

(2) Licensees under Chapter 520, F.S., who utilize the interest rates permitted by Chapter 516, F.S.:

(a) Shall be governed by the same amount, term, possible charges, rebate requirements, and restrictions that govern loans under Chapter 516, F.S., including Sections 516.02(2)(a)-(c), 516.02(3)-(4), 516.031, 516.035, 516.17, 516.19, 516.21, 516.31, and 516.36, F.S.

(b) Shall not be subject to the licenses, examinations, regulations, documents, procedures, and disclosures required by Chapter 516, F.S., including Sections 516.02(1), 516.03, 516.05, 516.07, 516.08, 516.12, and 516.15, F.S.

(c) Shall indicate on the instrument evidencing the extension of credit that the interest rate charged is authorized in Chapter 516, F.S.

(d) Shall not make any particular type of loan or extension of credit which they are not authorized to make by the laws under which they are licensed or organized.

Specific Authority 687.148(2) FS. Law Implemented 687.12 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bob Tedcastle, Financial Administrator, Division of Securities and Finance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Don B. Saxon, Director, Division of Securities and Finance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 30, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 8, 2000

DEPARTMENT OF INSURANCE

RULE TITLE: Effective Date of Termination of Appointment

RULE NO.: 4-211.007

PURPOSE AND EFFECT: This rule sets guidelines for all authorized insurers or other eligible appointing entities and licensed insurance representatives when they desire to terminate an appointment or an appointee pursuant to section 626.471, F.S. The rule was promulgated in response to a Final Order Denying Petition of Declaratory Statement.

SUMMARY: The rule will specify termination dates of appointments for purpose of licensure compliance.

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, 626.161 FS.

LAW IMPLEMENTED: 624.307, 626.161, 626.471 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., November 8, 2000

PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Shirley Kerns, Department of Insurance

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 Yvonne White, (850)922-3100, Ext. 4214.

THE FULL TEXT OF THE PROPOSED RULE IS:

4-211.007 Effective Date of Termination of Appointment.

(1) When an appointing entity terminates the appointment of an appointee in accordance with Section 626.471(1), Florida Statutes, and files written notice of such termination with the Department in accordance with Section 626.471(2), Florida Statutes, the Department shall terminate the appointment in accordance with Section 626.471(5), Florida Statutes. The date of such termination on Department records shall be the effective date of such termination as indicated by the appointing entity in its filing with the Department or, if no date is indicated, the date on which the Department received the filing.

(2) When an appointee terminates the appointment with an appointing entity in accordance with Section 626.471(1), Florida Statutes, and files written notice of such termination with the Department in accordance with Section 626.471(2), Florida Statutes, the Department shall terminate the appointment in accordance with Section 626.471(5), Florida Statutes. The date of such termination on Department records shall be the effective date of such termination as indicated by the appointee on their filing with the Department or, if no date is indicated, the date on which the Department received the filing.

(3) With respect to contracts currently in force the provisions of this rule shall be subject to the appointee's contract rights.

Specific Authority 624.308, 626.161 FS. Law Implemented 624.307, 626.161, 626.471 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Shirley Kerns, Bureau Chief, Agent and Agency Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: John Hale, Director, Agent and Agency Services, Department of Insurance

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: May 26, 2000

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE CHAPTER TITLE: Permitting and Inspection Requirements

RULE CHAPTER NO.: 5F-8

for Amusement Rides

5F-8

RULE TITLE: Fees

RULE NO.: 5F-8.012

Fees

5F-8.012

PURPOSE AND EFFECT: Applicable law, Section 616.242,(8), Florida Statutes, requires that the fees charged for inspection and permitting of amusement rides must cover the costs of the program that are not covered by general revenues appropriated by the legislature. The purpose of this rule revision is to implement a decrease in the fees charged for inspection and permitting of amusement rides because the legislature appropriated general revenues covering part of the operating costs for operation of the amusement ride inspection program during FY 00-01.

SUMMARY: Rule 5F-8.012, Florida Administrative Code, the department rule establishing the fees for inspecting and permitting amusement rides.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Costs was 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: 616.241, 616.242 FS.

LAW IMPLEMENTED: 616.241, 616.242 FS.

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

TIME AND DATE: 10:00 a.m., Tuesday, October 31, 2000

PLACE: Division of Standards Conference Room, 131 Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Isadore Rommes, Bureau Chief, Bureau of Fair Rides Inspection, 3125 Conner Boulevard, Suite N, Tallahassee, Florida 32399-1650, phone (850)488-9790, fax (850)488-9023

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-8.012 Fees.

The following fees are adopted:

- | | |
|---|----------------------------|
| (1) Annual permit for any amusement ride: | \$220.00 240.00 |
| (2) Annual permit for any Bungy jump: | \$500.00 |

- | | |
|--|--------------------------|
| (3) Inspection fee for each inspection of a kiddie amusement ride: | \$25.00 31.00 |
| (4) Inspection fee for each inspection of non-kiddie amusement ride: | \$50.00 70.00 |
| (5) Inspection fee per go cart, in addition to the track inspection fee: | \$5.00 |
| (6) Reinspection fee: | \$300.00 |
| (7) Fee to replace a lost U.S. Amusement Identification (USAID) plate: | \$100.00 |
| (8) Fee per amusement ride for late inspection request: | \$100.00 |
| (9) Fee per amusement ride for failure to cancel inspection request: | \$100.00 |
| (10) Additional Fee per amusement ride for inspection on weekend or state holiday: | \$25.00 |

Specific Authority 616.165, 616.242(7),(8),(13) FS. Law Implemented 616.242(8) FS. History--New 9-15-92, Amended 2-23-94, 5-27-96, 9-23-97, 2-15-99, 3-21-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Isadore Rommes, Bureau Chief, Bureau of Fair Rides Inspection 3125 Conner Boulevard, Suite N, Tallahassee, Florida 32399-1650, Phone (850)488-9790, Fax (850)488-9023

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ben Faulk, Director, Division of Standards, 131 Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, Phone (850)488-0645, Fax (850)922-8971

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 8, 2000, Vol., 26, No. 36, FAW

DEPARTMENT OF REVENUE

RULE TITLE: Qualifications

RULE NO.: 12-9.003

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12-9.003, F.A.C., is to incorporate changes to the Certified Florida Appraisers/Certified Florida Evaluators and Certified Florida Collectors/Certified Florida Collector Assistants certification course curriculum recommended by the Admissions and Certifications Committees for these certification programs.

SUMMARY: The proposed amendment removes certain course curriculum requirements and revises elective course hour requirements for the Certified Florida Appraisers/Certified Florida Evaluators and Certified Collectors/Certified Florida Collector Assistants certification programs.

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: 195.002(2), 213.06(1) FS.

LAW IMPLEMENTED: 145.10, 145.11, 195.002, 213.05 FS.

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

TIME AND DATE: 10:00 a.m., October 30, 2000

PLACE: Room 116, Larson Building, 200 E. Gaines St., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding before the Technical Assistance and Dispute Resolution Office should call (850)488-8026 (Voice) or 1(800)367-8331 (TDD), at least five working days before such proceeding.

THE FULL TEXT OF THE PROPOSED RULE IS:

12-9.003 Qualifications.

(1) In order to qualify for any of the professional designations, an applicant must have at least 2 years experience in a Florida property appraiser's office, a Florida tax collector's office, or with the Department. Provided, however, to qualify for the special qualification salary, elected officials must meet all certification requirements set forth in these rules within 4 years after taking office.

(2) Applicants must attend a minimum of 120 hours of approved courses and pass properly monitored written examinations. The 120 hours need not be continuous, but may be divided into 15 to 30 hour courses ~~four 30-hour-per-week courses including up to 4 hours each week for examinations.~~

(3) The tax collector's qualifying curriculum course must include course work ~~four courses~~ as follows:

(a) Duties and Responsibilities of Florida Tax Collectors; and

(b) ~~Collection and Distribution of Ad Valorem Taxes in Florida; and~~

(c) Approved elective courses totaling 90 hours with properly monitored examinations ~~Two elective approved courses other than the two listed above.~~

(4) The property appraiser's qualifying courses, as approved under Rule 12-9.001(11), must include four courses as follows:

(a) Fundamentals of Real Property Appraisal (International Association of Assessing Officers – Course 101, or an approved course substitute);

(b) Income Approach to Valuation (International Association of Assessing Officers – Course 102), or an approved course substitute; and

(c) Two other approved ~~30-hour~~ elective courses to make up the remaining hours under subsection (2).

(5) No change.

Specific Authority 195.002(2), 213.06(1) FS. Law Implemented 145.10, 145.11, 195.002, 213.05 FS. History—New 4-2-81, Formerly 12-9.03, Amended 4-11-89, 12-19-89, 12-30-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone number (850)414-6109

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 15, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT/RULE DEVELOPMENT WORKSHOP PUBLISHED IN FAW: July 28, 2000, Vol. 26, No. 30. A rule development workshop was held on August 17, 2000, in Tallahassee, Florida. No written or oral comments were received on the proposed amendments.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLES:

Cleaning Services

Rentals, Leases, and Licenses to Use Transient

Accommodations

RULE NOS.:

12A-1.0091

12A-1.061

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rules 12A-1.0091 and 12A-1.061, F.A.C., is to provide that charges for cleaning residential facilities used as living accommodations are not subject to tax, even though the rental or lease charges to guests to use such accommodations may be subject to the taxes imposed on transient rentals. The proposed amendments remove language regarding the Department's presumption that the cleaning of public lodging establishments advertised or held out to the public as places regularly rented to transient guests are taxable as nonresidential cleaning services.

SUMMARY: The proposed amendments to Rule 12A-1.0091, F.A.C., Cleaning Services, provide that charges for cleaning residential facilities are not subject to tax. Residential facilities include those facilities that are used to provide temporary or permanent residence, but do include facilities used for commercial or industrial purposes. The charge for cleaning

residential facilities is not subject to tax, even though the rental, lease, letting, or licensing of the facility or individual units or accommodations within a multiple unit facility may be subject to the transient rental tax imposed under s. 212.03, F.S. Obsolete guidelines related to establishing whether the cleaning services provided to such living accommodations are for nonresidential or for residential use are proposed to be removed.

The proposed amendments to Rule 12A-1.061, F.A.C., Rentals, Leases, and Licenses to Use Transient Accommodations, remove obsolete guidelines provided for owners or owners' representatives of accommodations regarding the purchase of cleaning services for living accommodations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Since this proposed rule only implements statutory provisions, no new regulatory costs are being created. Therefore, 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: 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 92.525(1)(b), 212.02(2), (10)(a)-(g), (16), 212.03(1), (2), (3), (4), (5), (7), 212.031, 212.04(4), 212.05(1), 212.07(2), 212.08(6), (7)(i), (m), (o), 212.085, 212.11(1), (2), 212.12(7), (9), (12), 212.13(2), 212.18(2), (3), 213.37, 213.756 FS.

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

TIME AND DATE: 2:00 p.m., November 9, 2000

PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-9407

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Jamie Phillips at (850)488-0717. If you are hearing or speech impaired, please contact the Department by calling 1(800)DOR-TDD1 (1(800)367-8331).

THE FULL TEXT OF THE PROPOSED RULES IS:

12A-1.0091 Cleaning Services.

(1)(a) No change.

(b)1. Residential cleaning ~~Cleaning services rendered to residential buildings~~ are not taxable. Charges for cleaning residential facilities ~~For the purpose of this rule, residential buildings are buildings that are used as living accommodations home or regular places of abode for persons, (such as detached or single family dwellings, apartments, duplexes, triplexes, quadraplexes, residential condominiums, residential cooperatives, residential time-share units, beach cottages, nursing homes, and mobile home parks, and the common areas of those residential facilities, are not subject to tax. Residential facilities include multiple unit structures where each unit or accommodation is intended for use as a private temporary or permanent residence, but do not include a facility that is intended for commercial or industrial purposes. Charges to clean residential facilities that provide temporary or permanent residences are not subject to tax, even though the rental, lease, letting, or licensing of such living accommodations may be subject to the tax imposed under s. 212.03, F.S. apartments, duplexes, triplexes, condominiums, or cooperatives, or other similar facilities) which do not regularly cater to the traveling public. Public lodging establishments, as defined in s. 509.013, F.S., or portions thereof, and any other facilities or portions of facilities, which are advertised or generally held out to the public as places regularly rented to transients are presumed to be nonresidential buildings. Cleaning services rendered to such nonresidential facilities are taxable. Sufficient documentation must be provided to substantiate whether the cleaning service is provided to a residential or nonresidential building. See subsection (6) below for documentation requirements.~~

2. When a cleaning service provider is contracted by a real estate agent, management company, or similar business to provide cleaning services to a building or units within a building, and the service provider cannot determine whether the building or units are advertised or generally held out to the public as a place regularly rented to transients, the charges for such services are fully taxable, unless the real estate agency, management company, or similar business furnishes the service provide a written statement that the entire building or specific units within the building are residential. See subsection (6) below for specific allocation methods. Any cleaning service provider who receives from the purchaser a written statement showing the percentage or portion, if any, of the property which is nonresidential, and who collects tax according to such statement, shall be entitled to rely upon the allocation provided in writing by the purchaser of the cleaning service, unless the cleaning service provider has reason to believe that such written statement is fraudulent.

a. Example: An apartment complex has 200 units of which 50 units operate under a collective license as a public lodging establishment and are advertised as available for rent on a daily or weekly basis. With proper documentation, only the 50 units are considered nonresidential and the cleaning services for such units are taxable.

b. Example: Cleaning services are rendered to a 500 unit condominium complex. The cleaning services are contracted through the residing manager for the complex. The service provider cannot determine which units are residential and which units are nonresidential. The total charges for cleaning services are taxable, unless the residing manager or owner(s) of the unit(s) furnishes the service provider a written statement identifying which unit(s) are residential.

3. Example: The residents of an apartment complex may sign up for and use the complex's clubhouse after paying the apartment manager a fee which represents a charge for cleaning the clubhouse after its use. The clubhouse is considered to be a residential common area and the cleaning fee is not taxable.

(c) through (2) No change.

(3) Aircraft, boats, motor vehicles, and other vehicles, except mobile homes, are not considered to be nonresidential buildings. For the taxability of cleaning aircraft, boats, motor vehicles, and other vehicles, see Rule 12A-1.006, F.A.C.

(4) No change.

(5)(a)1. Any person providing cleaning services is required to document by notations on the sales invoice the name of the purchaser, the address and unit number(s) where the service was provided, the date of the service, the type of service, the price of the service, whether the service is for a residential or nonresidential building, if the building is used for both residential and nonresidential purposes, and the price of the service for each purpose.

2. Any cleaning service provider who fails to provide the notations described in subparagraph 1. Above and who neglects, fails, or refuses to collect the tax herein provided upon any sales of cleaning services which are subject to the tax, shall be liable for and pay the tax himself.

3. Any person who fraudulently issues to any cleaning service provider a statement in writing, as provided in subparagraph (1)(b)2., for the purposes of evading payment of the sales tax is liable for payment of the sales tax, a mandatory penalty of 200% of the tax, and a fine and punishment as provided by law for conviction of a felony of the third degree, as provided in s. 775.082, s. 775.083, or s. 775.084, F.S.

(b)1. If a building is used for both residential and nonresidential purposes and the proportional mixed use is not subject to change, when the charges for residential and nonresidential cleaning services are separately described and itemized, the total charge shall be allocated based on the square footage serviced for each exclusive purpose. Common areas such as lounges, day rooms, and hallways shall be allocated on the same proportion as the exclusively residential and nonresidential areas. However, an alternate method may be allowed if the service provider documents the basis and rationale for the alternate method.

2. Example: A condominium complex has 600 units of which 200 units are used as a permanent residence by their owners. A window cleaning company charges the condominium complex for the cleaning of all windows in the complex, including the 200 owner occupied units and the windows of common area facilities such as the complex club house. Since all living units in the complex are approximately equal in square footage area, one-third (200 permanent residential units divided by 600 total units) of the total charge made by the window cleaning company may be made tax exempt, provided the window cleaning company makes a separate line item charge for the residential units and obtains the necessary certification by the residing manager or owners of the residential units.

(c)1. If a building is used for both residential and nonresidential purposes and the proportional mixed use is subject to frequent or periodic change, such as time share resorts and other facilities or portions of facilities which are advertised or generally held out to the public as regularly rented to transients, the tax on cleaning services shall be available for rent to the general public during the prior calendar quarter. Such time allocation shall be made on the basis of the smallest time unit denominator available for rent. So called "weekend" rentals shall be computed on and use days as the denominator. The entity managing the time share resort pursuant to s. 721.13, F.S., or other managing entity shall prepare and present to any cleaning service provider, a written statement specifying the percentage of time made available for rent to transient guests during the preceding quarter as the basis for the amount of cleaning services subject to tax.

2. Example: A fee time share resort consists of 100 time share units for which 5,100 time share occupancy periods would typically be sold, i.e., 51 weeks per year per time share unit. In a calendar quarter, 1,275 time share weeks (5,100 divided by 4) would be available for use by the time share unit purchasers or the developer. During the last calendar quarter, 300 time share weeks were available for sale or rent by the developer and 125 time share purchasers requested that the managing entity make their time share weeks available for rent to the traveling public. These time share occupancy weeks owned by time share purchasers and by the developer which were available for rent to the traveling public are considered nonresidential and the cleaning services sold for such units are taxable. One-third (425 total weeks available for rent divided by 1,275 weeks in the quarter) of the charges for cleaning services will be subject to sales tax.

3. Example: The owner of a beach cottage has an agreement with a local realtor whereby the realtor may rent the cottage to the traveling public for any length of time except for specific days or weekends reserved for use by the owner of the cottage. During the last calendar quarter, the owner of the cottage reserved the property for a total of 18 days while the remaining days were either rented or made available to the

traveling public. Only 20 percent (18 owner reserved days divided by 90 days in the quarter) of the charges for cleaning services will be exempt from sales tax.

(d) If the charges for residential and nonresidential cleaning services are not separately described and itemized, then the entire transaction is taxable.

(e) If a transaction involves both the sale or use of a taxable service and the sale or use of a service that is not subject to tax, the charges shall be separately identified and stated with respect to the taxable and nontaxable portions of the transaction. The tax shall apply to the transaction to the extent that the consideration paid in connection with the transaction is payment for the sale or use of taxable services. Failure to separately state the charges shall create a presumption that the entire transaction is a taxable service.

(5)(6) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.05(1)(b), (j), 212.07(2) FS. History—New 5-13-93, Amended 3-20-96, 7-1-99, 4-2-00,_____.

12A-1.061 Rentals, Leases, and Licenses to Use Transient Accommodations.

(1) through (3) No change.

(4) PURCHASES BY OWNERS OR OWNERS' REPRESENTATIVES OF TRANSIENT ACCOMMODATIONS.

(a) The purchase of beddings, furnishings, fixtures, toiletries, consumables, taxable maid and cleaning services, and similar items or other taxable services by owners or owners' representatives of transient accommodations is subject to tax, except as provided in paragraph paragraphs (b) or (c). The purchase of these items and services is not subject to the tourist development tax, as provided in s. 125.0104, F.S., the tourist impact tax, as provided in s. 125.0108, F.S., or the convention development taxes, as provided in s. 212.0305, F.S.

