Rule 64B1-2.010 will set a fee of \$200 for changing licensure status at a time other than renewal; and, will reduce the inactive status license reactivation fee to \$400. The proposed amendments to Rule 64B1-2.014 will set the fee for the issuance of a wall certificate and duplicate licenses.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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: 457.104, 457.107(1), 455.711, 457.108(2), 455.587(6) FS.

LAW IMPLEMENTED: 457.107(1), 455.711, 457.108, 455.587(6) FS.

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

TIME AND DATE: 9:00 a.m. or as soon thereafter as possible, March 29, 2000

PLACE: Ramada Inn, 2900 N. Monroe Street, Tallahassee, Florida 32303

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: William Buckhalt, Executive Director, Board of Acupuncture, 2020 Capital Circle, Southeast, BIN #C09, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULES IS:

64B1-2.001 Biennial Renewal Fee.

(1) The biennial renewal fee for an active license shall be Any person certified as an acupuncturist shall apply for renewal of certification biennially upon payment of a fee of \$400 600.

(2) The biennial renewal fee for an inactive license shall be \$200.

Specific Authority 455.711(3), 457.104, 457.107(1), 457.108(2) FS. Law Implemented 455.711(3), 457.107(1) 457.108(2) FS. History—New 4-5-84, Amended 11-19-85, Formerly 21AA-2.01, Amended 12-21-87, 7-16-89, Formerly 21AA-2.001, 61F1-2.001, Amended 10-25-95, Formerly 59M-2.001, Amended \_\_\_\_\_.

64B1-2.0015 Delinquent Fee.

The delinquent fee applicable to any licensed certified acupuncturist who fails to renew his or her license on a timely basis timely pay the biennial renewal fee provided in Rule 64B1-2.001 shall be \$200.

Specific Authority 455.711(7), 457.104, 457.108(2) FS. Law Implemented 455.711(7), 457.108(2) FS. History—New 10-25-95, Amended 2-21-96, Formerly 59M-2.0015, Amended \_\_\_\_\_.

64B1-2.010 Fees for Inactive Status and Change to Active Status.

The following fees shall be paid as appropriate:

(1) Application fee for active or inactive status shall be \$200.

(2) Change of status fee for change other than at the time of renewal shall be \$200.

(2) Renewal fee for inactive status shall be \$200.

(3) Fee for the reactivation of a license certificate shall be \$400 600.

Specific Authority 455.711(3)(4)(8), 457.104, 457.108(2) FS. Law Implemented 455.711(3)(4)(8), 457.108(2) FS. History—New 5-12-87, Amended 12-21-87, 8-6-89, Formerly 21AA-2.010, 61F1-2.010, Amended 10-25-95, Formerly 59M-2.010, Amended \_\_\_\_\_.

64B1-2.014 Fee for Wall Certificate or Duplicate License Duplicating Licenses and Certifications.

The fee for issuance of a new or duplicate wall certificate or a duplicate license shall be \$25.00. Board shall charge a fee of twenty-five dollars (\$25.00) per duplication to defray the cost of duplicating any wall certificate or license.

Specific Authority 455.587(2)(7)(6), 457.104 FS. Law Implemented 455.587(2)(7)(6) FS. History—New 11-26-90, Amended 3-22-92, Formerly 21AA-2.014, Amended 10-17-93, Formerly 61F1-2.014, 59M-2.014, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Acupuncture  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Acupuncture  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 23, 1999  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 1, 1999

**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

RULE TITLE: Licensure by Endorsement Through Another State License  
RULE NO.: 64B1-3.010

PURPOSE AND EFFECT: The proposed amendment to the current Rule will clarify the requirements for licensure by endorsement through another state license.

SUMMARY: The proposed amendments to the Rule will delete references to tutorial programs and five years of experience as approved basis for licensure by endorsement through another state license.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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: 457.104 FS.

LAW IMPLEMENTED: 457.105, 457.1085 FS.

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

TIME AND DATE: 9:00 a.m. or as soon thereafter as possible, March 29, 2000

PLACE: Ramada Inn, 2900 N. Monroe Street, Tallahassee, Florida 32303

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William Buckhalt, Executive Director, Board of Acupuncture, 2020 Capital Circle, Southeast, BIN #C09, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-3.010 Licensure by Endorsement Through Another State License.

Pursuant to Section 457.105(2)(c), F.S., the Board of Acupuncture will certify for licensure those applicants who satisfy the following requirements:

- (1) through (3) No change.

(4) submit proof that the applicant has completed ~~one of the following:~~

~~(a) a minimum of a 2 year school program pursuant to Rule 64B1-4.001;~~

~~(b) a 2 year tutorial program pursuant to Rule 64B1-4.002 and Rule 64B1-5, or~~

~~(c) five years of experience pursuant to Rule 64B1-4.003.~~

Specific Authority 457.104, 457.105, 457.1085 FS. Law Implemented 457.105, 457.1085 FS. History—New 10-1-89, Amended 2-27-92, Formerly 21AA-3.010, 61F1-3.010, Amended 2-20-96, Formerly 59M-3.010, Amended 4-7-98, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Acupuncture

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 23, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 1, 1999

**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

RULE TITLE: Acupuncture Program Requirements  
RULE NO.: 64B1-4.001

PURPOSE AND EFFECT: The proposed amendments to the current Rule will set forth the standards for the 4-year course of study which shall be required for licensure effective July 31, 2001.

SUMMARY: The proposed amendments to the current Rule will specify that applicants applying after October 1, 2001 will have to have completed the core curriculum of the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM) master’s level program; and, those applying after October 1, 2003 will have to have graduated from a ACAOM candidate or accredited 4-year master’s level program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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: 457.104 FS.

LAW IMPLEMENTED: 457.105 FS.

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

TIME AND DATE: 9:00 a.m. or as soon thereafter as possible, March 29, 2000

PLACE: Ramada Inn, 2900 N. Monroe Street, Tallahassee, Florida 32303

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William Buckhalt, Executive Director, Board of Acupuncture, 2020 Capital Circle, Southeast, BIN #C09, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-4.001 Acupuncture Program Requirements.

In order to be certified to take the licensure examination, the applicant must establish that he/she has met the following minimal requirements. For persons who enrolled on or after July 1, 1997, the applicant must complete the program in which they have enrolled.

(1) through (2) No change.

(3) Applicants who apply for licensure on or after October 1, 2001 must have completed the core curriculum of the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM) master's level program in oriental medicine with a minimum of 2700 hours of supervised instruction; and

(a) 15 hours of supervised instruction in universal precautions and 3 hours of HIV/AIDS that complies with the requirements of Section 455.604, F.S.; and

(b) 20 hours of supervised instruction in Florida statutes and rules, including Chapters 455 and 457, Florida Statutes, and this rule chapter.

(4) Applicants who apply for licensure on or after October 1, 2003 must have graduated from an ACAOM candidate or accredited 4-year master's level program or foreign equivalent in oriental medicine with a minimum of 2700 hours of supervised instruction, and:

(a) 15 hours of supervised instruction in universal precautions and 3 hours of HIV/AIDS that complies with the requirements of Section 455.604, F.S.; and

(b) 20 hours of supervised instruction in Florida statutes and rules, including Chapters 455 and 457, Florida Statutes, and this rule chapter.

Specific Authority 457.104, 457.105(2)(b) FS. Law Implemented 457.105(2)(b) FS. History--New 8-30-84, Formerly 21AA-4.01, Amended 7-20-88, 4-30-89, 9-19-89, 3-18-92, Formerly 21AA-4.001, 61F1-4.001, Amended 3-24-96, Formerly 59M-4.001, Amended 12-31-97, 11-2-99.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Acupuncture

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 10, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 24, 1999

**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

RULE TITLE: Definitions  
RULE NO.: 64B1-5.002

PURPOSE AND EFFECT: The proposed amendment to the current Rule will delete the definition of "trainee."

SUMMARY: The proposed amendment will delete the definition of "trainee" and renumber the Rule accordingly.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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: 457.104, 457.105(2)(b) FS.

LAW IMPLEMENTED: 457.105(2)(b) 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: 9:00 a.m. or as soon thereafter as possible, March 29, 2000

PLACE: Ramada Inn, 2900 N. Monroe Street, Tallahassee, Florida 32303

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William Buckhalt, Executive Director, Board of Acupuncture, 2020 Capital Circle, Southeast, BIN #C09, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-5.002 Definitions.

~~(1) "Trainee" means a person approved by the Board under Rule 64B1-5.003 to participate in a tutorial program for the study of acupuncture under the direct supervision of a Board-approved preceptor.~~

~~(1)(2) "Preceptor" means a Board-approved acupuncturist who is certified pursuant to Rule 64B1-5.004 who assumes the responsibilities for direct supervision and education of a trainee participating in a Board-approved tutorial program.~~

~~(2)(3) "Direct supervision" means the preceptor is physically present in the same room with the trainee where the hands-on experience is occurring.~~

~~(3)(4) "Indirect supervision" means the preceptor is physically on the premises so that the preceptor is immediately available to the trainee when needed.~~

~~(4)(5) "Two years of a continuous nature" means a period of two (2) years from the date of approval of the tutorial program during which the trainee trains with the approved preceptor a minimum of 48 weeks each year.~~

~~(5)(6) "25 hour work week" means a seven-day period in which the trainee trains with the approved preceptor not less than 25 hours.~~

(6)(7) "Classroom instruction" means instruction by the preceptor, or a guest instructor, performed in a classroom, without patients.

(7)(8) "Clinical instruction" means instruction by the preceptor, or a guest instructor, consisting of observation and treatment of patients.

(8)(9) "Guest instructor" means an acupuncturist, or other licensed health care provider who may legally practice acupuncture, who meets the requirements of Rule 64B1-5.004, and who provides instruction to a trainee under the direct supervision of the preceptor, up to a maximum of 240 hours of classroom instruction.

