

(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<br>Department of Juvenile Justice<br>Detention, Commitment, Day<br>Treatment, or Early Delinquency<br>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.

## (2) Student Records.

(a) Content. Each school district shall maintain educational records for students in DJJ programs as required by Section 232.23, Florida Statutes. The content of these records shall be as defined in Rules 6A-1.0955(2)-(5) and 6A-1.0014(2), FAC, Section 228.081(3)(c)1.-5., Florida Statutes, and paragraph (5)(d)(e) of this rule.

(b) Transfer of Educational Records. Each school district shall transfer records of students entering or exiting DJJ programs as provided in Rules 6A-1.0955(7)(b) and 6A-1.0014(2), FAC. Beginning with the 2000-2001 school year, each school district shall provide these students' educational records no later than five (5) school days after the receipt of the request. Each school district shall make available a copy of the student's transcript record, including pertinent exceptional student education information, to designated DJJ staff for inclusion in the DJJ file discharge packet when the student exits the program. DJJ staff shall provide this information to the receiving school district.

(c) Protection of Privacy. The requirements of Section 228.093, Florida Statutes, and applicable rules of the State Board of Education apply to the Department of Juvenile Justice's maintenance and transfer of these records as described in paragraphs (2)(a) and (b) of this rule.

## (3) Student Assessment.

(a) To ensure high quality and effective educational programs for youth in DJJ detention, commitment, day treatment, or early delinquency intervention programs, the school district shall provide for the review of the student's educational records and conduct assessments, consistent with the requirements of this subsection, in order to identify the students' functioning levels, provide appropriate educational programs, and report the learning gains of the student.

(b) All students in DJJ commitment, day treatment, or early delinquency intervention programs, who have not graduated from school, shall be assessed within seven (7) calendar days of the student's commitment. The entry assessments shall include:

1. Academic measures that provide proficiency levels in:
  - a. Reading,
  - b. Mathematics,
  - c. Writing.
2. Vocational interest and/or aptitude measures.

(c) For the students referenced in paragraph (3)(b) of this rule, exit assessments shall include, at a minimum, the academic measures.

(d) Students placed in a detention center and not transferring to a commitment program shall be assessed only upon entry for academic measures. Assessment information for students in detention centers, transferring to commitment programs, shall be sent directly to the commitment program with the transfer of the student.

(e) Entry and exit assessment measures shall be selected that are appropriate for the age, grade, and language proficiency, and program length of stay of the students and shall be non-discriminatory with respect to culture, disability, and socioeconomic status. ~~Nothing in this rule shall be construed to limit a school district's or private provider's use of a commercially produced or locally developed assessment tool or instrument as long as it complies with the reporting requirements of paragraph (3)(g) of this rule.~~

(f) All students in DJJ detention, commitment, day treatment, or early delinquency intervention programs shall also participate in the state and district-wide assessments required by Sections 229.57, 232.245, 232.246 and 232.247, Florida Statutes.

(g) The results of the academic measures, as required by paragraphs (3)(b)-(d) of this rule shall be reported in the format prescribed by Rule 6A-1.0014, FAC, to the Department of Education via the Automated Student Data System. The format for the reporting of the results of the academic measures may include:

1. grade equivalent scores,
2. percentiles,
3. scaled scores.

(h) Beginning in the 2000-2001 school year, the Department of Education shall include the results of these assessments in applicable statewide and school reports.

## (4) Individual Academic Plans.

(a) An individual plan for educational progress shall be developed within twenty-two (22) calendar days of student entry to DJJ detention programs and within fifteen (15) school days of entry to DJJ commitment, day treatment, or early delinquency intervention programs. This plan shall be based upon the student's entry assessments and past educational history and must address the areas of academic, literacy, and life skills. The plan shall include:

1. Specific and individualized long-term goals and short-term instructional academic and vocational/technical objectives;
2. Remedial strategies and/or tutorial instruction;
3. Evaluation procedures;
4. A schedule for determining progress toward meeting the goals and instructional and vocational/technical objectives.

(b) Academic improvement plans, required by Section 232.245, Florida Statutes, or individual educational plans (IEPs) developed for eligible exceptional students, 504 plans developed for eligible students with disabilities, or individual plans developed for limited English proficient students may incorporate the requirements of subsections (4) and (5) of this rule.