(b) Owners or owners' representatives may purchase or lease tangible personal property without paying tax only when the taxable property is:

1. Purchased exclusively for resale or re-rental as provided in Rule 12A-1.071(2), F.A.C.; and

2. Charges to the guest or tenant for the purchased or leased property are not required under the provisions of this rule to be included in the taxable amount of rental charges or room rates. See Rule 12A-1.071(2), F.A.C.

(c)1. ~~Owner's or owner's representatives taxable nonresidential cleaning that do not have a dealer's sales tax number ending in digits 92 or 93 are not permitted to purchase taxable services exempt from tax. See Rule 12A-1.0161, F.A.C. However, owners or owners' representatives may take a credit for tax paid to a dealer of taxable services on its sales and use tax return when:~~

~~a. the charges or surcharges for the taxable service purchased for resale to the guest or tenant are separately stated on a guest's or tenant's bill, invoice, or other tangible evidence of sale;~~

~~b. the applicable sales tax is collected from the guest or tenant on the separately stated charges for the taxable service. (See Rules 12A-1.0091, 12A-1.0092, and 12A-1.0161, F.A.C.);~~

~~c. the charges or surcharges to the guest or tenant are not required under the provisions of subsection (3) of this rule to be included in the taxable amount of rental charges or room rates; and~~

~~d. tax was paid to the dealer for the taxable services.~~

2. Example: Company X is in the business of renting condominium units. As part of its rental charges, Company X provides weekly cleaning services to its tenants. If a tenant wants to purchase daily cleaning services, Company X will arrange with a third party cleaning company to provide the cleaning services. Company X separately states the charge for the daily cleaning services and the applicable sales tax for the cleaning services on the tenant's accommodation bill. Company X purchases all its cleaning services from the third party cleaning company and must pay the applicable sales tax to the cleaning company on its total charges for cleaning services. However, Company X may take a credit on its sales and use tax return for the tax paid to the third party cleaning company on the charges for daily cleaning services that are resold to its tenants, whether the daily cleaning services are resold to the tenant at the same or a higher price than that paid to the third party cleaning company.

(5) through (19) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 92.525(1)(b), 212.02(2), (10)(a)-(g), (16), 212.03(1), (2), (3), (4), (5), (7), 212.031, 212.04(4), 212.08(6), (7)(i), (m), (o), 212.11(1), (2), 212.12(7), (9), (12), 212.13(2), 212.18(2), (3), 213.37, 213.756 FS. History—Revised 10-7-68, 1-7-70, Amended 1-17-71, Revised 6-16-72, Amended 7-19-72, 4-19-74, 12-11-74, 5-27-75, 10-18-78, 4-11-80, 7-20-82, 1-29-83, 6-11-85, Formerly 12A-1.61, Amended 10-16-89, 3-17-94, 1-2-95, 3-20-96, 11-30-97, 7-1-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-9407

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 27, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed rule was noticed for a Rule Development Workshop in the Florida Administrative

Weekly on March 3, 2000 (Vol. 26, No. 9, pp. 1030-1033). The workshop was held on March 23, 2000. No one appeared at the workshop to testify and no one submitted written comments

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLE:

RULE NO.:

Rentals, Leases, and Licenses to Use Transient

Accommodations

12A-1.061

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.061, F.A.C., is to: 1) clarify that each room or unit that provides lodging or housekeeping accommodations in a multiple unit structure is defined for the purposes of Rule 12A-1.061, F.A.C., as a "transient accommodation"; 2) provide guidelines regarding the application of the transient rental taxes when a reservation voucher is sold by a reservation company and then presented to the owner or owner's representative to rent the reserved transient accommodation; and 3) provide guidelines for taxpayers that rent, lease, let, or license a number of transient accommodations within a multiple unit structure to one person for that person's own use.

SUMMARY: The proposed amendments to Rule 12A-1.061, F.A.C., clarify that, for purposes of this rule, a "transient accommodation" means each room or unit within a multiple unit structure that provides lodging or housekeeping accommodations.

The proposed amendments provide guidelines regarding the sale of a "reservation voucher," a voucher which entitles the purchaser to rent transient accommodations that are reserved by the seller for the purchaser at a designated location for a specified rental period and at a specified room rate or rental charge. A description of items generally contained on a reservation voucher and the use of the voucher is provided in the proposed amendments. The proposed amendments provide that the owner or owner's representative of the transient accommodations is required to collect and remit the applicable taxes due to the proper taxing authority on the total room rate or rental charge, including any amounts separately stated on the reservation voucher. The owner or owner's representative of the transient accommodation may enter into a written agreement with the seller of the reservation voucher to designate the seller as the party responsible to collect and remit the applicable transient rental taxes on the portion of the room rate or rental charge collected by the seller. Under such agreements, the seller of the voucher is the party responsible for collecting and remitting the applicable taxes to the proper taxing authority on the portion of the room rate or rental charge collected by such seller.

The proposed amendments also provide guidelines for application of the transient rental taxes when a number of transient accommodations within a multiple unit structure are

rented to one person for that person's own use. Under the guidelines provided in these proposed amendments, the lowest number of transient accommodations continuously rented within a multiple unit structure to one entity for its own use for periods longer than six month are exempt from tax after the first six months of the continuous rental period. Tax is required to be paid for the first six months of the continuous rental period. When a bona fide written lease is executed under the guidelines currently provided in subsection (15) of this rule, the rental charge for the specified number of transient accommodations at a multiple unit structure is exempt from tax.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Since this proposed rule only implements statutory provisions, no new regulatory costs are being created. Therefore, 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: 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 92.525(1)(b), 212.02(2), (10)(a)-(g), (16), 212.03(1), (2), (3), (4), (5), (7), 212.031, 212.04(4), 212.08(6), (7)(i), (m), (o), (8), (9), 212.11(1), (2), 212.12(7), (9), (12), 212.13(2), 212.18(2), (3), 213.37, 213.756 FS.

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

TIME AND DATE: 2:00 p.m., November 9, 2000

PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-9407

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Jamie Phillips at (850)488-0717. If you are hearing or speech impaired, please contact the Department by calling 1(800)DOR-TDD1 (1(800)367-8331).

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-1.061 Rentals, Leases, and Licenses to Use Transient Accommodations.

(1) No change.

(2) **DEFINITIONS.** For purpose of this rule, the following terms are defined:

(a) through (e) No change.

(f) "Transient accommodation" means each any living quarter or sleeping or housekeeping accommodation in any hotel, motel, apartment house, multiple unit structure (e.g., duplex, triplex, quadruplex, condominium), roominghouse, tourist or mobile home court (e.g., trailer court, motor court, recreational vehicle camp, fish camp), single family dwelling, garage apartment, beach house or cottage, cooperatively owned apartment, condominium parcel, timeshare resort, mobile home, or any other house, boat that has a permanent, fixed location at a dock and is not operated on the water away from the dock by the tenant (e.g., houseboat permanently moored at a dock, but not including cruise liners used in their normal course of business), vehicle, or other structure, place, or location held out to the public to be a place where living quarters or sleeping or housekeeping accommodations are provided to transient guests for consideration. Each room or unit within a multiple unit structure is an accommodation.

(3) through (4) No change.

(5) DEPOSITS, ~~AND~~ PREPAYMENTS, ~~AND~~ RESERVATION VOUCHERS.

(a) through (d) No change.

(e)1. "Reservation voucher" means a voucher which entitles the purchaser to rent transient accommodations that are reserved by the seller for the purchaser at a designated location for a specified rental period and at a specified room rate or rental charge. The voucher may contain the following information: the designated transient accommodation; the room rate or rental charge for the accommodation; the reservation deposit, prepayment, or fee paid to the seller of the voucher; the balance of the room rate or rental charge due to the owner or owner's representative of the accommodation; and a statement regarding the applicable tax due on the room rate or rental charge. The voucher is required to be presented to the owner or owner's representative of the transient accommodations. When the voucher is presented to the owner or owner's representative, the amount of the reservation deposit, prepayment, or fee paid to the seller of the voucher is a part of the room rate or rental charge paid for the right to use the accommodation. The owner or owner's representative of the transient accommodation is required to collect and remit the applicable taxes due to the proper taxing authority on the total room rate or rental charge, including any amounts separately stated on the redeemed voucher as a reservation deposit, prepayment, or fee.

2. The owner or owner's representative may execute a written agreement to designate the seller of the reservation voucher as the party responsible to collect and remit the applicable transient rental taxes on the portion of the room rate or rental charge for the transient accommodation collected by the seller of the voucher. Sellers of reservation vouchers who have entered into such agreements with owners or owners' representatives of transient accommodations are required to

collect and remit the applicable taxes due to the proper taxing authority on the portion of the room rate or rental charge collected by such seller. The applicable taxes are to be collected at the rates imposed by the county where the transient accommodation is located. The amount of the rental charge or room rate collected by the seller of the voucher must be indicated, and the tax must be separately stated, on the reservation voucher.

(6) through (13) No change.

(14) EXEMPTION FOR CONTINUOUS RESIDENCE.

(a) When any person has continuously resided at any transient accommodation ~~one location where transient accommodations are provided~~ for a period of longer than six months and has paid the applicable tax due on the rental charges or room rates for the first six months, that person is exempt from tax on the rental charges or room rates due for that transient accommodation ~~location~~ after the first six months of the continuous rental period. When that person ceases to rent that transient accommodation ~~location~~, the exemption for continuous residence for that person at that accommodation ~~location~~ no longer applies.

(b)1.a. When a number of transient accommodations within a multiple unit structure are rented to any one person or entity for its own use for periods longer than six months, the rental charges or room rates for the lowest number of transient accommodations continuously rented at that structure for periods longer than six months are exempt from tax, effective for those rental charges or room rates due for such accommodations after the first six months of the continuous rental period. To qualify for this exemption, the person or entity must pay the applicable tax due on the rental charges or room rates for the first six months of the continuous rental period and must rent the accommodations for periods longer than six continuous months.

b. Example: Company A provides hotel rooms to house its employees at a hotel. Because the number of employees needing a room varies each night, the number of rooms rented by Company A varies each night. However, Company A rents and pays the applicable tax due on at least 10 hotel rooms each night for a consecutive six month period. Beginning the seventh month of the continuous rental period, Company A is exempt from tax due on the rental charges or room rates for 10 rooms at that hotel as long as it pays the room rates for at least 10 rooms at that hotel. Any rental charges or room rates for additional rooms paid by Company A are subject to tax, until the rental charges or room rates for those rooms qualify for exemption.

2.a. Any person who enters into a bona fide written lease, as provided in subsection (15), to lease a specified number of transient accommodations at a multiple unit structure each night during the lease period for its own use, is exempt from tax due on the rental charges or room rates applicable to the

specified minimum number of accommodations. If that person rents more than the specified number of accommodations stated in the lease, the provisions of subparagraph 1. apply.

b. Example: Company B enters into a bona fide written lease for one year with a hotel to lease at least 10 hotel rooms each night to house its employees. The lease requires that Company B pay the room rates for 10 rooms for the entire year, even when the rooms are not occupied. On several nights during the year, Company B rents more than 10 rooms at the hotel. Company B is exempt from tax on the room rates for 10 rooms during the entire one year lease period. The additional hotel rooms rented by Company B are subject to tax, until the rental charges or room rates for those rooms qualify for exemption.

3. There is no requirement to lease or rent the same room or unit within a multiple unit structure each night or to occupy the rented or leased room or unit to qualify for the exemption described in this paragraph.

4. The provisions of this paragraph do not apply to transient accommodations that are rented or leased for the purpose of subleasing, subrenting, subletting, or licensing the accommodations to other persons.

(15) through (19) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 92.525(1)(b), 212.02(2), (10)(a)-(g), (16), 212.03(1), (2), (3), (4), (5), (7), 212.031, 212.04(4), 212.08(6), (7)(i), (m), (o), 212.11(1), (2), 212.12(7), (9), (12), 212.13(2), 212.18(2), (3), 213.37, 213.756 FS. History—Revised 10-7-68, 1-7-70, Amended 1-17-71, Revised 6-16-72, Amended 7-19-72, 4-19-74, 12-11-74, 5-27-75, 10-18-78, 4-11-80, 7-20-82, 1-29-83, 6-11-85, Formerly 12A-1.61, Amended 10-16-89, 3-17-94, 1-2-95, 3-20-96, 11-30-97, 7-1-99.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-9407

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 27, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed rule was noticed for a Rule Development Workshop in the Florida Administrative Weekly on March 3, 2000 (Vol. 26, No. 9, pp. 1033-1035). The workshop was held on March 23, 2000. No one appeared at the workshop to testify and no one submitted written comments

DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

RULE TITLE:

Assessment of Mobile Homes

RULE NO.:

12D-6.002

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-6.002, F.A.C., is to conform the rule to section 320.055, Florida Statutes, which was amended under chapter 99-248, Laws of Florida.

SUMMARY: The proposed amendment provides, in accordance with section 320.55(2), F.S., the renewal and effective dates of mobile home stickers.

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: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 192.001, 192.011, 193.075, 213.05, 320.015, 320.055, 320.08(11), 320.0815 FS.

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

TIME AND DATE: 10:00 a.m., October 30, 2000

PLACE: Room 116, Larson Building, 200 E. Gaines St., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding before the Technical Assistance and Dispute Resolution Office should call (850)488-8026 (Voice) or 1(800)367-8331 (TDD), at least five working days before such proceeding.

THE FULL TEXT OF THE PROPOSED RULE IS:

12D-6.002 Assessment of Mobile Homes.

(1) through (2) No change.

(3) Under sections 320.055(2) ~~and (3)~~, Florida Statutes, a mobile home sticker is effective ~~considered to be current~~ through the 31st day of December ~~and is authorized to be renewed during the 31 days prior to expiration on December 31. A mobile home sticker renewed during the renewal period is effective from January 1 through December 31 January of the year following its issuance and therefore shall be considered to be current on January 1, as well.~~

(4) through (6) No change.

Cross references: Rule 12A-1.007(11), F.A.C.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 192.001, 192.011, 193.075, 213.05, 320.015, 320.055, 320.08(11), 320.0815 FS. History—New 10-12-76, Formerly 12D-6.02, Amended 2-17-93, 1-11-94, 12-27-94, 12-28-95, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone number (850)414-6109

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 15, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT/RULE DEVELOPMENT WORKSHOP PUBLISHED IN FAW: July 28, 2000, Vol. 26, No. 30. A rule development workshop was held on August 17, 2000, in Tallahassee, Florida. No written or oral comments were received on the proposed amendments.

DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

RULE TITLES: Educational Exemption

RULE NOS.: 12D-7.015

Exemption of Homes for the Aged 12D-7.017

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-7.015, F.A.C., is to implement the provisions of Chapter 2000-306, Laws of Florida, providing for an ad valorem property tax exemption for charter school facilities.

Rule 12D-7.017, F.A.C., is proposed for repeal, as the statutes which it implements contain specific provisions relating to the exemptions provided for property used by nonprofit homes for the aged and the rule is unnecessary.

SUMMARY: The proposed amendment to Rule 12D-7.015, F.A.C., provides for exemption of facilities used to house qualified charter schools. Rule 12D-7.017, F.A.C, providing for exemption of nonprofit homes for the aged, is repealed as unnecessary.

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: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 196.012, 196.197, 196.1975, 196.198, 196.1983, 213.05, 402.26 FS.

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

TIME AND DATE: 10:00 a.m., October 30, 2000

PLACE: Room 116, Larson Building, 200 E. Gaines St., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding before the Technical Assistance and Dispute Resolution Office should call (850)488-8026 (voice) or 1(800)367-8331 (TDD), at least five working days before such proceeding.

THE FULL TEXT OF THE PROPOSED RULES IS:

12D-7.015 Educational Exemption.

(1) through (3) No change.

(4) Facilities, or portions thereof, used to house a charter school which meet the qualifications for exemption are exempt from ad valorem taxation as provided under section 196.1983, Florida Statutes.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 196.012, 196.198, 196.1983, 213.05, 402.26 FS. History—New 10-12-76, Formerly 12D-7.15, Amended 12-30-97, 12-30-99, _____.

12D-7.017 Exemption of Homes for the Aged.

~~Before an exemption may be granted to an applicant as a home for the aged, the following requirements must be satisfied as of January 1 of the tax year for which the request for exemption from ad valorem taxation is sought:~~

~~(1) The home for the aged is serving a "charitable purpose" as defined by section 196.012(7), Florida Statutes;~~

~~(2) The home for the aged is non-profit under the criteria of section 196.195, Florida Statutes. The home for the aged may be a corporation not for profit or a Florida limited partnership, the sole general partner of which is a corporation not for profit;~~

~~(3) The home for the aged is exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code of 1986.~~

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 196.197, 196.1975, 213.05 FS. History—New 10-12-76, Formerly 12D-7.17, Amended 10-11-77, 12-28-95, 12-30-99, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone number (850)414-6109

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 15, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 28, 2000, Vol. 26, No. 30. A rule development workshop was held on August 17, 2000, in Tallahassee, Florida. No written or oral comments were received on the proposed amendment to Rule 12D-7.015. Written comments were received on the repeal of Rule 12D-7.017 in support of the repeal.

DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

RULE TITLE:

Submission of Computer Tape Material
to the Department

RULE NO.:

12D-8.013

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-8.013, F.A.C., is to provide for coding in property tax data files/records that will flag data that is exempt from the public records law, Chapter 119, Florida Statutes, in order to ensure confidentiality of such data.

SUMMARY: The proposed amendment provides for the numeric code to be assigned to confidential data in property tax data files/records submitted to the Department.

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: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 195.027, 195.096, 213.05 FS.

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

TIME AND DATE: 10:00 a.m., October 30, 2000

PLACE: Room 116, Larson Building, 200 E. Gaines St., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding before the Technical Assistance and Dispute Resolution Office should call (850)488-8026 (Voice) or 1(800)367-8331 (TDD), at least five working days before such proceeding.

THE FULL TEXT OF THE PROPOSED RULE IS:

12D-8.013 Submission of Computer Tape Materials to the Department.

(1) through (5) No change.

(6) Record Layouts for STANDARD FILES. Property appraisers are not required to keep data in the standard file layouts for day-to-day operations. However, they are required to merge and/or reformat their existing files to the standard file layout as appropriate when submitting computer tape materials to the Department.

(a) The STANDARD N.A.L. File shall be formatted as follows:

1. Record length – 450 characters (fixed length).

2. Block length – 3600 characters (8 records per block).

3. The following is a listing of the STANDARD N.A.L. File and is contained in an example form, Form DR-590 (incorporated by reference in Rule 12D-16.002, F.A.C.).