Specific Authority 457.104, 457.105(2)(b) FS. Law Implemented 457.105(2)(b) FS. History--New 5-10-87, Amended 5-17-90, Formerly 21AA-5.002, 61F1-5.002, Amended 10-25-95, 1-16-97, Formerly 59M-5.002, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Acupuncture  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Acupuncture  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 23, 1999  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 1, 1999

**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

RULE TITLES: RULE NOS.:  
Biennial Renewal of License 64B1-7.001  
Continuing Education Requirement 64B1-7.0015  
Notice to the Agency of Mailing Address and Place of Practice of Licensee 64B1-7.004

PURPOSE AND EFFECT: The proposed amendment to Rule 64B1-7.001 will clarify citations to certain rules contained in the Rule. The proposed amendment to Rule 64B1-7.0015 will clarify the continuing education requirements for licensees. Proposed rule 64B1-7.004 set forth requirement related to reporting the licensee's mailing address and place of practice.

SUMMARY: The proposed amendment to Rule 64B1-7.001 will clarify the rule sections governing the fees referred to in the Rule. The proposed amendment to Rule 64B1-7.0015 will clarify the requirements for required continuing education for licensure renewal. Proposed rule 64B1-7.004 sets forth the requirements for reporting of licensee mailing addresses, as well as defines place of employment for reporting purposes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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: 455.604, 457.104, 457.107, 457.108, 455.2226, 455.711, 455.717 FS.

LAW IMPLEMENTED: 455.2226, 455.271, 455.604, 455.711, 457.107, 457.108, 457.109, 455.717 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: 9:00 a.m. or as soon thereafter as possible, March 29, 2000

PLACE: Ramada Inn, 2900 N. Monroe Street, Tallahassee, Florida 32303

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: William Buckhalt, Executive Director, Board of Acupuncture, 2020 Capital Circle, Southeast, BIN #C09, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULES IS:

64B1-7.001 Biennial Renewal of License.

(1) through (4) No change.

(5) Any licensee may elect at the time of biennial renewal to place the license into inactive status by filing with the Department a completed application for inactive status and the appropriate fee required by Rule 64B1-2.010(1).

(a) Inactive licenses must be renewed biennially including payment of the renewal fee set forth in Rule ~~64B1-2.001(2)~~ 64B1-2.010(2).

(b) No change.

(6) The failure of any licensee to renew a license, whether active or inactive, before the license expires shall cause the license to become delinquent, and the licensee must apply for active or inactive status pursuant to Section 455.711(6), F.S., and remit the fees required by Rules 64B1-2001, ~~64B1-2.0015~~ and 64B1-2.010.

Specific Authority 455.604, 455.711, 457.104, 457.107, 457.108 FS. Law Implemented 455.604, 455.711, 457.107, 457.108 FS. History--New 5-24-87, Formerly 21AA-7.001, 61F1-7.001, Amended 10-25-95, 1-16-97, Formerly 59M-7.001, Amended 10-15-97, \_\_\_\_\_.

64B1-7.0015 Continuing Education Requirement.

(1) As a condition of the biennial renewal of a license, each licensee shall attend 20 credit hours per biennium of continuing education that meets the requirements of Section 457 presented by a Board-approved provider.

(a) Each biennium, the licensee shall complete a Board-approved program awarding at least 3 hours of continuing education credit concerning HIV/AIDS, which shall comply with the requirements of Section 455.604(1), Florida Statutes, Rule ~~64B1-6.005(5), F.A.C.~~ Pursuant to Section 455.604(2), Florida Statutes, each licensee shall submit confirmation of having completed said course when submitting fees for each biennial renewal.



~~(b) Each biennium, the certificateholder shall complete a program on Chapters 455 and 457, Florida Statutes, and Rules 64B1, Florida Administrative Code, consisting of at least 2 hours of study.~~

~~(c) The remainder of the 20 hours of continuing education required each biennium must consist of programs designed to advance, increase or enhance the professional skills of the certificateholder in accordance with Rule 64B1-6.005.~~

(2) through (3) No change.

~~(4) Credit hours earned for the purpose of reactivating an inactive license under Rule 64B1-7.002 shall not be applicable to the continuing education requirement for biennial license renewal for the period in which such credits are earned.~~

~~(5) Notwithstanding the provisions of this rule, the continuing education requirements shall not apply to a licensee within the biennium in which the license was initially awarded, but shall apply to such licensee in every biennium thereafter.~~

Specific Authority 457.104, 457.107, 457.108, 455.2226 FS. Law Implemented 457.107, 457.108, 457.109, 455.2226, 455.271 FS. History--New 3-18-97, Formerly 59M-7.0015, Amended \_\_\_\_\_.

64B1-7.004 Notice to the Agency of Mailing Address and Place of Practice of Licensee.

(1) It shall be the duty of each licensee to provide written notification to the Department of the licensee's current mailing address and place of practice. For purposes of this rule, "place of practice" shall mean the address of the primary physical location where the certificateholder practices acupuncture.

(2) Any time that the current mailing address or place of practice of any licensee changes, written notification of the change shall be provided to the Department within 10 days of the change. Written notice should be sent to the following address: Board of Acupuncture, 2020 S. E. Capital Circle, BIN #06, Tallahassee, Florida 32399-3256

Specific Authority 455.717 FS. Law Implemented 455.717 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Acupuncture

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 23, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 1, 1999

**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

RULE TITLE: Disposal of Biohazardous Waste

RULE NO.: 64B1-8.004

PURPOSE AND EFFECT: The proposed amendment to the current Rule will clarify the requirements for the management of biohazardous waste.

SUMMARY: The proposed amendment will specify that the Chapter 64E-16 and 62-712, Florida Administrative Code, provisions for the management of biohazardous waste which were effective June 3, 1997 shall be the controlling requirements for the profession.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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: 457.104, 457.1085 FS.

LAW IMPLEMENTED: 457.1085, 381.80 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: 9:00 a.m. or as soon thereafter as possible, March 29, 2000

PLACE: Ramada Inn, 2900 N. Monroe Street, Tallahassee, Florida 32303

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William Buckhalt, Executive Director, Board of Acupuncture, 2020 Capital Circle, Southeast, BIN #C09, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-8.004 Disposal of Biohazardous Waste.

Biohazardous waste must be managed pursuant to the provisions of Chapters 64E-16 and 62-712, Florida Administrative Code, effective June 3, 1997 in effect on December 31, 1990.

Specific Authority 457.104, 457.1085 FS. Law Implemented 457.1085, 381.80 FS. History--New 5-6-87, Amended 12-23-87, 5-30-91, Formerly 21AA-8.004, 61F1-8.004, 59M-8.004, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Acupuncture

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 23, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 10, 1999

**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

RULE TITLE: Definitions

RULE NO.: 64B1-9.005

PURPOSE AND EFFECT: The proposed rule will define the abbreviations used in Section 457.116(1)(b), Florida Statutes.

SUMMARY: The proposed rule specifies that for purposes of Section 457.116, F.S. "L.Ac." means Licensed Acupuncturist", "R.Ac." means Registered Acupuncturist, "A.P." means Acupuncture Physician, and "D.O.M." means Doctor of Oriental Medicine.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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: 457.104, 457.116(1)(b) FS.

LAW IMPLEMENTED: 457.116(1)(b) FS.

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

TIME AND DATE: 9:00 a.m. or as soon thereafter as possible, March 29, 2000

PLACE: Ramada Inn, 2900 N. Monroe Street, Tallahassee, Florida 32303

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William Buckhalt, Executive Director, Board of Acupuncture, 2020 Capital Circle, Southeast, BIN #C09, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-9.005 Definitions.

As used in s. 457.116(1)(b), F.S., the following terms shall mean:

- (1) L.Ac. – Licensed Acupuncturist
- (2) R.Ac. – Registered Acupuncturist
- (3) A.P. – Acupuncture Physician
- (4) D.O.M. – Doctor of Oriental Medicine

Specific Authority 457.104, 457.116(1)(b) FS. Law Implemented 457.116(1)(b) FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Acupuncture

NAME OF SUPERVISOR PR PERSON WHO APPROVED THE PROPOSED RULE: Board of Acupuncture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 23, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 10, 1999 (This proposed rule was originally noticed for rule development as 64B1-3.001)

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE TITLES:	RULE NOS.:
Training, Education, Certification, and Requirements for Issuance of Permits	64B5-14.003
Requirements for General Anesthesia or Deep Sedation	64B5-14.008

Parenteral Conscious Sedation	64B5-14.009
Pediatric Conscious Sedation	64B5-14.010

PURPOSE AND EFFECT: The Board is amending Rule 64B5-14.003 by updating the training requirements. Rule 64B5-14.008 is being amended by updating the list of equipment. Rules 64B5-14.009 and 14.010 are being amended to update the list of equipment that must be made available to treat the patient population.

SUMMARY: Rule 64B5-14.003 is being amended by the Board to update the rule text with regard to training. The Board is amending Rule 64B5-14.008 to update the list of equipment that must be readily available to the operator and recovery room. Rules 64B5-14.009 and 14.010 are is being amended to require that beginning January 1, 2001, each facility must have defibrillator equipment for the patient population being treated.

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: 466.004, 466.017 FS.

LAW IMPLEMENTED: 466.017 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: William Buckhalt, Executive Director, Board of Dentistry/MQA, 2020 Capital Circle, S. E., Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-14.003 Training, Education, Certification, and Requirements for Issuance of Permits.

- (1) General Anesthesia Permit.
  - (a) through (b) No change.
  - (c) A dentist employing or using general anesthesia or deep sedation and all assistant/dental hygienist personnel shall be certified in an American Heart Association or American Red Cross or equivalent agency sponsored cardiopulmonary resuscitation course at the basic life support level to include one person CPR, two person CPR, infant resuscitation and obstructed airway, with a periodic update not to exceed two years. Starting with the licensure biennium commencing on March of 2000, a dentist and all assistant/dental hygienist personnel shall also be trained in the use of either an Automated External Defibrillator or a defibrillator and electrocardiograph as part of their cardiopulmonary resuscitation course at the basic life support level. In addition to CPR certification, a dentist utilizing general anesthesia or

deep sedation must be currently trained in ACLS (Advanced Cardiac Life Support) or ATLS (Advanced Trauma Life Support).

(d) through (e) No change.

(2) Parenteral Conscious Sedation Permit.

(a) through (d) No change.