## (5) Transition Services.

(a) For all students in DJJ commitment, day treatment, or early delinquency intervention programs, an individual transition plan based on the student's post-placement goals shall be developed cooperatively with the student, his/her parents, school district and/or contracted provider personnel and DJJ program staff. Re-entry counselors, probation officers, and personnel from the student's "home" school district shall be involved in the transition planning to the extent practicable.

(b) The transition plan must address, at a minimum:

1. Academic re-entry goals,
2. Career and employment goals,
3. The recommended educational placement for the student.

(c) Key personnel who must be involved in entry transition activities for students in juvenile justice programs shall include: appropriate personnel responsible for student assessment, a guidance counselor from the school district and/or program personnel who are responsible for providing guidance services under the supervision of the school district's guidance counselor, a registrar or a designee of the school district who has access to the district's MIS system, and instructional personnel.

(d) Exit portfolios shall be created for each student prior to exit from a commitment, day treatment, or early delinquency intervention program and provided to DJJ personnel for inclusion in the DJJ commitment files. DJJ shall provide this information to the home school district. The exit portfolio shall include the records required by Section 228.081(3)(c)1.-5., Florida Statutes, and include at a minimum:

1. Transition plan;
2. Results of district and state-wide assessments;
3. Individual academic plan, 504 plan, and/or individual educational plan for exceptional students;
4. Academic record or transcript; and
5. Work and/or project samples.

(6) Instructional Program and Academic Expectations.

(a) School Day and Year. The instructional program shall consist of 250 days of instruction, ten (10) of which may be used for teacher planning, distributed over twelve (12) months as required by Section 228.041(43), Florida Statutes. Each school district shall collaborate with private providers and the DJJ, as appropriate, to develop a school calendar for these programs to be adopted by the local school board.

(b) Requirements. The instructional program shall meet the requirements of Sections 232.245, 232.246, 232.247, 232.248, 233.061 and 230.23161, Florida Statutes, and include:

1. Curricular offerings, consistent with the Florida Course Code Directory and Instructional Personnel Assignments as adopted in Rule 6A-1.09441, FAC, that reflect the students' assessed educational needs and meet the students' needs as identified by the individual plan as required by paragraph

(4)(a) of this rule. Students shall receive vocational/technical training, workplace readiness training, or career awareness and exploration instruction while in the juvenile justice program.

2. GED preparation shall meet GED course requirements specified in Rules 6A-6.0571 and 6A-6.021, FAC., and adult education course descriptions and/or the school district's approved GED/H SCT Exit Option must meet the requirements specified by the Department of Education.

3. Tutorial activities that are based on the students' assessed academic needs. Such activities shall be designed to assist students in advancing to their age appropriate grade level or to assist students in meeting their goals for reentry into the public school system, alternative schools, adult education, vocational/technical education, employment, or post secondary education.

4. Instruction shall be individualized to address the academic and vocational/technical goals and objectives that are outlined in each student's individual academic plan.

5. Instruction shall be delivered through a variety of instructional techniques to address students' academic levels and learning styles.

(7) Qualifications and Procedures for Selection of Instructional Staff.

(a) The school district shall ensure that only qualified instructional staff members, consistent with the requirements of Rules 6A-1.0502 and 6A-1.0503, FAC, are employed to provide instruction to students in DJJ programs. Any use of non-certificated instructional staff must be approved by the school board.

(b) School districts shall recruit and train teachers who are interested, qualified, and experienced in educating students in DJJ programs as required by Section 230.23161(11), Florida Statutes. Teachers assigned to educational programs, operated by local school districts, in DJJ facilities shall be selected by the school district in consultation with the director of the DJJ facility, as required by Section 230.23161(11), Florida Statutes.

(c) The school district's substitute teacher pool shall also be available for these educational programs.

(8) Funding.

(a) To implement the Full-Time Equivalent (FTE) funding for students in DJJ programs based on direct instructional time; ~~as prescribed in Section 230.23161(13), Florida Statutes, and the 1999-2000 General Appropriations Act:~~

1. Student attendance shall be taken once per class period or during each course reported for FTE purposes.

2. Time students spend participating in school activities such as field trips, performances, or receiving school-based services such as counseling may be counted as direct instructional time.