Name, Address, Legal (N.A.L.) File

Field No.	Field Label	Location		Size	Field Type	Comments
		First	Last			
1	Unique					
	Parcel No.	1	28	28	A/N	
	County No.	1	2	2	N	
	Parcel No.	3	28	26	A/N	Show 2 digit county code, local parcel number, and space fill the remaining digits to 28
2	Roll type	29	29	1	A	"R" for real
3	Roll year	30	31	2	N	
4	D.O.R. land use code	32	35	4		All numeric except for notes and header records
5	Special assessment code	36	36	1	N	
6	Total just value	37	45	9	N	

7	Total assessed value	46	54	9	N	Classified use value, including homestead property, if applicable; otherwise just value	17	Effective or actual year built of major improvement	103	106	4	N	
8	Total taxable value for operating purposes	55	63	9	N		18	Total living area (or adjusted area) or usable area if non-residential	107	113	7	N	
9	New construction value or deletion value	64	72	9	N	Signed field; negative value indicates deletion	19	Number of buildings	114	115	2	N	
10	Land value	73	81	9	N	Classified use value of land, if applicable; otherwise just value of land	20	Market area MOST RECENT SALE DATA (through field 26)	116	117	2	A/N	10 to 30 areas
11	Land units code	82	82	1	N	Use land-unit-of-value code here	21	Transfer code	118	119	2	N	
12	Number of land units	83	88	6	N	Assume two decimal places for acreage	22	Vacant or improved code	120	120	1	A	"V" or "I"
13	Square footage	89	97	9	N	Assume no decimal places for square feet	23	Sale price	121	129	9	N	
14	Improved quality	98	100	3	A/N		24	Date of sale Year Month	130	135	6	N	
15	Construction class	101	101	1	N				130	133	4	N	
16	Filler	102	102	1	A	Space Fill			134	135	2	N	01 through 12
							25	O.R. Book	136	140	5	A/N	
							26	O.R. Page	141	144	4	A/N	
													SECOND MOST RECENT SALE DATA (through field 33)
							27	Filler	145	146	2	A	Space Fill
							28	Transfer code	147	148	2	N	
							29	Vacant or improved code	149	149	1	A	"V" or "I"
							30	Sale price	150	158	9	N	
							31	Date of sale Year Month	159	164	6	N	
									159	162	4	N	
									163	164	2	N	01 through 12

32	O.R. Book	165	169	5	A/N		45	Co-Applicant's SSN	367	375	9	N	
33	O.R. Page	170	173	4	A/N		46	Personal exemption flags	376	376	1	A/N	Use numeric "0" or "A" thru "Z"
34	Stratum No.	174	175	2	N	Always "00"; will be assigned by D.O.R.							
35	Owner's name	176	205	30	A	Primary owner	47	Other exemption value	377	383	7	N	
36	Street address line 1	206	235	30	A/N	Mailing address of primary owner	48	Amount of homestead exemption	384	388	5	N	
37	Street address line 2	236	265	30	A/N		49	Amount of widow(er) exemption	389	393	5	N	
38	City	266	295	30	A/N		50	Amount of disabled exemption	394	400	7	N	
39	State or country	296	320	25	A/N		51	Amount of renewable energy exemption	401	407	7	N	
40	U.S. mail zip code	321	325	5	N		52	<u>Group Number/ Confidentiality Code</u>	<u>408</u>	<u>409</u>	<u>2</u>	<u>N</u>	<u>First Character Always "0" Will be assigned by Department of Revenue for second character "0" Otherwise any confidential parcels should be indicated with code "1"</u>
41	Short legal description	326	355	30	A/N	1st 30 characters		<u>Filler</u>	<u>408</u>	<u>409</u>	<u>2</u>	<u>A</u>	<u>Space fill</u>
SOCIAL SECURITY NUMBERS (SSN) OF APPLICANT AND OTHER OWNER (THROUGH FIELD 45)													
42	Applicant's Status	356	356	1	A	Applicant's marital status H = Husb. W = Wife O = Other "H", "W", or "O"							
43	Applicant's SSN	357	365	9	N								
44	Co-Applicant's Status	366	366	1	A	Co-Applicant's marital status H = Husb. W = Wife O = Other "H", "W", or "O"	53	Neighborhood code	410	417	8	A/N	
							54	Public land	418	418	1	A	

55	Taxing authority code	419	422	4	A/N	First two digits indicate municipality
56	Parcel location	423	431	9	A/N	
	Township	423	425	3	A/N	2 numeric, 1 alpha
	Range	426	428	3	A/N	2 numeric, 1 alpha
	Section or Grant No.	429	431	3	N	Right justify
57	Alternate key	432	444	13	A/N	
58	Tax Roll Sequence No.	445	450	6	N	Numbers shall be assigned in the order parcels appear on the assessment roll

(1) Field type legend:

A = Alphabetic
A/N = Alphanumeric
N = Numeric

(b) through (c) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 195.027, 195.096, 213.05 FS. History—New 12-7-76, Amended 7-17-80, 9-30-82, Formerly 12D-8.13, Amended 12-27-94, 12-31-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone number (850)414-6109

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 15, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT/RULE DEVELOPMENT WORKSHOP PUBLISHED IN FAW: July 28, 2000, Vol. 26, No. 30. A rule development workshop was held on August 17, 2000, in Tallahassee, Florida. No written or oral comments were received on the proposed amendment.

DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

RULE TITLES: Destruction of Twenty-Year-Old Tax Receipts
Sale at Public Auction

RULE NOS.: 12D-13.010

12D-13.063

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-13.010, F.A.C., is to update the rule to reflect current technologies used for storing and retrieving data.

The purpose of the proposed amendment to Rule 12D-13.063, F.A.C., is to remove language mandating acceptable methods of payment to the clerk of the circuit court for tax deeds which methods are not statutorily required.

SUMMARY: The proposed amendment to Rule 12D-13.010, F.A.C., provides that, for purposes of this rule, tax receipts stored in a digital electronic format are included within the meaning of microfilm and microfiche for purposes of destruction of tax receipts. The proposed amendment to Rule 12D-13.063, F.A.C., recommends, rather than requires, that the clerk of court accept payment by various methods for tax deeds.

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: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 28.24, 119.041, 119.09, 197.122, 197.202, 197.3632, 197.443, 197.502, 197.512, 197.522, 197.542, 197.562, 197.582, 213.05 FS.

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

TIME AND DATE: 10:00 a.m., October 30, 2000

PLACE: Room 116, Larson Building, 200 E. Gaines St., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding before the Technical Assistance and Dispute Resolution Office should call (850)488-8026 (Voice) or 1(800)-367-8331 (TDD), at least five working days before such proceeding.

THE FULL TEXT OF THE PROPOSED RULES IS:

12D-13.010 Destruction of Twenty-Year-Old Tax Receipts.

The collector may destroy tax receipts as they become 20 years old. He or she may also destroy receipts after they are one year old, provided they are microfilmed or microfiched. For purposes of this rule, microfilm and microfiche includes storage in digital electronic format. Microfilm or microfiche of tax receipts may be destroyed as they ~~it~~ becomes 20 years old. Approval must be obtained from the Department of State, Division of Library and Information Services, before destruction of any tax receipts by the tax collector, regardless of age.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 119.041, 119.09, 197.202, 213.05 FS. History—New 6-18-85, Formerly 12D-13.10, Amended 12-13-92,_____.

12D-13.063 Sale at Public Auction.

(1) through (6) No change.

(7) It is recommended that ~~Payment to~~ the clerk of the circuit court accept payment ~~shall be~~ by certified check, cash, bank draft, or cashiers check. The clerk of the circuit court shall issue the tax deed immediately upon receipt of full payment. Full payment shall be the highest bid accepted by the clerk of the circuit court plus documentary stamps and recording costs. The deed shall be signed by the clerk of the circuit court, witnessed by two witnesses and the official seal shall be affixed. The tax deed shall be in the form prescribed by the Department of Revenue.

(8) through (9) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 28.24, 197.122, 197.3632, 197.443, 197.502, 197.512, 197.522, 197.542, 197.562, 197.582, 213.05 FS. History—New 6-18-85, Formerly 12D-13.63, Amended 5-23-91, 12-13-92,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone number (850)414-6109

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 15, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT/RULE DEVELOPMENT WORKSHOP PUBLISHED IN FAW: July 28, 2000, Vol. 26, No. 30. A rule development workshop was held on August 17, 2000, in Tallahassee, Florida. No written or oral comments were received on the proposed amendments.

DEPARTMENT OF REVENUE**Division of Ad Valorem Tax**

RULE TITLE:

RULE NO.:

Index to Forms

12D-16.002

PURPOSE AND EFFECT: The proposed amendment to Rule 12D-16.002, F.A.C., implements forms revisions created in Chapters 2000-262, 2000-223, 2000-306, Laws of Florida, and incorporates other technical changes made to forms.

SUMMARY: The amendment incorporates legislative and technical changes to ad valorem property tax forms used by property appraisers, tax collectors, and the general public.

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: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 92.525, 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.114, 193.122, 193.461, 193.625, 194.011, 194.032, 194.034, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193, 196.1983, 196.1995, 197.222, 197.253, 197.3632, 197.3635, 197.414, 197.432, 197.512, 197.552, 200.065, 213.05, 218.66 FS.

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

TIME AND DATE: 10:00 a.m., October 30, 2000

PLACE: Room 116, Larson Building, 200 E. Gaines St., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding before the Technical Assistance and Dispute Resolution Office should call (850)488-8026 (Voice) or 1(800)367-8331 (TDD), at least five working days before such proceeding.

THE FULL TEXT OF THE PROPOSED RULE IS:

12D-16.002 Index to Forms.

(1) The following paragraphs list the forms utilized by the Department of Revenue. A copy of these forms may be obtained by writing to: Director, Property Tax Administration Program, Department of Revenue, Post Office Box 3000,

Tallahassee, Florida 32315-3000. The Department of Revenue adopts, and hereby incorporates by reference in this rule, the following forms and instructions:

	Form Number	Form Title	Effective Date
(2)	DR-401	Freight Line and Equipment Companies Annual Report (r. <u>12/00+94</u>)	<u>12/00+2/94</u>
(3)(a)	No change.		
(b)	DR-403AC	Revised Recapitulation of the Ad Valorem Assessment Rolls (County Values) (r. <u>04/00+97</u>)	<u>12/00+2/97</u>
(4)(a)	DR-403AM	Revised Recapitulation of the Ad Valorem Assessment Rolls (Municipality Values) (r. <u>04/00+97</u>)	<u>12/00+2/97</u>
(b) through (5) (a)	No change.		
(b)	DR-403EB	Assessment Roll Exemption Breakdown (r. <u>04/00+90</u>)	<u>12/00+3/90</u>
(6) through (21)(a)	No change.		
(b)	DR-474	Notice of Proposed Property Taxes (r. <u>12/00+95</u>)	<u>12/00+2/94</u>
(c)	No change.		
(d)	DR-474N	Notice of Proposed Property Taxes and Proposed or Adopted Non-Ad Valorem Assessments (r. <u>12/00+98</u>)	<u>12/00+2/98</u>
(22)(a)	DR-482	Application and Return for Agricultural Classification of Lands (r. <u>12/00+2/99</u>)	<u>12/00+1/00</u>
(b)	No change.		
(c)	<u>DR-482HP</u>	<u>Application and Return for Classification of Property as Historic Property Used for Commercial or Certain Nonprofit Purposes (n. 12/00)</u>	12/00
(d)	DR-483	Request for Extension of Time for Completion of Assessment Roll(s)	08/89
(23) through (27)	No change.		
(28)(a)	DR-489AC	Preliminary Recapitulation of Ad Valorem Assessment Rolls – County (r. <u>04/00+97</u>)	<u>12/00+2/97</u>
(b)	DR-489AM	Preliminary Recapitulation of Ad Valorem Assessment Rolls – Municipality (r. <u>04/00+97</u>)	<u>12/00+2/97</u>
(c)	DR-489EB	Assessment Roll Exemption Breakdown (r. <u>04/00+90</u>)	<u>12/00+3/90</u>
(d)	No change.		
(29)(a)	DR-49	Notice of Disapproval of Application for Property Tax Exemption by the County Property Appraiser (r. <u>12/00+2/99</u>)	<u>12/00+1/00</u>

(b)	No change.		
(30) through (34)	No change.		
(35)	DR-500	Renewal Application for Homestead and Related Tax Exemptions (r. <u>12/00+93</u>)	<u>12/00+1/93</u>
(36) through (37)	No change.		
(38)(a)	DR-501	Original Application for Ad Valorem Tax Exemption (r. <u>12/00+2/99</u>)	<u>12/00+1/00</u>
(b) through (c)	No change.		
(d)	DR-501SC	Sworn Statement of Adjusted Gross Income of Household and Return (r. <u>12/00+12/99</u>)	<u>12/00+1/00</u>
(39)	No change.		
(40)(a)	DR-504	Ad Valorem Tax Exemption Application and Return (r. <u>12/00+2/97</u>)	<u>12/00+2/97</u>
(b)	No change.		
(c)	<u>DR-504CS</u>	<u>Ad Valorem Tax Exemption Application Charter School Facilities (n. 12/00)</u>	<u>12/00</u>
(41) through (46)(a)	No change.		
(b)	DR-513	Tax Collector's Certification (r. <u>12/00+99</u>)	<u>12/00+1/00</u>
(c) through (51)(a)	No change.		
(b)	DR-534	Notice and Application for Alternative Payment of <u>2001+9</u> Property Taxes (r. <u>12/00+2/96</u>)	<u>12/00+2/96</u>
(52) through (57)	No change.		
(58)	DR-590	Standard Record Layout for Rule 12D-8 Name, Address and Legal (N.A.L.) File (Required format) (r. <u>12/00+95</u>)	<u>12/00+2/94</u>
(59) through (61)	No change.		

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 92.525, 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.114, 193.122, 193.461, 193.625, 194.011, 194.032, 194.034, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193, 196.1983, 196.1995, 197.222, 197.253, 197.3632, 197.3635, 197.414, 197.432, 197.512, 197.552, 200.065, 213.05, 218.66 FS. History–New 10-12-76, Amended 4-11-80, 9-17-80, 5-17-81, 1-18-82, 4-29-82, Formerly 12D-16.02, Amended 12-26-88, 1-9-92, 12-10-92, 1-11-94, 12-27-94, 12-28-95, 12-25-96, 12-30-97, 12-31-98, 2-3-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)414-6109

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 15, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT/RULE DEVELOPMENT WORKSHOP PUBLISHED IN FAW: July 28, 2000, Vol. 26, No. 30. A rule development workshop was held on August 17, 2000. No written or oral comments were received on the proposed amendments.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Inpatient Hospital Services

RULE NO.: 59G-4.150

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Hospital Coverage and Limitations Handbook and the Florida Medicaid Provider Reimbursement Handbook, UB-92, and to repeal portions of the rule that are duplicated in the Medicaid handbooks, other Medicaid rules of general applicability, Florida Statutes, or federal regulations. The effect will be to incorporate by reference in the rule the Florida Medicaid Hospital Coverage and Limitations Handbook and the Florida Medicaid Provider Reimbursement Handbook, UB-92, and to eliminate duplication.

SUMMARY: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Hospital Coverage and Limitations Handbook and the Florida Medicaid Provider Reimbursement Handbook, UB-92. It is also for the purpose of repealing portions of the rule that are duplicated in the Medicaid handbooks, other Medicaid rules of general applicability, Florida Statutes, or federal regulations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wished 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: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908, 409.9081 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. – 10:00 a.m., October 30, 2000

PLACE: Agency for Health Care Administration, 2728 Fort Knox Boulevard, Building 3, Conference Room C, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ouida Mazzoccoli, Medical Health Care Program Analyst, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)922-7351

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of 59G-4.150 follows. See Florida Administrative Code for present text.)

59G-4.150 Inpatient Hospital Services.

(1) This rule applies to all hospital providers enrolled in the Medicaid program.

(2) All hospital providers enrolled in the Medicaid program must comply with the Florida Medicaid Hospital Coverage and Limitations Handbook and the Florida Medicaid Provider Reimbursement Handbook, UB-92, both incorporated by reference in 59G-4.160. Both handbooks are available from the fiscal agent contractor.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908, 409.9081 FS. History—New 1-1-77, Amended 3-30-78, 1-2-79, 2-3-81, 7-28-81, 7-1-83, 3-1-84, 10-31-85, Formerly 10C-7.39, Amended 10-2-86, 2-28-89, 10-17-89, 10-14-90, 5-21-91, 11-14-91, 3-25-92, 5-13-92, 7-12-92, 8-9-93, 12-21-93, Formerly 10C-7.039, Amended 6-13-94, 12-27-94, 2-21-95, 9-11-95, 11-12-95, 2-20-96, 6-9-96, 5-12-99.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ouida Mazzoccoli

NAME OF PERSON WHO APPROVED THE PROPOSED RULE: Ruben J. King-Shaw, Jr., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 25, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 18, 2000

DEPARTMENT OF HEALTH

Board of Opticianry

RULE TITLE: Reactivation

RULE NO.: 64B12-12.008

PURPOSE AND EFFECT: The Board proposes a new rule on Reactivation of Licensure.

SUMMARY: The proposed rule defines the means by which a license can be reactivated and establishes procedures therefor.

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: 455.711 FS.

LAW IMPLEMENTED: 484.005 FS.

IF REQUESTED IN WITHIN 21 DAYS OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B12-12.008 Reactivation.

(1) An inactive status licensee may change to active status at any time provided the licensee:

(a) Meets the continuing education requirements of Rule 64B12-15.001, F.A.C., for each biennium the license was in inactive status.

(b) Pays the reactivation fee and the current active renewal fee at the time of reactivation.

(c) If applicable, pays the change of status fee as defined in Rule 64B12-11.0105.

(2) An inactive licensee who elects to change to active status shall not be eligible to elect to return to inactive status until the next licensure renewal period.

Specific Authority 456.013(6), 484.005, 484.008(3) FS. Law Implemented 456.013(6), 484.008(3) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Opticianry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 24, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 8, 2000

DEPARTMENT OF HEALTH**Board of Opticianry**

RULE TITLES: RULE NOS.:

Standards for Continuing Professional Education 64B12-15.003

Provider Approval and Renewal 64B12-15.004

Requirements for Approved Providers 64B12-15.007

Courses Without Classroom Instruction 64B12-15.008

PURPOSE AND EFFECT: The Board proposes to review these rules to determine if amendments are necessary.

SUMMARY: The rule amendments are for the purpose of updating the continuing education requirements, and requirement for approved provider.

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: 455.564(6), 484.005, 484.008(3), 484.005, 484.008(3), 455.564(7), 455.214(6), 484.005, 484.008 FS.

LAW IMPLEMENTED: 455.564(6), 484.008(3) FS.

IF REQUESTED WITHIN 21 DAYS OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW:

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULES IS:

64B12-15.003 Standards for Continuing Professional Education.

(1) through (5) No change.

(6) Upon completion of the program, the program provider must distribute and the participants must complete an evaluation form. The program provider must maintain the completed evaluation forms for at least 120 days from the date the program was offered. The program provider shall review and compile a summary of evaluation responses. The program provider shall retain his summary of evaluation responses for at least three years, and submit to the Board upon the Board's request. This summary must be submitted to the Board within 30 days from the date the course was offered.

(7) No change.

Specific Authority 456.013(7), ~~455.564(6)~~, 484.005, 484.008(3) FS. Law Implemented 456.013(7), ~~455.564(6)~~, 484.008(3) FS. History—New 10-12-80, Formerly 21P-15.03, Amended 3-5-87, 8-10-87, 10-29-87, 1-6-88, 6-11-92, Formerly 21P-15.003, Amended 4-17-94, Formerly 61G13-15.003, Amended 3-14-95, Formerly 59U-15.003, Amended 4-20-99, _____.

64B12-15.004 Provider Approval and Renewal.

(1) The Board approves those courses sponsored by a college or university accredited by an accrediting agency approved by the U.S. Department of Education, or the Council on Post Secondary Education. Attendance by the licensee must be properly certified by the program provider as set forth in Rule 64B12-15.003(7)(8).

(2) No change.