(e) A dentist utilizing parenteral conscious sedation and his assistant/dental hygienist personnel shall be certified in an American Heart Association or American Red Cross or equivalent agency sponsored cardiopulmonary resuscitation course at the basic life support level to include one man CPR, two man CPR, infant resuscitation, and obstructed airway with a periodic update not to exceed two years. Starting with the licensure biennium commencing on March of 2000, a dentist and all assistant/dental hygienist personnel shall also be trained in the use of either an Automated External Defibrillator or a defibrillator and electrocardiograph as part of their cardiopulmonary resuscitation course at the basic life support level. In addition to CPR certification, a dentist utilizing parenteral conscious sedation must be currently trained in ACLS (Advanced Cardiac Life Support) or ATLS (Advanced Trauma Life Support).

(f) through (g) No change.

(3) Pediatric Conscious Sedation Permit.

(a) No change.

(b) A dentist utilizing pediatric conscious sedation and his assistant/dental hygienist personnel shall be certified in an American Heart Association or American Red Cross or equivalent agency sponsored cardiopulmonary resuscitation course at the basic life support level to include one man CPR, two man CPR, infant resuscitation, and obstructed airway with a periodic update not to exceed two years. Starting with the licensure biennium commencing on March of 2000, a dentist and all assistant/dental hygienist personnel shall also be trained in the use of either an Automated External Defibrillator or a defibrillator and electrocardiograph as part of their cardiopulmonary resuscitation course at the basic life support level. In addition to CPR certification, a dentist utilizing pediatric conscious sedation must be currently trained in ACLS (Advanced Cardiac Life Support), ATLS (Advanced Trauma Life Support), or PALS (Pediatric Advanced Life Support).

(c) through (d) No change.

(4) No change.

Specific Authority 466.004(4), 466.017(3) FS. Law Implemented 466.017(3) FS. History—New 1-31-80, Amended 4-20-81, 2-13-86, Formerly 21G-14.03, Amended 12-31-86, 11-8-90, 2-1-93, Formerly 21G-14.003, Amended 12-20-93, Formerly 61F5-14.003, Amended 8-8-96, 10-1-96, Formerly 59Q-14.003, Amended 2-17-98, \_\_\_\_\_.

64B5-14.008 Requirements for General Anesthesia or Deep Sedation.

General Anesthesia Permit applicants and permit holders shall comply with the following requirements at each location where anesthesia procedures are performed. The requirements shall be met and equipment permanently maintained and available at each location.

(1) through (2) No change.

(3) The following equipment must be readily available to the operator and recovery room and maintained in good working order:

(a) through (d) No change.

(e) Defibrillator equipment appropriate for the patient population being treated.

(4) through (7) No change.

Specific Authority 466.004, 466.017 FS. Law Implemented 466.017 FS. History—New 10-24-88, Amended 11-16-89, Formerly 21G-14.008, Amended 12-20-93, Formerly 61F5-14.008, Amended 8-8-96, Formerly 59Q-14.008, Amended \_\_\_\_\_.

64B5-14.009 Parenteral Conscious Sedation.

Parenteral Conscious Sedation Permit applicants or permit holders shall comply with the following requirements at each location where anesthesia procedures are performed. The requirements shall be met and equipment permanently maintained and available at each location.

(1) through (2) No change.

(3) The following equipment must be readily available to the operator and recovery room and maintained in good working order:

(a) through (c) No change.

(d) A pulse oximeter which provides continuous monitoring of pulse and rate of oxygen saturation of the blood shall be used during each procedure, and:-

(e) As of January 1, 2001, the facility must have defibrillator equipment appropriate for the patient population being treated.

(4) through (7) No change.

Specific Authority 466.004, 466.017 FS. Law Implemented 466.017 FS. History—New 10-24-88, Amended 11-16-89, 4-24-91, Formerly 21G-14.009, 61F5-14.009, Amended 8-8-96, 10-1-96, Formerly 59Q-14.009, Amended \_\_\_\_\_.

64B5-14.010 Pediatric Conscious Sedation.

Pediatric Conscious Sedation Permit applicants or permit holders shall comply with the following requirements at each location where anesthesia procedures are performed. The requirements shall be met and equipment permanently maintained and available at each location.

(1) through (2) No change.

(3) The following equipment must be readily available to the operator and recovery room and maintained in good working order:

(a) through (c) No change.

(d) A pulse oximeter which provides continuous monitoring of pulse and rate of oxygen saturation of the blood shall be used during each procedure; ~~and~~

(e) A scale for weighing pediatric patients and:-

(f) As of January 1, 2001, the facility must have defibrillator equipment appropriate for the patient population being treated.

(4) through (8) No change.

Specific Authority 466.004, 466.017 FS. Law Implemented 466.017 FS. History—New 8-8-96, Formerly 59Q-14.010, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Dentistry  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Dentistry  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 7, 2000  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 4, 2000

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE TITLES: Examination  
Licensure by Examination: Supervised Experience Requirements

RULE NOS.: 64B19-11.001  
64B19-11.005

PURPOSE AND EFFECT: The amendment for Rule 64B19-11.001 updates and corrects text, and balances the scoring process in an equal and fair manner.

The amendment for Rule 64B19-11.005 prevents persons from remaining in residency status for too long, or after the point when they should receive a license or stop practicing.

SUMMARY: Rule 64B19-11.001 clarifies text & equalizes scoring and Rule 64B19-11.005 deals with duration in residency.

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: 455.574(1)(b),(c), 490.004(4) FS.  
LAW IMPLEMENTED: 455.574(1)(b),(c),(d), 490.005(1) FS.  
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY (IF NOT REQUESTED, A HEARING WILL NOT BE HELD).

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

THE FULL TEXT OF THE PROPOSED RULES IS:

64B19-11.001 Examination.

(1)(a) The first part of the examination shall be the Examination for Professional Practice in Psychology (EPPP) written examination developed by the Association of American State and Provincial Psychology Boards. ~~That examination measures competency in the following subject areas:~~

- ~~1. Problem Definition/Diagnosis;~~
- ~~2. Design, Implementation and Assessment of Intervention;~~
- ~~3. Research and Measurement;~~
- ~~4. Professional/Ethical/Legal Issues; and~~
- ~~5. Applications to Social Systems.~~

(b) The minimum passing score on EPPP is the cut-off score provided by the national examination provider established according to a standard setting and statistical equating methods. Statistical equating is used to adjust for the level of difficulty of the different examination administrations. After the statistical equating, candidates' raw scores are converted to a scaled score with a maximum possible score of 800. The minimum passing score shall be a scaled score of 500. All subject areas of the first part of the examination are weighted equally in grading the examination, and successful completion of the examination requires that an applicant obtain a score of at least seventy percent (70%).

(c) No change.

(2)(a) through (d) No change.

(3) The Board will certify as exempt from the first part of the examination those applicants who have taken the Association of American State and Provincial Psychology Boards' examination in another state and obtained a score equal to or greater than the score required in subsection (1)(b).

(4)(a) through (c) No change.

Specific Authority 455.574(1)(b),(c), 490.004(4) FS. Law Implemented 455.574(1)(b),(c),(d), 490.005 FS. History—New 4-4-82, Amended 7-11-84, Formerly 21U-11.03, Amended 2-19-86, 12-30-86, 3-10-87, 11-21-88, 3-5-90, 1-16-92, Formerly 21U-11.003, Amended 6-14-94, Formerly 61F13-11.003, Amended 1-7-96, 6-26-97, Formerly 59AA-11.001, Amended 2-21-99, \_\_\_\_\_.

64B19-11.005 Licensure by Examination: Supervised Experience Requirements.

(1) through (3) No change.

(4) Until licensure, an individual who completes post doctoral training residency may continue to practice so long as the individual does so in the manner prescribed by this rule and so long as the individual has applied for licensure and no final order of denial has been entered in the application case before the Board, not to exceed three years of post-doctoral residency.

Specific Authority 490.004(4) FS. Law Implemented 490.005(1) FS. History—New 11-18-92, Amended 7-14-93, Formerly 21U-11.007, Amended 6-14-94, Formerly 61F13-11.007, Amended 1-7-96, Formerly 59AA-11.005, Amended 12-4-97, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Psychology  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Psychology  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 3, 1999  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 28, 2000

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE TITLE: Issuance of Temporary Certificates  
 RULE NO.: 64B32-3.004

PURPOSE AND EFFECT: The Board proposes to revise time limitations on temporary certificates.

SUMMARY: New Rule language stipulates the revocation of the temporary certificate upon failure of the examination.

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: 468.353(1), 468.355(3) FS.

LAW IMPLEMENTED: 468.355(3) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY (IF NOT REQUESTED, A HEARING WILL NOT BE HELD).

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

**THE FULL TEXT OF THE PROPOSED RULE IS:**

64B32-3.004 Issuance of Temporary Certificates.

(1) No change.

(2) A temporary certificate issued to a graduate of an approved training program shall be valid until the applicant is notified of eligibility for certification or until one year from the date of graduation, whichever occurs first.

(a) No change.

(b) Beginning January 1, 1995, graduates must pass the examination within six months of the date of graduation. ~~or~~ The temporary certificate shall be revoked upon notification of failure of the examination.

(3) No change.

Specific Authority 468.353(1), 468.355(3) FS. Law Implemented 468.355(3) FS. History—New 4-29-85, Amended 10-20-85, Formerly 21M-35.04, Amended 5-12-88, Formerly 21M-35.004, 61F6-35.004, Amended 12-28-94, 8-27-95, Formerly 59R-72.005, 64B8-72.005, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Respiratory Care

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Respiratory Care

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 26, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 11, 2000

**FLORIDA HOUSING FINANCE CORPORATION**

RULE TITLES:	RULE NOS.:
Definitions	67-44.001
Notice of Funds Availability (“NOFA”)	67-44.002
General Program Restrictions	67-44.003
Application Procedures	67-44.004
Application and Selection Procedures	67-44.005
Administrative Appeal Procedures	67-44.006
Credit Underwriting Procedures and Loan Origination	67-44.007
Construction Disbursements and Loan Servicing	67-44.008
Terms and Conditions of Loans	67-44.009
Compliance and Monitoring Provisions	67-44.010
Fees	67-44.011

PURPOSE AND EFFECT: This Rule establishes the procedures by which the Florida Housing Finance Corporation shall administer the HAP construction Loan Program, which provides below market interest rate construction loans to eligible non-profit developers and sponsors for the construction or substantial rehabilitation of very low- and low-income home ownership housing.