3. Certain interruptions to the education program, over which the teacher and student have no control, do not have to be deducted from the direct instructional time reported for FTE. These include:

- a. fire drills;
- b. lockdowns of the classroom or program for security purposes;
- c. bomb scares;
- d. court hearings; and
- e. meetings students have with law enforcement personnel during school hours.

4. Direct instructional time shall not be counted for students who choose not to attend class or who are not present at school due to ~~injury~~, illness, or other non-school related activity other than those listed above.

(b) As required by Sections 228.081(2)(g) and 237.34(3)(a), Florida Statutes, at least eighty (80) percent of the FEFP funds generated by students in DJJ programs must be spent on instructional costs for these students and one-hundred (100) percent of the formula-based categorical funds generated by these students must be spent on appropriate categoricals such as instructional materials and public school technology for these students.

(c) Compliance with the ~~above~~ expenditure requirement in Section 237.34(3)(a), Florida Statutes, for programs provided directly by local school boards shall be verified by the Department of Education through the review of the district's cost report as required by Section 237.34, Florida Statutes. If school districts enter into contracts with private providers for these educational programs, an accounting of the expenditures, as specified in paragraph (8)(~~b~~)(~~a~~) of this rule shall be required by the local school board.

(9) Contracts with Private Providers.

(a) School districts may provide services directly or may enter into a contract with a private provider to provide educational services to these youth. Beginning in 2000-2001, such contracts with private providers shall address the responsibilities of the school district and the private provider for implementing the requirements of this rule. The private provider shall have, at a minimum:

- 1. Documented experience in providing high quality educational services or a detailed plan for providing high quality educational services that meets applicable state and federal requirements.
- 2. Sufficient financial stability and resources to hire an adequate number of certified or qualified instructional personnel.

(b) Prior to contracting with a private provider, the school district shall:

- 1. Review and consider the provider's past performance history, including the results of prior Quality Assurance Reviews.

2. Review the private provider's contract, if any, with DJJ for the care and custody of the youth in the commitment, detention, day treatment, or early delinquency intervention program ~~or prevention program~~ to ensure that services and resources are coordinated and not duplicative.

(c) Contracts with private providers, as described above, shall be submitted to the Department of Education prior to the October FTE Reporting Survey for review to verify compliance with this rule.

(d) The provider(s) of workforce development programs in the district ~~local school district~~ in which the DJJ facility is located shall be responsible for notifying the DJJ program of the ~~appropriate entity that receives funding for Workforce Development programs. If the school district is the provider of the Workforce Development program, the DJJ program shall be notified of the~~ requirements for enrollment and completion of these programs. The inclusion of DJJ students in the school district's workforce development program may be included in the contract referenced above and the cooperative agreement required by Section 230.23161(14), Florida Statutes.

(10) Interventions and Sanctions.

(a) If the educational program in a DJJ detention, commitment, day treatment, or early delinquency intervention program has received an unsatisfactory rating on the educational component of the Quality Assurance Review, does not meet the minimum standards for a designated priority indicator of the Educational Quality Assurance Review, or has demonstrated noncompliance with state and federal requirements, the Department of Education shall initiate a series of interventions and graduated sanctions. Sanctions shall be initiated against programs that have not taken appropriate corrective actions within six months.

(b) Interventions shall include:

- 1. The provision of technical assistance to the program.
- 2. The development of a corrective action plan with verification of the implementation of the corrective actions within ninety (90) days.
- 3. A follow-up review of the educational program.

(c) Sanctions shall include:

- 1. Public release of the unsatisfactory findings, the interventions, and/or corrective actions proposed.
- 2. Assignment of a monitor, master, or management team to address identified deficiencies paid for by the local school board or private provider if included in the contract.
- 3. Reduction in payment or withholding of state and/or federal funds.

(d) If the sanctions proposed in paragraph (10)(c) of this rule are determined by the Department of Education and DJJ to ~~not~~ be ineffective in correcting the deficiencies in the educational program and improving the quality of the program, the State Board of Education shall have the authority to require further actions, which shall include:

1. Requiring the school board to revoke the current contract with the private provider, if applicable;
2. Requiring the school board to contract with the private provider currently under contract with DJJ for the facility; or
3. Requiring the school board to transfer the responsibility and funding for the educational program to another school district.