(3) ~~The Board shall grant approved provider status for a period of two (2) years.~~ An approved provider status is non-transferrable. Cosponsorship with an unapproved provider is prohibited.

(4) through (7) No change.

Specific Authority 484.005, 484.008(3) FS. Law Implemented 484.008(3) FS. History—New 10-12-80, Formerly 21P-15.04, Amended 3-5-87, 1-6-88, 3-30-89, 5-2-89, 6-11-92, Formerly 21P-15.004, Amended 9-14-93, Formerly 61G13-15.004, Amended 4-18-96, 7-10-97, Formerly 59U-15.004, Amended 8-6-97, _____.

64B12-15.007 Requirements for Approved Providers.

(1) Approved providers must comply with the following requirements to maintain their status:

(a) Assure that each course offered complies with Rule 64B12-15.003.

(b) Comply with all provisions of this Chapter, the rules of the Board and Department and applicable statutory provisions.

~~(c) Provide the following information to the Board at least 30 days prior to the presentation of a course: the course name; the hours of continuing education credit offered; the date, time and place of the course presentation; and the instructor's name.~~

~~(d) Provide to the Board within 30 days of course completion, a clearly printed roster of all participants.~~

~~(e) Provide to the Board within 30 days of course completion, the completed summary of evaluations required by Rule 64B12-15.003(7).~~

~~(c)(f)~~ All advertising for courses shall contain the approved provider's assigned provider number and shall not contain any false, deceptive or misleading material.

~~(d)(g)~~ Provide to the Board or Department any information requested regarding compliance with this Chapter, the rules of the Department or Board and pertinent statutory provisions. All such information requested shall be reasonably related to the Board's and Department's duty to review and monitor approved providers.

~~(e)(h)~~ Provide that course offerings are reasonably accessible to all licensed opticians and not solely to those who maintain membership in various organizations. Although reasonable fee variances for participants are permitted, excessive fee variances among participants are prohibited.

(2) No change.

Specific Authority 484.005, 484.008(3) FS. Law Implemented 484.008(3) FS. History—New 3-5-87, Amended 9-19-87, 1-6-88, Formerly 21P-15.007, 61G13-15.007, Amended 3-14-95, Formerly 59U-15.007, Amended

64B12-15.008 Courses Without Classroom Instruction.

(1) through (2) No change.

(3) Providers of courses permitted by this rule shall comply with the requirements of Rule 64B12-15.003(1), (2), (3), (4), (5), and (6), and Rule 64B12-15.004(2) in that a provider application fee must be submitted and a providership number issued. Providers of video cassette courses must sign the video cassette course validation form required by Rule 64B12-15.001~~(7)(8)~~ and send the form to the licensee after the licensee has completed the video cassette course. Home study courses must be presented to the Board upon initial request for providership approval and upon any subsequent request for new course approval. Failure to comply with these requirements shall subject the course to rescission of approval as described in Rule 64B12-15.004.

Specific Authority 456.013(7) ~~455.564(7), 455.214(6)~~, 484.005, 484.008(3) FS. Law Implemented 456.013(7) ~~455.564(7)~~, 484.008(3) FS. History—New 3-5-87, Amended 3-30-89, 2-18-93, Formerly 21P-15.008, Amended 4-17-94, Formerly 61G13-15.008, Amended 4-6-97, Formerly 59U-15.008, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Opticianry

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

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: August 24, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 8, 2000

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE:

Relocation Assistance

RULE NO.:

65A-4.100

PURPOSE AND EFFECT: The rule is proposed for repeal, as the department no longer has statutory authority for the rule. The 2000 Legislature in Senate Bill (SB) 2050 enacted Chapter 2000-165, Laws of Florida (LOF), to create the Workforce Innovation Act of 2000 that transferred, renumbered, revised, or repealed many provisions of the Work and Gain Economic Self-Sufficiency (WAGES) Act of 1996. Section 21 of SB 2050, transferred s. 414.155, F.S., Relocation Assistance Program, to s. 445.021, F.S., where neither the department nor any other state agency has rulemaking authority.

SUMMARY: The rule proposed for repeal is not necessary, as statutory authority for it no longer exists.

SUMMARY OF STATEMENT OF REGULATORY COST:
None.

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

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: Chapter 2000-165, LOF.

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., October 30, 2000

PLACE: 1317 Winewood Boulevard, Building 3, Room 445, Tallahassee, Florida 32399-0700, telephone (850)488-8004

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: Audrey Mitchell, Program Administrator, Policy Bureau, Program Support Unit, 1317 Winewood Boulevard, Building 3, Room 421, Tallahassee, Florida 32399-0700, telephone (850)488-3090

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-4.100 Relocation Assistance.

Specific Authority 414.45 FS. Law Implemented 445.021 FS. History—New 5-30-99, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lonna Cichon, Operations and Management Consultant II

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Audrey Mitchell, Program Administrator, Policy Bureau
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 27, 2000

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE TITLES:	RULE NOS.:
Definitions	65C-19.001
Claiming Allowable Expenditures	65C-19.002
Title IV-E Eligibility Criteria	65C-19.003
Allowability of Costs	65C-19.004
Administrative Costs	65C-19.005
Cost Pool	65C-19.006
Allowable Maintenance Costs	65C-19.007
Nonreimbursable Expenditures	65C-19.008
Accounting/Claiming Procedures	65C-19.009
Eligibility/Reimbursability Determination	65C-19.010

PURPOSE AND EFFECT: Section 6 of Chapter 97-260, Laws of Florida, effective July 1, 1997, authorized the Department of Children and Family to certify publicly-appropriated local funds as state match for eligible Title IV-E expenditures. This rule chapter establishes procedures for such certification.

SUMMARY: This administrative rule establishes the requirements for the certification and claiming of publicly appropriated, local funds as a state match for federal dollars. Section 409.26731, Florida Statutes, as amended, establishes the authority of the Department of Children and Family Services to certify publicly appropriated, local funds as a state match for eligible Title IV-E expenditures.

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: 39.0121(7) FS.

LAW IMPLEMENTED: 409.26731 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: 1:00 p.m., November 1, 2000

PLACE: Florida Department of Children and Family Services, Building 8, Room 232, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

TIME AND DATE: 1:00 p.m., November 2, 2000

PLACE: Florida Department of Children and Family Services, District 7, South Tower Conference Room B, 400 W. Robinson Street, Orlando, Florida 32801

TIME AND DATE: 10:00 a.m., November 3, 2000

PLACE: Florida Department of Children and Family Services, District 10, Broward Regional Services Center, 201 W. Broward Boulevard, Ft. Lauderdale, FL 33301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Chuck Nation, Management Review Specialist, 1317 Winewood Blvd. Building 8, Tallahassee, FL 32399, Telephone (850)922-4194, or Keith Kitchens, Management Review Specialist, 1317 Winewood Blvd. Building 8, Tallahassee, FL 32399, Telephone (850)922-2607

THE FULL TEXT OF THE PROPOSED RULES IS:

65C-19.001 Definitions.

For purposes of this rule chapter, the following definitions shall apply.

(1) "Allowable expenditures" means those expenditures which meet the requirements of Title IV-E of the Social Security Act and OMB Circular A-87.

(2) "Certification of match" means documented and verified assurances from a local government entity, agency or instrumentality that the local funds used for match were publicly-appropriated funds spent on Title IV-E eligible children for Title IV-E eligible activities.

(3) "Cost allocation plan (CAP)" means a narrative description of the procedures that will be used in identifying, measuring, and allocating all administrative costs to all programs administered and supervised by State public assistance agencies as described in Attachment D of OMB Circular A-87.

(4) "Cost objective" means a function, organizational subdivision, contract, grant or other activity for which cost data are needed and for which costs are incurred.

(5) "Cost pools" mean either the accumulated costs that benefit a specific program or cost objective (direct cost pool) or accumulated costs that benefit two or more programs or cost objectives.

(6) "Direct cost" means a cost that can be identified specifically with a particular final cost objective.

(7) "Directly allocable" means a cost that is incurred for a common or joint purpose benefiting more than one cost objective.

(8) "Local agency" means a county, municipality, city, township, local public authority, school district, special district, intrastate district, council of governments (whether or not incorporated as a non-profit corporation under state law), any other regional or interstate government entity, or any agency or instrumentality of a local government.

(9) "Public appropriation" means funds appropriated by local governments or agencies.

(10) "Time study" means a method to measure the amount of time spent by staff on multiple activities as part of their daily responsibilities.

Specific Authority 39.0121(7) FS. Law Implemented 409.26731 FS. History—New _____.

65C-19.002 Claiming allowable expenditures.

In order for a local agency to claim Title IV-E reimbursement for an allowable expenditure related to the maintenance and administrative costs for the care of eligible Title IV-E children, the agency must:

(1) Enter into an interagency agreement with the Department of Children and Families by executing the Interagency Agreement with the Florida Department of Children and Families, CF-FSP 5251, Sep, 2000, which is incorporated by reference. This agreement must be executed prior to submission of any Title IV-E claims.

(2) Develop a cost allocation plan (CAP) for any administrative activities and costs which must be submitted to the department and approved prior to submitting claims.

(3) Document Title IV-E eligibility:

(a) Maintenance costs. Document that the expenditure was made for a child who was eligible for Title IV-E at the time the expenditure was made. (See 65C-19.003.)

(b) Administrative costs. Document that the expenditure made was for a Title IV-E eligible activity for an eligible Title IV-E child.

Specific Authority 39.0121(7) FS. Law Implemented 409.26731 FS. History—New _____.

65C-19.003 Title IV-E Eligibility Criteria.

(1) Removal Situation. Title IV-E stipulates that several conditions must have existed at the time of a child's removal from the home in order for the child's costs to be eligible for reimbursement.

(a) If, at the time of the child's removal, the child's family was receiving or eligible to receive financial assistance based on Aid to Families with Dependent Children (AFDC) policy in effect in July, 1996, it shall be assumed that the necessary removal situation existed and this criterion is automatically met. See 42 U.S.C. 606, 607, and 672.

(b) The child must have lived with a parent or other specified relative within the six months prior to the child's removal or voluntary placement. Specified relatives include parents, grandparents, siblings, aunts, uncles, cousins, and step-families. Title IV-E does not stipulate how long the child must have resided with the relative as long as it was within the last six months prior to removal. The residence is defined as the place where the child was actually living and being cared for, even if it was not with the child's parents.

(c) The child must have been in financial need, meaning that the family income and the child's income were below federally established poverty levels.

(d) The child must be deprived of one parent either because of death, separation, abandonment, incapacity or disability, unemployment, or under-employment.

(2) Removal Order. Title IV-E requires that a written removal order be entered by the court at the child's removal from his or her home. The removal order must include the following findings:

(a) The child was removed because leaving the child in the home would have been contrary to the child's welfare.

(b) Reasonable efforts were made by the department to prevent removal and keep the child at home, or that no reasonable efforts could be made.

(3) Placement Requirements. To satisfy Title IV-E requirements, an out-of-home placement must be a licensed emergency shelter home, licensed foster home, a licensed private not-for-profit or for profit child caring agency; or a public facility with 25 beds or less. If the child is placed in an unlicensed placement or a public facility with over 25 beds, Title IV-E maintenance expenditures cannot be claimed for that child during the period the child is in that placement. However, administrative costs may still be claimed for the Title IV-E eligible expenditures. Youth in detention facilities, training schools, youth camps, or who are in Subsidized Independent Living status are not eligible for Title IV-E reimbursement.

(4) Ongoing Eligibility for Title IV-E Funds. After the initial eligibility criteria for Title IV-E are met, certain conditions in the child's life must continue in order for Title IV-E reimbursement to continue. As these conditions change, the child may move in and out of reimbursable status. Because the Department is responsible for determining a child's on-going eligibility and reimbursability status, the local agency must keep the department apprised of changes that occur in each IV-E case. If Title IV-E is claimed during any period in which a child is temporarily not reimbursable due to a change in the child's condition, that Title IV-E money must be adjusted as described in (6) of this section. The conditions that must continue in order for a child's IV-E reimbursability to continue are as follows:

(a) Continued Financial Need. As long as the child is in foster care, the child must remain in financial need.

(b) Continued Parental Deprivation. The child must have been living without the support or care of one or both parents due to death, absence of one or both parents, incapacity, underemployment or unemployment. (Section 406(a) of the Social Security Act).

(c) Continued Placement in Licensed Placements. Eligible foster care placements must be licensed placements. Title IV-E cannot be claimed for any time during which a child is not in a licensed placement.

(5) Runaway Status. When a child is in runaway status, the child is not eligible for IV-E reimbursement because the child is not in a licensed placement. Once the child returns to a licensed placement, the agency can file a claim for reimbursement once again, but not for the time during which the child was in runaway status.

(6) Adjustments to IV-E Claims. Should a claim be filed for a child during a period in which the child is temporarily not eligible for reimbursement, an adjustment must be made to correct the error. The local agency must contact the department every quarter as to any adjustments that must be made for that quarter, and forward a copy of any incorrectly claimed invoice(s) with a written explanation of the error.

Specific Authority 39.0121(7) FS. Law Implemented 409.26731 FS. History—New _____.

65C-19.004 Allowability of Costs.

In order to be reimbursable, costs must:

(1) Be necessary and reasonable for proper and efficient performance and administration of Federal awards. A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost. In determining reasonableness of a given cost, consideration shall be given to:

(a) Whether the cost is of a type generally recognized as ordinary and necessary for the operation of the governmental unit or the performance of the federal award.

(b) The restraints or requirements imposed by such factors: sound business practices; arms length bargaining; federal, state and other laws and regulations; and terms and conditions of the federal award.

(c) Market prices for comparable goods or services.

(d) Whether the individuals concerned acted with prudence in the circumstances considering their responsibilities to the governmental unit, its employees, the public at large, and the federal government.

(e) Significant deviations from the established practices of the governmental unit which may unjustifiably increase the federal award's cost.

(2) Be allocable to Federal awards under the provisions of OMB Circular A-87, Cost Principles for State, Local and Indian Tribal Governments (Federal Register, Vol. 60, No. 95, at page 26484 (May 17, 1995)), incorporated by reference.

(3) Be authorized or not prohibited under state or local laws or regulations.

(4) Conform to any limitations or exclusions set forth in federal laws, terms, and conditions of Title IV-E program, or other governing regulations as to types or amounts of cost item.

(5) Be consistent with policies, regulations, and procedures that apply uniformly to federal awards and other activities of the governmental unit.

(6) Be accorded consistent treatment. A cost shall not be assigned to a federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to the federal award as an indirect cost.

(7) Be determined in accordance with generally accepted accounting principles, except as otherwise provided for in OMB Circular A-87, Cost Principles for State, Local and Indian Tribal Governments (Federal Register, Vol. 60, No. 95, at page 26484 (May 17, 1995) and amended August 29, 1997)), incorporated by reference.

(8) Not be included as a cost or used to meet cost sharing or matching requirements of any other federal award in either the current or a prior period, except as specifically provided by federal law or regulation.

(9) Be adequately documented.

Specific Authority 39.0121(7) FS. Law Implemented 409.26731 FS. History—New _____.

65C-19.005 Administrative Costs.

A time study is a staff time log on which a staff member records his or her activities in 15-minute increments during a day, during a randomly selected week per month, using a menu of activities. The time study must include all activities performed by staff and will be used to calculate the administrative cost reimbursement by the Title IV-E foster care program.

(1) If such staff perform only IV-E eligible staff activities, then no time study is required. The staff charged to Title IV-E must sign a certification stating they work exclusively on Title IV-E eligible activities.

(2) If the staff perform any non-IV-E eligible activities, and any of the staff performing IV-E eligible activities also participates in any non IV-E eligible activities, then a time study must be conducted. Time studies must be conducted if there are any staff in the agency who work on:

(a) More than one federal award.

(b) A federal award and a non-federal award.

(c) An indirect cost activity and a direct cost activity.

(d) Two or more indirect cost activities which are allocated using different allocation bases.

(e) An unallowable activity and a direct or indirect cost activity.

(3) The methodology for calculating administrative costs from the time studies as outlined in the interagency agreement.

Specific Authority 39.0121(7) FS. Law Implemented 409.26731 FS. History—New _____.

65C-19.006 Cost Pool.

The administrative cost pool(s) for which Title IV-E reimbursement is being sought shall contain expenses of the local agency as identified below and allowable as stated in OMB Circular A-87, A-122 and Title IV-E of the Social Security Act, as applicable.

(1) The cost of staff, including wages, salaries, and fringe benefits of all staff included in the time study sample. This also includes support staff and supervision.

(2) Overhead cost include:

- (a) Costs of office space including rent, maintenance, operations, utilities, and repairs.
- (b) Insurance.
- (c) Costs of doing business.

Specific Authority 39.0121(7) FS. Law Implemented 409.26731 FS. History--New

65C-19.007 Allowable Maintenance Costs.

Title IV-E maintenance costs are those costs associated with the support of a child while removed from his/her home. In order for a maintenance cost to be reimbursable, it must meet the following criteria:

- (1) Costs must be paid through public funds that are not already being used to earn any other federal program dollars.
- (2) Costs to be claimed must be made as an individual case payment transaction for a child who is Title IV-E eligible. To be eligible for reimbursement a cost must be linked directly to an identified child (using a case number or Social Security number) who is eligible for IV-E during the month the cost is incurred. The cost must be claimed in the month the cost is incurred, not the payment month.
- (3) Costs must be for allowable maintenance activities or services that are eligible for Title IV-E reimbursement. The following are examples of the types of maintenance costs that are reimbursable:

- (a) Out of home care.
- (b) Clothing, shoes, athletic uniforms, band uniforms.
- (c) Extraneous school expenses other than tuition and transportation, including such expenses as tutoring, yearbooks, graduation, band instruments.
- (d) Travel from the foster home to the parent's home.
- (e) Holiday and birthday gifts.
- (f) Summer camp.
- (g) Baby diapers, formula.
- (h) Child car seat restraint, bicycle helmet.

Specific Authority 39.0121(7) FS. Law Implemented 409.26731 FS. History--New

65C-19.008 Nonreimbursable Expenditures.

The following expenditures are not Title IV-E reimbursable:

- (1) Medical or psychological treatment or therapy.
- (2) School tuition.
- (3) Transportation to school.
- (4) Social services.
- (5) Medical services.

Specific Authority 39.0121(7) FS. Law Implemented 409.26731 FS. History--New

65C-19.009 Accounting/Claiming Procedures.

Upon completion of documentation as set forth in the interagency agreement between the local government and the department, the following reimbursement process shall be initiated:

(1) The local agency shall submit quarterly documentation of Title IV-E expenditures and an estimate of eligible expenditures for the next quarter.

(2) The local agency will submit documentation to certify that the expenditures were made with public funds.

(3) Upon completion of the review of the documentation submitted, the information will be submitted to Financial Management for a reimbursement of at least 95% of the claim to the local agency. The department shall retain up to 5% of the federal funds received from the federal government but not to exceed the actual cost of the administration of the program. Any funds remaining in excess of actual administrative costs will be refunded to the local agency.

Specific Authority 39.0121(7) FS. Law Implemented 409.26731 FS. History--New

65C-19.010 Eligibility/Reimbursability Determination.

The Department of Children and Families makes the Title IV-E eligibility determinations for each child and makes that information available.