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 added to the Rule and Application. The proposed amendments to the Rule and adopted reference material include changes that will create a formulated process for selecting Developments that will apply in the 1999-2000 HAP Construction Loan Program Application Cycle.

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: 420.507(12), (23) FS.

LAW IMPLEMENTED: 420.5088 FS.

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

TIME AND DATE: 10:00 a.m., March 24, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bridget E. Warring, HAP Construction Loan Program Senior Analyst, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301, (850)488-4197

THE FULL TEXT OF THE PROPOSED RULES IS:

FLORIDA HOME OWNERSHIP ASSISTANCE PROGRAM  
(HAP)/  
CONSTRUCTION LOAN PROGRAM

67-44.001 Definitions.

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

(2) "Applicant" means a Non-Profit Developer or Non-Profit Sponsor of a for-profit developer proposing to build or substantially rehabilitate affordable housing to be offered for sale to eligible ~~h~~Home buyers to be used as primary residences, pursuant to the provisions of the program.

(3) "Application" means the completed forms from the Application Package for the current Application Cycle together with exhibits submitted to the Corporation in accordance with Rule Chapter 67-44, F.A.C., in order to apply for HAP Construction Loan Program funds.

(4) "Application Deadline" means 5:00 p.m., Tallahassee time, on the final day of the Application period as outlined in Rule 67-44.004, F.A.C.;

(5) "Application Package" means the HAP Construction Loan Application Package published for the current Application Cycle containing the forms, tabs and instructions thereto, obtained from the Corporation, which shall be completed and submitted to the Corporation in accordance with Rule Chapter 67-44, F.A.C., in order to apply for HAP Construction Loan Program funds. The Application Package is adopted and incorporated herein by reference.

(6) "Code" means the Internal Revenue Code of 1986, as amended, 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.

(7) "Community Based Organization" or "CBO" means a private corporation, including a Community Development Corporation or a Community Housing Development Organization, organized under Chapter 617, F.S., to assist in the provision of housing-related services on a not-for-profit basis within a designated area, which shall may include a municipality (incorporated cities, towns and villages), a county, or more than one municipality or county.

(8) "Community Development Corporation" or "CDC" means a Community Based Organization, which facilitates or financially supports revenue-generating business for the purpose of community and economic development, based in a specific geographic area, controlled by residents, and committed to enhancing community well-being.

(9) "Construction Loan" or "Loan" means a Florida Home Ownership Assistance Program (HAP) ~~/~~Construction Loan Program financing made to a Non-Profit Developer or

Non-Profit Sponsor in an amount not to exceed the lesser of the total annual legislative appropriation for the HAP Construction Loan Program for the fiscal year from which funding is derived or 33% of the total Development Project Cost. In the event that the available funds announced in a single Notice of Funds Availability include funds from more than one fiscal year's legislative appropriation, the maximum HAP Construction Loan amount ~~shall may~~ not exceed the lesser of the total funds available from each of the annual legislative appropriations from which the funding is derived or 33% of the total Development Project Cost. HAP Construction Loans shall be provided for the purpose of constructing or substantially rehabilitating an Eligible Development Project consisting of a minimum of four Homes. Land acquisition, predevelopment and infrastructure costs ~~shall may~~ be included with the construction or substantial rehabilitation; however, in no event shall HAP Construction Loans be used solely for the purpose of financing land acquisition, predevelopment, infrastructure costs, or any combination of these costs. The Construction Loan shall bear a three percent (3) annual interest rate for a maximum three year term.

(10) "Contractor" means a duly licensed person or entity which, to be eligible for the typical fees associated with the general requirements, profit and overhead, must meet the following conditions: (a) Development Project supervisor or foreman must be directly employed by the Contractor; (b) Development Project construction trailer, if any, and other overhead must be directly paid by the Contractor; (c) Building permits must be issued in the name of the Contractor; and (d) Payment and Performance Bond (or approved alternate security for Contractor's performance, such as a Letter of Credit or other acceptable guarantee), if required, must be issued in the name of the Contractor.

(11) "Corporation" or "Florida Housing" or "FHFC" means the Florida Housing Finance Corporation ~~a public corporation, the successor to the Florida Housing Finance Agency.~~

(12) "Credit Underwriter" means the legal representative under contract with the Corporation having the responsibility for providing stated credit underwriting services. Such services shall include, but not be limited to reviewing the financial feasibility and viability of Developments, Projects proposing to the Corporation the ~~amount of a~~ HAP Construction Loan amount needed, if any.

(13) "Development" means the site or any improvements located or to be located on the site including real property, buildings, and any other real or personal property, designated and intended for the primary purpose of providing decent, safe, and sanitary residential housing for individuals, whether new construction, the acquisition of existing residential housing, or the improvement, rehabilitation, or reconstruction of existing

housing, together with such related non-housing facilities. "Draw" means the disbursement of Construction Loan Program funds for an Eligible Project.

(14) "Development Cost" means all costs associated with construction and/or rehabilitation of the Development. Developer's fees (including administrative overhead) are limited to a maximum of ten percent (10%). "Eligible Borrower" means, with respect to the Permanent Loan, a person or persons or family or families:

(a) Who intends to principally and permanently reside as a household in a single-family residence constructed with a Construction Loan; and

(b) Whose total annual family income at time of closing does not exceed 50 percent of the state or local median income, adjusted for family size, whichever is greater; and

(c) Who are purchasers of Homes which received Construction Loan Program financing.

(15) "Draw" means the disbursement of HAP Construction Loan Program funds for an Eligible Development. "Eligible Project" means a Project where a minimum of at least 30 percent of the units must be sold to persons or families who have incomes that do not exceed 50 percent of the State or local median income, whichever is greater, adjusted for family size; and a minimum of at least another 30 percent of the units must be sold to persons or families who have incomes that do not exceed 80 percent of the State or local median income, whichever is greater, adjusted for family size. Any remaining units in the Project must be sold to persons or families who have incomes that do not exceed 100 percent for a family of one or two persons or 120 percent for a family of three or more persons of the State or local median income, whichever is greater.

(16) "Eligible Borrower" means, with respect to the Permanent Loan, a person or persons or family or families:

(a) Who intends to principally and permanently reside as a household in a single-family residence constructed with a HAP Construction Loan; and

(b) Whose total annual family income at time of closing does not exceed 80 percent of the state or local median income, adjusted for family size, whichever is greater; and

(c) Who are purchasers of Homes which have received HAP Construction Loan Program financing. "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.

(17) "Eligible Development" means a Development where a minimum of at least 30 percent of the units must be sold to persons or families who have incomes that do not exceed 50 percent of the State or local median income, whichever is greater, adjusted for family size; and a minimum of at least another 30 percent of the units must be sold to persons or

families who have incomes that do not exceed 80 percent of the State or local median income, whichever is greater, adjusted for family size. Any remaining units in the Development must be sold to persons or families who have incomes that do not exceed 120 percent of the State or local median income, whichever is greater. "First Mortgage" means the recorded mortgage to which the Construction Loan or Permanent Loan is subordinated and which is superior in interest to any other lien on the property.

(18) "Fannie Mae" or "FNMA" means the Federal National Mortgage Association. "Florida Home Ownership Assistance Program" means the Florida Home Ownership Assistance Program created under Section 420.5088, F.S.

(19) "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. "FNMA" means the Federal National Mortgage Association.

(20) "First Mortgage" means the recorded mortgage to which the HAP Construction Loan or HAP Construction Permanent Loan is subordinated and which is superior in interest to any other lien on the property. "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, not including a condominium unit, or a manufactured home and 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) The sales price does not exceed the Maximum Acquisition Cost as set forth in Rule 67-44.001(21), F.A.C.; and

(e) Appurtenant land 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.

(21) "Florida Home Ownership Assistance Program" means the Florida Home Ownership Assistance Program created under Section 420.5088, F.S. "Maximum Acquisition Cost" means the maximum purchase price of a Home as determined by the Corporation's Single-Family Bond Program.

(22) "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, not including a condominium unit, or a manufactured home and 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) The sales price does not exceed the Maximum Acquisition Cost as set forth in Rule 67-44.001(23), F.A.C.; and

(e) Appurtenant land 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. "Non-Profit Developer" means a unit of local government, a housing authority established pursuant to Chapter 421, F.S., a Community Based Organization, a Community Development Corporation, and any other corporation established under Chapter 617, F.S., which has as its primary stated purpose in its charter, resolution, or by-laws, to provide decent housing that is affordable to lower and moderate income persons. The Non-Profit Organization shall have control of the Project and shall materially participate in the development and operation of the Project through the compliance period. The term "Non-Profit Developer" may apply to a limited partnership if its general partner is a non-profit developer as otherwise defined herein must own at least 51 percent ownership interest in the Project and receives at least 51 percent of the net revenues generated thereby.

(23) "Maximum Acquisition Cost" means the maximum purchase price of a Home as determined in the Single-Family Bond Program Rule Chapter 67-25, F.A.C. "Non-Profit Sponsor" means a unit of local government, a housing authority established pursuant to Chapter 421, F.S., a Community Based Organization, and Community Development Corporation as defined in Rules 67-44.001(7) and (8), F.A.C., which has as its primary stated purpose in its articles of incorporation or by-laws to provide decent housing that is affordable to lower and moderate income persons and which has agreed to sponsor an Eligible Project using a for-profit developer for development of the units. The Non-Profit Organization shall have control of the Project and shall materially participate in the development and operation of the Project through the compliance period. The term

"Non-Profit Sponsor" may apply to a limited partnership if its general partner is a non-profit sponsor as otherwise defined herein and has at least 51 percent ownership interest in the Project and receives at least 51 percent of the net revenues generated hereby.