(e) Each school district is responsible for ensuring that appropriate educational services are provided to students in the district's juvenile justice programs, regardless of whether the services are provided directly by the school district or through a contract with a private provider

(11) Coordination. The cooperative agreement between the local school district and DJJ, required by Section 230.23161(14), Florida Statutes, shall be submitted to the Department of Education prior to the October, FTE Reporting Survey. The timelines and responsibilities, as required by Section 235.1975, Florida Statutes, for the notification by DJJ to the local school board of the siting of new facilities and the awarding of a contract for the construction or operation of such a facility shall be included in the agreement.

Specific Authority 228.051(2) FS. Law Implemented 228.051, 230.23161 FS. History--New \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors' Licensing Board**

|             |   |
|-------------|---|
| RULE NO.:   | RULE TITLE:                             |
| 61G6-5.0035 | Certification of Registered Contractors |

**NOTICE OF ADDITIONAL PUBLIC HEARING**

The Electrical Contractors' Licensing Board hereby gives notice of an additional public hearing on the above-referenced rule to be held on March 29, 2000 at 1:00 p.m., at the Sheraton Orlando North, 600 Lake Destiny Drive, Maitland, Florida 32751. The rule was originally published in Vol. 25 , No. 44, of the November 5, 1999 Florida Administrative Weekly. This hearing is in response to comments received from the staff of the Joint Administrative Procedures Committee.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Electrical Contractors' Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF HEALTH**

**Division of Environmental Health and Statewide Programs**

|            |   |
|------------|---|
| RULE NOS.: | RULE TITLES:                                    |
| 64E-1.0015 | Laboratory Certification Standards              |
| 64E-1.005  | Records, Reports, and Contractual Agreements    |
| 64E-1.102  | Certification Requirements                      |
| 64E-1.104  | On-Site Inspections                             |
| 64E-1.105  | Display of Certificate and Use of Certification |
| 64E-1.106  | Proficiency Testing Requirements                |
| 64E-1.107  | Renewal of Annual Certification                 |

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 51, December 23, 1999, issue of the Florida Administrative Weekly:

The history note for FAC. Rule 64E-1.0015 will eliminate 403.851, Florida Statutes as one of the references to a Law Implemented.

Paragraph 64E-1.005(2)(a) has been changed so that when adopted it will read: "The laboratory may report presumptive positive microbiological results immediately without waiting for total coliform confirmation. The laboratory shall report confirmed positive total coliform results to the supplier of water no later than the end of the next business day after confirmed positive total coliform results are determined. The laboratory shall report positive fecal coliform or *E. coli* results to the supplier of water by the end of the day when the results are determined, unless the results are determined after the water supplier's office is closed, in which case the laboratory shall report the results to the water supplier before the end of the next business day. If a laboratory invalidates a sample due to heterotrophic interference as described in Rule 62-550.518(10)(b), revised on 12-9-96, the replacement sample must be analyzed by a Department of Health certified laboratory using a method less susceptible to heterotrophic interference (e.g. MMO-MUG)."

Paragraph 64E-1.005(2)(c) has been changed so that when adopted it will read: "Whenever a sample result exceeds the maximum contaminant level for any other contaminant listed in Rules 62-550.310 or 62-550.320, revised on 12-9-96, the laboratory shall report the result to the supplier of water no later than the end of the next business day after the result was determined."

Paragraph 64E-1.005(2)(d) has been changed so that when adopted it will read: "Whenever an unregulated contaminant listed in Rules 62-550.405, 62-550.410, or 62-550.415, as revised on 12-9-96, is detected in a sample, the laboratory shall report the result to the supplier of water no later than four business days after the result was determined."

Subsection 64E-1.102(1) has been changed so that when adopted it will read: "An application for certification shall be made in writing to the Department of Health on Form DH 1762, accompanied by the application fee, and the laboratory's Quality Manual. If the laboratory is requesting reciprocal certification pursuant to Subsection (5) of this section, the laboratory shall also submit the most recent on-site inspection report from its primary NELAP recognized accrediting authority. The report shall address all the requested analytes and test methods for which the laboratory is seeking reciprocal certification. If proficiency testing is available for the requested Fields of Testing, the laboratory must arrange for these results from the latest three testing round attempts to be submitted directly to the Department of Health by the approved proficiency test provider. DH 1762, "Application for Certification of Environmental Testing Laboratories," July 1999 is herein adopted by reference and is available by calling the department's Bureau of Laboratories at (904)791-1599."

Subsection 64E-1.104(1) has been changed so that when adopted the last sentence will be deleted and it will read: "The Department of Health shall inspect the premises and operations of laboratories certified or seeking certification, except as provided in Rule 64E-1.102(6) and Section 4.6.2 of the NELAC Standards, referenced in Rule 64E-1.0015. Such inspections shall occur at least once every 2 calendar years and at such other times as the Department of Health deems necessary to determine continued compliance with this rule."

Section 64E-1.105 has been changed so that when adopted it will read: "A current certification document shall be displayed at all times in a prominent place in each certified laboratory. DH 1629, 3/98 and DH 1697, 3/98, both entitled "Environmental Testing Laboratory Certificate," are adopted by reference herein. The department shall issue a Certificate to the laboratory only upon completion of the requirements of this Rule. The laboratory must also comply with Sections 6.8 (a)(1), (2), (3), and (4) and 6.8 (b)(1) and (2) of the NELAC Standards, referenced in Rule 64E-1.0015."

Subsection 64E-1.106(1) has been changed so that when adopted it will read: "Applicant and certified laboratories shall participate in a proficiency testing program from a provider recognized by the Department of Health as being compliant with the procedures and criteria in Sections 2.0, 2.3, 2.6, and 2.7 and in Appendices A, B, C, and D to Chapter 2 of the NELAC Standards, referenced in Rule 64E-1.0015. Participation means that the laboratory will analyze and report to the provider the results of all proficiency test samples required by the approved program for which the laboratory desires and maintains certification."

The first paragraph in Section 64E-1.107, before this section divides into subsections, has been changed so that when adopted it will read: "The Department of Health will renew certifications after receipt of a renewal invoice and fee, provided the laboratory is maintaining compliance with this Rule, attests to such compliance, and has reported acceptable proficiency test values for the categories certified within the previous year. Laboratories meeting renewal certification criteria will be renewed annually on July 1. The Renewal Attestation of Compliance, DH 1907, 3/98 and Environmental Testing Laboratory Renewal Invoice, DH 1906, 3/98 are both herein adopted by reference and are available by calling the department's Bureau of Laboratories at (904)791-1599."

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Substance Abuse Program**

| RULE NOS.: | RULE TITLES:   |
|------------|--|
| 65D-30.001 | Title  |
| 65D-30.002 | Definitions  |
| 65D-30.003 | Department Licensure and Regulatory Standards                |
| 65D-30.004 | Common Licensure Standards                                   |
| 65D-30.005 | Standards for Addictions Receiving Facilities                |
| 65D-30.006 | Standards for Detoxification                                 |
| 65D-30.007 | Standards for Residential Treatment                          |
| 65D-30.008 | Standards for Day or Night Treatment With Host Homes         |
| 65D-30.009 | Standards for Day or Night Treatment                         |
| 65D-30.010 | Standards for Outpatient Treatment                           |
| 65D-30.011 | Standards for Aftercare                                      |
| 65D-30.012 | Standards for Intervention                                   |
| 65D-30.013 | Standards for Prevention                                     |
| 65D-30.014 | Standards for Medication and Methadone Maintenance Treatment |

**AMENDED NOTICE OF PUBLIC HEARING**

Please take Notice that the Public Hearing previously noticed in Vol. 26, No. 6, February 11, 2000, of the Florida Administrative Weekly is hereby amended to change the location of the hearing:

PLACE: Department of Children and Family Services, 1317 Winewood Boulevard, Building 4, Tallahassee, FL 32399-0700

Please be governed accordingly.

## Section IV Emergency Rules

### DEPARTMENT OF COMMUNITY AFFAIRS

#### Division of Housing and Community Development

RULE TITLE: RULE NO.:

Supplemental Community Development Block Grant (CDBG) Disaster Recovery Funds for El Nino weather related severe storms, high winds, tornadoes and flooding events (FEMA-DR-1195), for El Nino fires (FEMA-DR-1223), and for Hurricane Earl (FEMA-DR-1241)

9BER00-1

**SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY AND WELFARE:** The United States Department of Housing and Urban Development (HUD) has made available \$1,258,000 in additional supplemental CDBG funds for mitigation and recovery from the effects of severe floods, high winds, tornadoes and flooding that occurred between December 25, 1997 and April 24, 1998 (FEMA-DR-1195), \$1,929,000 in supplemental CDBG funds for mitigation and recovery from the effects El Nino fires (FEMA-DR-1223), and \$1,500,000 for mitigation and recovery from the effects of Hurricane Earl (FEMA-DR-1241), pursuant to Public Law 105-174. The State, through the Department of Community Affairs, is responsible for the administration of the Florida Small Cities CDBG program under Rule Chapter 9B-43, Florida Administrative Code. At this time, it is necessary for the Department to implement this emergency rule to govern the distribution and use of these funds for disaster relief, long-term recovery, and mitigation activities in communities affected by the Presidentially declared natural disasters described above. The expenditure of the CDBG disaster recovery funds in the areas affected by these storms is essential to the health, safety, and welfare of the public affected in these areas. There were millions of dollars worth of homes, drainage systems, roads, bridges, and other critical public facilities damaged or destroyed by winds, flooding and fires which resulted from the above referenced storms and weather events. The condition of many of these structures poses an on-going threat to the health, safety and welfare of the residents of the affected jurisdictions. This emergency rule enables the Department of Community Affairs, subsequent to the approval of the amended Action Plan for Disaster Recovery El Nino Weather Events (FEMA-DR-1195) and (FEMA-DR-1204) by the U. S. Department of Housing and Urban Development (HUD), to immediately disburse these funds to affected local governments, so that the dire housing and community development needs of the disaster affected citizens of Florida can be promptly addressed.

**REASONS FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES:** Promulgation of this rule, using emergency rule procedure, is the only mechanism which adequately provides for the expeditious disbursement and use of these Federal funds, protects the public, and adequately addresses the needs of the affected parties, given that these funds must be expended expeditiously. Section 1 (G) of the 1998 HUD DISASTER RECOVERY INITIATIVE (Directive FR-4398-N-01), as published in the Federal Register on October 22, 1998, requires that each State must submit an Action Plan for Disaster Recovery to HUD for approval. The Action Plan, submitted to HUD on June 28, 1999 must be amended to include these additional funds and to identify local governments who will receive these funds.

**SUMMARY:** This rule enables the Department of Community Affairs to administer these supplemental CDBG funds in a timely manner as required by Federal law.

**THE PERSON TO BE CONTACTED REGARDING THIS EMERGENCY RULE IS:** Susan M. Cook, Ph.D., Community Program Administrator, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-3644

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

9BER00-1 Supplemental Community Development Block Grant (CDBG) Disaster Recovery Funds to aid in mitigation and recovery from El Nino related weather events (severe storms, high winds, tornadoes, and flooding) that took place from December 25, 1997 through April 24, 1998 (FEMA-DR-1195), mitigation and recovery from the El Nino fires (FEMA-DR-1223), and mitigation and recovery from damages caused by Hurricane Earl (FEMA-DR-1241).

(1) An allocation of \$4,687,000 in supplemental Community Development Block Grant (CDBG) funds has been made available to the State of Florida by the United States Department of Housing and Urban Development (HUD) pursuant to Public Law 105-174. Of this allocation, \$1,258,000 is to be used solely for expenses and repairs, including mitigation, specifically related to recovery from the effects of the El Nino weather related events occurring between December 25, 1997 and April 24, 1998 (FEMA-DR-1195), \$1,929,000 is to be used solely for expenses and repairs specifically related to mitigation and recovery from the effects of the El Nino fires (FEMA-DR-1223) and \$1,500,000 is to be used solely for expenses and repairs specifically related to mitigation and recovery from the effects of Hurricane Earl. Two (2) percent of each of these allocations will be used to pay State administrative expenses as allowed by federal law. A list of counties included in each of these disaster declarations is attached.