Specific Authority 39.0121(7) FS. Law Implemented 409.26731 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Keith Kitchens, Management Review Specialist, 1317
Winewood Blvd. Building 8, Tallahassee, FL 32399

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Margaret Taylor, 1317 Winewood
Blvd. Building 8, Tallahassee, FL 32399

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: September 1, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: February 4, 2000

FLORIDA HOUSING FINANCE CORPORATION

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Home Investment Partnership Program
(HOME) Home Construction Loan
Program (HOME) / Home Ownership
Developments

67-47

RULE TITLES: RULE NOS.:

Definitions 67-47.010

Notice of Funds Availability ("NOFA") 67-47.020

Match Contribution Requirement 67-47.030

Reallocation for Disaster Areas 67-47.035

Minimum Set-Aside of Funds for Community

Housing Development Organizations
(CHDO's) 67-47.040

Income Targeting 67-47.050

Eligible Activities 67-47.060

Eligible Applicant's Responsibilities 67-47.070

Eligible and Ineligible Development Costs 67-47.080

General Program Restrictions 67-47.090

Application and Selection Procedures 67-47.100

Administrative Appeal Procedures	67-47.110
Sale or Transfer of a HOME Development	67-47.115
Terms and Conditions of Loans Made to Housing Providers	67-47.120
Terms and Conditions of HOME Permanent Loans Made to Eligible Home Buyers or Home Owners	67-47.130
Credit Underwriting Procedures and Loan Origination	67-47.140
Disbursement of Funds	67-47.150
Fees	67-47.160
Compliance Procedures	67-47.170

PURPOSE AND EFFECT: The purpose of Rule Chapter 67-47, Florida Administrative Code (F.A.C.), is to establish the procedures by which the Florida Housing Finance Corporation shall administer the application process, to allow (HOME) Home Ownership funds to be used for acquisition with new construction and existing home owner rehabilitation of single family housing for low income home buyers.

SUMMARY: Prior to the opening of an Application Cycle, the Corporation (1) researches the market need for affordable housing throughout the state of Florida and (2) evaluates prior application cycles to determine what changes or additions should be made to the Rule or Application. The proposed amendments to the Rule and adopted reference material include changes relative to the development of the 2000 application and program requirements and for the development of a lease purchase option for the HOME Home Ownership Program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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: 420.507(12),(14) FS.

LAW IMPLEMENTED: 420.5089(2) FS.

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

TIME AND DATE: 2:00 p.m., October 27, 2000

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, 6th Floor Seltzer Room, Tallahassee, Florida 32301-1329

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Beverly B. Cliett, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329, (850)488-4197

THE FULL TEXT OF THE PROPOSED RULES IS:

67-47.010 Definitions.

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

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

(3) "Annual Household Income" means the gross income of all persons who permanently reside or intend to permanently reside in a unit. The annual income is determined from gross amount of wages, income from assets, regular cash or non-cash contribution, and any other resources and benefits determined to be income by regulations promulgated by the United States Department of Housing and Urban Development as outlined at 24 CFR 92.203.

(4) "Applicant" or "Eligible Applicant" means

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

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

2. For U.S. Department of Agriculture: Rural Development Mutual Self-Help (Section 523) Developments only, in lieu of having a ~~firm~~ loan commitment from a Lender, Applicant must provide a copy of the executed grant agreement with Rural Development stating the following: (a) term and period of the agreement with Applicant; (b) amount of Section 502 Direct Loan funds or other first mortgage financing available; (c) the number of households ~~Home Buyer/units~~ that will be assisted; and, (d) the average amount of assistance per households ~~Home Buyer/unit~~.

3. For existing Home Owner rehabilitation units, an eligible Applicant is a Local Government, Regional Planning Council, Public Housing Authority, or qualified CHDO. The Applicant must be a legally-formed, existing entity at the time of Application. Documentation evidencing the same shall be required as part of the Application as set forth in Rule 67-47.100, F.A.C.

(b) For the Single Family Mortgage Revenue Bond Program, an eligible Applicant is a Low-Income, first-time Home Buyer who receives a Corporation SF Mortgage Revenue Bond loan through a participating lender.

(5) "Application" means the completed forms from the Application Package together with exhibits submitted to the Corporation in accordance with Rule Chapter 67-47, F.A.C., in order to apply for HOME Loan funds through the Competitive Application Cycle.

(6) "Application Deadline" or "Deadline" means 5:00 p.m., E.S.T., on the final day of the Application Period.

(7) "Application Package" or "HOME Home Ownership Construction Loan Application Package" or "Form 2000 HOCLP 99HHOAP (October 1999)" means the forms, tabs and instructions thereto, obtained from Florida Housing Finance the Corporation at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, which shall be completed and submitted to the Corporation in accordance with Rule Chapters 67-47, F.A.C., in order to apply for HOME Loan funds ~~through the Competitive Application Cycle.~~

(8) "Application Period" or "Application Cycle" means a period of not less than 60 days in which an Application Packet can be submitted to the Corporation for the HOME Home Ownership Competitive Application Cycle.

(9) "Board of Directors" or the "Board" means the Board of Directors of the Corporation.

(10) "Commitment" or "Reservation" means, ~~in regards to the Competitive Application Cycle~~, a written, legally binding agreement between the Applicant and the Corporation in which the Corporation agrees to provide a HOME Construction Loan or Home Owner Rehabilitation Loan for an eligible Home Ownership Development as defined in Rule Chapter 67-47, F.A.C., and 24 CFR Part 92 ~~(1996)~~.

(11) "Community Housing Development Organizations" (CHDOS) means a private Non-profit organizations that is are organized pursuant to the definition in 24 CFR Section 92.2 ~~(1996)~~ and certified as such by the Corporation. For new construction units, a CHDOS must partner with a Lender to be an eligible Applicant, however a CHDO may be the Applicant for existing home owner rehabilitation.

(12) "Consolidated Plan" means the plan prepared in accordance with HUD Rule 24 CFR Part 91 ~~(1996)~~ which describes the needs, resources, priorities, and proposed activities to be undertaken with respect to certain HUD programs, including the HOME Program.

(13) "Construction Loan" or "Loan" or "Home Ownership Construction Loan" means a FHFC State of Florida HOME Investment Partnerships Program Loan made to an eligible Applicant to assist in financing eligible Home Ownership development costs, or to assist in the rehabilitation of existing Owner occupied units. The HOME Construction Loan shall not exceed 33 percent of the total development cost or the Maximum HOME Allocation, whichever is less. All for-profit

~~Applicants will receive a three percent per annum interest rate Construction Loan and all Non-profit Applicants will receive a zero percent interest rate Construction Loan.~~

(14) "Contact Person" means the person with decision-making authority with whom the Corporation will correspond concerning the Application and the ~~HOME Ownership Development.~~

(15) "Contractor" means a duly licensed person or entity in the State of Florida who provides services in accordance with Florida Statutes 489.105(3)(a), (b) and (c).

(16) "Corporation" or "FHFC" or "Florida Housing" means the Florida Housing Finance Corporation.

(17) "Credit Underwriter" means the legal representative under contract with the Corporation having the responsibility for providing the stated credit underwriting services. Such services shall include, for example, reviewing the financial feasibility and viability of Developments and proposing to the Corporation the amount of a HOME Loan needed, if any.

(18) "Draw" means the disbursement of HOME Construction Loan funds or Home Owner Rehabilitation Loan funds to an eligible Applicant.

(19) "Eligible Locality" means those counties and cities identified within Form 1 of the Application Package as jurisdictions which do not receive an allocation of HOME funds directly from HUD.

(20) "Entitlement Area" means counties and cities which have been designated to receive an allocation of HOME funds directly from HUD and is considered a Participating Jurisdiction.

(21) "First Mortgage" means the recorded mortgage to which Home Ownership Construction Loans, Permanent Loans or HOME Second Mortgage Loans are subordinated and which is superior in interest to any other lien on the property. For the SF Bond Program, the First Mortgage must be purchased by the trustee on behalf of the Corporation.

(22) "HOME" or "HOME Program" means the HOME Investment Partnerships Program pursuant to HUD Regulations, 24 CFR Part 92 ~~(1996)~~.

(23) "Home Buyer" or "Home Owner" or "Eligible Borrower" means a person or persons or family or families:

(a) Whose total annual household income at the time of closing ~~or, if lease purchase, at the time the lease is signed~~ does not exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for household size; ~~and~~

(b) Who intend to principally and permanently reside in the HOME-assisted unit;

(24) "HOME Home Ownership Competitive Application Cycle" or "Competitive Application Cycle" means the period in which the Corporation administers a loan program where Applicants may submit an Application to be awarded an

allocation of funds to construct new housing produce or rehabilitate existing housing for eligible Home Buyers or Home Owners.

(25) "Home Ownership" or "Home Ownership Unit" or "Ownership Housing" means ownership in a residential unit which is taxed as real property under the laws of the State of Florida and is located within the state, including a one to four unit dwelling or a condominium unit, a residential manufactured building (also known as a modular home) which bears the Department of Community Affairs' Insignia signifying that the building complies with Chapter 553, Florida Statutes and Section 420.9071(9), Florida Statutes, or an equivalent form of ownership approved by HUD, Federal National Mortgage Association Association (Fannie Mae), Government National Mortgage Association (GNMA), Veterans Affairs (VA), Federal Housing Administration (FHA), United States Department of Agriculture Rural Development (RD) or Federal Home Loan Mortgage Corporation Association (FHLMC). The ownership interest may be subject only to the restrictions or recapture provisions described and required under 24 CFR Section 92.254 (a)(5)(ii)(A)(1) ~~(1996)~~ of the HUD Regulations and in the HOME note and mortgage documents to be provided by the Corporation and in the Application Package.

(26) "Home Ownership Development" or "Development" or "Eligible Development" means:

(a) For the Competitive Application Cycle, a property or properties which an Applicant has submitted an Application for or has received HOME Loan funds to construct or rehabilitate a minimum of four (4) Home Ownership Units for eligible Home Buyers or Home Owners. ~~Eligible activities for such Developments are acquisition with new construction, acquisition with moderate rehabilitation, and existing Home Owner rehabilitation.~~ Home Ownership Development includes all the real estate activities associated with the site and improvements, and is designated and intended for the primary purpose of providing decent, safe, sanitary and affordable residential housing for eligible home buyers/owners. Eligible activities are new construction and rehabilitation of existing owner occupied units as further defined at Rule Chapter 67-47.060.

(b) For the SF MRB Program, a single family attached or detached residence financed by qualified mortgage loans according to Rule Chapter 67-25.002(14), F.A.C.

(27) "HUD Regulations" or "HUD" means the regulations of the U.S. Department of Housing and Urban Development in 24 CFR Part 92 ~~(1996)~~ issued under the authority of Title II of the National Affordable Housing Act of 1990 (Public Law 101-625, November 28, 1990).

(28) ~~"Lease purchase" means funds used to assist prospective Home Buyers through a lease purchase program. Units must be purchased by a prospective Home Buyer within 36 months of signing the lease purchase agreement. The Home~~

~~Buyer must qualify as Low Income at the time the lease purchase agreement is signed. If HOME funds are used to produce housing that will be sold to a Home Buyer through a lease purchase program, the HOME affordability requirements for rental housing in CFR Section 92.252 (1996) shall apply if the housing is not transferred to an eligible Home Buyer within 42 months after unit completion.~~

~~(28)(29)~~ "Lender" or "First Mortgage Lender" means, for purposes of permanent and construction financing, ~~means~~ a qualified Lender, group of qualified Lenders, or consortium of Lenders, or other financial institution or governmental corporation, authorized to transact business in the State, who is committed to underwrite the Home Ownership Development and has demonstrated the capacity ~~has unrestricted assets or capital resources in excess of the amount committed~~ to provide first mortgage financing, construction financing, end loan or construction and permanent financing for Eligible Borrowers who are purchasers of Home Ownership Units in the Development, pursuant to the provisions of 24 CFR Part 92 and Rule Chapter 67-47, F.A.C. Lenders must be qualified FHA, VA, RD, GNMA, Fannie Mae, or FHLMC originators ~~originators~~ and servicers. If a Lender is referenced as a Lender in other Applications in the funding cycle, the Lender must show a demonstrated capacity to commit the unrestricted assets or capital resources should be in excess of the aggregate amount committed to all Development Applications submitted.

~~(29)(30)~~ "Local Government" means county or municipal government, including incorporated cities, towns and villages located within the State of Florida, or any governing council of any Native American Tribe. For acquisition with and new construction ~~or acquisition and rehabilitation~~ Developments, the Local Government must have a loan commitment from a Lender to be an eligible Applicant, however, a Local Government may be the Applicant for an existing Home Owner rehabilitation Development.

~~(30)(31)~~ "Low-Income Households" means families or persons whose annual incomes do not exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for household size, except that HUD may establish income ceilings higher or lower than 80 percent of the median for the area on the basis of HUD findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low household incomes.

~~(31)(32)~~ "Match" means eligible forms of non-federal contributions to a Development pursuant to 24 CFR Section 92.220 ~~(1996)~~.

~~(32)(33)~~ "Maximum HOME Allocation" means, the maximum Construction Loan request and is calculated as 100 percent of the HOME-assisted units in the Development, multiplied by the maximum per-unit subsidy dollar limits pursuant to HUD Regulations under 24 CFR 92.250. For existing Home Owner rehabilitation, the maximum Second

Mortgage is limited to the lesser of \$25,000 or the HUD Maximum per-unit subsidy dollar limits. The maximum per-unit subsidy dollar limits vary by jurisdiction and the number of bedrooms per unit and will be the lesser of the Maximum HOME Allocation or the limits defined at 67-47.010(13) and 67-47.010(36)(37).

~~(33)(34)~~ "Maximum Purchase Price" means Ownership Housing that has an initial purchase price that does not exceed 95 percent of the median purchase price for the type of housing for the jurisdiction pursuant to HUD Regulations under 24 CFR Section 92.254(a)(2) ~~(1996)~~ and, has an estimated appraised value at acquisition or after any repair needed to meet property standards required by 24 CFR 92.251, that does not exceed the limit described above. Whenever HOME funds are used with other program funds, the most restrictive sales price limit must be used.

~~(34)(35)~~ "Moderate Rehabilitation" means the rehabilitation of an owner occupied residential property at an average cost for the Development of \$2,500 to \$25,000 of HOME funds per dwelling unit.

~~(35)(36)~~ "Non-profit" means a qualified Non-profit entity as defined in Section 24 CFR Section 92.505(b) ~~(1996)~~.

~~(36)(37)~~ "Permanent Loan" or "HOME Second Mortgage Loan" means:

(a) For new construction, a HOME Loan converted from a portion of the Construction Loan to a Second Mortgage Loan for an Eligible Home Buyer; as witnessed by a recorded mortgage securing the Construction Loan which can be evidenced by a consolidated note and mortgage and is subordinate only to the lien of the First Mortgage. Such Loans are zero percent non-amortizing loans and may be used only to assist with down payment and closing costs expenses.

(b) For existing Home Owner rehabilitation, a Second Mortgage Loan to an Eligible Home Owner for the rehabilitation of an existing owner occupied unit. Such loan shall be evidenced by a recorded note and mortgage and is subordinate only to the First Mortgage.

(c) Terms and conditions are further outlined in Rule Chapter 67-47.130, F.A.C. The Permanent Loan shall be limited as follows:

~~(a) For the HOME Home Ownership Competitive Application Cycle, the lesser of 25 percent of the purchase price of the Home Ownership Unit or the amount necessary to enable an eligible Home Buyer to purchase a Home Ownership Unit based on the monthly mortgage payment (principal, interest, taxes and insurance) to income underwriting ratio established by the financing program offered by the First Mortgage Lender. Further, the combined loan-to-value ratio of all loans in the transaction may not exceed 105% of the lesser of the post-construction or post-rehabilitation appraised value or the purchase price of the Home Ownership Unit. The~~

~~Corporation's Servicer will review all HOME Second Mortgage Loan requests to ensure that the request is the lesser of the Corporation's established limits.~~

~~(b) For HOME Loans with the Corporation's Single Family Mortgage Revenue Bond loans the maximum allocation is the least of the following: (1) twenty-five (25) percent of the lesser of the purchase price or the appraised value; (2) \$15,000; or (3) the amount needed to complete the transaction. The maximum combined loan-to-value when HOME Loans are used with the Corporation's Single Family Mortgage Revenue Bond loans is limited to 103% or as allowed in the applicable Mortgage Revenue Bond Program documents.~~

~~(37)(38)~~ "PLP" means the Predevelopment Loan Program established by Sections 420.521-420.529, Florida Statutes and Rule Chapter 67-38, F.A.C.

~~(38)(39)~~ "Review Committee" means for the Competitive Application Cycle a committee of at least five persons who will organize and evaluate the scoring of the Applications. The five members will be staff of the Corporation and appointed by the Corporation's Executive Director. Meetings of the Review Committee shall be at the call of the Review Committee Chairperson who shall also be designated by the Corporation's Executive Director.

~~(39)(40)~~ "Servicer" means the legal representative under contract with the Corporation having the responsibility for providing the stated services. Such services shall include, but not be limited to, home buyer eligibility, compliance monitoring, annual household occupancy verifications, Federal Labor Standards monitoring.

~~(40)(41)~~ "Single-Family Mortgage Revenue Bond Program" or "SF Mortgage Revenue Bonds" or "SF MRB" means the bonds or notes of the Corporation issued to finance qualified mortgage loans in accordance with Rule Chapter 67-25, F.A.C. Participating lenders under the FHFC's Single-Family Mortgage Revenue Bond Program are eligible to make application to the State of Florida HOME Program for a reservation of HOME Second Mortgage Loan funds, when such funds are offered with FHFC's SF MRB issues. HOME Second Mortgage loans are subordinate to SF MRB loans and are subject to the limits described in Rule 67-47.130(4)(c) ~~67-47.010(36)(b)~~, F.A.C.

~~(41)(42)~~ "State" means the State of Florida.

~~(42)~~ "Very Low-Income Households" means families or persons whose annual incomes do not exceed 50 percent of the median income for the area, as determined by HUD, with adjustments for household size, except that HUD may establish income ceilings higher or lower than 50 percent of the median for the area on the basis of HUD findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low household incomes.

Specific Authority 420.507(12), (14) FS. Law Implemented 420.5089(2) FS. History—New 8-7-95, Amended 11-28-96, 10-5-97, Formerly 9I-47.010, Amended 10-20-98,_____.

67-47.020 Notice of Funds Availability ("NOFA").

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

(2) The NOFA shall set forth the allocation authority available, the Application Deadline for the Competitive Application Cycle for eligible activities and fees enumerated in Rules 67-47.060, ~~and~~ 67-47.070, F.A.C., ~~and fees~~.

(3) The Corporation will give funding priority to Applications for proposed Developments located in Eligible Localities. Funds will be distributed in the following order:

(a) Funds will be allocated to qualified CHDO's located in Eligible Localities, in order of ranking, until the available set-aside funds have been allocated. If unable to allocate funds to the Eligible Localities CHDO set-aside, the Corporation will next allocate to qualified CHDO Applicants any additional funds necessary to reach the required CHDO set-aside amount in order of ranking regardless of location. In order to apply under the CHDO set-aside, the CHDO must have 51 percent ownership interest in the Development or 51 percent ownership interest in the General Partner entity, if a partnership, and must provide a CHDO certification as outlined in Form 1 of the Application Package.

(b) Following the CHDO set-aside funding requirement, Non-Profit Applications that satisfy the threshold score, will receive funding up to the amount of funds available. Funds will be allocated first to eligible localities, then to other in order of ranking.