(24) "Non-Profit Developer" means a unit of local government, a housing authority established pursuant to Chapter 421, F.S., a Community Based Organization, a Community Development Corporation, and any other corporation established under Chapter 617, F.S., which has as its primary stated purpose in its charter, resolution, or by-laws, to provide decent housing that is affordable to lower and moderate income persons. The Non-Profit Organization shall have control of the Development and shall materially participate in the development and operation of the Development through the compliance period. The term "Non-Profit Developer" shall apply to a limited partnership if its general partner is a non-profit developer as otherwise defined herein and has at least 51 percent ownership interest in the Development and receives at least 51 percent of the net revenues generated thereby. "Permanent Loan" means zero percent annual interest rate financing to an Eligible Borrower under the Florida Home Ownership Assistance Program's Construction Loan Program which shall be limited to the lesser of 25 percent of the purchase price of the Home or the amount necessary to enable the purchaser to meet credit underwriting criteria and shall have a term not to exceed 30 years or the term of the First Mortgage, whichever is less. Proceeds of the loan may be used only to assist with down payment and closing cost expenses, 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 Permanent Loan shall become due and payable in full at that time.

(25) "Non-Profit Sponsor" means a unit of local government, a housing authority established pursuant to Chapter 421, F.S., a Community Based Organization, and Community Development Corporation as defined in Rules 67-44.001(7) and (8), F.A.C., which has as its primary stated purpose in its articles of incorporation or by-laws to provide decent housing that is affordable to lower and moderate income persons and which has agreed to sponsor an Eligible Development using a for-profit developer for development of the units. The Non-Profit Organization shall have control of the Development and shall materially participate in the development and operation of the Development through the compliance period. The term "Non-Profit Sponsor" shall apply to a limited partnership if its general partner is a non-profit sponsor as otherwise defined herein and has at least 51 percent ownership interest in the Development and receives at least 51 percent of the net revenues generated hereby. "Predevelopment Loan Program" or "PLP" means the Predevelopment Loan Program established by subsections 420.521 through 420.529, F.S., and Rule Chapter 67-38, F.A.C.



(26) "Permanent Loan" means zero percent annual interest rate financing to an Eligible Borrower under the Florida Home Ownership Assistance Program's HAP Construction Loan Program which shall be limited to the lesser of 25 percent of the purchase price of the Home or the amount necessary to enable the purchaser to meet credit underwriting criteria and shall have a term not to exceed 30 years or the term of the First Mortgage, whichever is less. Proceeds of the loan shall be used only to assist with down payment and closing cost expenses, 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 Permanent Loan shall become due and payable in full at that time. "Project" means the site or any improvements located or to be located on the site including real property, buildings, and any other real or personal property, designated and intended for the primary purpose of providing decent, safe, and sanitary residential housing for individuals, whether new construction, the acquisition of existing residential housing, or the improvement, rehabilitation, or reconstruction of existing housing, together with such related non-housing facilities as the Corporation determines to be necessary, convenient, or desirable.

(27) "Predevelopment Loan Program" or "PLP" means the Predevelopment Loan Program established by subsections 420.521 through 420.529, F.S., and Rule Chapter 67-38, F.A.C. "Project Cost" means all costs associated with construction and/or rehabilitation of the Project. Developer's fees (including administrative overhead) are limited to a maximum of ten percent (10%).

(28) "Qualified Appraisal" means a written appraisal by a professionally certified appraiser acceptable to the insurer of the First Mortgage or such other appraiser as shall may be approved by the Corporation in accordance with Rule 67-44.007(7), F.A.C.

(29) "RHS" "RD" means the United States Department of Agriculture Rural Housing Services Rural Development which was formerly known as the Rural Economic Community Development and the Farmer's Home Administration.

(30) "Review Committee" means a committee composed of at least five persons appointed by the Executive Director of the Corporation who will evaluate the scoring of the Applications. Meetings of the Review Committee shall be called by the Review Committee Chairperson who shall be appointed by the Executive Director who will evaluate the scoring of the Applications. Meetings of the Review Committee shall be called by the Review Committee Chairperson who shall be the Executive Director.

(31) "Second Mortgage" means the recorded mortgage securing the HAP Construction Loan or Permanent Loan which can be a consolidated note and mortgage and is subordinate only to the First Mortgage.

(32) "Servicer" means the legal representative under contract with the Corporation having the responsibility for providing stated loan servicing and administration and compliance monitoring services. Such services shall include, without limitation, reviewing and approving all HAP Construction Loan disbursement requests, loan servicing and single-family compliance monitoring services for Applicants receiving HAP Construction Permanent financing.

(33) "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.

(34) "State" means the State of Florida. "Substantial Rehabilitation" means the rehabilitation of residential property at an average cost for the Project in excess of \$10,000 per dwelling unit.

(35) "Substantial Rehabilitation" means the rehabilitation of residential property at an average cost for the Development in excess of \$10,000 per dwelling unit. "VA" means the U.S. Department of Veterans Affairs.

(36) "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, Amended 11-28-96, Formerly 9I-44.001, Amended 3-26-98,\_\_\_\_\_.

#### 67-44.002 Notice of Funds Availability ("NOFA").

Applications shall be submitted to the Corporation by the Application Deadline as noticed in the Florida Administrative Weekly. Such notice shall be published at least sixty (60) days prior to the Application Deadline date. The notice shall also be mailed to each person and organization on the Corporation's mailing list for home ownership developments projects. The Said notice shall set forth the allocation authority available for eligible activities enumerated in this Rule Chapter.

Specific Authority 420.50(12), (23) FS. Law Implemented 420.5088 FS. History--New 8-7-95, Amended 11-28-96, Formerly 9I-44.002, Amended 3-26-98,\_\_\_\_\_.

#### 67-44.003 General Program Restrictions.

(1) No more than one-fifth of the funds available in the Trust Fund is available to 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 or local median income, whichever is greater. In the event of default, the reserved funds shall be used to offset losses incurred by both the First Mortgagee and the Second Mortgagee, with the approval of the Corporation's Board of Directors. Funds made available under this program shall be used for eligible activities as outlined in Rule 67-44.001(9), F.A.C.

(2) During the first nine (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 nine (9) months, there is insufficient demand for loans under any of the above categories, the Corporation's Board of Directors shall transfer all or a portion of the remaining allocation to fund another HAP Loan program. Construction Loans shall be subject to the following restrictions:

(a) The Construction Loans shall not be assumable and shall be due and payable on a prorated basis upon the sale, transfer, refinancing or rental of the Home prior to the due date of the Loan.

(b) The Construction Loans shall be serviced by the Corporation's designated Servicer.

(c) The Construction Loans shall be evidenced by a properly executed note or other evidence of indebtedness and shall be secured by properly executed and recorded First and Second Mortgages.

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

(3) If the application of the above percentages would cause the reservation of program funds under paragraph (2) (a) to be less than \$1 million, the reservation for paragraph (2) (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 (2)(b) and, if necessary, paragraph (2)(c). Any Permanent Loans made to a person or family purchasing a Home which received Construction Loan Program financing shall be subject to the following restrictions:

(a) Permanent Loans shall be made available in an aggregate amount not exceeding the lesser of 25 percent of the purchase price of the Home or the amount necessary to enable the purchaser to meet credit underwriting criteria, to all Eligible Borrowers purchasing a Home which does not exceed the Maximum Acquisition Cost.

(b) Permanent Loans shall not be assumable and shall be due and payable in full in the event of the sale, transfer, refinancing or rental of the Home prior to the due date of the Permanent Loan.

(c) Permanent Loans shall be underwritten and serviced by the lender of the First Mortgage loan to the Home buyer, which shall be reviewed for approval by the Corporation's designated Servicer.

(d) The Permanent Loan shall be evidenced by a properly executed note or other evidence of indebtedness and shall be secured by a properly executed recorded mortgage.

(4) Funds made available under this program shall be used for eligible activities as outlined in Rule 67-44.001(9) , F.A.C.

(5) HAP Construction Loans shall be subject to the following restrictions:

(a) The HAP Construction Loans shall not be assumable and shall be due and payable on a pro rata basis upon the sale, transfer, refinancing or rental of the Home prior to the due date of the HAP Construction Loan.

(b) The HAP Construction Loans shall be serviced by the Corporation's designated Servicer.

(c) The HAP Construction Loans shall be evidenced by a properly executed note or other evidence of indebtedness and shall be secured by properly executed and recorded First and Second Mortgages.

(d) Prepayment of the HAP Construction Loans shall be permitted without penalty.

(6) Any Permanent Loans made to a person or family purchasing a Home which received HAP Construction Loan Program financing shall be subject to the following restrictions:

(a) Permanent Loans shall be made available in an aggregate amount not exceeding the lesser of 25 percent of the purchase price of the Home or the amount necessary to enable the purchaser to meet credit underwriting criteria, to all Eligible Borrowers purchasing a Home based on the monthly mortgage payment, which includes the principal, interest, taxes and insurance, to income underwriting ratio established by the financing program offered by the First Mortgage lender. The combined loan-to-value ratios of all loans in the transaction shall not exceed 103% of the lesser of the after construction or after-rehabilitation appraised value or the purchase price of the Home.

(b) Permanent Loans shall not be assumable and shall be due and payable in full in the event of the sale, transfer, refinancing or rental of the Home prior to the due date of the Permanent Loan.

(c) Permanent Loans shall be underwritten and serviced by the lender of the First Mortgage loan to the Home buyer, which shall be reviewed for approval by the Corporation's designated Servicer.

(d) The Permanent Loan shall be evidenced by a properly executed note or other evidence of indebtedness and shall be secured by a properly executed recorded mortgage.

(7) The Second Mortgage securing the HAP Construction Loan and Permanent Loan shall be a consolidated note and mortgage and is subordinate only to the First Mortgage.

(8) For-profit developers are permitted to construct the units of an Eligible Development; however, only in such cases where the property to be developed is owned, controlled or will be purchased with the first HAP Construction Loan Draw by a Non-Profit Sponsor.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.5088 FS. History--New 8-7-95, Amended 11-28-96, Formerly 9I-44.003, Amended 3-26-98,\_\_\_\_\_.

## 67-44.004 Application Procedures.

The Corporation shall make HAP Construction Loan Program funds available to Applicants on the basis of the competitive selection process established by this Rule Chapter. Applicants Borrowers shall be ranked and selected based upon the following criteria:

(1) Completion of the Application. The Corporation hereby incorporates by reference the HAP Construction Loan Application Package 1999-2000 ~~1997~~ or Form HAPC 1999-2000, HAPC97 which provides forms, tabs, threshold requirements, instructions and other information necessary for submission of an Application under the HAP Construction Loan Program.

(2) Application Packages can may be obtained from the Corporation for a fee in accordance with ~~this~~ Rule Chapter 67-44.011, F.A.C., at by contacting the Florida Housing Finance Corporation, Attn: HAP Construction Loan Program, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

(3) All Applications must be complete, accurate, legible and timely when submitted. All Applications shall be received by the Corporation prior to on the Application Deadline as set forth in the Notice of Funds Availability. Applications shall be deemed to be received by the Corporation if delivered by hand, U.S. Postal Service, or other courier service on or before 5:00 p.m., Tallahassee time, on the Application Deadline. Applications which are ~~not~~ received after by the deadline shall not be accepted or reviewed. All Applications delivered by hand, must be presented to Corporation staff, to be inscribed with the time and date of receipt. Applications and other items related to or required by the Application transmitted by facsimile shall not be accepted by the Corporation. Once the Application has been received by the Corporation, no additions, deletions, or changes will be accepted. Corporation staff shall may not assist any Applicant by copying, collating, or adding documents to an Application, nor shall any Applicant be permitted to use the Corporation's facilities or equipment for purposes of compiling or completing an Application.

(4) All Applications must be submitted on the forms provided in the Application Package.

(5) An original and two identical copies of the Application must be submitted to the Corporation, as hereinafter specified. Each Application, original and two identical copies, shall be securely bound, in a three-ring binder and have numbered index tabs for each form and exhibits with the materials provided in the Application Package. Exhibits must be placed behind each form to which they refer. Failure to comply with any of the foregoing requirements will result in rejection of the Application. The submitted Application which is considered the original must contain authentic, penned in blue 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.

(6) Applications shall be limited to one submission per subject property.

(7) An Application fee shall accompany each Application in accordance with Rule 67-44.011, F.A.C.

(8) If an Applicant, ~~or~~ a member of the Project's Development team, or partner of a limited investment partnership has been found by the Corporation's Board of Directors to have engaged in fraudulent actions or has deliberately misrepresented information in any previous application(s) or other documents submitted to the Corporation, the Applicant shall will be deemed ineligible to apply for two fiscal years, which shall will begin from the date the Corporation's Board of Directors approved the disqualification of the Applicant's Application.

Specific Authority 420.507(12), (23) FS. Law Implemented 420.5088(2) FS. History—New 8-7-95, Amended 11-28-96, Formerly 91-44.004, Amended 3-26-98, \_\_\_\_\_.

67-44.005 Application and Selection Criteria, Rejection Criteria, and Scoring and Ranking Guidelines Procedures.

(1) The Review Committee shall review all Applications that are received by the noticed Application Deadline. Received means delivery by hand, U.S. Postal Service or other courier service, in the office of the Florida Housing Finance Corporation no later than 5:00 p.m., Tallahassee time, on the day of the Application Deadline.

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

(3) The content of each Application shall be evaluated by the Review Committee using the factors specified in this Rule Chapter and Application Package which is incorporated by reference.

(4) The Corporation shall reject an Application if:

(a) The Application has not been submitted in accordance with the Application Package and as specified in this Rule Chapter and instructions provided by the Corporation;

(b) The Applicant does not meet the requirements set forth in Rule 67-44.001(2) 67-44.002(22) or (23), F.A.C.;

(c) The Application is inconsistent with the purposes of the HAP Construction Loan Program or does not conform to the Application requirements specified in this Rule Chapter;

(d) The Applicant fails to achieve the threshold requirements as detailed in the Application Package;

(e) The Applicant fails to file its Application by the Application Deadline;

(f) The Applicant fails to submit file the entire Application which was provided by the Corporation and adopted under this Rule Chapter; or

(g) The Application is scanned or submitted on altered or retyped forms.

(5) The Application Package shall be evaluated and preliminarily ranked based upon the criteria set forth in subparagraphs 420.5088(2)(h)1.-12., F.S.

(6) Community Development Corporation (CDC) and Community Based Organization (CBO) Applicants that meet the minimum score threshold as specified in the Application Package, will receive funding before other Applicants. CDC and CBO Applications shall be scored, ranked and funded first. ~~In the event that all available funding is distributed to CDCs or CBOs, the remaining Applications, and Application fees, shall be returned to the Applicants.~~

(7) ~~After funding is distributed to CDC Community Development Corporation and CBO Community Based Organization Applicants pursuant to (6) above, priority shall be given to Developments projects that have received financing through the Corporation's Predevelopment Loan Program. In the event that all available funding is distributed to CDCs, CBOs or Projects receiving state assistance in funding predevelopment costs, the remaining Applications, and Application fees, shall be returned to the Applicants.~~

(8) In the event of a tie between CDC and CBO Applicants, the Corporation will give priority to Developments Projects that have been awarded Predevelopment Loan Program funding. ~~received state assistance in funding the Project predevelopment costs.~~

(9) The higher number of points shall determine priority for funding decisions, except as delineated in Rules 67-44.005(6), (7) and (8), F.A.C.

(10) The Review Committee shall recommend to the Corporation's Board of Director's for its Review and approval the preliminary scoring and ranking of each Application. The Corporation's Board of Directors shall approve or reject Applications for loans and shall determine the tentative loan amount available to each Applicant selected for participation in the program. The actual loan amount shall not exceed the lesser of the total annual legislative appropriation for the HAP Construction Loan Program for the fiscal year from which funding is derived or 33% of the total Development Cost. Upon action by the Corporation's Board of Directors, preliminary Application scores and rankings shall be transmitted to all Applicants, along with notice of appeal rights. Following completion of appeals, final award of points shall be submitted to the Board for approval, after which the final scores and rankings shall be transmitted to all Applicants. To the extent that the allocation reserved for HAP Construction Loans exceeds \$1,000,000, the geographic distribution targeting objectives of the Corporation to ensure an equitable distribution of Loans throughout the State will be included in the selection criteria as determined by the most recent statewide single family market study. At least ten percent (10%) of program funds must be allocated to each of the

~~following categories of counties as determined by using the population statistics as published in the most recent edition of Florida Statistical Abstract:~~

~~(a) Counties that have a population of more than 500,000 people;~~

~~(b) Counties that have a population of 100,000 to 500,000 people;~~

~~(c) Counties that have a population of less than 100,000;~~

~~(d) In the event that the Corporation determines insufficient need within a particular geographic area, the unused HAP Construction Loan Program allocation will be transferred to another geographic area.~~

~~(11) At no time during the application, scoring and appeal process shall Applicants contact Board members concerning their own Development or any other Applicant's Development. The Review Committee shall recommend to the Corporation's Board of Director's for its Review and approval the preliminary scoring and ranking of each Application. The Corporation's Board of Directors shall approve or reject Applications for loans and shall determine the tentative loan amount available to each Applicant selected for participation in the program. The actual loan amount shall not exceed the lesser of the total annual legislative appropriation for the Construction Loan Program for the fiscal year from which funding is derived or 33% of the total Project Cost. Upon action by the Corporation's Board of Directors, preliminary Application scores and rankings shall be transmitted to all Applicants, along with notice of appeal rights. Following completion of appeals, final award of points shall be submitted to the Board for approval.~~

~~(12) The name of the Development provided in the Application shall not be changed or altered after submission of the Application during the history of the Development with the Corporation unless the change is mandated by local, state or federal governmental authorities, or otherwise approved by the Corporation. Evidence of such mandate must be submitted to the Corporation within thirty calendar days of notification by the local, state or federal authorities. At no time during the application, scoring and appeal process may Applicants contact Board members concerning their own Project or any other Applicant's Project.~~

~~(13) The name of the Project provided in the Application may not be changed or altered after submission of the Application during the history of the Project with the Corporation unless the change is mandated by local, state or federal governmental authorities, or otherwise approved by the Corporation. Evidence of such mandate must be submitted to the Corporation within thirty calendar days of notification by the local, state or federal authorities.~~

Specific Authority 420.507(12), (23) FS. Law Implemented 420.5088(2) FS. History—New 8-7-95, Formerly 91-44.005, Amended 3-26-98,\_\_\_\_\_.

## 67-44.006 Administrative Appeal Procedures.

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 must petition for review of the decision in writing within twenty-one (21) ~~ten (10)~~ calendar days of receipt of the notice. The request must specify the forms and scores sought to be appealed. Unless the appeal involves disputed issues of material fact, the appeal will be conducted on an informal basis. The petition for review is deemed filed when it is received by the Susan Leigh, Executive Director, prior to 5:00 p.m., Tallahassee time, of the 21st ~~10th~~ day at the following address: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, Attention: Corporation Clerk. Failure to timely file a petition shall constitute a waiver of the right of the Applicant to such an appeal.

Specific Authority 420.507(12), (23) FS. Law Implemented 120.57, 420.50(23) FS. History—New 8-7-95, Amended 11-28-96, Formerly 9I-44.006, Amended 3-26-98,\_\_\_\_\_.

## 67-44.007 Credit Underwriting Procedures and Loan Origination.

(1) Following the appeals process, the Corporation shall issue preliminary Loan commitments letters to those Applicants whose Developments Projects were awarded final scores and rankings which placed them into the funding range.

(a) The preliminary commitment shall be subject to a positive recommendation by the Corporation's Credit Underwriter and approval by the Corporation's Board of Directors.

(b) The preliminary commitment shall require that the Applicant submit the credit underwriting fee to the Credit Underwriter within seven (7) calendar days and the information and materials detailed in the Application Package to the Credit Underwriter within fifty (50) days of the date of the preliminary HAP Construction Loan commitment. The Corporation will, within the specified seven (7) calendar days, submit a copy of the Applicant's Application Package to the Credit Underwriter.

(c) It is the responsibility of the Applicant to comply with each part of this Rule and to request in writing and show extenuating circumstances for any waiver or extension. Failure to comply will result in the disqualification of the Applicant and withdrawal of the preliminary commitment. The Corporation shall then offer a preliminary commitment for HAP Construction Loan to the next eligible Applicant.

(2) Payment of the credit underwriting fee entitles an Applicant to an initial review of all Application information, including information relative to Applicant, lender, and subject property.

(a) If the Applicant changes the lender, or other material factors, an additional credit underwriting fee shall be charged equal to or below the initial underwriting fee. Changes made to the Applicant's Application during credit underwriting will be

reviewed by the Corporation. If any of the changes are items where the Applicant was awarded points, the Corporation will re-score the Application and submit findings to the Corporation Board of Directors for approval.

(b) 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.

(3) The Credit Underwriter shall review the interest rate and terms of other proposed financing as provided in the Application to determine whether or not such loans are competitive and to determine the if-a HAP Construction Loan amount is needed, if any, within thirty (30) calendar days.

(4) Required appraisals and environmental studies shall be completed by qualified professionals approved by the Corporation's Credit Underwriters. Professionals shall may submit their credentials to the Corporation's Credit Underwriters for approval. Approval of appraisers and contractors to complete environmental studies shall be based upon review of qualifications, professional designations held, reference and prior experience with similar types of Developments Projects.

(5) 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.

(6) The Credit Underwriter shall review the appraisal submitted on the subject property. If the Credit Underwriter determines that the appraisal is not methodologically sound or does not provide information necessary for the underwriter to properly evaluate the Loan request in relation to the property value, a new or updated review appraisal will be required at the Applicant's expense.

(7) The Credit Underwriter shall consider the appraisal and market study documents to determine if the market exists and supports both the demographics and income restriction set-asides committed to within the Application.

(8) 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. Failure to submit the required information by the specified deadline, unless a written extension of time has been approved by the Corporation, shall result in the Application being rejected, and The Corporation shall then offer a preliminary commitment for a HAP Construction Loan to the next eligible selecting additional Applicants in order of ranking.

(9) The Applicant shall bear the cost of all documentation submitted to the Credit Underwriter for review, including the, appraisal, credit report, and environmental study. If audited financial statements are unavailable from the Applicant, the

~~Credit Underwriter shall request reviewed statements, and if reviewed statements are unavailable, the Credit Underwriter shall request unaudited financial statements.~~

~~(10) If audited financial statements are unavailable from the Applicant, the Credit Underwriter shall request reviewed statements, and if reviewed statements are unavailable, the Credit Underwriter shall request unaudited financial statements. The Credit Underwriter shall complete and make a written draft report and recommendation to the Corporation within 80 calendar days from the date of the preliminary commitment. The Sponsor shall review the draft credit underwriting report and provide written comments to the Corporation and Credit Underwriter within 72 hours of receipt. After the 72 hour review period, the Corporation shall provide comments on the draft credit underwriting report and, as applicable, on the Applicant's comments to the Credit Underwriter. The Credit Underwriter shall then review and incorporate the Corporation's and the Applicant's comments thereto and release the revised credit underwriting report to the Corporation and the Applicant. Any additional comments from the Applicant shall be received by the Corporation and the Credit Underwriter within 72 hours of receipt of the revised credit underwriting report. The Credit Underwriter will provide to the Corporation a final credit underwriting report which will address all comments made by the Sponsor.~~

~~(11) The Credit Underwriter shall complete and make a written draft report and recommendation to the Corporation within 80 calendar days from the date of the preliminary commitment. The Applicant shall review the draft credit underwriting report and provide written comments to the Corporation and Credit Underwriter within 72 hours of receipt. After the 72 hour review period, the Corporation shall provide comments on the draft credit underwriting report and, as applicable, on the Applicant's comments to the Credit Underwriter. The Credit Underwriter shall then review and incorporate the Corporation's and the Applicant's comments thereto and release the revised credit underwriting report to the Corporation and the Applicant. Any additional comments from the Applicant shall be received by the Corporation and the Credit Underwriter within 72 hours of receipt of the revised credit underwriting report. The Credit Underwriter will provide to the Corporation a final credit underwriting report which will address all comments made by the Applicant. Once a final Loan amount is established, a HAP Construction Loan commitment shall be issued and the Applicant shall produce a firm commitment for the balance of the Project's financing within forty five (45) calendar days from the date of the HAP Construction Loan commitment. The firm commitment for the balance of the funding shall be consistent with the underwriting assumptions made in connection with the Construction Loan. Other Project mortgage loans and the Construction Loan must close within 90 calendar days of the date of the letter of notification of the Corporation's firm commitment for the HAP Construction Loan.~~

~~(12) Once a final Loan amount is established, a HAP Construction Loan commitment shall be issued and the Applicant shall produce a firm commitment for the balance of the Development's financing within forty-five (45) calendar days from the date of the HAP Construction Loan commitment. The firm commitment for the balance of the funding shall be consistent with the underwriting assumptions made in connection with the HAP Construction Loan. Other Development mortgage loans and the HAP Construction Loan must close within 90 calendar days of the date of the letter of notification of the Corporation's firm commitment for the HAP Construction Loan. A failure to comply with any part of this rule without the written permission of the Corporation will result in the disqualification of the Applicant and withdrawal of the Loan commitment. Any such waiver must be requested in writing by the Applicant and it is the burden of the Applicant to show cause as to why such waiver should be granted.~~

~~(13) A failure to comply with any part of this Rule without the written permission of the Corporation will result in the disqualification of the Applicant and withdrawal of the Loan commitment. Any such waiver must be requested in writing by the Applicant and it is the burden of the Applicant to show cause as to why such waiver should be granted.~~

Specific Authority 420.507(12), (23) FS. Law Implemented 420.5088(1) FS. History—New 8-7-95, Formerly 9I-44.007, Amended 3-26-98,\_\_\_\_\_.

67-44.008 Construction Disbursements and Loan Servicing.

(1) Loan proceeds shall be disbursed during the construction phase in an amount per Draw which does not exceed the ratio of the Loan to the total Development Project Cost, unless approved by the Corporation and the Corporation's Credit Underwriter based upon the employment of standard loan servicing criteria.

(2) Ten (10) business days prior to each construction Draw advance, the Applicant borrower shall supply the Servicer, as agent for the Corporation, with a written request executed by the Applicant borrower for a an Draw advance.

(a) A copy of the request for a an construction Draw advance shall be delivered to the Corporation (Attention: HAP Construction Loan Program Administrator) simultaneously with the delivery of the request to the Servicer.

(b) The request shall set forth the amount to be paid and shall be accompanied by documentation as specified by the Servicer. Such documentation shall include, ~~but not be limited to~~, evidence of liability and builder's risk insurance acceptable to the Corporation and claims for labor and materials to date of the last inspection.

(3) The Servicer and the Corporation shall review the request for a Draw advance, and the Servicer shall provide the Corporation with approval of the request or an alternative recommendation of an amount to be paid, after the title insurer provides an endorsement to the policy of title insurance updating the policy to the date of the current Draw advance and

increasing the insurance coverage to an amount equal to the sum of all prior Draws ~~advances~~ and the current Draw ~~advance~~, without additional exceptions, except those specifically approved in writing by the Corporation.

(4) The Corporation ~~shall~~ ~~may~~ elect to withhold any Draw ~~advance~~ or portion of any Draw ~~advance~~, notwithstanding any documentation submitted by the Applicant ~~borrower~~ in connection with a request for ~~a~~ an Draw ~~advance~~, if the Corporation ~~or the Service~~ determines at any time that the actual cost budget or progress of construction differs materially from that shown on the Loan documents.

(5) Three percent (3%) of the Loan funds will be held as retainage. Release of funds held as retainage for each Home shall occur only after the Applicant ~~borrower~~ provides satisfactory final inspection certificates, a final, as-built survey, evidence of liability and replacement cost hazard insurance acceptable to the Corporation, and a title insurance policy insuring the Corporation's interest and containing no exceptions which are unacceptable to the Corporation.

Specific Authority 420.507(12), (23) FS. Law Implemented 420.507(18), 420.5088 FS. History—New 8-7-95, Amended 11-28-96, Formerly 9I-44.008, Amended 3-26-98, \_\_\_\_\_.

#### 67-44.009 Terms and Conditions of Loans.

(1) The Development ~~Project~~ to be funded must be an Eligible Development ~~Project~~ as set forth in Rule 67-44.001(13)(26), F.A.C.

(2) The maximum Loan amount ~~shall~~ ~~may~~ not exceed the lesser of the total annual legislative appropriation for the fiscal year from which funding is derived or 33% of the total Development ~~Project~~. In the event that the available funds announced in a single Notice of Funds Availability include funds from more than one fiscal year's legislative appropriation, the maximum HAP Construction Loan amount ~~shall~~ ~~may~~ not exceed the lesser of the total funds available from each of the annual legislative appropriations from which the funding is derived or 33% of the total Development ~~Project~~ Cost. The Maximum Acquisition Cost of individual Homes will be determined by the Single-Family Bond Program sales price limits.

(3) Builder's risk and liability insurance must be in effect as long as the HAP Construction Loan remains outstanding.

(4) A person who purchases a Home in a Development ~~Project~~ financed with a HAP Construction Loan, and who is eligible for a Permanent Loan, shall be offered a Permanent Loan; however, in no case shall the aggregate amount of Permanent Loans exceed the amount of the HAP Construction Loan or the program limits. The Eligible Borrower must meet all of the requirements for loan recipients as defined in Rule 67-44.001(16)(14).

(5) When a Permanent Loan is used in conjunction with another Florida Housing subordinate mortgage program, (HOME) Home Ownership with Single Family Bond Program, HAP Down Payment, HAP Permanent or Fannie Mae, the

aggregate amount of the Permanent Loan and the other Florida Housing subordinate loan may not exceed thirty-five percent (35%) of the total purchase price of the Home. To be eligible to combine proceeds from two Florida Housing second mortgage loan programs, the Eligible Borrower's total household income can not exceed 50 percent of the State or local median income, whichever is greater. Construction Loans shall be made available at an interest rate of three percent (3%) per annum. Interest-only payments are due and payable on the fifteenth day of each month, for interest accrued through the first day of each month during the construction period. The maximum construction period shall be:

(a) One (1) year for Projects with up to 20 units;

(b) Eighteen (18) months for Projects with 21 to 50 units; and

(c) Two (2) years for Projects with more than 50 units.

The construction period shall begin upon the date Applicant's receipt of the first Construction Loan Draw. Upon written request, the Corporation's Board of Directors shall extend the term for an additional period not to exceed one (1) year, based on negative changes in the state of the economy not reasonably anticipated at the time of application, and the borrower specifically identifying the conditions necessitating the extension; the past performance of the borrower; the assurance of the borrower that an extension will result in successful completion of the Project; and submission of the following by the borrower: (i) the reasons for requesting the extension, (ii) a comprehensive work plan, (iii) evidence of the ability of the borrower to complete the Project, and (iv) an alternate financing plan in the event the original financing source withdraws.

(6) An Applicant cannot receive funding from the HAP Construction and (HOME) Home Ownership Construction Loan Programs for the same Development. Any remainder of the HAP Construction Loan that is not converted into a Permanent Loan as defined in Rule 67-44.001(24), F.A.C., must be repaid when the HAP Construction Loan matures.

(7) HAP Construction Loans shall be made available at an interest rate of three percent (3%) per annum. Interest-only payments are due and payable on the fifteenth day of each month, for interest accrued through the first day of each month during the construction period. The maximum construction period shall be for a period of three (3) years. The construction period shall begin upon the date the Applicant closes the HAP Construction Loan. Upon written request, the Corporation's Board of Directors shall extend the term for an additional period not to exceed one (1) year, based on negative changes in the state of the economy not reasonably anticipated at the time of application, and the Applicant specifically identifying the conditions necessitating the extension; the past performance of the Applicant; the assurance of the Applicant that an extension will result in successful completion of the Development; and submission of the following by the Applicant: (i) the reasons

for requesting the extension, (ii) a comprehensive work plan, (iii) evidence of the ability of the Applicant to complete the Development, and (iv) an alternate financing plan in the event the original financing source withdraws. Repayment may be deferred for Construction Loan, due to unforeseen circumstances beyond the control of the borrower, if acceptable to the First Mortgage lender and the Corporation. The Corporation's Board of Directors reserves the right to enter into workout negotiations.

(8) HAP Construction Loan Funds shall be used to construct speculative home ownership units at any period of time for any one Development in the following manner: The portion of the principal unpaid balance, plus accrued interest, related to the construction of individual Homes shall be due and payable upon the sale or transfer of the secured property. Proceeds from a Permanent Loan made to an Eligible Borrower may be used to repay the Construction Loan. If, at the end of the construction period, the Construction Loan has not been repaid, extensions for repayment may be approved by the Corporation, based on satisfactory progress reports by the Credit Underwriter and submission of timeline for completion and repayment.

(a) One (1) home ownership unit for up to 10 units produced;

(b) Two (2) home ownership units for 11-20 units produced; and

(c) Three (3) home ownership units for 21 or more units produced.

(9) Any portion of the HAP Construction Loan that is not converted into a Permanent Loan, shall be repaid by the Applicant upon the closing of each unit. Upon receipt of payment or conversion to a Permanent Loan, the Corporation shall issue a partial release of the HAP Construction Loan. The Loan will be accelerated in the event of monetary default, for failure to comply with the provisions of Rules 67-44.001(14) and (15), F.A.C., or for violation of any other restriction placed upon the Loan.

(10) Repayment shall be deferred for HAP Construction Loan, due to unforeseen circumstances beyond the control of the Applicant, if acceptable to the First Mortgage lender and the Corporation's Board of Directors. In the event the Non-Profit Developer or Non-Profit Sponsor has received a loan through the Corporation's Predevelopment Loan Program, the Predevelopment Loan may remain outstanding throughout some or all of the construction period, provided that such action is first approved in writing by the Corporation based upon the recommendation of the Credit Underwriter. Furthermore, such approval shall not alter the terms of the Predevelopment Loan.

(11) The portion of the principal unpaid balance, plus accrued interest, related to the construction of individual Homes shall be due and payable upon the sale or transfer of the secured property. Proceeds from a Permanent Loan made to an

Eligible Borrower shall be used to repay the HAP Construction Loan. If, at the end of the construction period, the HAP Construction Loan has not been repaid, extensions for repayment must be approved by the Corporation's Board of Directors, based on satisfactory progress reports by the Credit Underwriter and submission of timeline for completion and repayment.

(12) In order to assure that Developments receiving HAP Construction Loan funds will serve very low and low income households and maintain the minimum set-aside requirements, the Land Use Restriction Agreement shall contain restrictive covenants, requiring that the set-aside home ownership units must be purchased only by persons who do not exceed income limits established in the Application.

(13) The Loan will be accelerated in the event of monetary default, for failure to comply with the provisions of Rules 67-44.001(14) and (15), F.A.C., or for violation of any other restriction placed upon the Loan.

(14) In the event the Applicant has received a loan through the Corporation's Predevelopment Loan Program, the Predevelopment Loan shall remain outstanding throughout some or all of the construction period, provided that such action is first approved in writing by the Corporation based upon the recommendation of the Credit Underwriter. Furthermore, such approval shall not alter the terms of the Predevelopment Loan.

Specific Authority 420.507(12), (23) FS. Law Implemented 420.5088 FS. History—New 8-7-95, Amended 2-20-96, 11-28-96, Formerly 91-44.009, Amended 3-26-98,\_\_\_\_\_.

#### 67-44.010 Compliance and Monitoring Provisions.

(1) The Corporation or the Servicer shall inspect and monitor the records and facilities of all Developments Projects. Such inspections shall may occur without notice during regular business hours at any reasonable time. The Corporation shall prescribe the type of information, timing and format in which Development Project information shall be reported.

(2) The Corporation or the Servicer shall monitor the sale of units in a financed Development project to determine Home buyer eligibility at initial purchase. Failure to comply with the minimum sale requirements will result in a retroactive interest rate adjustment from three percent (3%) to current market rate. The Corporation or the Servicer shall annually monitor each Home financed with a HAP Permanent Loan to ensure that the Home continues to be occupied by the original HAP mortgagor and that the homeowner maintains replacement cost coverage hazard insurance and flood insurance, if applicable, throughout the term of the HAP Permanent Loan.

Specific Authority 420.507(12), (23) FS. Law Implemented 420.5088 FS. History—New 8-7-95, Formerly 91-44.010, Amended 3-26-98,\_\_\_\_\_.

#### 67-44.011 Fees.

(1) The following fees and information pertain to HAP Construction Loans and all fees must be paid by the Applicant:



(a) Application Package fee of \$30.00, payable to Florida Housing, which will entitle the Applicant to one set of the Rules, Application, and binder, plus three sets of tabs, for submission of the original and two copies of the Application.

(b) A non-refundable Application fee of \$350.00 per Development, payable to Florida Housing. ~~Project which is non-refundable except as delineated in Rules 67-44.005(2) and (3), F.A.C.~~

(c) Credit underwriting fee pursuant to contract between the Corporation and the Credit Underwriter, payable to be paid to the Credit Underwriter within seven (7) days of the date of the letter of notification of selection for participation in the program and issuance of post-appeal scores and rankings and prior to credit review by the Corporation's Credit Underwriter.

(d) A non-refundable commitment fee of one percent (1%) of the HAP Construction Loan amount payable to be paid to Florida Housing the Corporation at closing. ~~Remittance of the commitment fee shall be payable to the Florida Housing Finance Corporation.~~

(e) Servicing fees, inspection fees, compliance monitoring fees, late fees and extraordinary services fees which are pursuant to contract between the Corporation and the Servicer payable to the Servicer.

(2) Fees are part of the Development Project Cost and shall may be included in the Development Project Cost pro forma and paid with Loan proceeds, if approved by the Credit Underwriter.

(3) Failure to pay any fee shall cause the Loan commitment to be terminated or shall constitute a default on the Loan.

Specific Authority 420.507 (12), (23) FS. Law Implemented 420.507(19) FS. History—New 8-7-95, Amended 11-28-96, Formerly 9I-44.011, Amended 3-26-98,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bridget E. Warring, HAP Construction Loan Program Senior Analyst, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 18, 2000, Corporation Board Meeting

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 25, No. 43, October 29, 1999

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

#### DEPARTMENT OF EDUCATION

##### State Board of Education

RULE NO.:	RULE TITLE:
6A-6.05281	Educational Programs for Youth in Department of Juvenile Justice Detention, Commitment, Day Treatment, or Early Delinquency Intervention Programs

#### 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. 26, No. 1, January 7, 2000, issue of the Florida Administrative Weekly:

6A-6.05281 Educational Programs for Youth in Department of Juvenile Justice Detention, Commitment, Day Treatment, or Early Delinquency Intervention Programs.

School districts must provide instruction to prepare all students to demonstrate proficiency in the skills necessary for successful grade-to-grade progression and high school graduation. For students placed in Department of Juvenile Justice (DJJ) programs, collaboration between the DJJ, the Department of Education, school districts, and private providers is essential in order for these students to attain this goal and become productive members of the community.

#### (1) Student Eligibility.

(a) Students who do not attend a local public school due to their placement in a DJJ detention, commitment, day treatment, or early delinquency intervention program shall be provided high quality and effective educational programs by the local school district in which the DJJ facility is located or by a Juvenile Justice provider through a contract with the local school district.

(b) If any student in these DJJ facilities has filed an intent to terminate school enrollment, the local school district shall notify these students of the option of enrolling in a program to attain a general education diploma (GED).

(c) Exceptional Student Education. All students placed in a DJJ program, who meet the eligibility criteria for exceptional student education, shall be provided a free appropriate public education consistent with the requirements of Chapter 6A-6, FAC. Students with disabilities, as defined by Section 504 of the Rehabilitation Act, shall be provided the necessary aids and services.

(d) Limited English Proficient Students. All limited English proficient students placed in a DJJ program shall have equal access to entitled services, including assessment and appropriate instructional strategies consistent with the requirements of Chapter 6A-6, FAC.