(c)(b) Once the CHDO and Non-Profit set-asides ~~have~~ been met, Applications for proposed Developments located in Eligible Localities, that satisfy the threshold score, will receive priority funding up to the amount of funds available.

(d)(e) Upon meeting the CHDO set-aside, funding Applications under the Non-profit set-aside, and funding Applications for proposed Developments located in Eligible Localities, Applications that satisfy threshold score and have previously received financing through the Corporation's Predevelopment Loan Program (PLP), shall receive priority. Any remaining funds will be made available to Applications ~~for proposed Developments~~, that satisfy threshold score, regardless of location.

(4) After the selection of Applicants is made pursuant to Rule 67-47.100, F.A.C., ~~the availability of~~ any remaining funds will be made available for eligible activities as authorized by the Corporation's Board of Directors.

(5) In the Competitive Application Cycle, Applicants that have received a previous commitment of ~~State~~ HOME funds for a particular Home Ownership Development and have not drawn down 75 percent of the committed HOME allocation for said Development at the time of Application are ineligible to apply for additional HOME funds for ~~that this~~ Development, but may submit an Application for a completely new Development or for an additional phase of a previously funded Development as long as the prior phase or phases have draws in excess of or equal to 75 percent of the committed HOME allocation.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History—New 8-7-95, Amended 11-28-96, 10-5-97, Formerly 9I-47.020, Amended 10-20-98,_____.

67-47.030 Match Contribution Requirement.

(1) The Corporation is required by HUD to Match non-federal funds to the HOME allocation as specified in 24 CFR Part 92 ~~(1996)~~. In the HOME Home Ownership Application Cycle, one of the criteria for selecting Developments will be the Applicant's ability to obtain a ~~25 percent~~ non-federal local Match source pursuant to 24 CFR Section 92.218 ~~(1996)~~.

(2) The State of Florida has appropriated a Match Credit Fund to the Corporation; funds are to be used for demonstration, pilot Developments, or HOME look-a-like Developments selected and approved by the Corporation's Board of Directors. Such Developments or programs shall be counted toward the Corporation's required Match for HUD purposes and may be any eligible activity acceptable under HUD regulations and approved by the Corporation's Board of Directors.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History—New 8-7-95, Amended 11-28-96, 10-5-97, Formerly 9I-47.030, Amended 10-20-98,_____.

67-47.035 Reallocation for Disaster Areas.

In the event of a State or federally declared disaster, any allocation authority not preliminarily allocated, as well as any authority remaining after preliminary allocation, may be diverted to one or more ~~State or~~ federally declared disaster areas as selected by the Corporation's Board of Directors. Corporation HOME funds may be utilized in any form as acceptable to HUD and approved by the Corporation's Board of Directors. Further, in the case of HOME funds being allocated for a State or federally declared disaster, the Corporation will publish a Notice of ~~Funds Funding~~ Availability which will include information on the amount and targeting of funds, the instructions and time frame for making application, and fees.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History—New 11-28-96, Formally 91-47.035, Repromulgated 10-20-98, Amended _____.

67-47.040 Minimum Set-Aside of Funds for Community Housing Development Organizations (CHDO's).

~~Within For the first~~ 24 months after the HOME allocation is made available to the State of Florida, not less than 15 percent of the total annual allocation must be reserved for investment only in housing to be developed, sponsored, or owned by CHDO's. These funds shall be used for any eligible activities acceptable under HUD regulations and approved by the Corporation's Board of Directors, as described in Rule 67-47.060, F.A.C.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History—New 10-20-98, Amended _____.

67-47.050 Income Targeting ~~Home Ownership~~.

Pursuant to 24 CFR Part 92.217 ~~(1996)~~, the Corporation must invest HOME funds made available during a fiscal year. One hundred percent of HOME funds are to be invested in dwelling units that are occupied by households which qualify at or below Low-Income.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History—New 10-20-98, Amended _____.

67-47.060 Eligible Activities.

(1) HOME funds may be used for the following eligible activities:

~~(a) Home Ownership Developments under the following activities: acquisition with new construction; acquisition with moderate rehabilitation; and~~

~~(b) existing Home Owner rehabilitation of non-luxury housing with suitable amenities pursuant to 24 CFR Section 92.205 (1996).~~

(2) With the SF MRB Program, down payment and closing cost assistance for Eligible Properties as defined in Rule 67-25, F.A.C. are eligible activities. Eligible Applicants are defined in Rule 67-47.010(4)(b), F.A.C.

(3) Housing assisted with HOME funds must meet property standards pursuant to 24 CFR Section 92.251 ~~(1996)~~. All Home Ownership Developments must, at a minimum, meet all applicable State and local housing quality standards and code requirements. If there are no such standards or code requirements, the housing must meet the housing quality standards established in 24 CFR Part 982.401.

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

~~(a) The Developer has a credit and home ownership counseling program in place meets or surpasses the quality of services standards set forth in the HUD Handbook 7610.1 as revised.~~

~~(b) The prospective Home Buyer must qualify as Low-Income and be unable to qualify for a permanent first mortgage loan time at time of signing the lease-purchase agreement.~~

~~(c) The prospective Home Buyer agrees to participate in a credit and home ownership counseling program and to purchase the home the earlier of 36 months after signing the lease-purchase agreement or as soon as loan approval can be secured.~~

~~(d) The Developer has a process for managing properties during the lease period to include: collecting monthly rents; inspecting units; paying monthly debt service including taxes and insurance; maintaining an escrow account for security, damage and maintenance deposits.~~

~~(e) The Developer uses a lease-purchase agreement approved by the Corporation and its designated Servicer.~~

~~(f) Any lease-purchase unit that has not been purchased within 36 months of signing of a lease-purchase agreement becomes subject to the HOME affordability requirements for rental housing in CFR Section 92.252 (1996).~~

~~(g) The Developer must repay the HOME Construction Loan within five (5) years pursuant to 67-47.120(1), F.A.C.~~

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History—New 8-7-95, Amended 11-28-96, 10-5-97, Formerly 91-47.060, Amended 10-20-98, _____.

67-47.070 Eligible Applicant's Responsibilities.

(1) For Developments funded under the Competitive Application Cycle:

(a) Applicants and Lenders shall be responsible for the selection and income certification of individual eligible Low-Income Home Buyers.

(b) Applicants and Lenders shall be responsible for qualifying eligible Low-Income Home Buyers and closing ~~HOME~~ Permanent Loans on behalf of the Corporation and in accordance with 24 CFR Part 92 ~~(1996)~~ and Rule Chapter 67-47, F.A.C.

(c) Applicants are responsible for the construction of new units, acquisition with new construction and the rehabilitation of acquisition, moderate rehabilitation, existing owner-occupied Home Owner rehabilitation or new construction of units. All units must adhere to affordability requirements pursuant to 24 CFR Section 92.254 ~~(1996)~~ and the recapture provisions described in 24 CFR Section 92.254(5)(ii)(1) ~~(1996)~~ and the HOME note and mortgage documents to be provided by the Corporation.

(d) Applicants are responsible for the marketing of units in the Development and providing referrals of potential Low-Income Eligible Borrowers ~~Home Buyers~~ to the Lender.

(e) Applicants are responsible for meeting the pre-sale requirements established by the Lender.

(f) Applicants and ~~Lenders Sponsors~~ are responsible for providing the Corporation or the Corporation's Servicer with completed documentation of Home Buyer and Home Ownership requirements established by the Corporation and in accordance with 24 CFR Section 92.254 ~~(1996)~~ and the recordkeeping requirements described in 24 CFR Section 92.508 ~~(1996)~~.

(g) Applicants and Lenders shall ~~be asked to~~ assist the Corporation and the Corporation's Servicer with performing Draw inspections, collecting payments and defaults, foreclosing and performing monitoring and compliance of the HUD affordability requirements pursuant to 24 CFR Section 92.254 ~~(1996)~~.

(2) Applicants shall make Home Ownership Developments available to participating lenders that will make Single-Family Mortgage Revenue Bond first mortgage loans available to Eligible ~~eligible~~ Home Buyers.

(3) For units financed through the Single Family Mortgage Revenue Bond Program, the Lender is responsible for originating the HOME Home Ownership loan in accordance with guidelines provided through the applicable Single Family Mortgage Revenue Bond Program.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History--New 8-7-95, Amended 11-28-96, 10-5-97, Formerly 91-47.070, Amended 10-20-98,_____.

67-47.080 Eligible and Ineligible Development Costs.

(1) HOME funds may be used to pay for the following eligible costs as enumerated in 24 CFR Section 92.206 ~~(1996)~~:

(a) Development hard costs as they directly relate to the identified HOME-assisted units for:

~~1. acquisition with new construction, the costs necessary to meet local and State building codes and the Model Energy Code referred to in 24 CFR Part 92.251 (1996);~~

~~2. acquisition and rehabilitation, improvements to the Development site and utility connections; the costs necessary to meet local and state rehabilitation building codes and, at a minimum, the Section 8 Housing Quality Standards under 24 CFR Section 882.109;~~

~~(b) The cost of acquiring improved or unimproved real property. A Development and HOME loan that involves acquisition must include rehabilitation or new construction in order to be an eligible Development. Rehabilitation must be Moderate Rehabilitation as defined at Rule 67-47.010.~~

~~(b)(e)~~ Soft costs as they relate to the identified HOME-assisted units and as enumerated in 24 CFR Section 92.206(d) ~~(1996)~~. The costs must be reasonable and necessary, as determined by the Corporation and underwriter, and associated with the financing, development, or both. These costs may include:

1. architectural, engineering or related professional services required to prepare plans, drawings, specifications or work write-ups;

2. costs to process and close the HOME financing for a Development, such as credit reports, fees for evidence of title, recordation, building permits, attorney fees, cost certifications, and estimates;

3. developer fees and overhead as described in Form 3, Development Funding and Economic Viability, of the Home Ownership Application Package (15 % – limited to 5 percent of the Construction Loan amount for administrative overhead or 10 percent of the Construction Loan amount for developer fees);

4. impact fees;

5. costs of Development audits required by the Corporation or compliance monitoring agent; and

6. affirmative marketing and fair housing costs.

~~(c)(d)~~ Relocation costs as they relate to the identified HOME-assisted units and as enumerated in 24 CFR Section 92.206(f) ~~(1996)~~.

(2) HOME funds shall not be used to pay for ineligible costs in accordance with 24 CFR Section 92.214 (a) ~~(1996)~~ and the following ineligible costs:-

(a) Development reserve accounts for replacement, anticipated increases in operating costs, or operating subsidies, except as described in Rule 67-47.090, F.A.C.;

(b) Administrative costs; and,

(c) Developer fees on the acquisition portion of the Development cost.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History--New 8-7-95, Amended 11-28-96, 10-5-97, Formerly 91-47.080, Amended 10-20-98,_____.

67-47.090 General Program Development ~~Restrictions:~~ Affordability Requirements.

In order for a Home Ownership Development to qualify for HOME Loan funds, it shall, at a minimum, meet or comply with the following:

(1) The maximum per-unit subsidy amount of HOME funds that the Corporation may allocate on a per-unit basis in affordable housing may not exceed the per-unit dollar limits established pursuant to 24 CFR Section 92.250 ~~(1996)~~. HUD makes available a chart each calendar year indicating the maximum per unit subsidy by jurisdiction. Copies of the maximum per unit subsidy limits are available from the Corporation and included in the Application Package.

(2) The minimum amount of HOME funds that can be allocated on a per-unit basis for a Home Ownership Development is \$2,500.

(3) A Home Ownership unit qualifies as affordable housing if:

(a) The value or initial purchase price of the property after rehabilitation or construction does not exceed the Maximum Purchase Price as defined at Rule 67-47.010, F.A.C. or after

any repair needed to meet property standards required by 24 CFR Section 92.251 (1996), ~~that does not exceed the limit referenced above.~~

(b) The combined loan-to-value ratio may not exceed 105% of the after construction or after rehabilitation appraised value for purchase of the Home Ownership Unit, except when HOME funds are used with the SF MRB Program, where the combined loan-to-value of all assistance cannot exceed 103% of the lesser of the appraised value or the purchase price or as permitted in the applicable SF MRB issue documents.

(c) The eligible Home Buyer is a Low-Income household at the time of purchase who will occupy the acquired property as a principal residence.

(d) The purchase price of the property, after rehabilitation or construction, must not exceed the appraised value of the property.

(4) Any contract for the ~~rehabilitation or new construction~~ or existing Home Owner rehabilitation of affordable housing with 12 or more units assisted with HOME funds ~~made available under this program~~ must contain a provision requiring that not less than the wages prevailing in the locality, as predetermined by the U.S. Secretary of Labor pursuant to the Davis-Bacon Act (40 U.S.C. 276a-265-a-5), will be paid to all laborers and mechanics employed for the construction of the Development. Such contracts shall also be subject to the overtime provisions of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-332) and the Copeland Act (Anti-Kickback Act) (40 U.S.C. 276c).

(5) For Developments in the Competitive Application Cycle, the Development name provided in the Application may not be changed or altered after submission of the Application or during the history of the Development with the Corporation unless the change is mandated by local, State or federal governmental authorities and ~~or~~ is requested in writing and addressed to the Corporation Board of Directors for consideration and approval. Evidence of such mandate must be submitted to the Corporation within thirty calendar days of notification by local, State or federal authorities.

(6) All Home Ownership Developments and ~~or~~ Home Ownership Units must meet all applicable provisions of 24 CFR Part 92 ~~(1996)~~.

(7) The Applicant must comply with 24 CFR Part 14 et al. Fair Housing Amendments Act.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History—New 8-7-95, Amended 11-28-96, 10-5-97, Formerly 9I-47.090, Amended 10-20-98, _____.

67-47.100 Application and Selection Procedures ~~for Home Ownership Developments.~~

(1) The Corporation shall make HOME Permanent Loan funds in conjunction with Single Family Mortgage Revenue Bonds available to eligible Housing Providers in accordance with the Corporation's Single Family Mortgage Revenue Bond Program Documents and Rule Chapter 67-25, F.A.C.

(2) The Corporation shall make HOME Loan funds available to eligible Applicants on the basis of the competitive selection process established by Corporation rule and in accordance with the HOME Home Ownership Application Cycle. Funds shall be issued for Home Ownership Developments based upon the following criteria:

(a) Completion of the Application Package.

(b) The Application Package, as defined at 67-47.010(7), F.A.C., incorporates information ~~for the HOME Programs~~ to assist ~~these~~ Applicants applying for the HOME Program funds. The Corporation hereby adopts by reference the Application Package ~~that which~~ provides Rule Chapter 67-47, F.A.C. (HOME HO), forms, tabs, threshold requirements, instructions, and other information necessary for submission of an Application ~~under this Program.~~

(c) Application Packages may be obtained from the Florida Housing Finance Corporation, Attention: HOME Home Ownership Program Manager, City Centre Building, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

(d) All Applications must be complete, accurate, legible and timely when submitted. All Applications shall be received by the Application Deadline as referenced in the NOFA. ~~No~~ ~~Neither any Application or nor~~ any additional or replacement items will be accepted via ~~by~~ facsimile machine or via the internet. Once the Application has been received by the Corporation, no additions, deletions, or changes will be accepted. Corporation staff 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.

(e) All Applications must be submitted on the forms provided in the Application Package. Each Application, original and copies shall be securely bound, in a three ring binder and have numbered index tabs for each form and exhibit with the materials provided in the Application Package. Failure to comply with this provision will result in rejection of the Application. Because some forms are scored independently, exhibits ~~Exhibits~~ must be placed directly behind each form to which they refer. Failure to submit an Application completed in strict accordance with the Application instructions will result in either rejection or a reduction of points awarded.

(f) An original and two identical photocopies of the Application must be submitted. 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 for forms requiring an original signature and will cause rejection of the Application. All documentation must be included in each of the three submitted applications.

(g) An Application fee shall accompany each Application in accordance with Rule 67-47.160, F.A.C.

(h) If an Applicant, an Affiliate, or a member of the development team, or partner of a limited investment partnership has been found to have engaged in fraudulent actions or has deliberately misrepresented information in the present Application or in any previous application(s) for financing or housing credits, the Applicant and all of Applicant's Affiliates will be deemed ineligible to apply for any financing or housing credits until two years after the date the Corporation's Board of Directors determines that the fraud or misrepresentation occurred.

(3) The Corporation shall reject an Application if:

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

(b) The Development is inconsistent with the purposes of the HOME Program or does not conform to the Application requirements specified in this Rule Chapter;

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

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

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

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

(4) If an Applicant or any principal or Affiliate of an Applicant or a Developer has any existing Developments that remain in non-compliance with the HUD Regulations, Florida Administrative Code, this Rule Chapter, any Corporation Programs, the ~~HOME~~ Land Use Restriction Agreement or the ~~HOME~~ Loan Agreement after 12 months from the date of the notification by the Servicer or the Corporation, the Applicant and the Affiliates of the Applicant and Developer are prohibited from participating in the HOME Program for a period of one year and until such time as all of their existing Developments are in compliance.

(5) 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., E.S.T. Tallahassee time, on the final day of the Application Period. All Applications delivered by hand must be stamped by Corporation staff.

(6) The Review Committee may use other Corporation staff, staff from the Department of Community Affairs or professional consultants to assist in reviewing certain portions of the Application.

(7) The contents of each HOME Application Package shall be evaluated by the Review Committee and its designees using the factors specified in this Rule Chapter and Application Package incorporated by reference.

(8) The Review Committee shall recommend the preliminary scoring and ranking of each Application. The Corporation's Board of Directors shall approve or reject Applications for HOME Loans and shall determine the tentative loan reservation amount available to each Applicant selected for participation in the Program. The actual loan amount will be determined pursuant to Rules 67-47.140 and 67-47.150, F.A.C.

(9) Upon approval by the Corporation's Board of Directors, Application preliminary scores and rankings shall be transmitted to all Applicants. After the administrative appeal procedures have been completed as outlined in Rule 67-47.110, F.A.C. the Corporation shall transmit final scores and rankings to all Applicants.

(10) Based upon funds availability, the Corporation shall issue a preliminary Loan Commitment to the Applicants in each set-aside category with the highest percentage of achievable points. When an Applicant's preliminary Loan amount exceeds the remaining funds available, the Corporation shall offer the Applicant a preliminary Loan amount equal to the remaining funds. Rejection of such an offer or any returned funds from Applicants' awarded funding will cause the Corporation to make the offer to the next highest ranked Applicant within the category of that cycle. This process shall be followed until all funds are committed. The Loan amount will be determined pursuant to Rules Chapters 67-47.140 and 67-47.150, F.A.C. After all applications meeting threshold are invited to credit underwriting, any remaining funds shall be transferred to the SF MRB program for purchase assisted loans.

~~(11)(10)~~ At no time during the application, scoring and appeal process may Applicants or Housing Providers contact Board members concerning their own Development or any other Applicant's Development.

~~(12)(11)~~ Funds made available under this program shall be used for eligible activities enumerated in 24 CFR Part 92 ~~(1996)~~ and Rules 67-47.060, 67-47.070, and 67-47.080, F.A.C., herein.

~~(13)(12)~~ Pending the availability of HOME funds and offering such funds to be used with a FHFC's Single Family Mortgage Revenue Bond (SF MRB) Issue, the Corporation shall make HOME Second Mortgage Loan funds available to Lenders ~~lenders~~ participating under the FHFC's Single-Family Mortgage Revenue Bond (SF MRB) Program on a first-come, first-served basis.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History--New 8-7-95, Amended 11-28-96, 10-5-97, Formerly 9I-47.100, Amended 10-20-98,_____.

67-47.110 Administrative Appeal Procedures.

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

(2) If the petition concerns the scoring of an Application, the petitioner must shall identify the forms on which scoring is contested and must shall specify the errors claimed.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History—New 8-7-95, Amended 11-28-96, 10-5-97, Formerly 9I-47.110, Amended 10-20-98,_____.

67-47.115 Sale or Transfer of a HOME Development.

(1) The HOME loan shall be assumable upon Development sale, transfer or refinancing if the following conditions are met:

(a) The proposed transferee meets all specific Sponsor identity criteria which were required as conditions of the original loan;

(b) The proposed transferee agrees to maintain all set-asides and other requirements of the HOME loan for the period originally specified; and

(c) The proposed transferee and Application receives a favorable recommendation from the Credit Underwriter and approval by the Corporation's Board of Directors.

(2) If the Development is sold and the proposed transferee does not meet the criteria for assumption of the loan, the HOME loan shall be repaid from the proceeds of the sale. If there will be insufficient funds available from the proposed sale of the Development, the HOME loan shall not be satisfied until the Corporation has received:

(a) An appraisal prepared by an appraiser selected by the Corporation indicating that the purchase price for the Development is reasonable and consistent with existing market conditions;

(b) A certification from the Developer that the purchase price reported is the actual price paid for the Development and that no other consideration passed between the parties and that the income reported to the Corporation during the term of the loan was true and accurate; and

(c) A certification from the Developer that there are no Development funds available to repay the loan and the Developer knows of no source from which funds could or would be forthcoming to pay the loan.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(7), (8), (9) FS. History—New _____.

67-47.120 Terms and Conditions of Loans Made to Housing Providers.

All Home Ownership Development Loans shall be in compliance with the Act and the HUD Regulations and at a minimum contain the following terms and conditions.

(1) Housing Providers will be provided with a Construction Loan that shall be for a period of 5 years for Home Ownership Developments. The HOME Construction Loan is to be fully repaid at maturity (5 years) or prorated at time of the sale of each Home Ownership unit, if a sale occurs prior to maturity of the Loan loan.

(a) For acquisition with new construction, the Loan shall not exceed 33 percent of the total development cost, appraisal, or the Maximum HOME Allocation, whichever is less.

(b) For existing Home Owner rehabilitation, the maximum HOME Second Mortgage Loan is limited to the lesser of \$25,000 per unit or the HUD Maximum per-unit subsidy dollar limits.

(2) The annual interest rate will be determined by the following:

(a) All for-profit Applicants will receive a three percent per annum interest rate Construction Loan.

(b) All Non-profit Applicants will receive a zero percent interest rate Construction Loan. After closing, should a Non-profit sell any portion of the Development Ownership to a for-profit, the Loan interest rate ratio will be adjusted to conform with the new percentage of ownership.

(c) All Applicants consisting of a Non-profit and for-profit partnership will receive a zero percent interest rate Loan on the portion of the Loan amount equal to the Non-profit's interest in the entity and profits. A three percent interest rate shall be charged on the portion of the Loan amount equal to the for-profit's interest in the entity and profits. After closing of the Construction Loan, should a Non-profit sell any portion of its ownership interest to a for-profit, the Loan interest rate ratio will be adjusted to conform with the new percentage of ownership.

(3) The Loan shall be non-amortizing. Interest payments on the mortgage shall be paid to the Servicer annually on the date specified in the Note.

(4) The maximum construction period shall be for a period of three (3) years. The construction period shall begin upon the date Applicant closes the HOME 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 if extraordinary circumstances exist and if such extension would not jeopardize the Corporation's security interest. The Applicant must submit the following: (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 alternative financing plan in the event the original financing source withdraws.

(5) The accumulation of all Development financing, including the HOME Loan and all existing debt payable with respect to the Development, may not exceed the total development cost, as determined and certified by the Underwriter/Servicer.

(6) HOME Construction Loan funds may be used to construct one (1) speculative unit for up to ten (10) units in the Development, up to two (2) speculative units for ten (10) to twenty (20) units in the Development and a maximum of up to three (3) speculative units for a Development with over twenty (20) units at any period of time ~~for any one Home Ownership Development. Any housing assisted with a HOME Loan must be occupied by a Low Income household during the affordability period regardless of whether the Construction Loan is repaid or not.~~

(7) A portion of the ~~HOME~~ Construction Loan can be assumed by an eligible Home Buyer, as a Permanent Loan, if necessary to make payments affordable.

(8) Any remainder of the Construction Loan that is not converted or assumed by an Eligible Borrower must be repaid to Florida Housing ~~the HOME Investment Partnerships Trust Fund~~ when the Construction Loan matures.

(9) Before disbursing any HOME funds, there must be a written agreement with the Applicant ensuring compliance with the requirements of the HOME Program pursuant to this Rule Chapter and 24 CFR Part 92 ~~(1996)~~.

(10) The Corporation shall require adequate hazard or builders risk insurance to be maintained for the Home Ownership Development that shall be sufficient to meet the standards established by the First Mortgage Lender and acceptable to the Corporation and its Underwriter/Servicer.

(11) The unpaid portion of the Construction Loan (the principal unpaid balance plus accrued interest) shall be due and payable upon the sale or transfer of the secured property.

(12) The HOME Construction Loan will be accelerated in the event of monetary default, for failure to provide benefits in the form of a Permanent Loan to an eligible Home Buyer, or for violation of any other restriction placed upon the Loan.

(13) All HOME Loans must provide that any violation of the terms and conditions described in the Rule Chapter 67-47, F.A.C. or 24 CFR Part 92 ~~(1996)~~ constitute default under the loan documents allowing the Corporation to accelerate its loan and seek foreclosure as well as any other remedies legally available to it.

(14) If default on a HOME Loan occurs, and the Corporation determines it necessary, the Corporation will foreclose on any mortgage or security interest or commence any legal action to protect the interest of the Corporation and recover the amount of the unpaid principal, accrued interest, and fees. The Corporation shall acquire real and personal property or any interest therein if that acquisition is necessary to protect any loan; sell, transfer, and convey any such property

to a buyer; and, if that sale, transfer, or conveyance cannot be effected within one year from the date of default, the Corporation may lease or sell such property to eligible persons.

(15) The Corporation or its Servicer shall monitor the compliance of each Home Ownership Development with all terms and conditions of the HOME Loan and shall require that such terms and conditions be recorded in the public records of the county where the Home Ownership Development is located. Violation of any term or condition shall constitute a default during the term of the Loan and shall cause the Corporation to take legal action to remedy such violation(s).

(16) Any housing assisted with a Construction Loan must be occupied by a Low- to Moderate Income household during the affordability period regardless of whether the Construction Loan is repaid or not.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History--New 10-20-98, Amended.

67-47.130 Terms and Conditions of HOME Permanent Loans Made to Eligible Home Buyers or Home Owners.

If an Eligible Home Buyer assumes a Permanent Loan to make monthly mortgage payments affordable, the Buyer shall adhere to the following terms and conditions:

(1) The HOME Permanent Loan shall have a zero percent interest rate and be non-amortizing with principal deferment until maturity.

(2) Principal payments on the HOME Permanent Loan shall be deferred until the first to occur of the following events causing the loan to mature: (a) borrower sells, transfers or disposes of the property or home either voluntarily or involuntarily; (b) the borrower fails to or ceases to occupy the home as a principal residence; or (c) the borrower, or if the borrower is married, the survivor of the borrower or the borrower's spouse, dies.

(3) Upon the HOME Permanent Loan maturing in accordance with Rule 67-47.130(2), F.A.C., the loan shall be immediately repaid to Florida Housing ~~the State's HOME Investment Partnerships Trust Fund~~.

(4) The HOME-Second Mortgage or Permanent Loan shall be limited as follows:

(a) For Developments funded in the Competitive Application Cycle, for new construction, the lesser of 25 percent of the purchase price, for households with incomes up to 80 percent of the area median income, with adjustments for household size, or the amount necessary to enable an eligible Home Buyer to purchase a Home Ownership Unit based on the monthly mortgage payment (principal, interest, taxes and insurance) to income underwriting ratio established by the financing program offered by the First Mortgage Lender.

(b) For existing Home Owner rehabilitation, the maximum Second Mortgage Loan request is \$25,000; the minimum Second Mortgage loan request is \$5,000.

(c) For Units funded with the SF MRB Program, the Home Loan shall be limited to the lesser of the following: (1) twenty-five (25) percent of the lesser of the purchase price or the appraised value; (2) \$15,000; or (3) the amount needed to complete the transaction. The maximum combined loan-to-value when HOME Permanent Loans are used with SF MRB loans is limited to 103% or as allowed in the applicable SF MRB Program documents as set forth at 67-47.010(36)(b).

(5) The combined loan-to-value ratio may not exceed:

(a) For Developments funded in the Competitive Application Cycle, 105% of the after construction or after rehabilitation appraised value for purchase of the Home Ownership Unit;

(b) For SF MRB Units, 103% of the lesser of the Appraised value or Purchase price or as specified in the applicable SF MRB issue documents.

(6) The First Mortgage to the eligible Home Buyer must be a thirty (30) year fixed rate mortgage loan with no balloon clauses and must be a rate not to exceed the Fannie Mae thirty (30) year mortgage commitment for delivery within sixty (60) days plus two (2) percentage points, as published in the Wall Street Journal, all closing costs associated with the first mortgage loan must consist of reasonable and customary costs.

(7)(6) Before disbursing any HOME funds, there must be a written Home Buyer/Owner Agreement with the individual Home Buyer or Home Owner ensuring compliance with the requirements of the HOME-Program pursuant to this Chapter and 24 CFR Part 92 (1996). The written Home Buyer/Owner Agreement document is provided by the Corporation and included as an appendix in the Application Package, or in the SF MRB Lender's Guide, as applicable.

(8)(7) The Home Buyer or Home Owner must maintain replacement cost hazard insurance naming the Corporation as an additional insured.

(9)(8) A mortgagee policy of title insurance in the amount of the HOME Second Mortgage or Permanent Loan naming the Corporation as an additional insured shall be provided as a part of each Second Mortgage or Permanent Loan transaction.

(10)(9) Loans shall ~~will~~ be serviced by the Corporation or its designated Servicer.

(11)(10) Loans shall be evidenced by a properly executed note and shall be secured by a properly executed and recorded mortgage provided by the Corporation and included as an appendix in the Application Package, or in the SF MRB Lender's Guide, as applicable.

(12)(11) Prepayment of loans is permitted without penalty.

(13)(12) Loans are not assumable.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History—New 8-7-95, Amended 11-28-96, 10-5-97, Formerly 9I-47.130, Amended 10-20-98,_____.

67-47.140 Credit Underwriting Procedures and Loan Origination.

~~(1) After the administrative appeal procedures for the HOME Home Ownership Competitive Application Cycle have been completed, the Corporation shall assign a tentative HOME Loan amount to the Applicants in each set-aside category with the highest point totals on their Applications for funding, up to the amounts available in accordance with Rule 67-47.020, F.A.C.~~

~~(2) Based upon funds availability, the Corporation shall issue a preliminary Commitment notifying each Applicant of selection for participation in the HOME Investment Partnerships Program in the order of each Applicant's ranking. When an Applicant's tentative HOME Loan amount exceeds the remaining funds available, the Corporation shall offer the Applicant a tentative HOME Loan amount equal to the remaining funds. Rejection of such an offer will cause the Corporation to make the offer to the next highest ranked Applicant within the category. This process shall be followed until all funds are committed.~~

~~(1)(3) For the HOME Loan Program, the Corporation shall select the Credit Underwriter for each Development and shall bear the cost of the underwriting review. Selection for HOME Investment Partnerships Program participation is contingent upon funding availability after the administrative appeals process and the Credit Underwriter's determination of final Loan amount.~~

~~(2)(4) Following the administrative appeals process, the Corporation shall issue a preliminary commitment letter to Applicants whose Developments were awarded final scores and rankings which placed them into the funding range.~~

~~(3) For Developments which include new construction as activity.~~

~~(a) The preliminary Commitment letter shall be subject to a positive recommendation by the Credit Underwriter, approval by the Corporation's Board of Directors, and a certification by the Corporation of the HUD Environmental Review pursuant to 24 CFR Section 92.352 (1994).~~

~~(b) The preliminary Commitment letter shall require that the Applicant submit the information detailed in the HOME Ownership Application Package C Submission for Credit Underwriting and Requirements for Loan Closing, (excluding the appraisal and environmental study), to the Credit Underwriter and to the Corporation's staff, within fifty (50) days of notification of preliminary Commitment. ~~The Corporation shall select the Credit Underwriter for each Development.~~~~

(c) The Credit Underwriter shall review the Application Package Information, including information relative to the sponsor, lender, credit enhancer and subject property. The Credit Underwriter shall complete the credit underwriting and make a written draft report and recommendation to the Corporation and Applicant within thirty (30) days from the

date the Applicant is required to submit information to the Credit Underwriter. The Applicant shall review the draft credit underwriting report and provide written comments to the Corporation and the Credit Underwriter within 72 hours of receipt. After the 72 hour review period, the Corporation shall provide comments to the Credit Underwriter. The Credit Underwriter shall then review and incorporate the Corporation's and the Applicant's comments thereto and release a revised credit underwriting report to the Corporation and the Applicant. Any additional comments from the Applicant shall be reviewed by the Corporation and the Credit Underwriter within 72 hours of receipt of the revised credit underwriting report. Then, the Credit Underwriter will provide to the Corporation a final credit underwriting report which will address all comments made by the Applicant. ~~The Corporation shall bear the cost of the underwriting review under contract with the underwriter.~~

(d) The Credit Underwriter shall review the appraisal submitted on the subject property. A review or new appraisal shall be required if the appraisal submitted is not methodologically sound or does not, in the Corporation's or underwriter's opinion, provide accurate or adequate information necessary for the underwriter to properly evaluate the loan request.

(e) 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.

(f) The Applicant will bear the cost of all documentation submitted to the underwriter for review (i.e., appraisal, credit report, environmental study, etc.).

(g) If audited financial statements are unavailable from the Applicant or Affiliates, the Credit Underwriter shall request and Applicant and its Affiliates shall provide federal tax returns for the past two years.

(h) The Corporation's Board of Directors shall review the underwriter's recommendation and when approved, the Corporation shall issue a firm Commitment to the Applicant within thirty (30) days of the Credit Underwriter's recommendation to the Corporation.

(i) The firm commitment shall be valid for ninety (90) days.

(j) Other sources of funds and the HOME Construction Loan ~~or the HOME Rehabilitation Loan~~ must close within 90 days of the date of the Corporation's firm Commitment.

(k) Any contract for the rehabilitation or construction of twelve or more HOME-assisted units, in accordance with Federal Labor Standards as enumerated in Rule 67-47.090(4), F.A.C. and 24 CFR Section 92.354 ~~(1996)~~, the Applicant must certify and agree to comply with the regulations and guidelines of Federal Labor Standard.

(l) If the Development must go through reunderwriting, due to changes made by the Applicant, the Applicant must bear the cost of the additional credit underwriting.

(4) For Developments, which include Existing Home Owner rehabilitation as an activity, the preliminary Commitment and subsequent issuance of a firm Commitment letter shall be subject to the following:

(a) A positive recommendation from the Corporation's Board of Directors; A certification by the Corporation of an acceptable HUD Environmental review pursuant to 24 CFR Section 92.352;

(b) The provision of current work write-ups, cost estimates and Housing Quality Standards (HQS) Inspections to the Corporation and/or the Servicer no later than forty-five (45) days of issuance of the preliminary Commitment letter;

(c) A certification and agreement to comply with Federal Labor Standards as outlined in Rule 67-47.090(4), F.A.C and 24 CFR 92.354;

(d) A provision that fifty (50) percent of the units receiving funds for rehabilitation must be completed and funds fully disbursed within one year from the issue date of the firm Commitment and one hundred percent completed and funds fully disbursed within 2 years of issuance of firm Commitment.

(5) It is the responsibility of the Applicant and Housing Provider to comply with each part of this section and to request in writing and show cause for any waiver or extension. Failure to comply will result in the rejection of the Applicant and the withdrawal of the Corporation's firm Commitment. The Corporation shall then offer a preliminary Commitment for a Construction Loan to the next Applicant with an eligible Home Ownership Development on the Home HOME Ownership waiting list.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History--New 8-7-95, Amended 11-28-96, 10-5-97, Formerly 9I-47.140, Amended 10-20-98,_____.

67-47.150 Disbursement of Funds.

For disbursement of HOME Loan funds, Home Ownership Developments funded through the Competitive Application Cycle must meet the following criteria:

(1) Loan proceeds shall be disbursed during the construction/rehabilitation phase in an amount per Draw on a pro-rata basis with other financing. The Draw, when compared to the total Draw request then pending, shall not exceed the ratio of the HOME Construction Loan to the total Development cost, and in relation to the specified HOME-assisted units, unless approved by the Corporation and the Corporation's Credit Underwriter.

(2) Ten (10) business days prior to each Draw, the Housing Provider shall supply the Servicer, as agent for the Corporation, a written request, executed by the borrower for a Draw in a form, approved by the Corporation and the Servicer, which employs standard loan servicing criteria.

(3) Developers requesting funds via wire transfer will be assessed a ten dollar (\$10.00) wire transfer fee per transaction. The Corporation shall bear the cost of Automatic Clearinghouse (ACH) debits.

(4)(3) A copy of the request for a Draw shall be delivered to the Corporation (Attention: HOME Home Ownership Program Manager) simultaneously with the delivery of the request to the Servicer and the Servicer's inspector.

(5)(4) The request shall set forth the amount to be paid and shall be accompanied by documentation which shall include invoices for labor and materials to date of the last inspection.

(6)(5) The Servicer shall review the request for the Draw and 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 and increasing the insurance coverage to an amount equal to the sum of all prior Draws and the current Draw. For all Developments consisting of 12 or more units, the borrower shall submit to the Servicer weekly payrolls of the contractor and subcontractors in accordance with Federal Labor Standards as enumerated in Rule Chapter 67-47.090(4), F.A.C.

(7)(6) The Corporation or the Servicer shall elect to withhold any Draw or portion of any Draw in addition to the 5 percent retainage, notwithstanding any documentation submitted by the borrower in connection with a request for a Draw, if:

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

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

(c) Home Ownership Developments are not in compliance with Federal Labor Standards, where the Development is required to be in compliance therewith.

(d) Draw requests cannot be supported by invoices for labor and materials.

(8)(7) The Servicer may request submission of revised construction budgets.

(9)(8) As to each Home Ownership Unit, release of funds held as retainage, at a rate of 5 percent, or an amount or percentage set by the Servicer, shall occur only after the borrower provides satisfactorily a final inspection certificate; certificate of occupancy; a final, as-built survey; updated fire, lightning and extended insurance policies; and a title insurance policy, and other documents as required by the loan documents or as may reasonably be requested by the Servicer or the Corporation based upon the employment of standard loan servicing criteria.

(10)(9) To the extent excess HOME funds in the budget remain unused, the Corporation has the right to reduce the HOME Commitment by that amount.

(11)(10) If 100 percent of the loan proceeds awarded under the HOME Home Ownership Competitive Cycle have not been expended within six (6) months of HUD deadline pursuant to 24 CFR Section 92.500 ~~(1996)~~ and established in the written agreement with the Applicant, the funds shall be recaptured and reallocated to the SF MRB Program.

(12)(11) Disbursement of HOME Funds used with a SF MRB Program shall be administered under the terms of the HOME Servicing Agreement for the applicable SF MRB Issue.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History—New 8-7-95, Amended 11-28-96, 10-5-97, Formerly 9I-47.150, Amended 10-20-98,_____.

67-47.160 Fees.

The Corporation shall charge a non-refundable Application Package fee of \$60.00. A non-refundable Application fee of \$250.00 for Non-Profit and Local Agreement Applicants and \$350.00 for all others shall be charged per Application ~~at the time of submission of each Application~~ in the HOME-Home Ownership Competitive Cycle. HOME Loan fees for the SF MRB Program shall be set forth in the applicable Program's Lender's Guide.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History—New 8-7-95, Formerly 9I-47.160, Amended 10-20-98,_____.

67-47.170 Compliance Procedures.

(1) Any duly authorized representative of the Corporation shall be permitted during normal business hours to inspect and monitor the Home Ownership Development.

(2) Applicants and Development Sponsors shall maintain complete and accurate records pertaining to their efforts to comply in accordance with this Rule Chapter 67-47, F.A.C. and 24 CFR Part 92 ~~(1996)~~.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History—New 8-7-95, Amended 11-28-96, Formerly 9I-47.170, Amended 10-20-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lainie Lowery, HOME Single Family Manager, 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 B. Cliett, Chief Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329, (850)488-4197

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 11, 2000, Corporation Board Meeting

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 7, 2000; FAW Vol. 26, No. 7

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE:

RULE NO.:

Specific Regulations for Type I Wildlife

Management Areas – Central Region 68A-15.065

PURPOSE AND EFFECT: The purpose of the proposed rule would allow parking along named or numbered roads in addition to parking areas. The effect would increase the locations where parking is permitted.

SUMMARY: The proposed rule would allow parking of vehicles on named or numbered roads in addition to parking areas.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$50 for administrative preparation and \$85 for advertising. No other significant economic impacts are expected.

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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const., 375.313 FS.

A HEARING ON THE PROPOSED RULE WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, November 7-9, 2000

PLACE: Holiday Inn Capitol, 1355 Apalachee Parkway, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-15.065 Specific Regulations for Type I Wildlife Management Areas – Central Region.

(1) through (18) No change.

(19) Half Moon Wildlife Management Area.

(a) through (c) No change.

(d) General regulations:

1. through 2. No change.

3. Vehicles may be operated only on named or numbered roads and shall not be parked further than 25 feet from a named or numbered road or parking area ~~may be parked only at designated parking areas.~~

4. through 7. No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 375.313 FS. History—New 6-21-82, Amended 6-29-82, 7-1-83, 7-5-84, 10-1-84, 7-1-85, 5-7-86, 5-10-87, 5-1-88, 7-1-89, 12-19-89, 7-1-90, 7-1-91, 7-2-91, 7-2-92, 7-1-93, 7-1-94, 7-1-95, 7-1-96, 9-15-96, 6-1-97, 7-1-98, 7-2-98, 8-11-98, 12-28-98, 7-1-99, Formerly 39-15.065, Amended 12-20-99, 7-1-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Nick Wiley

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 25, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 3, 1999

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE:

RULE NO.:

State Parks Established as Wildlife Refuges 68A-18.005

PURPOSE AND EFFECT: The purpose of this proposed rule is to repeal the rule. This rule was established at a time when the Department of Environmental Protection, Division of Recreation and Parks (DRP), did not have rules or rulemaking authority to restrict or prohibit the taking of wildlife on state park lands. DRP now has such authority and has established rules under 62D-2.013, F.A.C., that now make Rule 68A-18.005, F.A.C., redundant and unnecessary. Repeal of Rule 68A-18.005, F.A.C., is proposed to eliminate this redundancy and should cause no adverse effect.

SUMMARY: The proposed rule would repeal Rule 68A-18.005, F.A.C., to eliminate a redundancy.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$50 for administrative preparation and \$65 for advertising. No other significant economic impacts are expected.

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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const., 375.313, F.S.

A HEARING ON THE PROPOSED RULE WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., each day, November 7-9, 2000

PLACE: Holiday Inn Capitol, 1355 Apalachee Parkway, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-18.005 State Parks Established as Wildlife Refuges.

~~All lands established and operated as State parks or recreation areas are established as wildlife refuges and no person shall take any wildlife on such areas unless specifically authorized by Commission regulation.~~

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Formerly 39-18.05, 39-18.005, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Nick Wiley

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 25, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Reef Fish

RULE TITLE:

Size Limits: Amberjacks, Black Sea Bass,

Gray Triggerfish, Grouper, Hogfish, Red

Porgy, Snapper

RULE NO.:

68B-14.0035

PURPOSE AND EFFECT: The purpose of this rule amendment is to increase the minimum size limit for Gulf of Mexico recreationally-caught gag and black grouper from 20 to 22 inches, effective January 1, 2001. A parallel rulemaking proceeding is underway to increase the commercial minimum size limit on the same species to 24 inches. The effect of increasing the size limit will be to aid in the recovery of these two species. Gag grouper in the Gulf of Mexico is considered to be approaching an overfished condition.

SUMMARY: Paragraph (4)(b) of Rule 68B-14.0035, F.A.C., is amended to establish different minimum size limits for black grouper recreationally and commercially harvested in the Gulf of Mexico, and to set the recreational size limit for such fish at 22 inches. Paragraph (4)(d) of Rule 68B-14.0035, F.A.C., is amended to establish different minimum size limits for gag (gray) grouper recreationally and commercially harvested in the Gulf of Mexico, and to set the recreational size limit for such fish at 22 inches. The rule amendment carries a proposed effective date of January 1, 2001.

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 lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

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

TIME AND DATES: 8:30 a.m., each day, November 7-9, 2000

PLACE: Holiday Inn – Capitol, 1355 Apalachee Parkway, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

All written material received by the Commission within 21 days of the date of publication of this notice shall be made a part of the official record.

Section 286.0105, Florida Statutes, provides that, if a person decides to appeal any decision made by the commission with respect to any matter considered at this hearing, he will need a record of proceedings, and for such purposes, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-14.0035 Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper.

No person shall harvest in or from state waters at any time, land, possess, unnecessarily destroy, or sell or offer for sale (except as provided in Rule 68B-14.0045), any of the following species, of a length less than set forth as follows:

- (1) Amberjacks (measured in terms of fork length)
 - (a) Banded rudderfish no less than 14 inches, no greater than 22 inches
 - (b) Greater amberjack 28 inches
 - (c) Lesser amberjack no less than 14 inches, no greater than 22 inches
- (2) Black sea bass 10 inches total length.
- (3) Gray triggerfish 12 inches total length.
- (4) Grouper (measured in terms of total length)

- (a) Black grouper harvested from the Atlantic Ocean and all waters of Monroe County 24 inches.
- (b) 1. Black grouper harvested recreationally from the Gulf of Mexico except from all waters of Monroe County 22 inches.
2. Black grouper harvested commercially from the Gulf of Mexico except from all waters of Monroe County 20 inches.
- (c) Gag (gray) grouper harvested from the Atlantic Ocean and all waters of Monroe County 24 inches.
- (d) 1. Gag (gray) grouper harvested recreationally from the Gulf of Mexico except from all waters of Monroe County 22 inches.
2. Gag (gray) grouper harvested commercially from the Gulf of Mexico except from all waters of Monroe County 20 inches.
- (e) Red grouper 20 inches.
- (f) Scamp 20 inches.
- (g) Yellowfin grouper 20 inches.
- (h) Yellowmouth grouper 20 inches.
- (5) Hogfish 12 inches fork length.
- (6) Red porgy harvested in waters of the Atlantic Ocean 14 inches total length.
- (7) Snapper (measured in terms of total length)
- (a) Blackfin snapper 12 inches.
- (b) Cubera snapper 12 inches.
- (c) Dog snapper 12 inches.
- (d) Gray (mangrove) snapper 10 inches.
- (e) Lane snapper 8 inches.
- (f) Mahogany snapper 12 inches.
- (g) Mutton snapper 16 inches.
- (h) Queen snapper 12 inches.
- (i) Red snapper harvested from the Atlantic Ocean 20 inches.
- (j) Red snapper harvested from the Gulf of Mexico 16 inches.
- (k) Silk snapper 12 inches.
- (l) Schoolmaster snapper 10 inches.
- (m) Vermilion snapper 10 inches.
- (n) Yellowtail snapper 12 inches.

PROPOSED EFFECTIVE DATE: January 1, 2001

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-31-98. Amended 3-1-99, 1-1-00, Formerly 46-14.0035, Amended 1-1-01.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 7, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 29, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Spanish Mackerel

RULE TITLE: Commercial Fishing Season for Spanish Mackerel; Commercial Vessel Limits

RULE NO.:

68B-23.004

PURPOSE AND EFFECT: Recovering Spanish mackerel stocks in the South Atlantic Ocean, due at least in part to the prohibition of gill and entangling nets in Florida waters, have resulted in increasing federal quotas and simplification of federal commercial regulations. In the same vein, the purpose of this rule amendment is to increase the state waters small vessel daily commercial trip limit from 1,500 to 3,500 pounds for the species from April 1 through November 30. Subsequent season segments are adjusted to more closely track federal limits. The effect of this effort should be to simplify state commercial rules for Spanish mackerel and allow small vessel commercial harvesters to land more of the species each day as the fish becomes more abundant.

SUMMARY: Paragraph (1)(a) of Rule 68B-23.004, F.A.C., is amended to revise the season segments for commercial harvest of Spanish mackerel in the East Coast Region of Florida, as follows:

1. From April 1 through November 30 of each year, a daily commercial harvest and possession limit of 3,500 pounds of Spanish mackerel applies.
2. From December 1 until the unlimited season for commercial harvest of the species in adjacent federal waters is closed, a 3,500 pound daily commercial harvest and possession limit applies on Monday through Friday, and a 1,500 pound limit applies on weekends.
3. From the date the unlimited season for commercial harvest of the species in adjacent federal waters is closed, until such harvest in federal waters is reduced to 500 pounds daily, a 1,500 pound daily commercial harvest and possession limit applies.
4. From the date the 1,500 pound season segment in adjacent federal waters is closed through March 31, a 500 pound daily commercial harvest and possession limit applies.

The rule amendment has a proposed effective date of January 1, 2001.

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 lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

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

TIME AND DATES: 8:30 a.m., each day, November 7-9, 2000

PLACE: Holiday Inn – Capitol, 1355 Apalachee Parkway, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

All written material received by the Commission within 21 days of the date of publication of this notice shall be made a part of the official record.

Section 286.0105, Florida Statutes, provides that, if a person decides to appeal any decision made by the commission with respect to any matter considered at this hearing, he will need a record of proceedings, and for such purposes, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-23.004 Commercial Fishing Season for Spanish Mackerel; Commercial Vessel Limits.

(1) East Coast Region.

(a) Persons harvesting Spanish mackerel for commercial purposes from waters of the East Coast Region shall have a season that begins on the regional season opening date of April 1 of each year and continues through March 31 of the

following year. These persons shall be subject to commercial vessel limits effective during segments of the season as follows:

1. Beginning on April 1 and continuing through November 30 of each year ~~Except as provided in subparagraph 2. of this subsection,~~ no person harvesting Spanish mackerel for commercial purposes shall harvest or land from a single vessel in any one day more than 3,500 ~~4,500~~ pounds of Spanish mackerel. During this season segment, the possession of more than 3,500 ~~4,500~~ pounds of Spanish mackerel aboard a single vessel in or on state waters at any time, is prohibited.

2. Beginning December ~~November~~ 1 of each year ~~the unlimited harvest of Spanish mackerel per vessel per day is allowed on Mondays, Wednesdays, and Fridays, until the date the unlimited harvest of Spanish mackerel in adjacent federal Exclusive Economic Zone (EEZ) waters is closed. From that date, until the date the commercial vessel limit in adjacent federal Exclusive Economic Zone (EEZ) waters is reduced to 500 pounds of Spanish mackerel, no person shall harvest, possess while in or on the waters of the state, or land from a single vessel in any one day within this region, more than 1500 pounds of Spanish mackerel.~~

a. On Monday through Friday during this period, no person harvesting Spanish mackerel for commercial purposes shall harvest in any one day from state waters of this region, or possess at any time while fishing in state waters of this region, more than 3,500 pounds of Spanish mackerel.

b. On Saturday through Sunday during this period, no person harvesting Spanish mackerel for commercial purposes shall harvest in any one day from state waters of this region, or possess at any time while fishing in state waters of this region, more than 1,500 pounds of Spanish mackerel.

3. A limit of 1,500 pounds of Spanish mackerel per vessel per day shall apply from the date the unlimited harvest of Spanish mackerel is closed in adjacent federal Exclusive Economic Zone (EEZ) waters until the date the commercial vessel limit in such federal waters is reduced to 500 pounds of Spanish mackerel. During this season segment, no person shall possess while in or on the waters of the state, or land from a single vessel in any one day within this region, more than 1,500 pounds of Spanish mackerel.

4. A limit of 500 pounds of Spanish mackerel per vessel per day shall apply from the date the 1500 pound season segment ends until the end of the season on March 31. During this season segment, no person shall possess while in or on the waters of the state, or land from a single vessel in any one day within this region, more than 500 pounds of Spanish mackerel.

(b) For purposes of this subsection:

1. A "day" starts at 6:00 a.m., local time, and extends for 24 hours. For example, Monday starts at 6:00 a.m. on Monday and extends until 6:00 a.m. on Tuesday. A person aboard a vessel terminating a trip prior to 6:00 a.m., but who possesses Spanish mackerel aboard the vessel after that time shall not be

considered to possess Spanish mackerel in excess of the daily limits provided the vessel is not underway after 6:00 a.m. and such Spanish mackerel are unloaded prior to 6:00 p.m. following termination of the trip.

2. Transfer of Spanish mackerel harvested for commercial purposes between vessels within this region is prohibited.

PROPOSED EFFECTIVE DATE: January 1, 2001.

Specific Authority Art. IV, Sec 9, Fla. Const. Law Implemented Art. IV, Sec 9, Fla. Const. History—New 10-30-86, Amended 12-10-87, 10-1-88, 11-1-89, 10-1-90, 11-26-92, 11-29-93, 9-30-96, 12-2-96, 1-1-98, Formerly 46-23.004, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 8, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 29, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Shrimp

RULE TITLE:

RULE NO.:

Southeast Region: Biscayne Bay (Dade County) Food Shrimp Production Season and Weekly Closures

68B-31.0135

PURPOSE AND EFFECT: The Fish and Wildlife Conservation Commission has been asked by participants in the Biscayne Bay Food Shrimp Production Fishery to shift by 15 days the season for such harvest in the Bay. The purpose of this rule amendment is to accomplish that shift. The effect of this rule amendment should be to closer match the open season for food shrimp production in Biscayne Bay with actual presence of the species in the Bay.

SUMMARY: Subsection (1) of Rule 68B-31.0135, F.A.C., is amended to change the opening day of the food shrimp production season in Biscayne Bay from October 15 to November 1 each year, and to change the final day of the season from May 15 to May 31 of the following year.

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 lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

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

TIME AND DATES: 8:30 a.m., each day, November 7-9, 2000

PLACE: Holiday Inn – Capitol, 1355 Apalachee Parkway, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

All written material received by the Commission within 21 days of the date of publication of this notice shall be made a part of the official record.

Section 286.0105, Florida Statutes, provides that, if a person decides to appeal any decision made by the commission with respect to any matter considered at this hearing, he will need a record of proceedings, and for such purposes, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-31.0135 Southeast Region: Biscayne Bay (Dade County) Food Shrimp Production Season and Weekly Closures.

(1) No person shall engage in food shrimp production in any waters of the Southeast Region in Dade County, except during the open season for such production. The open season shall begin on November 1 ~~October 15~~ each year and continue through May 31 ~~15~~ of the following year, subject to the weekly closures specified in subsection (2).

(2) During the open season specified in subsection (1), no person shall engage in food shrimp production in any waters of the Southeast Region in Dade County during the period each week beginning at 6:00 a.m. on Saturday and ending at 6:00 a.m. on Sunday.

Specific Authority Art. IV, Sec 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-2-99, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive
Director, Fish and Wildlife Conservation Commission, 620
South Meridian Street, Tallahassee, Florida 32399-1600
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: September 8, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 29, 2000

Section III

Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

Board of Regents

RULE NO.: RULE TITLE:
6C-6.002 Entering Freshmen
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. The amendments to Rule 6C-6.002 were noticed and published in Vol. 26, No. 33, issue of the Florida Administrative Weekly, on August 18, 2000.

As a result of the public hearing, the Board clarified in subparagraphs (3)(a)1. and 2. the ways in which students should satisfy the requirements for the four elective credits, prescribing the paths for students who entered as high school freshmen prior to July 1, 2000, and for students who entered as high school freshmen July 1, 2000, or later.

Further in subparagraph (3)(b), the recentered ACT score for a 2.8 GPA was corrected.

Rule 6C-6.002 is revised to read, as follows:

6C-6.002 Entering Freshmen.

* * *

(3) Students may be considered eligible for admission to any of the state universities in one of the following three ways, except as provided in subsection (4) below:

(a) A student applying for admission who has a satisfactory high school record, including at least a "B" average (3.0 on a 4.0 scale) in the required high school academic units normally offered in grades 9 through 12, and who submits other appropriate evidence that the student can be expected to carry out successful academic progress in the university, is academically eligible for admission to any of the universities. In computing the high school grade point average for purposes of admission to a state university, additional weights will be

assigned to grades in Honors, International Baccalaureate, and Advanced Placement courses. The high school academic unit requirements are as follows:

English/ Language Arts ⁺	4
<u>Three of which must have included substantial writing requirements</u>	
Math ²	3
<u>At the Algebra I and above levels</u>	
Natural Science ³	3
<u>Two of which must have included substantial laboratory requirements</u>	
Social Science ⁴	3
<u>Includes: history, civics, political science, economics, sociology, psychology and geography</u>	
Foreign Language ⁵	2
<u>Both credits must be in the same language. (For the purposes of this admission requirement, American sign language will be accepted in place of a foreign language.) An alternative method for students to demonstrate equivalent foreign language competence by examination to meet admissions requirements is described in Rule 6C-6.004(1)(c).</u>	
<u>Additional Academic Electives as described below from the Above Five Subject Areas</u>	
TOTAL	19

~~⁺Three of which must have included substantial writing requirements~~

~~²At the Algebra I and above levels~~

~~³Two of which must have included substantial laboratory requirements~~

~~⁴Includes: History, Civics, Political Science, Economics, Sociology, Psychology and Geography~~

~~⁵Both credits must be in the same language. (For the purposes of this admission requirement, American sign language will be accepted in place of a foreign language.) An alternative method for students to demonstrate equivalent foreign language competence by examination to meet admissions requirements is described in Rule 6C-6.004(1)(c).~~

1. Students who entered as high school freshmen prior to July 1, 2000 may complete the four elective requirements in any combination of courses listed in the Department of Education Course Code Directory, as follows: