

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Forestry

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Rural and Family Lands 5I-6
 Protection Program

PURPOSE AND EFFECT: This rule is required by Ch. 2001-279, LOF. (SB 1922 (2001)), to implement the Rural and Family Lands Protection Act within the Division of Forestry.

SUBJECT AREA TO BE ADDRESSED: The new required rule concerns the establishment of an application process, a process and criteria for setting priorities for use of funds consistent with program purposes specified in statute, an appraisal process, and a process for title review and compliance.

SPECIFIC AUTHORITY: 570.71(10) FS.

LAW IMPLEMENTED: 570.71 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., Friday, February 15, 2002

PLACE: Eyster Conference Room, Conner Building, 3125 Conner Boulevard, Tallahassee, Florida

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 Ed Kuester, (850)414-9929.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ed Kuester, Division of Forestry, Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)414-9929

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Comprehensive Shellfish 5L-1
 Control Code

RULE TITLES: RULE NOS.:

Purpose and Intent 5L-1.001

Definitions 5L-1.002

Production and Market Standards 5L-1.004

Shellfish Processing Plant Certification

License and Fees 5L-1.005

Administrative Fines, Suspension or Revocation with Respect to the Operation of Shellfish Processing Plant Certification License, Routine or Emergency Action	5L-1.006
Container Identification, Terminal Sale Date; Prohibitions	5L-1.007
Shellfish Handling	5L-1.008
Shellfish Relaying	5L-1.009
Buildings and Facilities	5L-1.010
Equipment for Shellfish Processing	5L-1.011
Sanitary Operations	5L-1.012
Plant Operation	5L-1.013

PURPOSE AND EFFECT: These amendments propose to implement shellfish processing plant facility certification license and fees, and administrative fines; change the statutory authority for the code from 370, F.S. to 597, F.S.; adopt the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish Model Ordinance 1999; add, clarify, and renumber some of the definitions; describe shellfish relaying for marine biotoxins and for public relay activities; further describe acceptable standards for lighting; require each certified dealer to have someone with adequate HACCP training, knowledge or experience to develop a HACCP plan; and replace the word should with shall in several sentences throughout the rule.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments are to implement authority granted to the Department by the 2000 session of the Florida legislature, and approved by the Governor, to license or certify, for a fee determined by rule, facilities used for processing oysters, clams, mussels, scallops, and crabs, and to levy an administrative fine up to \$1,000 per violation per day or to suspend or revoke such licenses or certificates upon satisfactory evidence of any violation of rules adopted pursuant to the newly created Section 597.020, F.S. Additional amendments propose other miscellaneous changes to the rule.

SPECIFIC AUTHORITY: 597.020 FS.

LAW IMPLEMENTED: 597.020, 597.010(15), 597.010(19) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 a.m. – 11:30 a.m., Monday, February 18, 2002

PLACE: 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bobby Bickley, Division of Aquaculture, 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301, (850)488-5471

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Assessment of Limited English Proficient Students
RULE NO.: 6A-1.09432

PURPOSE AND EFFECT: The purpose of this rule development is to both guarantee the participation of limited English proficient (LEP) students in the statewide assessment testing program and to establish the appropriate instructional decisions that are to follow from the test results of LEP students, collectively and individually.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the participation of limited English proficient students in the statewide assessment testing program.

SPECIFIC AUTHORITY: 232.245(2)(b) FS.

LAW IMPLEMENTED: 232.245 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

Requests for the rule development workshop should be addressed to: Wayne V. Pierson, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1214, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mary Laura Openshaw, Director, Division of Public Schools and Community Education, Department of Education, 325 West Gaines Street, Room 514, Tallahassee, Florida 32399-0400, (850)488-2601

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-1.09432 Assessment of Limited English Proficient Students.

(1) All students classified as limited English proficient (LEP) must participate in the statewide assessment program, prescribed in Section 229.57, Florida Statutes. There is no categorical exemption from participation in the statewide assessment program for LEP students.

(2) An exemption from participation in any component of the statewide assessment program for an individual LEP student may only be made by specific action of a LEP committee as defined in subsection 6A-6.0901(5), FAC., and only for a student whose date of classification as LEP falls within one (1) year prior to the assessment date.

(a) The LEP committee, in making its decision, shall consider the following factors:

1. Level of mastery of basic competencies or skills in English and home language according to appropriate local, state, and national criterion-referenced standards;

2. Grades from the current or previous years; or

3. Other test results.

(b) The LEP committee shall exempt a LEP student from participation in a component of the statewide assessment program if it determines that the student's participation would have an unsound instructional effect on the student.

(3) The use of LEP assessment data for school grading purposes shall be as stated in Rule 6A-1.09981, FAC.

(4) LEP assessment data shall be used by school districts and schools to evaluate the effectiveness of their instructional programs for LEP students and to follow-up such evaluations with appropriate adjustments, modifications, and improvements of the district's and the school's LEP programs. The district's LEP plan, pursuant to Section 233.058, Florida Statutes, and Rule 6A-6.0905, FAC., shall be revised whenever substantive changes in the district's LEP program are required.

(5) Assessment results of individual students shall be used by schools to evaluate the progress of individual students. When indicated, such evaluations shall result in appropriate adjustments, modifications, and improvements of each individual LEP student plan, pursuant to Rules 6A-6.0901, 6A-6.0902, and 6A-6.0903, FAC. A LEP committee shall be convened whenever substantive changes in an individual LEP student plan are required.

(6) No promotion or retention decision may be made for any individual student classified as LEP based solely on a score on any single assessment instrument, whether such assessment instrument is part of the statewide assessment program or of a particular district's formal assessment process. A formal retention recommendation regarding a LEP student may be made through action of a LEP committee.

Specific Authority 232.245(2)(b) FS. Law Implemented 232.245 FS. History--New

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Special Instructional Services for Students Who are Gifted
RULE NO.: 6A-6.03019

PURPOSE AND EFFECT: The purpose of this rule development is to revise the definition of giftedness and the criteria for gifted services, and to align this rule with the other rules for exceptional student education in Florida. In addition to a revised definition of students who are gifted, the amended rule will identify screening, referral, student evaluation, and eligibility procedures; and requirements for instructional services, and educational plans. The effect of this amendment

is to ensure consideration of students from all populations for gifted services, and to align the rule with other related rules and current research and best practices in gifted education.

SUBJECT AREA TO BE ADDRESSED: Gifted education.

SPECIFIC AUTHORITY: 229.053(1), 230.23(4)(m), 236.081(1)(c) FS.

LAW IMPLEMENTED: 228.041(18),(19), 229.565(2)(b),(c), 230.23(4)(m), 236.081(1)(c) FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 2:00 p.m. – 5:00 p.m., Tuesday, February 19, 2002

PLACE: Crowne Plaza Hotel, 5555 Hazeltine Drive, Orlando, FL, (407)856-0100

TIME AND DATE: 2:00 p.m. – 5:00 p.m., Tuesday, February 26, 2002

PLACE: Department of Education, 325 West Gaines Street, Room 1706, Tallahassee, Florida, (850)488-1570

TIME AND DATE: 2:00 p.m. – 5:00 p.m., Tuesday, February 26, 2002

PLACE: Quality Inn and Suites, 1200 North Westshore Boulevard, Tampa, Florida, (813)282-3636

TIME AND DATE: 2:00 p.m. – 5:00 p.m., Wednesday, February 27, 2002

PLACE: Crowne Plaza Airport, 950 Northwest Lejeune, Miami, Florida, (305)446-9000

TIME AND DATE: 2:00 p.m. – 5:00 p.m., Wednesday, February 27, 2002

PLACE: Doubletree Club Hotel, 4700 Salisbury Road, Jacksonville, Florida, (904)281-9700

Requests for the rule development workshop should be addressed to: Wayne V. Pierson, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1214, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Shan Goff, Chief, Bureau of Instructional Support and Community Services, Division of Public Schools and Community Education, 325 West Gaines Street, Room 614, Tallahassee, Florida 32399-0400, (850)488-1570

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-6.03019 Special Instructional Services Programs for Students Who are Gifted.

Gifted services are specially designed instruction and related services provided to students who are gifted and who are achieving beyond the general curriculum provided to their same age peers. Students who are gifted exhibit superior cognitive abilities and require differentiated educational services beyond that which can be provided through the general curriculum in order to progress at levels commensurate

with their abilities. The procedures and criteria for eligibility for these services are designed to identify students who are gifted from all populations and shall be consistent with the following requirements:

(1) Definitions. Gifted. One who has superior intellectual development and is capable of high performance.

(a) Students who are gifted. Students who are gifted demonstrate superior cognitive abilities and have a need for gifted services.

(b) Need for gifted services. Need for gifted services exists where a student who is gifted requires differentiated educational services beyond that which can be provided through the general curriculum in order to progress at levels commensurate with his or her abilities.

(c) Cognitive abilities. Cognitive abilities include academic, intellectual, creative thinking, and critical thinking abilities.

(d) Academic achievement. Academic achievement is a student's level of competence with grade level knowledge, skills, and abilities.

(e) Intellectual ability. Intellectual ability is the ability to deal with cognitive complexity as measured by a test of intelligence.

(f) Creative thinking skills. Creative thinking involves encountering challenges and generating possibilities that lead to superior products, processes, or performances. Creative thinking includes the ability to generate ideas that indicate: fluency, the ability to generate many ideas; flexibility, the ability to produce varied ideas; novelty or originality, the ability to generate unique ideas; appropriateness, the ability to identify the suitability of an idea to the problem it addresses; and quality, the ability to elaborate on an idea in a way that ensures a superior product.

(g) Critical thinking skills. Critical thinking skills include, but are not limited to, analysis, evaluation, problem solving, reasoning, and logic.

(h) Superior creative thinking and critical thinking skills. Superior creative thinking and critical thinking skills are the highest skill level as defined by the test publisher on a standardized, norm-referenced test and may include additional assessments in compliance with Florida Department of Education guidelines.

(i) Differentiated educational services. Differentiated educational services for students who are gifted include accelerating the curriculum by modifying the pace, enriching the curriculum through greater breadth, depth, complexity, or abstractness, or a combination of the two.

(2) Screening. In order to identify potential gifted students from all cultural, linguistic, and socioeconomic groups, and among students with disabilities who may need specialized instructional services, school districts shall design and implement a system of screening in the primary elementary grades, intermediate elementary grades, and middle school

~~grades, that includes, but is not limited to, the following: Criteria for eligibility. A student is eligible for special instructional programs for the gifted if the student meets the criteria under paragraph (2)(a) or (b) of this rule.~~

~~(a) A review of existing evaluation and achievement data, which may include The student demonstrates:~~

~~1. Evaluations and information provided by the student's parents or teachers including classroom-based assessments, observations, and work samples, and Need for a special program.~~

~~2. Results of state, district, or school-wide assessments. A majority of characteristics of gifted students according to a standard scale or checklist, and~~

~~3. Superior intellectual development as measured by an intelligence quotient of two (2) standard deviations or more above the mean on an individually administered standardized test of intelligence.~~

~~(b) The training of teachers, including teachers of students who are limited English proficient, on the characteristics of gifted students. The student is a member of an under-represented group and meets the criteria specified in an approved school district plan for increasing the participation of under-represented groups in programs for gifted students.~~

~~1. For the purpose of this rule, under-represented groups are defined as groups:~~

- ~~a. Whose racial/ethnic backgrounds are other than white non hispanic, Asian/Pacific Islander, or~~
- ~~b. Who are limited English proficient, or~~
- ~~e. Who are from a low socio-economic status family.~~

~~2. The Department of Education is authorized through 1999 to approve school district plans for increasing the participation of students from under-represented groups in special instructional programs for the gifted, provided these plans include the following:~~

~~a. A district goal to increase the percent of students from under-represented groups in programs for the gifted and the current status of the district in regard to that goal;~~

~~b. Screening and referral procedures which will be used to increase the number of these students referred for evaluation;~~

~~e. Criteria for determining eligibility based on the student's demonstrated ability or potential in specific areas of leadership, motivation, academic performance, and creativity;~~

~~d. Student evaluation procedures, including the identification of the measurement instruments to be used;~~

~~e. Instructional program modifications or adaptations to ensure successful and continued participation of students from under-represented groups in the existing instructional program for gifted students;~~

~~f. An evaluation design which addresses evaluation of progress toward the district's goal for increasing participation by students from under-represented groups.~~

~~(c) The provision of information to parents on the availability of these services for eligible students.~~

~~(3) Referrals for Evaluation. A referral is the process whereby a written request is made for a formal evaluation of a student who may need special instructional services for gifted students. Procedures for student evaluation. The minimum evaluations for determining eligibility are the following:~~

~~(a) Evidence of the student's need for differentiated educational services beyond those provided by the general education program shall be documented from the review of the data reviewed as part of the screening or referral process. This evidence shall include a description of the attempts made in the general educational program to meet the student's needs. Further evidence may include, but is not limited to, student work samples; anecdotal records; results of school, district, and state assessments; student interview; and parent interview. Need for a special instructional program;~~

~~(b) A referral may result from a recommendation from school personnel or the parent, or from the screening process described in subsection (2) of this rule. Characteristics of the gifted;~~

~~(e) Intellectual development, and~~

~~(d) May include those evaluation procedures specified in an approved district plan to increase the participation of students from under-represented groups in programs for the gifted.~~

~~(4) Criteria for eligibility. A student is eligible for special instructional services for students who are gifted if the student demonstrates a need for differentiated educational services beyond those provided by the general education program in accordance with subsection (3) of this rule and demonstrates superior cognitive ability by meeting the criteria under one of the following:~~

~~(a) The student demonstrates academic achievement at the 96th percentile or above in composite reading and composite math, and~~

~~1. An intelligence quotient of two standard deviations or more above the mean, or~~

~~2. An intelligence quotient of one standard deviation or more above the mean, and evidence of superior creative thinking skills or superior critical thinking skills; or~~

~~(b) The student demonstrates sustained performance for more than one school year in academic achievement at the 96th percentile or above in composite reading, composite math, or composite battery, and~~

~~1. Evidence of superior creative thinking skills, and~~

~~2. Evidence of superior critical thinking skills; or~~

~~(c) The student demonstrates academic achievement at the 96th percentile or above in composite reading, composite math, or composite battery, and~~

~~1. An intelligence quotient of two standard deviations or more above the mean; or~~

2. An intelligence quotient of one and one-half standard deviations or more above the mean and evidence of superior creative thinking skills or critical thinking skills; or

3. An intelligence quotient of one standard deviation or more above the mean, and evidence of superior creative thinking skills and superior critical thinking skills; or

(d) The student demonstrates academic achievement at the 89th percentile or above in two or more of the following: composite reading, composite math, and composite battery, and

1. An intelligence quotient of two standard deviations or more above the mean; or

2. An intelligence quotient of one and one-half standard deviations or more above the mean and evidence of superior creative thinking skills or superior critical thinking skills; or

(e) The student demonstrates an intelligence quotient of two standard deviations or more above the mean and evidence of superior creative thinking skills or superior critical thinking skills.

(5) Procedures for Student Evaluation. Students are evaluated to document their superior abilities beyond the general curriculum, and provide data that will inform the educational planning process.

(a) Tests and other evaluation materials used to assess a student are selected and administered so as not to be discriminatory and are provided and administered in a student's native language or other mode of communication, unless it is clearly not feasible to do so. The use of non-verbal tests or tests designed to be administered in the student's preferred language are viable alternatives. Test selection shall be based on the unique characteristics of the student, the technical adequacy of the test, the recency of the norming process, and the recommended administration options available to the examiner.

(b) Materials and procedures used to assess a student with limited English proficiency are selected and administered to ensure they measure the extent to which the student is gifted and needs specialized instructional services, rather than measuring the student's English language skills.

(c) Any standardized assessments that are given have been validated for the specific purposes for which they are used and are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the assessment.

(d) If an assessment tool is not conducted under standard conditions, a description of the extent to which it varied from standard conditions must be included in the evaluation report.

(e) Assessments are selected and administered so as best to ensure that if an assessment is administered to a student with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the student's aptitude or achievement level or whatever factors the assessment purports to measure,

rather than reflecting the student's sensory, manual, or speaking skills unless those are the factors the assessment purports to measure.

(f) No single assessment is used as the sole criterion for determining whether a student is eligible for gifted services and for determining an appropriate educational program for the student.

(g) The school district uses assessment tools and strategies that provide the most recent and relevant information that directly assists persons in determining the educational needs of the student.

(h) Appropriate accommodations must be provided for students with disabilities and students with limited English proficiency in accordance with Rules 6A-1.0943, 6A-6.0331, and 6A-6.09091, FAC.

(i) In accordance with subsection (4) of this rule, the minimum evaluations shall include a standardized test of academic achievement and one other assessment.

(6) Determination of eligibility for a student who is gifted.

(a) In interpreting evaluation data for the purpose of determining if a student is gifted and identifying the educational needs of the student, the staffing committee shall:

1. Draw upon information from a variety of sources, including, but not limited to, achievement tests, parent input, teacher recommendations, physical condition, and social or cultural background;

2. Ensure that the information obtained from all of these sources is documented and carefully considered; and

3. Determine eligibility in accordance with the criteria required in subsection (4) of this rule and procedures in Rule 6A-6.03411, FAC.

(b) A minimum of three (3) professional personnel, one (1) of whom shall be the district administrator of exceptional student education or designee, shall meet as a staffing committee. Parents of the student shall be invited to participate as members of the staffing committee. Additional personnel may be involved in determining eligibility by providing information or by attending staffing committee meetings.

(c) If through the review of the screening and evaluation data, as described in subsections (2) and (5) of this rule, it is determined that the results of these assessments do not accurately reflect the student's superior abilities, the staffing committee may recommend the collection and consideration of additional data.

(7) Instructional Services. Instructional services are specially designed instruction and related services provided to students who are gifted to enable academic progress at levels commensurate with their abilities.

(a) Educational Plans (EP) or Individual Educational Plans (IEP) shall be developed in accordance with Rule 6A-6.030191, FAC., for each student determined eligible for these services.

(b) Services shall be designed to enable the student to advance toward attaining the goals determined by the student's strengths, affective needs, and goals as documented on the Educational Plan (EP) or Individual Educational Plan (IEP).

(c) Each district shall provide gifted services district-wide that address students' curriculum and social-emotional needs. Districts must provide service delivery options with varying intensity at the elementary, middle, and high school levels.

(d) Curricula for students identified as gifted shall be differentiated from the general education curricula and shall incorporate the state standards.

(8) Students who are eligible for special services for gifted students and have a current Educational Plan (EP) or Individual Educational Plan (IEP) prior to the effective date of this rule continue to remain eligible to receive services for gifted students.

Specific Authority 229.053(1), 230.23(4)(m) FS. Law Implemented 228.041(18),(19), 229.565(2)(b),(c), 230.23(4)(m) FS. History—New 7-1-77, Formerly 6A-6.3019, Amended 10-10-91, 5-19-98, _____.

DEPARTMENT OF REVENUE

RULE TITLES:	RULE NOS.:
Scope	12-28.001
Definitions	12-28.002
Enrollment Procedures	12-28.003
Method of Transferring Funds and Associated Remittance Information	12-28.004
Means of Communication to Report Payment Information	12-28.005
Remittance or Transmission Problems	12-28.006
Procedures for Payment	12-28.007
Due Date; General Provisions	12-28.008
Distribution of Funds Received by the Department	12-28.009

PURPOSE AND EFFECT: A) Rule 12-28.001, F.A.C. (Scope) – explains that these new rules contain the Department's procedures for implementing the electronic remittance requirements of s. 213.13, F.S. B) Rule 12-28.002, F.A.C. (Definitions) – defines terms that are used in these new rules. C) Rule 12-28.003, F.A.C. (Enrollment Procedures) – provides that each Clerk must enroll with DOR, and specifies the information that DOR must provide each Clerk upon completion of the enrollment procedures. D) Rule 12-28.004, F.A.C. (Method of Transferring Funds and Associated Remittance Information) – requires Clerks to remit funds using an "e-cash presentment" system, which will be processed using the ACH debit method, which is the method already required by DOR's electronic funds transfer rules (Part I, Rule Chapter 12-24, F.A.C.). E) Rule 12-28.005, F.A.C. (Means of Communication to Report Payment Information) – states that Clerks must use a personal computer entry system to

communicate the payment information required by these rules and the statute. F) Rule 12-28.006, F.A.C. (Remittance or Transmission Problems) – explains how a Clerk should handle remittance problems, and whom in DOR a Clerk can contact to receive assistance with such problems. G) Rule 12-28.007, F.A.C. (Procedures for Payment) – establishes the procedures for how Clerks must remit funds and associated remittance information to DOR, including when each Clerk must initiate the transaction, and the specific items of information that must accompany the remittance. H) Rule 12-28.008, F.A.C. (Due Date; General Provisions) – requires the Clerks to remit funds and submit associated remittance information on the next business day if the normal date for initiating the remittance occurs on a weekend or a legal holiday. I) Rule 12-28.009, F.A.C. (Distribution of Funds Received by the Department) – states that the Department will verify the remitted funds and associated remittance information submitted by each Clerk, provides that DOR will distribute the remitted funds to the appropriate agency within two business days of receiving a correct remittance from a Clerk, and explains that DOR will not electronically distribute the remitted funds until it has verified that all information has been submitted and that it is correct.

The effect of creating these new rules is to ensure compliance with the requirement that the Florida Association of Court Clerks and DOR jointly develop procedures to implement the provisions of s. 213.13, F.S.

SUBJECT AREA TO BE ADDRESSED: These rules deal with the implementation of the new Clerk of Court electronic remittance program enacted by the 2001 Legislature.

SPECIFIC AUTHORITY: 213.06(1) FS.

LAW IMPLEMENTED: 213.13, 213.131 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 11:00 a.m., February 19, 2002

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

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, (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 PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Larry Green, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4830

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12-28.001 Scope.

This rule chapter sets forth the rules to be used in the administration of s. 213.13, F.S., which provides for the electronic remittance of all moneys collected by the Clerks of the Court on behalf of the state or on behalf of the Court for distribution to the state, and the electronic submission of associated remittance information, to the Department of Revenue for further disbursement to the various trust funds and agencies as designated in the applicable statutes.

Specific Authority 213.06(1) FS. Law Implemented 213.13, 213.131 FS. History—New _____.

12-28.002 Definitions.

For the purposes of this rule chapter, the following terms and phrases when used in this rule chapter shall have the meanings ascribed to them in this rule, except where the context clearly indicates a different meaning:

(1) “ABA” means the American Banking Association.

(2) “ACH” or “Automated Clearing House” means a central distribution and settlement point for the electronic clearing of debits and credits between financial institutions rather than the physical movement of paper items.

(3) “ACH credit” means the electronic transfer of funds generated by a Clerk, cleared through the ACH for deposit to the State Treasury.

(4) “ACH debit ” means the electronic transfer of funds from a Clerk’s account, which is generated upon the Clerk’s instruction and cleared through the ACH for deposit to the State Treasury.

(5) “Addenda record” means that information as provided in Rule 12-24.008 (2), F.A.C.

(6) “Associated remittance information” means that information required by statute or rules adopted by agencies that administer the programs for which the funds are collected.

(7) “Department” means the Florida Department of Revenue.

(8) “E-cash presentment” means the conversion of an electronic check into an EFT payment.

(9) “EFT” means an electronic funds transfer, electronic payment, or E-cash presentment.

(10) “Payment information” means the data that a Clerk must submit when making an e-cash presentment and that must be communicated to the Department.

(11) “FLAIR” means the Florida Accounting Information Resource.

Specific Authority 213.06(1) FS. Law Implemented 213.13, 213.131 FS. History—New _____.

12-28.003 Enrollment Procedures.

(1) Each Clerk of the Court or authorized designee who is required to electronically remit funds pursuant to Section 213.13, F.S., must enroll with the Department by completing an Internet Registration/Authorization Agreement (Form DR-653W).

(2) Within 30 consecutive calendar days of receiving the completed DR-653W form, the Department will issue the Clerk an acknowledgement letter that includes the following:

(a) The Clerk’s LOGIN Identification number.

(b) The Clerk’s password.

(c) Instructions for signing onto the Internet Clerk of Court Remittance System.

(d) The telephone number of the Department’s e-Services Unit, which will assist the Clerks in complying with the requirements of this program and s. 213.13, F.S.

(3)(a) If for any reason a Clerk or his or her authorized designee is replaced or is unable to perform the activities required by s. 213.13, F.S., the successor must notify and enroll with the Department within 30 consecutive calendar days of taking office or being hired.

(b) However, all regularly-scheduled fund remittances must continue without interruption during any transition period.

(4)(a) The Department prescribes Form DR-653W, Internet Registration/Authorization Agreement, as the form to be used for the purpose of this chapter and hereby incorporates this form by reference. Copies of this form may be obtained without cost by one or more of the following methods: 1) writing the Florida Department of Revenue, Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Distribution Center at (850)922-2208; or 3) using a fax machine telephone handset to call the Department’s automated Fax on Demand system at (850)922-3676; or 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or 6) downloading selected forms from the Department’s Internet site at the address shown inside the parentheses (<http://www.myflorida.com/dor/>). Persons with hearing or speech impairments may call the Department’s TDD at (800)367-8331.

(b) The Department will accept facsimile transmissions of the completed DR-653W at telephone number (850)922-5088.

Specific Authority 213.06(1) FS. Law Implemented 213.13, 213.131 FS. History—New _____.

12-28.004 Method of Transferring Funds and Associated Remittance Information.

(1) The prescribed method for remittance of funds by the Clerks of the Court to the Department shall be the e-cash presentment, which will be processed by the ACH debit method.

(2) The Executive Director or the Executive Director's designee will authorize a Clerk to use the ACH credit method only under the following circumstances:

(a) The Clerk was using the ACH credit method to remit the funds affected by s. 213.13, F.S., prior to the effective date of this rule; and,

(b) The Clerk agrees in writing with the Department that he or she will shift all fund remittances subject to s. 213.13, F.S., to the ACH debit method no later than January 1, 2003.

(3) The Department reserves the right to revoke the ACH credit method payment privilege of any Clerk who:

(a) Does not consistently transmit error-free payments; or,

(b) Substantially varies from the requirements and specifications of the applicable state statutes or of this rule chapter regarding each revenue source collected by the Clerk; or,

(c) Repeatedly fails to make timely electronic payments or fails to timely provide associated remittance information and payment information; or,

(d) Repeatedly fails to provide the required addenda record with the electronic payment.

Specific Authority 213.06(1) FS. Law Implemented 213.13, 213.131 FS. History—New _____.

12-28.005 Means of Communication to Report Payment Information.

Clerks of the Court shall use a PC entry communication of payment information with a computer or other communication device as the means of communication to report payment information through the ACH debit method.

Specific Authority 213.06(1) FS. Law Implemented 213.13, 213.131 FS. History—New _____.

12-28.006 Remittance or Transmission Problems.

(1) If a Clerk of the Court makes an incorrect remission of funds or associated remittance information, such Clerk shall, on the nearest business day after the date on which the error is discovered:

(a) Contact the e-Services Unit at (850)487-7972 for specific instructions, if the Department has not yet disbursed the funds to the recipient agency; or,

(b) Contact the recipient agency for further instructions, if the Department has already disbursed the funds to the recipient agency.

(2)(a)1. For remittances that have a statutorily-designated due date, if a Clerk using the ACH debit method communicates payment information after 3:45 p.m., Eastern Time, on the

business day before the due date, the payment shall be posted to the Clerk's account on the next business day following the due date and shall constitute late payment.

2. For all other remittances, the payment information must be submitted at least once each month, no later than the 25th day of the month following the month in which the remittance was collected.

(b) To help the Clerks comply with all requirements for timely remittance by EFT of funds due, the Department will annually develop and distribute form DR-659, as adopted by Rule 12-24.007, F.A.C., which provides the final time and date for each month of the upcoming calendar year by which each Clerk must initiate a timely EFT remittance for each fund remitted subject to s. 213.13, F.S.

Specific Authority 213.06(1) FS. Law Implemented 213.13, 213.131 FS. History—New _____.

12-28.007 Procedures for Payment.

(1) The Clerks of the Court must report payment information and associated remittance information to the Department by the approved means of communication, no later than 3:45 p.m., Eastern Time, as provided in Rule 12-28.006, F.A.C. The Department must be contacted during the communication period specified in the acknowledgment letter provided to the Clerks of the Court. The Department will bear the costs of processing e-cash presentments by the ACH debit method. Contact by the Clerk during the communication period is mandatory to assure the timely posting of the Clerk's payment on the following business day.

(2) After establishing contact with the Department, the Clerk must initiate payment information and associated remittance information for each remittance. The following information is required:

(a) Payor information number, which consists of the:

1. Bank account number; and,

2. Financial routing and transit number as issued by the ABA;

(b) Payment amount;

(c) Payment period;

(d) Name of the Clerk or his or her authorized designee initiating the e-cash presentment.

(3) A confirmation number will be issued at the conclusion of the communication of the payment information for each remittance and associated remittance information. This number provides a means of verifying the accuracy of the recorded payment and serves as the Clerk's receipt for the transaction.

(4) Clerks who are temporarily authorized to use the ACH credit method pursuant to Rule 12-28.004, F.A.C., must contact their own financial institutions and make arrangements to transfer the remittance to the State Treasurer's account using an ACH credit transfer. The Department will not bear the costs for Clerks who are temporarily authorized to use the ACH credit method.

Specific Authority 213.06(1) FS. Law Implemented 213.13, 213.131 FS. History—New _____.

12-28.008 Due Date; General Provisions.

The Clerks of the Court who are required to remit funds through EFT must initiate the transfer so that the amount due is deposited as collected funds to the State Treasurer’s account on or before the due date required by applicable statute or Rule 12-28.006, F.A.C. If a remittance due date falls on a Saturday, a Sunday, a legal holiday as defined in Chapter 683, F.S., or on a legal holiday of the jurisdiction in which the Clerk’s financial institution is located, the deposit by electronic funds transfer is required on or before the next succeeding banking day after the due date. For the purposes of these rules, “banking day” has the meaning prescribed in s. 674.104 (1), F.S. If the date on which the Clerk is required to initiate an ACH debit transfer falls on a Saturday, Sunday, or a business or banking holiday, the Clerk must initiate the transaction on the next succeeding business day.

Specific Authority 213.06(1) FS. Law Implemented 213.13, 213.131 FS. History—New _____.

12-28.009 Distribution of Funds Received by the Department.

(1) Upon receiving a Clerk’s payment information and associated remittance information, the Department shall verify that the funds for subsequent distribution reconcile with the associated remittance information provided by the Clerk.

(2) The Department shall cause such funds to be electronically distributed in accordance with the associated remittance information to the appropriate trust fund or agency as designated in statute, within two business days of receiving an accurate payment from the Clerk.

(3) If the Department determines that there is information missing, or that there has been an error made in the submission of the payment amount, payment information, or associated remittance information, the Department shall hold the funds in the Department of Revenue Clerks of the Court Trust Fund until the Clerk has been contacted and the error has been corrected.

Specific Authority 213.06(1) FS. Law Implemented 213.13, 213.131 FS. History—New _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Consumptive Use of Water	40D-2
RULE TITLES:	RULE NOS.:
Publications Incorporated by Reference	40D-2.091
Conditions for Issuance of Permits	40D-2.301
Standard Permit Conditions	40D-2.381

PURPOSE AND EFFECT: The purpose of the proposed amendments is to remove several provisions in the District’s water use permitting rules and the Basis of Review for Water

Use Permit Application that have been determined to be invalid and where necessary revise related rule language. The effect of the proposed amendment to Rule 40D-2.301, F.A.C., is to delete the requirement that applicants provide reasonable assurance that they will utilize local water resources as a condition for issuance of permits. The proposed amendments to Rule 40D-2.381, F.A.C., will revise the standard permit conditions that require permittees to mitigate any adverse impacts to existing legal uses and environmental features to eliminate the requirement that such mitigation be to the satisfaction of the District. The proposed amendments to the Basis of Review will delete the technical criteria for permit issuance that address existing offsite land uses and development of local resources and also delete presumptions, including the presumptions that applicants could previously rely upon to meet certain of the District’s other technical criteria.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments will repeal or amend paragraph (1)(j) of Rule 40D-2.301, F.A.C., paragraphs (3)(l) and (m) of Rule 40D-2.381, F.A.C., and sections 4.2 A. 5., 4.2 B. 2., 4.2 C. 2., 4.5 2., 4.7, 4.9 and a portion of section 4.8 and 7.2 8. of the Basis of Review for Water Use Permit Application which Rule 40D-2.091, F.A.C., incorporates into the District’s rules by reference.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.149, 373.171, 373.216 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243, 373.244 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jack R. Pepper, Office of General Counsel, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-2.091 Publications Incorporated by Reference. The “Basis of Review for Water Use Permit Application” _____ ~~April 18, 2001~~ is hereby incorporated by reference into this Chapter and is available from the District upon request.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS. History—New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, 8-3-00, 9-3-00, 4-18-01, _____.

40D-2.301 Conditions for Issuance of Permits.

(1)(a) through (i) No change.

~~(j) Will utilize local water resources to the greatest extent practicable;~~

(k) through (n) renumbered (j) through (m) No change.

(2) through (3) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.219, 373.223, 373.229 FS. History—Readopted 10-5-74, Amended 12-31-74, 2-6-78, 7-5-78, Formerly 16J-2.11, 16J-2.111, Amended 1-25-81, 10-1-89, 2-10-93, 8-3-00, _____.

40D-2.381 Standard Permit Conditions.

(1) through (3)(k) No change.

(l) The Permittee shall mitigate, ~~to the satisfaction of the District,~~ any adverse impact to existing legal uses caused by withdrawals. When adverse impacts occur or are imminent, the District may require the Permittee to mitigate the impacts. Adverse impacts include:

1. A reduction in water levels which impairs the ability of a well to produce water;

2. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams or other watercourses; or

3. Significant inducement of natural or manmade contaminants into a water supply or into a usable portion of an aquifer or water body.

(m) The Permittee shall mitigate, ~~to the satisfaction of the District,~~ any adverse impact to environmental features or offsite land uses as a result of withdrawals. When adverse impacts occur or are imminent, the District shall require the Permittee to mitigate the impacts. Adverse impacts include the following:

1. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams, or other watercourses;

2. Sinkholes or subsidence caused by reduction in water levels;

3. Damage to crops and other vegetation causing financial harm to the owner; and

4. Damage to the habitat of endangered or threatened species.

(n) through (q) renumbered (l) through (o) No change.

(4) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171, 373.216 FS. Law Implemented 373.219, 373.223, 373.244 FS. History—New 6-7-78, Amended 9-9-80, 10-21-80, Formerly 16J-2.112, Amended 10-1-89, 2-10-93, 5-2-93, _____.

The Basis of Review for Water Use Permit Applications is incorporated into Rule 40D-2.091.

BASIS OF REVIEW

The following changes are made to Chapter 4.0:

4.1 No change.

4.2 A.1. through 4. No change.

~~5. Presumption~~

~~The District presumes that a withdrawal of water will not cause unacceptable environmental impacts if the withdrawal of water, combined with other withdrawals, does not lower the water table at the wetland by more than 1 foot.~~

B.1. No change.

~~2. Presumption~~

~~a. The District presumes that a surface water withdrawal will not cause unacceptable environmental impacts if the total annual withdrawal, combined with other surface withdrawals, does not exceed the volume contained within the top foot of water at average lake area.~~

~~For lakes with adopted levels, average lake area is the average of the area at maximum desirable stage and the area at low management level. (See Part C of this Manual.) For lakes without adopted levels, average lake area will be determined by District staff.~~

~~b. The District presumes that a surface water withdrawal will not cause unacceptable environmental impacts if the withdrawal of water, combined with other surface withdrawals, does not exceed a rate of one-quarter inch per day over a 30-day period. A quarter inch lowering shall be equivalent to the volume contained in the top quarter inch of water at average lake area.~~

~~c. The District presumes that a ground water withdrawal will not cause unacceptable environmental impacts if the withdrawal of water, combined with other ground water withdrawals, does not lower the water table at the lake by more than 1 foot.~~

C.1. No change.

~~2. Presumption~~

~~a. The District presumes that the withdrawal of water will not cause unacceptable environmental impacts if the withdrawal, combined with other withdrawals, does not reduce the rate of daily flow by more than 10 percent at any point in the drainage system at the time of withdrawal. The effects of water retention in instream impoundments will be included in the determination of flow reductions. Estimated available yield will be determined based on historical flow records or best available data and existing permitted use.~~

4.3 through 4.4 No change.

4.5 1. No change.

~~2. Presumption~~

In addition to the significant saline water intrusion defined in the Performance Standards, above, the District presumes that proposed new quantities of ground water applied for after March 30, 1993, from confined aquifers from areas outside the Most Impacted Area (MIA) of the Eastern Tampa Bay Water Use Caution Area as identified in Figure 7.2-2 and as delineated in Section 7.2, 8.F., that cause a potentiometric surface drawdown of 0.2 feet or greater within the MIA will significantly induce saline water intrusion. Applicants may demonstrate compliance with regard to the significant saline water intrusion standard by affirmatively showing that the potentiometric surface drawdown at the MIA boundary would be less than 0.2 feet, based on site specific information, using scientifically acceptable flow modeling, or that significant saline water intrusion, as defined in the Performance Standards, Section 4.5, subsection 1, will not be caused within the MIA, using scientifically acceptable solute transport modeling. The drawdown impacts of successive withdrawal requests will be aggregated in applying this presumption to any permit issued pursuant to this rule. This presumption does not apply to surface water, surficial aquifer, and desalination sources. This presumption also does not apply to the renewal of previously permitted quantities. This provision will remain in effect for a period of two years from March 30, 1993, except that if a rule incorporating permanent standards for the Southern Groundwater Basin Water Use Caution Area is noticed for adoption during the two year period, this provision will remain in effect during the pendency of any Section 120.54(4), F.S., rule challenge and final disposition of the proposed rule by the Governing Board.

4.6 No change.

4.7 (Reserved)

4.7 EXISTING OFF-SITE LAND USES

A permit application shall be denied if the withdrawal of water would cause an unmitigated adverse impact on an adjacent land use that existed at the time the initial permit was approved or that exists at the time a modification is requested. If withdrawal locations remain the same but quantities are increased, only the increased amount would be considered in addressing impacts to existing legal off site land uses. Adverse impacts on land uses include:

1. Significant reduction in water levels in an adjacent surface water body, including impoundments, to the extent that utilization of the water body is impaired;
2. Significant damage to crops or other types of vegetation.

4.8 INTERFERENCE WITH EXISTING LEGAL WITHDRAWALS

Performance Standards

A permit application shall be denied if the withdrawal of water together with other withdrawals would cause an unmitigated adverse impact on a legal water withdrawal existing at the time

of the application. An adverse impact is considered to occur when the requested withdrawal would impair the withdrawal capability of an existing legal withdrawal to a degree that the existing withdrawal would require modification or replacement to obtain the water it was originally designed to obtain. If withdrawal locations remain the same but quantities are increased, only the increased amount would be considered in addressing the impacts to existing users.

If other legal uses come into existence after a permit is issued and the permit is subsequently modified, District staff will evaluate the modification such that impacts to the subsequent uses are only assessed in terms of the modified quantities.

Presumption

The District presumes that an adverse impact does not occur if:

1. The Applicant's withdrawals do not lower the potentiometric surface more than 5 ft at an affected well, or
2. The Applicant's withdrawal does not lower the water table more than 2 feet at an affected well.

The evaluation of impacts will be made taking into account the type(s) of pumping equipment installed and water-level fluctuations.

Staff will not recommend approval of a requested quantity that will cause adverse impact unless the adverse impact is mitigated by the Applicant. Mitigation may include mitigation prior to withdrawals as well as mitigation after the withdrawal. It is the Applicant's responsibility to investigate and mitigate adverse impacts on presently existing legal withdrawals. Mitigation may include pumpage reduction, replacement of the impacted individual's equipment to enable greater withdrawals, or placement of wells farther away from the impacted well.

4.9 (Reserved)

4.9 DEVELOPMENT OF THE LOCAL RESOURCE

The local water resource shall be utilized to the maximum extent possible prior to the consideration of remote alternate sources. Applicants for water sources remote from the local area of use shall demonstrate that water sources near the demand source are not feasible. Items to be addressed in assessing this feasibility include but are not limited to:

1. Impacts to the water resources and associated environmental resources of the local versus remote area of withdrawal;
2. Economic factors, such as distribution and maintenance costs, land purchasing, condemnation, and development costs, and other costs; and
3. Use of the lowest quality of water available to fulfill all or a portion of the demand.

4.10 through 4.13 No change.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Regulation of Wells
RULE CHAPTER NO.: 40D-3

RULE TITLE: Special Well Construction Standards
RULE NO.: 40D-3.600

PURPOSE AND EFFECT: The purpose of the proposed rule is to prevent impacts to water wells from periodic high water use by requiring minimum casing depths for new potable water wells constructed in the area of the Dover community.

SUBJECT AREA TO BE ADDRESSED: Water well construction standards.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.308 FS.

LAW IMPLEMENTED: 373.308, 373.309 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jack R. Pepper, Office of General Counsel, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4655

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-3.600 Special Well Construction Standards.

To prevent impacts to water wells from periodic high water use, in addition to complying with the other construction requirements of this chapter, the construction of potable water wells in the area of the Dover community shall also comply with the requirements set forth below.

(1) Potable water wells constructed in the Dover area north of Interstate 4 (North Dover), as identified in paragraph (2) below, shall be cased to a minimum depth of 105 feet below land surface.

(2) The area of North Dover is as follows:

Township 28, Range 20, Sections 12 through 14, 23, 24 and those portions of 25 and 26 lying north of Interstate 4;

Township 28, Range 21, Sections 1 through 19 and those portions of 20 through 24 and 30 lying north of Interstate 4; and

Township 28, Range 22, Sections 2 through 10, 15 through 18 and that portion of 20 lying north of Interstate 4.

(3) Potable water wells constructed in the Dover area south of Interstate 4 (South Dover), as identified in paragraph (4) below, shall be cased to a minimum depth of 147 feet below land surface.

(4) The area of South Dover is as follows:

Township 28, Range 20, those portions of Sections 25 and 26 lying south of Interstate 4 and Sections 35 and 36;

Township 28, Range 21, those portions of Sections 20 through 24 and 30 lying south of Interstate 4 and Sections 25 through 29 and 31 through 36;

Township 28, Range 22, that portion of Section 20 lying south of Interstate 4;

Township 29, Range 20, Sections 1, 2, 11 through 13 and 24;

Township 29, Range 21, Sections 1 through 29, 33 and 34; and

Township 29, Range 22, Sections 4 through 9 and 15 through 21.

Specific Authority 373.044, 373.113, 373.171, 373.308 FS. Law Implemented 373.308, 373.309 FS. History—New.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE CHAPTER TITLE: Hospice
RULE CHAPTER NO.: 58A-2

RULE TITLE: Administration of the Hospice
RULE NO.: 58A-2.005

PURPOSE AND EFFECT: The proposed amendment to Rule 58A-2.005 will provide emergency management plans for hospices as specified in paragraph (j) of Section 400.605, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Emergency Management Plan.

SPECIFIC AUTHORITY: 400.605 FS.

LAW IMPLEMENTED: 400.605 FS.

IF REQUESTED IN WRITING BY AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 12:00 p.m. – 1:00 p.m., February 15, 2002

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conf. Rm. 225F, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Linda Macdonald, Assisted Living Program, Division of Community Based Services, or Pat Dunn, Office of General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2113

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Managed Care and Health Quality

RULE TITLE: Gold Seal Financial Requirements
RULE NO.: 59A-4.203

PURPOSE AND EFFECT: The Agency proposes to amend Rule 59A-4.203, Florida Administrative Code, consistent with provisions of s. 400.235(9), F.S., that became effective June 21, 2000. The legislation provides for development of rules

regarding specific criteria involving the financial requirements that relates to the Gold Seal Award. The proposed amendment specifies that the licensee of the facility shall submit certified public accountant audited financial statements in order to demonstrate financial soundness and stability prior to the date of the publication.

SUBJECT AREA TO BE ADDRESSED: The proposed change to Rule 59A-4.203, Florida Administrative Code, involves the submission of certified public accountant audited financial statements of the licensee in order to demonstrate financial soundness and stability relating to the Gold Seal program.

SPECIFIC AUTHORITY: 400.23 FS.

LAW IMPLEMENTED: 400.11, 400.022, 400.141, 400.23 FS.

IF REQUESTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, A WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS WORKSHOP WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m., February 15, 2002

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, Tallahassee, FL 32303

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Richard Kelly, Long-Term Care Unit, 2727 Mahan Drive, Tallahassee, Florida, (850)488-5861

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Payment Methodology for Nursing Home Services

RULE NO.: 59G-6.010

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Long-term Care Reimbursement Plan (the Plan) payment methodology. In compliance with Section 63 and 64 of Senate Bill 1202, 2001-02 legislative session, the Agency is amending the Florida Title XIX Long-Term Care Reimbursement Plan to incorporate a standard chart of accounts to govern the content and manner of presentation of financial information to be submitted by Medicaid long-term care providers in their cost reports and shall implement use of this standard chart of accounts effective for cost reports filed for the periods ending on or after December 31, 2002. The cost reports shall contain detailed information on the salary, benefits, agency, and overtime costs and corresponding hours for direct care staffing for registered nurses, licensed practical nurses, and certified nursing assistants. The standard chart of accounts shall include

specific accounts for each component of direct care staff by type of personnel and may not be revised without the written consent of the Auditor General.

The effect of the proposed amendment is the creation of a standard chart of accounts to govern the content and manner of presentation of financial information to be submitted by Medicaid long-term care providers in their cost reports and the implementation of this standard chart of accounts effective for cost reports filed for the periods ending on or after December 31, 2002.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is a standard chart of accounts to govern the content and manner of presentation of financial information to be submitted by Medicaid long-term care providers in their cost reports and shall implement use of this standard chart of accounts effective for cost reports filed for the periods ending on or after December 31, 2002.

SPECIFIC AUTHORITY: 409.909 FS.

LAW IMPLEMENTED: 409.908 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., March 5, 2002

PLACE: The Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Owens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail stop 21, Tallahassee, Florida 32308, (850)414-2756

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON NOTED ABOVE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE TITLE: Guidelines for the Disposition of Disciplinary Cases

RULE NO.: 61G14-17.004

PURPOSE AND EFFECT: The purpose of this rule development is to substantially reword this rule to clarify the guidelines for the disposition of disciplinary cases.

SUBJECT AREA TO BE ADDRESSED: Guidelines for the Disposition of Disciplinary Cases.

SPECIFIC AUTHORITY: 310.101, 310.185, 455.2273 FS.

LAW IMPLEMENTED: 455.2273 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Anthony Spivey, Executive Director, Board of Pilot Commissioners, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 61G14-17.004 follows. See Florida Administrative Code for present text.)

61G14-17.004 Guidelines for the Disposition of Disciplinary Cases.

(1) Sanctions to be imposed by the board for misconduct, inattention to duty, negligence or willful violation of any law or rule applicable to licensed state pilots or certified deputy pilots shall be divided into classes of sanctions in descending order of severity as follows:

- (a) Class 1. Revocation of the license or certificate or refusal to certify to the department an application for license or certification.
- (b) Class 2. Suspension of the license or certificate.
- (c) Class 3. Restriction of the practice of the violator.
- (d) Class 4. Placement of the licensed state pilot or certified deputy pilot on probation for such period of time and subject to such conditions as the board may specify, including, but not limited to, requiring the pilot to submit to treatment, submit to additional or remedial training, submit to reexamination, or undergo a complete physical examination.
- (e) Class 5. Imposition of an administrative fine not to exceed \$5,000 for each count or separate offense of which the offender is guilty.
- (f) Class 6. Issuance of a reprimand.

(2) Guidelines for the imposition of sanctions for those guilty of acts or omissions proscribed by chapter 310, Florida Statutes are as follows:

(a) If the offense is:

1. Willful violation of any law or rule, including board rules and rules of the road, applicable to a licensed state pilot or certified deputy pilot; or

2. Failure to make allowances for the foreseeable effects of wind, current, and tide; or

3. Failure to obtain or properly use information available to the pilot; or

4. Failure to navigate with caution in restricted visibility;
or

5. Navigating in channels where the depth of water under the keel is less than the prescribed bottom clearances as recommended by the licensed state pilots of that port and approved by the board; or

6. Causing the vessel under his/her command to operate at an excessive speed; or

7. Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities that the pilot knows or has reason to know he or she is not competent to perform; or

8. Delegating professional responsibilities to a person when the pilot delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or license to perform them; or

9. Engaging in any practice which does not meet acceptable standards of safe piloting; the following sanctions shall apply:

a. If the offense is the first piloting offense of which the pilot or deputy pilot has been found to be guilty and it results in no personal injury and no damage to property or to the ecology, the sanction shall be class 6, 5, 4, or 3 or any combination thereof.

b. If the offense is a second piloting offense of which the pilot or deputy pilot has been found to be guilty or if it results in personal injury or damage to property or to the ecology, the sanction shall be class 5, 4, 3, 2, or 1 or any combination thereof.

c. If the offense is a third piloting offense of which the pilot or deputy pilot has been found to be guilty, the sanction shall be class 2 or 1.

(b) If the offense is:

1. Having a license or certificate to practice piloting revoked, suspended, restricted, placed on probation, or in any way acted against, including, but not limited to, the relinquishing or depositing of the license or certificate in lieu of further disciplinary action, in anticipation of the filing of charges, or in lieu of prosecution, by the regulatory authority of another state, the Federal Government, a territory, or another country for an act which would constitute a ground for discipline if the act had occurred while piloting under authority of the Florida state pilot's license or deputy pilot's certificate;
or

2. Failure to maintain a valid United States Coast Guard first-class unlimited pilot's license covering the waters of the port in which the state pilot's license was issued;

The sanction shall be class 2 or 1.

(c) If the offense is:

1. Making or filing, or inducing another person to make or file, a report which the pilot knows to be false or intentionally or negligently failing to file, or willfully impeding or obstructing the filing of, a report or record required by state law or by rule of the board or the department. Such reports or

records include only those which are signed by the pilot in his or her capacity as a licensed state pilot or certified deputy pilot; or

2. Having a license to operate a motor vehicle revoked, suspended, or otherwise acted against by any jurisdiction, including its agencies or subdivisions, for operating the vehicle under the influence of alcohol or drugs. The jurisdiction's acceptance of a relinquishment of license, stipulation, consent order, plea of nolo contendere, penalty in any form, or other settlement offered in response to or in anticipation of the filing of charges related to the license to operate a motor vehicle shall be construed as action against the license;

The following sanctions shall apply:

a. If the offense is the first or second piloting offense of which the pilot or deputy pilot has been found to be guilty, the sanction shall be class 5, 4, 3, 2, or 1 or any combination thereof.

b. If the offense is a third piloting offense of which the pilot or deputy pilot has been found to be guilty, the sanction shall be class 2 or 1.

(d) If the offense is:

Being unable to performed the duties of a pilot with reasonable skill and safety by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition such as, but not limited to, poor eyesight or hearing, heart disease, or diabetes;

The sanction shall be class 4, 3, 2 or 1 or any combination thereof.

(e) If the offense is:

Regardless of adjudication, having ever been found guilty of, or pled guilty or nolo contendere to (i) a charge which was a felony or first degree misdemeanor which directly related to the navigation or operation of a vessel, or (ii) a felony involving the sale of or trafficking in, or conspiracy to sell or traffic in, a controlled substance as defined by chapter 893, Florida Statutes, or an offense under the laws of any state or country which, if committed in this state, would constitute the felony of selling or trafficking in, or conspiracy to sell or traffic in, such controlled substance;

The sanction shall be class 1.

(3) Aggravating or mitigating circumstances to be considered if there is to be a deviation from penalties provided herein shall include:

(a) The danger to the public;

(b) The length of time since the date of the last violation(s);

(c) The length of time the licensee has been licensed;

(d) The deterrent effect of the penalty imposed;

(e) The effect of the penalty upon the licensee's livelihood;

(f) Efforts by the licensee toward rehabilitation;

(g) Efforts by the licensee to correct or stop violations or evidence that the licensee has failed to correct or stop violations;

(h) Any other mitigating or aggravating circumstances.

(4) In addition to the conditions specified in paragraph (1)(d), any or all of the following conditions may be imposed as terms of probation:

(a) Restitution of the cost of probation;

(b) Payment of fine(s);

(c) Consent to Department access to all business records;

(d) Fulfilling continuing education requirements;

(e) Consent to indirect or direct supervision by board-approved supervisor;

(f) Consent to restriction of practice; including hours, days or type of practice;

(g) Submission of reports by licensee and consent to submission of reports by supervisor and/or helping professional;

(h) Consent to urine and blood testing;

(i) Fulfilling requirements of making personal appearance(s) before the board;

(j) Other conditions as are appropriate to the offense.

Specific Authority 310.101, 310.185, 455.2273 FS. Law Implemented 455.2273 FS. History—New 2-11-87, Formerly 21SS-7.005, 21SS-17.004, Amended 9-27-94,_____.

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE TITLE: Application Fee and Licensure and Certification Examination Fees

RULE NO.: 64B2-12.002

PURPOSE AND EFFECT: The Board proposes to delete a portion of the existing rule.

SUBJECT AREA TO BE ADDRESSED: Application Fee and Licensure and Certification Examination Fees.

SPECIFIC AUTHORITY: 460.405, 460.406(1) FS.

LAW IMPLEMENTED: 460.406 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Joe Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-12.002 Application Fee and Licensure and Certification Examination Fees.

(1) The application fee shall be one hundred dollars (\$100.00), which shall be nonrefundable.

(2) ~~The examination fee for the licensure examination taken in one administration period shall be five hundred dollars (\$500.00). The examination fee for the Acupuncture Certification Examination shall be seventy five dollars (\$75.00).~~

Specific Authority 460.405, 460.406(1) FS. Law Implemented 460.406 FS. History—New 1-10-80, Formerly 21D-12.02, Amended 2-24-86, 5-10-87, 4-19-89, 10-9-90, 10-15-92, Formerly 21D-12.002, 61F2-12.002, 59N-12.002, Amended 1-18-98, 6-7-00, _____.

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE: Disciplinary Guidelines RULE NO.: 64B32-5.001

PURPOSE AND EFFECT: The Board proposes to correct and update existing rule text.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

SPECIFIC AUTHORITY: 468.365(4) FS.

LAW IMPLEMENTED: 468.365 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Board Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Division of Environmental Health and Statewide Programs

RULE CHAPTER TITLE: Food Hygiene RULE CHAPTER NO.: 64E-11

PURPOSE AND EFFECT: The purpose of the proposed rule change is to incorporate technical and scientific advancements and emerging pathogen barriers that promote the protection of the public from foodborne illnesses. The majority of these changes are indicated in the 1999 edition of the FDA Model Food Code. Additionally, the purpose of the proposed change is to clarify identified standards of the existing rule as requested by the regulated community and regulatory officials.

SUBJECT AREA TO BE ADDRESSED: The changes will define terms used in statute and rule that have been identified as confusing; incorporate food safety changes and personnel standards to better safeguard the public against foodborne illnesses; clarify equipment methods of approval and uses, further delineate the fee structure.

SPECIFIC AUTHORITY: 381.0072 FS.

LAW IMPLEMENTED: 381.0072 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., February 22, 2002

PLACE: 4042 Bald Cypress Way, Conference Room 240P, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ric Mathis, Program Coordinator, Bureau of Facility Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1710, (850)245-4277

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

FISH AND WILDLIFE CONSERVATION COMMISSION

Manatees

RULE CHAPTER TITLE: Manatees RULE CHAPTER NO.: 68C-22

RULE TITLE: Hillsborough County Zones RULE NO.: 68C-22.013

PURPOSE AND EFFECT: In April 2001, the Florida Fish and Wildlife Conservation Commission (FWC) agreed to consider the need to adopt or amend manatee protection regulations in several specific locations around the state. One of the areas currently under review by the FWC (the Alafia River) is located in Hillsborough County. The Commission is considering what (if any) regulations are needed to protect manatees or manatee habitat in this area. No other areas in Hillsborough County are being considered at this time. What effect the regulations would have depends on what zones (if any) are proposed. Options being considered include regulations that would limit allowable motorboat speed and operation.

SUBJECT AREA TO BE ADDRESSED: Manatee protection in a portion of Hillsborough County.

SPECIFIC AUTHORITY: 370.12(2)(f),(m),(n) FS.

LAW IMPLEMENTED: 370.12(2)(d),(f),(j),(m),(n) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 11:00 a.m., Friday, February 22, 2002

PLACE: Riverview Recreation Center, 7807 Capitano Drive, Riverview, Florida

This workshop will be held in two distinct parts. Between 11:00 a.m. and 12:30 p.m., FWC staff members will be available to discuss manatee protection issues, to answer questions about the preliminary recommendations and the information that is being used to evaluate manatee protection needs, and to accept suggestions regarding what regulations (if any) attendees believe are needed. Verbal comments will be taken starting at 12:30 p.m. via the more traditional public hearing setting. The amount of time allotted for individual speakers will likely be limited to three minutes, depending on how many attendees want to speak. Written comments will be accepted throughout the workshop. This will be an information-gathering workshop only. No final decisions will be made at the workshop.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mr. Scott Calleson, Environmental Specialist III, Bureau of Protected Species Management, Fish and Wildlife Conservation Commission (OES-BPS), 620 South Meridian Street, Tallahassee, Florida 32399, telephone (850)922-4330

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE. No text has been developed. Maps depicting preliminary recommendations will be displayed at the workshop.

FISH AND WILDLIFE CONSERVATION COMMISSION

Manatees

RULE CHAPTER TITLE: Manatees
 RULE CHAPTER NO.: 68C-22

RULE TITLE: Manatee County Zones
 RULE NO.: 68C-22.014

PURPOSE AND EFFECT: In April 2001, the Florida Fish and Wildlife Conservation Commission (FWC) agreed to consider the need to adopt or amend manatee protection regulations in several specific locations around the state. One of the areas currently under review by the FWC (Terra Ceia Bay) is located in Manatee County. The Commission is considering what (if any) regulations are needed to protect manatees or manatee habitat in this area. No other areas in Manatee County are being considered at this time. What effect the regulations would have depends on what zones (if any) are proposed. Options being considered include regulations that would limit allowable motorboat speed and operation.

SUBJECT AREA TO BE ADDRESSED: Manatee protection in a portion of Manatee County.

SPECIFIC AUTHORITY: 370.12(2)(m),(n) FS.

LAW IMPLEMENTED: 370.12(2)(d),(j),(m),(n) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 5:00 p.m., Thursday, February 21, 2002

PLACE: Board Chamber Room, 1112 Manatee Avenue, West, Bradenton, Florida

This workshop will be held in two distinct parts. Between 5:00 p.m. and 6:30 p.m., FWC staff members will be available to discuss manatee protection issues, to answer questions about the preliminary recommendations and the information that is being used to evaluate manatee protection needs, and to accept suggestions regarding what regulations (if any) attendees believe are needed. Verbal comments will be taken starting at 6:30 p.m. via the more traditional public hearing setting. The amount of time allotted for individual speakers will likely be limited to three minutes, depending on how many attendees want to speak. Written comments will be accepted throughout the workshop. This will be an information-gathering workshop only. No final decisions will be made at the workshop.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mr. Scott Calleson, Environmental Specialist III, Bureau of Protected Species Management, Fish and Wildlife Conservation Commission (OES-BPS), 620 South Meridian Street, Tallahassee, Florida 32399, telephone (850)922-4330

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE. No text has been developed. Maps depicting preliminary recommendations will be displayed at the workshop.

FISH AND WILDLIFE CONSERVATION COMMISSION

Manatees

RULE CHAPTER TITLE: Manatees
 RULE CHAPTER NO.: 68C-22

RULE TITLE: Charlotte County Zones
 RULE NO.: 68C-22.015

PURPOSE AND EFFECT: In April 2001, the Florida Fish and Wildlife Conservation Commission (FWC) agreed to consider the need to adopt or amend manatee protection regulations in several specific locations around the state. Three of the areas currently under review by the FWC (Lemon Bay, the Peace River, and Turtle Bay) are located in Charlotte County. The Commission is considering what (if any) regulations are needed to protect manatees or manatee habitat in these areas. No other areas in Charlotte County are being considered at this time. What effect the regulations would have depends on what zones (if any) are proposed. Options being considered include regulations that would limit allowable motorboat speed and operation, as well as regulations that would prohibit some human activities in limited portions of these areas.

SUBJECT AREA TO BE ADDRESSED: Manatee protection in portions of Charlotte County.

SPECIFIC AUTHORITY: 370.12(2)(m),(n) FS.

LAW IMPLEMENTED: 370.12(2)(d),(j),(m),(n) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 4:30 p.m., Tuesday, February 19, 2002

Section II Proposed Rules

DEPARTMENT OF CORRECTIONS

RULE TITLES:	RULE NOS.:
Staff Housing – Definitions	33-208.501
Criteria for Assignment to Staff Housing	33-208.504
Staff Housing – Rent and Utilities	33-208.505
Staff Housing Agreement Form	33-208.506

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to correct staff titles responsible for making staff housing decisions, revise the list of staff to receive priority assignment to staff housing, clarify the process for approval of prerequisites, and to revise the staff housing agreement form.

SUMMARY: The proposed rules is correct staff titles responsible for making staff housing decisions, revise the list of staff to receive priority assignment to staff housing, clarify the process for approval of prerequisites, and revise the staff housing agreement form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 20.315, 944.09, 945.025 FS.

LAW IMPLEMENTED: 20.315, 944.09, 945.025 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

33-208.501 Staff Housing – Definitions.

For the purposes of this chapter:

(1) through (6) No change.

(7) “Approving Authority”

(a) For institutions means the deputy secretary, chief of staff, directors ~~assistant secretaries~~, regional directors, wardens or assistant wardens with authorizing authority for volunteers or interns and associated programs at an institution;

(b) For facilities or offices means the deputy secretary, chief of staff, directors ~~assistant secretaries~~, regional directors, circuit administrators and deputy circuit administrators with authorizing authority for volunteers or interns and associated programs at a facility or office.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History–New 9-1-88, Formerly 33-26.001, Formerly 33-602.501, Amended 8-16-00, _____.

33-208.504 Criteria for Assignment to Staff Housing.

The warden shall assign staff housing based upon the best interests of the institution and the following:

(1) Houses, Apartments and Mobile Homes.

(a) To the extent that houses, apartments and mobile homes are available, certain priority staff of a major institution shall be required to live at the institution of their assignment so that emergencies can be resolved with a minimum of delay. An institution with insufficient housing for its priority staff may be allocated such housing at a nearby institution by the Regional Director. The following priority staff are listed in the order of priority by which the assignment of at least one employee in each category shall be considered by the warden. Only the Secretary may alter these priorities based upon proof of an employee’s significant personal hardship or in the best interests of the Department.

1. Warden.

2. Assistant Warden.

3. Chief of Security ~~Correctional Officer~~.

4. Licensed Medical Representative, who is either a Physician, Clinical Associate or Medical Doctor, Registered Nurse ~~or Correctional Medical Technician-Certified~~.

5. Maintenance Representative, who is qualified to respond to varied maintenance emergencies.

6. Fire Chief or Firefighter Supervisor, where such position is authorized.

7. Senior or Supervising Chaplain ~~Food Service Director~~.

(b) No change.

(2) Mobile Home Spaces.

(a) No change.

(b) Employees or occupants of personally owned mobile homes must provide proof of ownership by title or registration. Compliance with this requirement shall be noted on the staff housing agreement, Form DC2-808A.

(c) through (5) No change.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History–New 9-1-88, 9-5-89, Formerly 33-26.004, Formerly 33-602.504, Amended 8-16-00, _____.

33-208.505 Staff Housing – Rent and Utilities.

The Department of Management Services (DMS) is required by law to approve all prerequisites and sales of goods and services, including staff housing and utilities, effective each July 1st. Once initially approved by DMS, each July 1st the chief of staff shall approve all prerequisites including staff housing and utilities. Any rent or utility charges approved for the Department of Corrections at fixed rates shall be paid by payroll deduction.

Specific Authority 20.315, 944.09(1), 945.025(1), 216.262(1)(e),(f) FS. Law Implemented 20.315, 944.09(1), 945.025(1), 216.262(1)(e),(f) FS. History--New 9-1-88, Formerly 33-26.005, Formerly 33-602.505, Amended 8-16-00, _____.

33-208.506 Staff Housing Agreement Form.

(1) Any employee who is required or requests to occupy staff housing shall submit a completed Staff Housing Agreement, Form DC2-808A, for processing in compliance with the assignment criteria in Section 33-208.504 herein. This form is hereby incorporated by reference, and a copy may be obtained from the Forms Control Administrator, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____ August 16, 2000.

(2) through (3) No change.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History--New 9-1-88, Formerly 33-26.006, Formerly 33-602.506, Amended 8-16-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Peggy Ball
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 17, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 28, 2001

DEPARTMENT OF CORRECTIONS

RULE TITLE: Termination of Staff Housing Assignment
RULE NO.: 33-208.510
PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete unnecessary language and to revise a form incorporated by reference in the rule.

SUMMARY: The proposed rule revises form DC2-808C, Termination of Staff Housing Agreement, to delete the employee's social security number from the information provided.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 20.315, 944.09, 945.025 FS.

LAW IMPLEMENTED: 20.315, 944.09, 945.025 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-208.510 Termination of Staff Housing Assignment.

(1) Expiration.

(a) through (b) No change.

(c) Written notice to or from an occupant regarding any of the personnel actions under subparagraphs (1)(a) 3., 4., or 5. above shall constitute notice of the expiration of the assignment to staff housing and the warden shall ensure that Form DC2-808C, Termination of Staff Housing Agreement, is completed and submitted to the service center personnel office. Form DC2-808C is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. ~~Requests for copies to be mailed must be accompanied by a self-addressed stamped envelope.~~ The effective date of this form is _____ August 16, 2000. Expiration shall be effective at the end of the last day of the occupant's employment in the class series or at the institution.

(2) through (3) No change.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History--New 9-1-88, Amended 6-22-89, Formerly 33-26.010, Formerly 33-602.510, Amended 8-16-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Peggy Ball
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 17, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 2, 2001

DEPARTMENT OF CORRECTIONS

RULE TITLES: Legal Documents and Legal Mail
RULE NOS.: 33-210.102
Privileged Mail 33-210.103

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise the process for handling legal and privileged mail to provide for inspection of all mail in the inmate's presence to ensure that it contains no contraband.

SUMMARY: The proposed rule revises the process for handling legal and privileged mail to provide for inspection of all mail in the inmate's presence to ensure that it contains no contraband.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 20.315, 944.09, 944.11 FS.

LAW IMPLEMENTED: 944.09, 944.11 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

33-210.102 Legal Documents and Legal Mail.

(1) through (5) No change.

(6) Processing of Legal Mail.

(a) All outgoing and incoming legal mail will be opened in the presence of the inmate to determine that the correspondence is legal mail and that it contains no contraband forwarded unopened when it can be determined from the envelope that the correspondence is legal mail and that it contains no contraband or other noncommunicative objects. A determination can be made in most instances by bending, shaking, or holding the envelope to a light. If a determination cannot be made from an examination of the envelope, the mail may be:

(a) Opened for inspection in the presence of the inmate. Only the signature and letterhead may be read, or

(b) Held for a reasonable time pending verification that it was sent by or is properly addressed to a person or agency listed in subsection (2). Mail identified as being a communication from an attorney to a client will not be opened unless articles other than mail are detected therein.

(c) If the incoming mail is not legal mail, it will be returned to the sender along with a form letter which states that the correspondence is being returned in accordance with subsection (6) of this rule because it was being transmitted under the guise of legal mail. The inmate whom the mail was addressed shall receive a copy of the form letter.

(b) Inmates shall present all outgoing legal mail unsealed to the mail collection representative to determine, in the presence of the inmate, that the correspondence is legal mail and that it contains no contraband. Only the address may be read to determine whether it is properly addressed to a person or agency listed in subsection (2) of this rule. If the outgoing mail contains contraband or is not legal mail, the inmate shall be subject to disciplinary action.

(7) through (15) No change.

Specific Authority 20.315, 944.09, 944.11 FS. Law Implemented 944.09, 944.11 FS. History—New 10-8-76, Amended 4-19-79, 7-2-81, 6-8-82, 9-23-85, Formerly 33-3.05, Amended 10-7-86, 8-20-89, 4-4-91, 9-1-93, 4-28-96, 2-12-97, 5-25-97, 10-7-97, 12-7-97, 2-15-98, Formerly 33-3.005, Amended 12-20-99, Formerly 33-602.402, Amended _____.

33-210.103 Privileged Mail.

(1) No change.

(2) Processing of Privileged Mail.

~~(a)(2) All outgoing and incoming privileged mail shall be opened in the presence of the inmate to determine forwarded unopened when it can be determined from the envelope that the correspondence is privileged mail and that it contains no contraband or other noncommunicative objects. A determination can be made in most instances by bending, shaking, or holding the envelope to a light. If a determination cannot be made from an examination of the envelope, the mail may be:~~

~~(a) Opened for inspection in the presence of the inmate. Only the signature and letterhead may be read, or~~

~~(b) Held for a reasonable time pending verification that it was sent by or is properly addressed to a public official, a governmental agency or a member of the news media. If the incoming mail is not privileged mail, it will be returned to the sender along with a form letter which states that the correspondence is being returned in accordance with subsection (2) of this rule because it was being transmitted under the guise of privileged mail. The inmate to whom the mail was addressed shall receive a copy of the form letter.~~

(b) Inmates shall present all outgoing privileged mail unsealed to the mail collection representative to determine, in the presence of the inmate, that the correspondence is privileged mail and that it contains no contraband. Only the address may be read to determine whether it is properly addressed to a person or agency listed in subsection (1) of this rule. If the outgoing mail contains contraband or is not privileged mail, the inmate shall be subject to disciplinary action.

(3) through (6) No change.

Specific Authority 20.315, 944.09, 944.11 FS. Law Implemented 944.09, 944.11 FS. History—New 9-1-93, Amended 5-25-97, 2-15-98, Formerly 33-3.0052, Amended 12-20-99, Formerly 33-602.403, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jerry Vaughan

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 17, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 28, 2001

DEPARTMENT OF CORRECTIONS

RULE TITLE: Use of Force
RULE NO.: 33-602.210

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify provisions relating to use of force in correctional institutions.

SUMMARY: The proposed rule describes in detail the process for videotaping uses of force and sets forth circumstances under which videotaping is not required, updates forms and clarifies requirements for completion of forms associated with use of force, clarifies the use of force investigation process,

and the medical examination process following a use of force, provides for use of special equipment and describes circumstances for use of such equipment.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.35 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.210 Use of Force.

(1) No change.

(2) Physical force shall be employed only as a last resort when it reasonably appears that other alternatives are not feasible to control the situation and will not be used solely in response to verbal abuse that does not rise to a level of a disturbance. When the use of force is justified, only that amount and type of force that reasonably appears necessary to accomplish the authorized objective shall be used. All authorized use of force incidents will be videotaped in their entirety, except that videotaping the administration of chemical agents is not required for use on an inmate creating a disturbance in his or her cell when the officer is attempting to resolve the situation without extracting the inmate from the cell. Videotaping will be initiated after the final exposure to chemical agents if cell extraction or other uses of force are necessary. All spontaneous use of force incidents will be videotaped from the point the video camera operator arrives at the scene. Videotaping shall continue uninterrupted until the incident is under control, the involved inmate is escorted to medical, and the inmate is subsequently returned to secure housing. Videotaping of post use of force medical exams shall be done in such a manner as to provide the privacy needed for the exam. If it is necessary to transport the inmate to an outside facility for treatment or to another department facility for secure housing purposes, videotaping shall continue until the inmate is loaded and secured in the transport vehicle.

(3) through (4) No change.

(5) The warden or duty warden will be consulted and give her or his permission prior to use of physical force. In spontaneous use of force incidents when circumstances do not permit prior approval, the warden or duty warden will be

notified immediately following any use of force incident. Whenever force is authorized, the employee who was responsible for making the decision to use force pursuant to subsection (1) shall prepare, date and sign the Authorization ~~F~~for Use of Force Report, Form DC6-232 either during, or immediately after, the tour of duty when force was used. If the authorization for force is given after normal working hours, the person authorizing the force shall complete and sign Form DC6-232 within one working day (Monday through Friday) following the incident. Form DC6-232 is ~~hereby~~ incorporated by reference in subsection (19) of this rule. ~~Copies of this form may be obtained from any institution or from the Forms Control Administrator, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If forms are to be mailed, the request must be accompanied by a self-addressed stamped envelope. The effective date of this form is 2-7-00.~~

(6) Whenever force is used, a detailed written report of force used shall be prepared, dated and signed by the initial employee using force. Form DC6-230, Institutions Report of Force Used, shall be used for this purpose. If more than one employee was involved in the initial use of force, the highest ranking official involved or the most senior employee shall complete the report. Each additional employee involved in the use of force who agrees with the facts and circumstances as reported on Form DC6-230 part I shall prepare an Institutions Report of Force Used Sstaff Ssupplement, Form DC6-231. The report shall describe in detail the type and amount of force used by himself or herself. Each employee shall individually write his or her own report, then submit the completed report to the clerical personnel designated by the warden to type all the reports onto one form to be signed by each employee. Any additional employee who does not agree with the facts and circumstances as reported in Form DC6-230 part I shall prepare a separate Form DC6-230, Institutions Report of Force Used. Forms DC6-230 and DC6-231 are ~~hereby~~ incorporated by reference in subsection (19) of this rule. ~~Copies of these forms may be obtained from the Forms Control Administrator, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If forms are to be mailed, the request must be accompanied by a self-addressed stamped envelope. The effective date of these forms is 2-7-00.~~

(7) The Authorization ~~F~~for Use of Force Report and the Institutions Report of Force Used shall be completed by those staff involved either during or immediately after the tour of duty when force was used. If an emergency arises, the warden may authorize the employee to complete the reports immediately upon his return on the next calendar day. Barring such an emergency, all reports must be typed and submitted to the warden or assistant warden within 1 working day (Monday through Friday) following the incident.

(8) The warden or assistant warden shall immediately conduct a preliminary review of the video tape(s) and all associated reports for signs of excessive force or procedural deviation. If signs of excessive force or procedural deviation are noted by the warden or assigned inspector, she or he will notify the Office of the Inspector General directly, so that there is no undue delay in initiating an investigation. The warden shall then appoint a staff member of equal or higher rank than those involved in the use of force to collect all pertinent information and required documentation. This information will include the reports of statements from all involved staff and the statements of staff witnesses, inmate and staff and inmate witnesses, the inmate subject, and the completed Use of Force File Checklist, Form DC1-813. All statements (subject and witnesses) shall be made in writing using the Witness Statement, Form DC6-112C. Form DC6-112C is incorporated by reference in Rule 33-601.313, F.A.C. This process will be completed within 5 working days (Monday through Friday). The warden shall review the information and note any inappropriate actions. The warden shall review the Use of Force File Checklist, Form DC1-813, and shall forward the videotape(s) and associated reports on the use of force and the warden's review summary to the institutional inspector within five working days. Form DC1-813 is incorporated by reference in subsection (19) of this rule. The institutional inspector will ~~review the videotape(s) and associated documentation to ensure that all documentation is complete and will forward all materials to the Use of Force Unit within the Office of the Inspector General (OIG) within 5 working days.~~ The OIG, following its review, will either approve the use of force action or disapprove it. If necessary, and refer it will be referred for investigation before final approval or disapproval. Copies of the employee's report, the warden's summary and the inspector general's review and determination shall be kept in the inmate's file. A Use of Force Log, Form DC2-802, shall be placed in every employee's personnel file. This form will be maintained by the servicing personnel office and shall contain a record of every report of use of force and staff supplement completed by the employee. The warden or his or her designee ~~institutional inspector~~ shall be responsible for submitting accurate information to the personnel office in order to maintain the DC2-802. Any use of force reports completed prior to April 15, 1998 shall also remain in the file. Form DC2-802, Use of Force Log, is ~~hereby~~ incorporated by reference in subsection (19) of this rule. ~~Copies of this form can be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Requests for copies to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is 2-7-00.~~

(9) Any employee who witnesses, or has reasonable cause to suspect, that an inmate has been unlawfully abused shall immediately prepare, date and sign an Incident Report, Form DC6-210, pursuant to Section 944.35(5), Florida Statutes,

specifically describing the nature of the force used, the location and time of the incident and the persons involved. The report shall be delivered to the inspector general of the department with a copy delivered to the warden of the institution. The inspector general shall conduct an appropriate investigation and, if probable cause exists that a crime has been committed, notify the state attorney in the circuit in which the institution is located. Form DC6-210, Incident Report, is ~~hereby~~ incorporated by reference in subsection (19) of this rule. ~~Copies of this form can be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Requests for copies to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is 2-7-00.~~

(10) Force or restraint may be used to administer medical treatment when ordered by a physician or clinical associate, and only when treatment is necessary to protect the health of other persons, as in the case of contagious and venereal diseases, or when treatment is offered in satisfaction of a duty to protect the inmate against self-inflicted injury or death. The physician or clinical associate shall prepare a report documenting the reasons that force or restraint was authorized. Form DC6-232, Authorization For Use Of Force Report, shall be used for this purpose. The physician's or clinical associate's report shall be attached to the Institutions Report of Force Used. In each instance a DC4-701C, Emergency Room Record, shall be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. ~~If an injury is claimed or found to exist,~~ Form DC4-708, Diagram of Injury, shall also be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. In each case, the examination shall be complete and result in a clear statement by the medical provider that there is or is not an injury, and the record shall provide sufficient documentation to support that conclusion. In all cases where physical force is used to manage an inmate, the inmate and any employee who is involved will be required to receive a medical examination or will sign a Refusal of Health Services Affidavit, Form DC4-711A, declining the examination. In those cases where an injury is claimed but not substantiated by medical examination, the statement by the medical provider shall indicate this, and the documentation shall be sufficient to support that no injury was found upon examination. Forms ~~DC4-711A,~~ DC4-701C and DC4-708 are incorporated by reference in ~~subsection (19)(15)~~ of this rule.

(11) The use of electronic immobilization restraining devices, batons, or chemical agents, or specialty impact munitions within institutions shall be authorized only by the warden, or duty warden if the warden is not available. For purposes of this rule, the duty warden shall be an assistant warden, colonel, major of a work camp that is attached to a major institution, or a major of a work release center if so designated by the warden and regional director (taking into consideration the proximity of the work release center to the

institution) of a rank of correctional officer colonel or higher. The correctional officer major at the main unit can serve as duty warden at those institutions that do not have a correctional officer colonel. Batons shall be used only by trained baton squad members to disarm an inmate or during situations in which the squad has been activated to quell a disturbance. The decision to use chemical agents, specialty impact munitions, or authorized electronic immobilization restraining devices shall be based on which level of force is most likely to resolve the situation with the least amount of injury to all parties involved. Hands-on physical force shall be avoided if injury is less likely to occur by using chemical agents, specialty impact munitions, or electronic immobilization restraining devices.

(12) Batons, chemical agents, electronic immobilization devices, and specialty impact munitions shall not be used in inpatient mental health units (i.e., isolation management rooms, transitional care units, crisis stabilization units, and the corrections mental health institution) except when it appears reasonable necessary to:

(a) Prevent an inmate or inmates from taking control of the health unit, or to subdue a take-over of the health unit.

(b) Prevent an inmate or inmates from taking a hostage or to help free a hostage.

(c) Prevent an inmate or inmates from escaping.

(d) Stop an assault on staff or other inmates when other means of intervention are likely to be ineffective or pose a risk of injury to the intervening staff.

(13)(12) Use of electronic immobilization restraining devices.

(a) Electronic immobilization restraining devices authorized by the department include: shall be used primarily, but not exclusively, during transporting and supervision of inmates outside the institution.

1. Ultron II, handheld, which shall be issued primarily for the purpose of transportation and supervision of inmates outside the institution;

2. Ultron electronic shield, which shall be primarily used by force cell extraction teams; and

3. Electronic restraint belt, which is authorized for use for inmate court appearances and other transports of high profile or high-risk inmates.

(b) Electronic immobilization restraining devices shall only be used by officers who have successfully completed the Department of Corrections' authorized training for these devices.

(c) Electronic immobilization restraining devices shall be used in accordance with manufacturer's specifications and limitations.

(d) If possible, the shift supervisor shall be present when electronic immobilization restraining devices are used at the institution or facility.

(e) Where time and circumstances permit, medical staff shall be consulted to determine if the inmate has any medical condition that would make the use of an electronic immobilization restraining device dangerous to that inmate's health.

(f) Handheld eElectronic immobilization restraining devices shall be issued to the unarmed officers on any inmate transport where firearms are issued, or on any outside hospital assignment where firearms are issued. The chief of security, or in his absence, the shift supervisor, shall determine the number of officers who will be issued firearms and electronic immobilization restraining devices during such trips.

(g) As soon as possible following each use of an electronic immobilization restraining device the inmate shall be afforded medical examination and treatment. Medical staff shall, upon completing the medical examination, make a mental health referral for each inmate who is classified S-2 or S-3 on the health profile. Mental health staff shall evaluate the inmate not later than the next work day to determine whether a higher level of mental health care (isolation management, transitional, or crisis stabilization) is indicated. For the purposes of this rule, the following definitions shall apply:

1. S-2 is the mental health classification denoting mild impairment in the ability to meet the ordinary demands of living within general inmate housing (which includes segregation), which impairment is associated with an Axis I disorder (excluding substance use disorders) or symptoms thereof, schizotypal personality disorder, borderline personality disorder, or mental retardation. The impairment in functioning is not so severe as to prevent satisfactory adjustment in general inmate housing, with provision of mental health services.

2. S-3 is the mental health classification denoting moderate impairment in the ability to meet the ordinary demands of living within general inmate housing, due to the presence of an Axis I disorder (excluding substance abuse disorders), borderline personality disorder, or schizotypal personality disorder. The impairment in functioning is not so severe as to prevent satisfactory adjustment in general inmate housing with provision of mental health services. Clinical management of the disorder may require at least periodic administration of psychotropic medication, of which the inmate may exercise his or her right to refuse.

(h) In any case where electronic immobilization restraining devices are used, an Institutions Report of Force Used, Form DC6-230, use of force report shall be written and shall include:

1. What precipitated the use of the device; and

2. To what extent it was used and what results were derived from its use;

3. Color photos of the marks left by the device.

(i) Electronic immobilization ~~restraining~~ devices shall be stored and maintained in either the main arsenal or the control room mini-arsenal. The warden may authorize, in writing, the storage of one handheld unit and one shield ~~in the officer's station~~ in the confinement unit or close management unit. These devices shall be kept secured in a locked cabinet when not in use.

(j) All electronic immobilization ~~restraining~~ devices shall be accounted for in the same manner as firearms.

(k) There shall be no attempt to alter, tamper with, or repair any electronic immobilization ~~restraining~~ device. If a unit malfunctions or needs repair, it shall be sent to an authorized repair station. If a unit requires attention, it shall not be issued until repaired. If any electronic immobilization ~~restraining~~ device is dropped or knocked out of the hand, it shall be immediately tested to determine if it is damaged or is operating properly.

(l) Electronic immobilization devices shall not be utilized after the application of CN or CS chemical agents.

(14)(13) Use of Chemical Agents.

(a) The following chemical agents are authorized for use by the department:

1. OC – Oleoresin Capsicum (pepper spray) – An inflammatory agent that causes tearing and involuntary closing of the eyes, nasal discharge, sneezing, disorientation, and the sensation of respiratory distress.

a. OC is the primary chemical agent to be used for cell extractions and other in-cell, individual, use.

b. OC shall be used only in the manner prescribed in department rules and procedures, consistent with manufacturer directions.

2. CS – Orthochlorobenzal Malononitrile or Orthochlorobenzylidene Malononitrile – An irritant agent that causes eyes to burn and tear, nasal discharge, and skin and upper respiratory irritation.

a. CS shall be used for cell extractions and other in-cell, individual, use only when OC is ineffective and efforts to talk the inmate into cooperating have failed.

b. CS shall be used only in the manner prescribed in department rules and procedures, consistent with manufacturer directions.

c. CS shall not be used in conjunction with any electronic immobilization device.

3. CN – Chloroacetophene – A lacrimator agent that causes tearing of the eyes, nasal discharge, and skin and upper respiratory irritation.

a. CN projectiles, grenades and thermal foggers shall only be used for institutional disturbances and crowd control.

b. CN shall be authorized for use as set forth in a. above only until the expiration date of current stores, at which time CN is no longer authorized for use.

c. CN shall not be used in conjunction with any electronic immobilization device.

(b) No change.

(c) In controlled situations when time constraints are not an issue, chemical agents can only be used if authorized by the warden, or duty warden. Additionally, in accordance with paragraph (k) below, certified correctional staff will be designated by the warden to carry chemical agents and will be pre-authorized to administer chemical agents in instances where chemical agents must be used for intervention in self-defense, i.e., when the officer believes that he or she is in imminent threat of bodily harm or that the use of chemical agents will prevent injury to other staff, visitors, volunteers or inmates.

(d) through (f) No change.

(g) No inmate shall be handcuffed solely for the purpose of administering chemical agents. If chemical agents are administered to a handcuffed inmate, an explanation as to why the removal of the handcuffs was not feasible shall be included in Section I of the Institutions Report of Force Used, Form DC6-230.

(h) No change.

(i) Chemical agents shall only be used when a use of force is necessary and when this level of force is the least likely to cause injuries to staff or inmates.

(j) All chemical agents shall be used with caution and in accordance with the manufacturer's instructions. The Material Safety Data Sheet (MSDS) for chemical agents shall be kept where chemical agents are located at the institution.

(k) Chemical agents shall be stored in the main arsenal. A small amount of chemical agents may be stored in secure locations such as the control room mini-arsenal or the officer's station in confinement and close management units until its use is authorized. Each stored chemical agent dispenser will be numbered. The Chemical Agent Accountability Log, Form DC6-216, will be kept in all areas in which chemical agents are stored and will be utilized to record the weight of each numbered chemical agent dispenser prior to issue and again when it is returned to the secure inventory storage area. The weighing process will be conducted and a verifying entry will be made in the log, including the signature of the shift supervisor authorizing the use of the chemical agent. The chief of security shall monitor the canister weights following each use of chemical agents to ensure the amounts used are consistent with that expected by reviewing and initialing the Chemical Agent Accountability Log, Form DC6-216. Form DC6-216 is incorporated by reference in subsection (19) of this rule. Staff designated by the Secretary of the Department Shift supervisors, ~~correctional officer sergeants, and other assigned internal security officers~~ shall be issued one three or four ounce dispenser of MK-4 Defense Technologies 10% non-flammable OC pepper spray or equivalent, with marking dye, after being properly trained in chemical agent utilization. The chemical

agent dispenser which shall be securely encased and attached to the officer's belt. Each MK-4 chemical agent dispenser will be secured within a pouch by a numbered, breakable seal. Form DC6-213, Individual Chemical Agent Dispenser, will be utilized to document the name of the officer to whom each dispenser is assigned as well as the seal number on the dispenser she or he received. Upon receiving the dispenser and pouch, the officer will examine the safety seal to ensure that it is intact. If the seal is broken, the Shift Supervisor will be notified immediately and an Incident Report, Form DC6-210, will be written. Forms DC6-210 and DC6-213 are incorporated by reference in subsection (19) of this rule. The arsenal sergeant shall maintain a mastery inventory of all individual chemical agent dispensers complete with the weight of the dispenser at the time the original seal is attached. Whenever a dispenser is returned with a broken seal, the arsenal sergeant shall document the weight of the dispenser on the Form DC6-216 and attach a new seal.

(l) ~~In any case where chemical agents are used, an accurate record shall be maintained as to what type of agent was used, how much was used, method of administration, person authorized to draw chemical agent when issued from a secure location, person administering the chemical agent, location administered, and reason for use. This information shall be included in section I of the Institutions Report of Force Used, Form DC6-230 use of force report. Individual chemical agent dispensers carried by staff will be weighed by staff as designated by the warden at the beginning and end of each shift. These inspections will be documented on Form DC6-213, Individual Chemical Agent Dispenser Accountability Log, and any discrepancies shall be immediately reported. Form DC6-213 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-1500. Requests for copies to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is 2-7-00.~~

(m) Procedure for the use of chemical agents on disruptive inmates under controlled conditions:

1. If an inmate becomes disorderly, disruptive, unruly, and attempts by officers at counseling and ordering the cessation of disruptive behavior fails, the confinement or close management lieutenant or shift supervisor or person of higher rank shall be contacted for further instructions.

2. If the confinement or close management lieutenant or shift supervisor's efforts to control the disorderly inmate have failed and the use of chemical agents is the least level of force that can be expected to successfully gain control of the disruptive inmate while minimizing the risk of injuries to all involved, the shift supervisor shall:

a. Ensure that medical staff are contacted when time and circumstances permit, to determine if the inmate has a medical condition that would prevent the use of chemical agents; and

b. Contact the warden or duty warden and request authorization to utilize chemical agents.

3. Prior to using chemical agents, the inmate again shall be counseled with concerning his behavior ~~ordered by staff to cease his actions.~~

a. ~~If this attempt to counsel with the inmate is unsuccessful, the inmate will be given a final order by staff these efforts fail, the shift supervisor shall order the disorderly inmate to cease his actions. The inmate will also be informed at this time and inform him that chemical agents will be administered if he continues his disruptive behavior.~~

b. If the inmate continues his disruptive behavior, approximately three minutes after the order is given, staff are authorized to administer chemical agents in the form of no more than three one-second bursts. Staff are authorized to immediately utilize chemical agents if physical injury to staff or other inmates appears imminent.

c. If after approximately five minutes from the initial exposure the inmate still continues his disruptive behavior, staff are authorized to again administer chemical agents for no more than three one-second bursts.

d. If the second administration of chemical agents fails to control the inmate's disruptive behavior, medical staff shall again be consulted to assist in determining the next course of action. Additional actions include:

1. Medical or psychological intervention;

2. Additional administration of the same type or other type of chemical agent;

3. Use of electronic immobilization devices; and

4. Other uses of force as authorized by this rule.

e.b. No change.

f.e. Except in cases of extreme emergency as determined by the warden or duty warden, the confinement or close management lieutenant or shift supervisor shall counsel with, issue the final order, and be present during the time of the final counseling period and the administering of chemical agents.

(n) Medical Requirements. All inmates shall be examined by medical staff as soon as possible after the chemical agent has been used but not more than one hour after the first exposure, except in cases of emergency where this may not be possible. In each instance a DC4-701C, Emergency Room Record, shall be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. If an injury is claimed or found to exist, Form DC4-708, Diagram of Injury, shall also be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. In each case, the examination shall be complete and result in a clear statement by the medical provider that there is or is not an injury, and the record shall provide sufficient documentation to support that conclusion. In those cases where an injury is claimed but not

substantiated by medical examination, the statement shall indicate that, and the documentation shall be sufficient to support that no injury was found upon examination. Medical staff shall, upon completing the medical examination, make a mental health referral for each inmate who is classified S-2 or S-3 on the health profile. Mental health staff shall evaluate the inmate not later than the next working day, to determine whether a higher level of mental health care (isolation management, transitional or crisis stabilization) is indicated.

(o) No change.

(p) Inmates exposed to chemical agents shall be allowed and encouraged to shower and change both inner and outer wear after exposure for decontamination purposes.

1. If an inmate refuses to shower or change, the refusal should be documented:

a. On Form DC6-210, Incident Report, by the shift supervisor, if the inmate is in general population;

b. On Form DC6-229, Daily Record of Segregation, by the confinement lieutenant or shift supervisor, if the inmate is in confinement; or,

c. On Form DC6-229, by the close management lieutenant or shift supervisor, if the inmate is in close management. Form DC6-229 is incorporated by reference in Rule 33-601.800.

2. In the event the inmate refuses to shower or change, staff shall advise the medical staff member who is responsible for examining the inmate following the use of force of this refusal.

(15) Specialty Impact Munitions. Specialty impact munitions shall be used primarily by the department's rapid response teams and correctional emergency response teams during riots and disturbances. They are intended as a less lethal alternative to the use of deadly force. Specialty impact munitions shall only be employed by officers trained in their use and effects.

(a) Definitions:

1. Specialty Impact Munitions – Munitions designed to incapacitate, distract, and control a subject with less likelihood of life-threatening injury.

2. Rubber Ball Rounds – Multiple pellets fired from cartridges at the lower extremities of rioters, designed to inflict pain compliance.

3. Wooden Baton Rounds – Multiple wooden baton rounds fired from a 37-MM weapon, designed to be skip fired into the lower extremities of rioters to inflict pain compliance.

4. Skip Firing – The practice of firing specialty impact munitions 5-7 feet in front of rioters, thereby deflecting the munitions into the legs of the rioters.

5. Direct Firing – The practice of firing specialty munitions directly into a group of rioters, from a distance of greater than 20 feet with a target area of the waist or below.

(b) The following specialty impact munitions have been approved for use by the department:

1. 37-MM rubber ball pellet rounds.

2. 12 gauge rubber ball pellet rounds.

3. 37-MM wooden baton rounds.

(c) Selection and deployment of specialty impact munitions during a riot or disturbance shall be authorized by the ultimate commander and supervised by the rapid response or correctional emergency response team leader. For the purposes of this rule, the ultimate commander is the secretary or his designee at the central office level, the regional director or his designee at the regional level, or the warden or his designee at the institution level.

(d) Specialty impact munitions shall only be used after all other reasonable alternatives to regain control have been exhausted. They are intended to be used as an interim force response between the use of chemical agents and lethal force.

(e) Specialty impact munitions shall not be deployed in the direction of any individual at a distance of less than 10 feet, unless the threat justifies the escalation to deadly force.

(f) Storage of Specialty Impact Munitions.

1. Specialty impact munitions shall be stored and maintained in the main arsenal.

2. Specialty impact munitions shall not be mixed with lethal munitions. Weapons designated to deploy specialty impact munitions shall be marked in a manner to alert staff of their intended use.

3. All specialty impact munitions will be accounted for in the same manner as firearms and ammunition.

(g) After each use of specialty impact munitions, exposed inmates shall be examined by medical personnel.

(h) In any case where specialty impact munitions are deployed, an Institutions Report of Force Used, Form DC6-230, shall be filed in accordance with use of force procedures set forth in this rule.

(16)(14) Use of Firearms. In order for all concerned to be aware of their responsibilities, the statewide procedures set forth in this rule shall be included in the appropriate Department of Corrections procedures, post orders and escape emergency plans at each institution.

(a) No change.

(b) Firearms or weapons shall be issued to an employee only upon instructions of the warden, ~~duty assistant~~ warden, chief of security or shift supervisor by the arsenal officer or the officer designated to issue weapons. Employees shall not intentionally discharge a firearm at or in the direction of another person except under the following circumstances and after all reasonable non-lethal alternatives have been exhausted, and there is no danger to innocent bystanders:

1. Escape or apprehension of an identified escapee ~~in~~ self-defense;

2. Use of vehicle to gain unauthorized entry into or exit from a correctional institution in order to facilitate an escape ~~To prevent escape;~~

- 3. To prevent injury to a person including self-defense
~~prevent injury to a person;~~ or
- 4. To quell a riot.

(c) The use of twelve gauge #6 steel turkeyshot is approved for use by the rapid response teams during riots and disturbances. It is intended to be fired from a distance in the direction of the rioters' lower extremities to inflict pain compliance to directions and orders. It is acknowledged that the #6 steel shot has the potential of inflicting a lethal injury, however, its use is considered a less lethal interim munition to be used prior to more lethal loads authorized by the department.

(c) through (e) renumbered (d) through (f) No change.

~~(g)(f)~~ Firearms shall not be discharged:

1. In any case where there is reason to believe that the life of an innocent bystander will be endangered by discharge of the firearm;:-

2. From any moving vehicle unless such action is reasonably believed necessary to protect oneself or another from imminent death or great bodily harm;:-

3. As a warning except during escapes, unless exceptional circumstances exist which would justify the firing of a warning shot;:-

4. Until the employee is sure that an escape is occurring or has occurred and he is reasonably certain that the person to be fired upon is an escapee;:-

5. Until the employee is sure of the target and what lies beyond;:-

6. If an inmate is escaping and the officer is recapturing the inmate in a congested area;:-

7. Except after all reasonable non-lethal alternatives have been exhausted; or

8. On the mere suspicion that a crime, no matter how serious, has been committed.

~~(h)(g)~~ No change.

~~(i)(h)~~ Because helicopters or other aircraft may be used during an escape or assault, the following policy shall apply:

1. through 7. No change.

8. If attempts to prevent inmates from boarding the aircraft ~~described in 7. above~~ fail and the aircraft leaves, the aircraft is not to be fired upon, unless the officer is returning fire as described in 7. above. Immediate notification should be made to law enforcement personnel and the Federal Aviation Administration giving departing flight directions and any other information necessary to identify the aircraft. Additional information on the escaped inmates, possible damage to the aircraft, and weapons used by persons in the aircraft should also be reported.

9. through 10. No change.

(i) through (j) renumbered (j) through (k) No change.

~~(17)(15)~~ Medical Attention Following Use of Force. Appropriate medical treatment shall be provided ~~immediately or,~~ in the case of a riot or other man-made or natural disaster, ~~as soon as possible,~~ if an inmate or employee is injured. Any treatment or follow-up action shall be documented in section III of Form DC6-230, Institutions Report of Force Used. A qualified health care provider shall examine any person physically involved in a use of force within one working day (Monday through Friday) to determine the extent of injury, if any, and shall prepare a report which shall include, but not be limited to, a statement of whether further examination by a physician is necessary. Any noticeable physical injury shall be examined by a physician and the physician shall prepare a report documenting the extent of the injury and the treatment prescribed. Such report shall be completed within 1 day of the incident and shall be submitted to the warden for initial review. The qualified health provider and physician shall use Form DC4-701C, Emergency Room Record, to document an examination following use of force. Form DC4-708, Diagram of Injury, shall be used along with Form DC4-701C to document obvious physical injuries. A copy of the report, along with the referenced forms, shall be attached to the Institutions Report of Force Used. The original reports shall be filed in the medical record. ~~Forms DC4-701C and Form DC4-708 are hereby incorporated by reference. Copies of these forms may be obtained from the Forms Control Administrator, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If forms are to be mailed, the request must be accompanied by a self-addressed stamped envelope. The effective date of these forms is 2-7-00.~~

~~(18)(16)~~ Any violations of provisions of this section shall be subject to the penalties prescribed in Section 944.35, Florida Statutes.

(19) The following forms are hereby incorporated by reference. Copies of these forms are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) DC1-813, Use of Force File Checklist, effective

(b) DC2-802, Use of Force Log, effective 2-7-00.

(c) DC4-701C, Emergency Room Record, effective

(d) DC4-708, Diagram of Injury, effective 2-7-00.

(e) DC4-711A, Refusal of Health Services Affidavit, effective

(f) DC6-210, Incident Report, effective 2-7-00.

(g) DC6-213, Individual Chemical Agent Dispenser, effective 2-7-00.

(h) DC6-216, Chemical Agent Accountability Log, effective

(i) DC6-230, Institutions Report of Force Used, effective

(j) DC6-231, Institutions Report of Force Used Staff Supplement, effective 2-7-00.

(k) DC6-232, Authorization for Use of Force Report, effective 2-7-00.

Specific Authority 944.09, FS. Law Implemented 20.315, 944.09, 944.35 FS. History—New 4-8-81, Amended 10-10-83, 9-28-85, Formerly 33-3.066, Amended 3-26-86, 11-21-86, 4-21-93, 7-26-93, 11-2-94, 2-12-97, 11-8-98, Formerly 33-3.0066, Amended 10-6-99, 2-7-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jerry Vaughan

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 15, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 5, 2001

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: Permit Application Processing Fees

RULE NO.: 40E-1.607

PURPOSE AND EFFECT: The purpose and effect of the rule is to update permit application processing fees.

SUMMARY: Modifications are made to the application processing fees for general water use permit applications.

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

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

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

TIME AND DATE: 8:30 a.m., March 14, 2002

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: For technical issues contact Scott Burns (internet: sburns@sfwmd.gov), or Elizabeth Ross (internet: eross@sfwmd.gov), telephone number 1(800)432-2045. For procedural issues contact: Julie Jennison (internet: jjenniso@sfwmd.gov), 1(800)432-2045, Ext. 6294 or (561)682-6294, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-1.607 Permit Application Processing Fees.

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

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

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

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

Category	Amount
Individual Public Water Supply	
Maximum daily allocation	
Greater than 0.5+ million gallons per day (mgd) through 1 mgd	\$2700
Greater than 1 mgd through 10 mgd	\$5500
Greater than 10 mgd	\$7000
Individual Irrigation with a duration less than 20 years	\$1000
Individual Irrigation with a duration of 20 years	
Maximum daily allocation	
Greater than 0.5+ mgd through 1 mgd	\$1000
Greater than 1 mgd through 10 mgd	\$2500
Greater than 10 mgd	\$3500

Individual Mining (Dewatering)	
Maximum daily allocation	
Greater than 0.5 mgd through 1 mgd	\$1800
Greater than 1 mgd through 10 mgd	\$3250
Greater than 10 mgd	\$4000
Individual Industrial	
Maximum daily allocation	
Greater than 0.54 mgd through 1 mgd	\$1400
Greater than 1 mgd through 10 mgd	\$2750
Greater than 10 mgd	\$3500
General	\$350
<u>Maximum Monthly Allocation</u>	
Less than 3 million gallons per month (mgm)	\$350
Greater than 3 mgm through 15 mgm	\$1000
Short-term Dewatering	\$500
Permit Transfer to Another Entity Pursuant to Rules 40E-1.611 and 40E-2.351, F.A.C.	\$300 450
Letter Modification to Individual Permit	no fee
Letter Modification to General Permit (2) through (6) No change.	no fee

Specific Authority 373.109, 373.421(6)(b) FS. Law Implemented 373.109, 373.421(6)(b) FS. History—New 1-8-89, Amended 1-2-91, 11-15-92, 6-1-93, 1-23-94, 10-3-95, 4-1-96, 11-8-99, 5-24-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Wm. Scott Burns, Director, Water Use Regulation Department
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the South Florida Water Management District
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 15, 2001
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 3, 2001

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: Forms and Instructions
 RULE NO.: 40E-1.659
 PURPOSE AND EFFECT: The purpose and effect of the rule is to update references to forms and instructions.
 SUMMARY: Dates of certain water use forms are updated.
 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: 120.53, 373.044, 373.113 FS.
 LAW IMPLEMENTED: 120.53, 373.113 FS.
 A PUBLIC HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW.

TIME AND DATE: 8:30 a.m., March 14, 2002
 PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406
 Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including testimony and evidence upon which any appeal is to be based.
 Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: For technical issues contact: Scott Burns (internet: sburns@sfwmd.gov) or Elizabeth Ross (internet: eross@sfwmd.gov), telephone number 1(800)432-2045. For procedural issues contact: Julie Jennison (internet: jjenniso@sfwmd.gov), 1(800)432-2045, Ext. 6294 or (561)682-6294, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-1.659 Forms and Instructions.

(1) The following forms and instructions are hereby incorporated by reference into this chapter:

Form No.	Date	Title
0050A	7-89	Application to the South Florida Water Management District for a Permit for Utilization of District Works and Modification of Existing Permit Works of the District No.
0108	3-91	Application for Release of Mineral, Canal, and Road Reservations Reserved Under Chapters 6456, 6957, 7305, 9131, 14717 and 20658, Laws of Florida
0113	8-95	Surface Water Management Permit No.
0115	8-95	Surface Water Management Permit Modification No.
0119	8-95	Wetland Resource Permit No.
0122	4-93	Application to the South Florida Water Management District for Authority to Utilize Works or Land of the District
0123	8-90 12-01	Well Construction Permit Application
0124	11-90	Well Completion Report
0145	8-95	Environmental Resource Permit No.
0157	8-95	Environmental Resource Permit Modification No.
0188	12-01	<u>Pumpage Report</u>

0195	6-91	Public Water Supply Well Information and Classification
0196	10-89	Water Well Inspection Scheduling Card
0299	1-90	Water Use Permit No.
0444	8-95	Application for a Standard General Permit for Incidental Site Activities
0445	12-01 7-87	Application for a Notice of Intent to Short-term Dewatering General Water Use Permit
0483	8-95	Request for Environmental Resource, Surface Water Management, Water Use, or Wetland Resource Permit Transfer
0645	12-01 8-95	Water Use Permit Application
0659	3-94	Notice of Intent to Use Water in Conjunction with Oil Well Drilling in Lee, Collier and Hendry Counties
0779	5-92	Guidance for Preparing an Application for a "Works of the District" Permit in the Everglades/Application for a Works of the District Permit
0830	4-94	Special Use Application and License
0881	8-95	Environmental Resource/Surface Water Management Permit Construction Completion/Construction Certification
0889	8-95	Certification of Waiver of Permit Application Processing Fee
0920	8-95	Request for Conversion of Environmental Resource/Surface Water Management Permit from Construction Phase to Operation Phase and Transfer of Permit to the Operating Entity
0938	8-95	Mitigation Construction Commencement Notice
0941	8-95	Environmental Resource Standards/Noticed General Permit No.
0942	8-95	Surface Water Management General Permit No.
0960	8-95	Environmental Resource/Surface Water Management Permit Construction Commencement Notice
0961	8-95	Environmental Resource/Surface Water Management Permit Annual Status Report for Surface Water Management System Construction
0970	8-95	Applicant Transmittal Form for Requested Additional Information

0971	8-95	Joint Application for Environmental Resource Permit/Authorization to Use State Owned Submerged Lands/Federal Dredge and Fill Permit
0972	8-95	Petition for a Formal Wetland and Surface Water Determination
0973	8-95	Above Ground Impoundment Inspection/Certification Report
0974	8-95	Notice of Intent to Construct a Minor Silvicultural System
0980	8-95	Notice of Intent to Use a Noticed General Environmental Resource Permit

(2) No change.

Specific Authority 120.53, 373.044, 373.113 FS. Law Implemented 120.53, 373.113 FS. History--New 9-3-81, Amended 12-1-82, 3-9-83, Formerly 16K-1.90, Amended 7-26-87, 11-21-89, 1-4-93, Formerly 40E-1.901, Amended 5-11-93, 4-20-94, 10-3-95,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Wm. Scott Burns, Director, Water Use Regulation Department
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the South Florida Water Management District
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 15, 2001
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 3, 2001

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLES:	RULE NOS.:
Policy and Purpose	40E-2.011
Publications Incorporated by Reference	40E-2.091
Content of Application	40E-2.101
Conditions for Issuance of Permits	40E-2.301
Modification of Permits	40E-2.331
Limiting Conditions	40E-2.381

PURPOSE AND EFFECT: The purpose and effect of the rule development is to modify and update the District's Water Use Rules to reflect new legislative direction, new policy development and regional water supply plans.

SUMMARY: The following topics in Chapter 40E-2 and the "Basis of Review for Water Use Permit Applications Within the South Florida Water Management District" are addressed: Content of Application, Conditions for Permit Issuance, Modification of Permits, Dewatering Permits, Permit (Limiting) Conditions, Use of Saline Water, Salt Water Intrusion, Restricted Allocation Areas – Upper East Coast Floridan Aquifer System, Monitoring Requirements, Pollution, and Basin Expiration Dates.

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: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.023, 373.042, 373.0421, 373.103(1), 373.185, 373.203, 373.216, 373.219, 373.249, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239 FS.

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

TIME AND DATE: 8:30 a.m., March 14, 2002

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: For technical issues contact Scott Burns (internet: sburns@sfwmd.gov), or Elizabeth Ross (internet: eross@sfwmd.gov), telephone number 1(800)432-2045. For procedural issues contact: Julie Jennison (internet: jjenniso@sfwmd.gov), 1(800)432-2045, Ext. 6294 or (561)682-6294, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680

THE FULL TEXT OF THE PROPOSED RULES IS:

40E-2.011 Policy and Purpose.

(1) It is the policy of the District to control all water uses within its boundaries, pursuant to the provisions of Chapter 373, Florida Statutes, and Chapters ~~62-40 17-40~~ and, Title 40E, F.A.C.

(2) The rules in this chapter implement the comprehensive water use permit system contemplated in part II of Chapter 373, Florida Statutes.

(3) Additional rules relating to water use are found in Chapter 40E-8 (Minimum Flows and Levels), Chapter 40E-20 (General Water Use Permits), Chapter 40E-21 (The Water Shortage Plan), Chapter 40E-22 (Regional Water Shortage Plans) and Chapter 40E-23 (Water Resource Caution ~~Critical Water Supply Problem~~ Areas).

(4) Standards for the construction, repair and abandonment of water wells are found in Chapter 40E-3 (Water Wells) and Chapter 40E-30 (General Permits for Water Wells).

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103(1), 373.203, 373.216-249 FS. History—New 9-3-81, Formerly 16K-2.01, Amended 7-4-82, 2-24-85, 11-17-91, _____.

40E-2.091 Publications Incorporated by Reference.

(+) The “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – _____ ~~September 2001~~” is hereby published by reference and incorporated into this chapter. A current version of this document is available upon request.

~~(2) The document listed in subsection (1) is published by the District and is available from the District upon request.~~

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239 FS. History—New 9-3-81, Formerly 16K-2.035(1), Amended 2-24-85, 11-21-89, 1-4-93, 4-20-94, 11-26-95, 7-11-96, 4-9-97, 12-10-97, 9-10-01, _____.

40E-2.101 Content of Application.

(1) Applications for permits required by this chapter shall be filed with the District. The application shall contain:

(a) The following parts of Form 0645 ~~Surface Water Management Permit Applications and/or~~ Water Use Permit Applications, as incorporated by reference in Rule 40E-1.659;

1. Part RC-1A Administrative Information for ~~Surface Water Management Permit Applications and/or~~ Water Use Permit Applications;

2. Part RC-1W Application for a Water Use Permit;

(b) The appropriate permit application processing fee required by Rule 40E-1.607;

(c) The information required in subsection 373.229(1), Florida Statutes; and

(d) Information sufficient to show that the use meets the criteria and conditions established in Rule 40E-2.301.

(2) The application must be signed by the applicant or the authorized agent of the applicant.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103(1), 373.219, 373.223, 373.229 FS. History—New 9-3-81, Amended 12-1-82, 2-24-85, 11-21-89, Repromulgated 1-4-93, Amended 4-20-94, _____.

40E-2.301 Conditions for Issuance of Permits.

(1) In order to obtain a permit, permit renewal, or permit modification under this chapter, an applicant must give reasonable assurances that the proposed water use ~~at the time the permit application is deemed complete:~~

(a) Will not cause harmful ~~significant~~ saline water intrusion;

(b) Will not harm ~~adversely impact~~ offsite land uses;

(c) Will not cause environmental harm ~~adverse environmental impacts~~;

(d) Will not cause pollution of the water resources;

(e) Is otherwise a reasonable-beneficial use as defined in subsection 373.019(13)(4), Florida Statutes, with consideration given to the factors set forth in Rule ~~subsection~~ 62-40.410, F.A.C.;

(f) Will not interfere with presently existing legal uses;

(g) Is in accordance with the Water Resource Implementation Rule on water transport pursuant to Rule subsection 62-40.422, F.A.C.;

(h) Makes use of a reclaimed water source unless the applicant, in any geographic location, demonstrates that its use is either not economically, environmentally or technically feasible; or in areas not designated as Critical Water Supply Problem Areas pursuant to Chapter 40E-23, F.A.C., the applicant demonstrates reclaimed water is not readily available;

(i) Meets the established minimum flows and levels and implementation provisions in Chapter 373, F.S., this Chapter, and Chapter 40E-8, F.A.C.; and

(j) Is consistent with Sections 373.016, 373.036, Florida Statutes, and otherwise is consistent with the public interest as prescribed by Chapter 373 and this Chapter.

(2) In order to satisfy the conditions for permit issuance in subsection (1), the permit applicant must provide reasonable assurances that the criteria in the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District —~~September 2001~~”, incorporated by reference in Rule 40E-2.091(~~4~~), are met.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.023, 373.042, 373.0421, 373.185, 373.219, 373.223, 373.226, 373.236 FS. History—New 9-3-81, Formerly 16K-2.035(2), Amended 2-24-85, 1-4-93, 4-20-94, 7-11-96, 4-9-97, 12-10-97, 9-10-01,_____.

40E-2.331 Modification of Permits.

(1) A permittee shall apply to the District Board for approval of any modification of an unexpired permit pursuant to Section 373.239, F.S. and Florida Statutes. ~~The Executive Director shall initiate proceedings to modify a permit pursuant to Rule 40E-1.609, F.A.C.~~

(2) Applications for modification, except letter modifications issued pursuant to subsection (4), shall contain the information required in Rule 40E-2.101, will be evaluated using the criteria specified in Rule 40E-2.301 and will be subject to the limiting conditions specified in Rule 40E-2.381. Modifications shall be approved if criteria in Rule 40E-2.301 are met.

(3) Proposed increases in allocation will be treated as new uses to the extent the proposed allocation exceeds the existing allocation.

(4)(a) Modification of an existing water use permit shall be approved by letter, provided the permit is in compliance with all applicable limiting conditions and the modification request:

1. Does not result in an increase in the amount of the permit allocation;

2. Does not modify the existing permit expiration date, except that when the permit duration is based upon the current lease expiration date, the permit duration shall be extended by letter modification to the new lease date, but shall not exceed the applicable permit duration pursuant to Rule 40E-2.321;

3. Does not potentially interfere with any presently existing legal use of water, cause adverse environmental impacts, saltwater intrusion, pollution of the water resources, adverse impacts to offsite land uses, or does not otherwise raise issues requiring a Staff determination of whether such impacts would occur pursuant to the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District —~~October 1997~~”, incorporated by reference in Rule 40E-2.091(~~4~~); and,

4. Does not change the permitted withdrawal source(s) or use classification.

5. Does not result in a modification of the permit which must be approved by the Governing Board pursuant to Section 373.239(2), F.S.

(b) The timeframes set forth in Rule ~~40E-1.603~~ 40E-1.606 shall apply to the processing of letter modifications.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.223, 373.229, 373.239 FS. History—New 9-3-81, Formerly 16K-2.09(1), Amended 4-20-94, 7-11-96, 4-9-97, 12-10-97,_____.

40E-2.381 Limiting Conditions.

The Board shall impose on any permit granted under this chapter such reasonable standard and special permit conditions as are necessary to assure that the permitted use or withdrawal will be consistent with the overall objectives of the District, will not be harmful to the water resources of the District, is reasonable-beneficial, will not interfere with any presently existing legal uses, and is consistent with the public interest. Standard permit conditions in Section 5.1 of the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District —~~September 2001~~”, incorporated by reference in Rule 40E-2.091(~~4~~) shall be set forth in the permit. Special permit conditions, including those specified in Section 5.2 of the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District —~~September 2001~~”, shall be set forth in the permit.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421, 373.219(1) FS. History—New 9-3-81, Amended 2-24-85, 7-31-87, 4-20-94, 7-11-96, 4-9-97, 12-10-97, 9-10-01,_____.

(The following represent proposed changes to the document entitled “Basis of Review for Water Use Permit Applications within the South Florida Water management District – December 2001” incorporated by reference in Rule 40E-2.091, F.A.C.)

The following changes are made to Chapter 2.0:

2.5 Dewatering

Dewatering activities that require a water use permit include withdrawals of water for construction activities, mining operations, and minor uses such as exploratory testing, short-term Remedial Action Plans, and aquifer performance tests. There are three types of District permits for dewatering projects, that are primarily based on the duration and volume of water associated with the project. As summarized in Table 2-3, two of the permits are for short duration dewatering projects and the other is for long-term projects. The dewatering duration for a project is considered by Staff to be the period of time necessary to complete all dewatering for the project. Staff will not issue multiple short-term dewatering permits for a single project or different phases of a project.

2.5.1 "No-Notice" Dewatering Permits

"No-Notice" short-term dewatering permits apply to dewatering projects of less than 90 days with maximum daily pumpage of less than 5 million gallons per day and maximum total project pumpage of less than 100 million gallons, where all dewatering water is retained on the project site and there is no potential for resource harm. If a project does not qualify for a "No-Notice" permit, a Dewatering General Water Use Permit (Section 2.5.2) or a Dewatering Individual Permit (Section 2.5.3) must be obtained for the dewatering project. These permits are intended for projects of longer duration or larger dewatering pumpage, or for those projects where the potential for resource impact needs to be evaluated by District staff or off-site discharge of dewatering water is requested.

Proposed dewatering activities under the "No-Notice" permit must satisfy the following criteria, in addition to the Conditions of Issuance in 40E-20.301, F.A.C., and the "No-Notice" requirements in 40E-20.302(3), F.A.C.:

1. Will retain all discharge on the project site. No off-site discharge is authorized under "No-Notice" dewatering.
2. Will not dewater to a depth below 0.0 feet NGVD within 1000 feet of saline water, except when dewatering saline water, as defined in Chapter 1 of this Basis of Review.
3. Will not occur within 100 feet of a wastewater treatment plant percolation pond.
4. Will not occur within one mile of a known landfill or contamination.
5. Will not occur within 1000 feet of a wetland.

The applicant is not required to submit a permit application for dewatering activities, if the "No-Notice" criteria are met. In proceeding with "No-Notice" dewatering, the applicant acknowledges that the dewatering operation is subject to the Standard Permit Conditions in Section 5.1 of the BOR, including responsibility for mitigating any harm that may occur as a result of the dewatering to existing legal uses, off-site land uses, or natural resources.

Linear projects, such as roads, utilities, or pipelines, may qualify for multiple "No-Notice" permits. The dewatering activity for these projects may have a rolling 90-day duration, in which the dewatering operation at the end of each 90-day period occurs more than 1 mile from the location at the beginning of each 90-day period.

2.5.2 Dewatering General Water Use Permit

Dewatering General Water Use Permits, as described in Rule 40E-20.302(2), F.A.C., are for dewatering projects, which a) cannot meet the conditions of issuance and requirements for "No-Notice" permits, b) have a proposed duration of less than one year, and c) propose to pump less than 10 million gallons per day with a total project volume of less than 1800 million gallons.

A dewatering general water use permit application must be submitted to the District and Staff must issue the General Permit prior to the applicant beginning dewatering, unless portions of the project qualify for dewatering under the "No-Notice" permit described above. The applicant may elect to begin dewatering for a single period of only 90 days in areas of the project, which meet the "No-Notice" criteria, once an application for a Dewatering General Water Use Permit has been submitted to the District.

Permit applications for a Dewatering General Water Use Permit must:

(1) Provide reasonable assurances that the project will not cause harm to the resource, existing legal uses, offsite land uses, and wetland environments or cause harmful saline water intrusion or movement of pollutants, as described in Chapter 3 of this Basis of Review. If the potential for harm exists, the applicant shall redesign the dewatering activities, including recharge trenches or storage areas to offset the potential drawdown impacts of the proposed activity.

(2) Demonstrate that the requested allocations represent reasonable dewatering needs. These needs are generally demonstrated by providing information on the water budget for the operation, including all sources and losses of water utilized in the dewatering process. The water budget should demonstrate where and in what quantities water is generated to accomplish the dewatering, including any associated losses, and where and in what quantity water is stored, recharged, disposed, or reused. If processing of materials is associated with the dewatering, a separate water budget describing these activities is required. The water budget may be in the form of a spreadsheet or a flow diagram that indicates all water sources and losses.

(3) Identify the areal extent and depth of the proposed excavation, the depth of dewatering, and the areal extent of the drawdown of the Water Table aquifer associated with the proposed dewatering.

(4) Provide reasonable assurances that all dewatering water will be retained on the project site, unless the applicant demonstrates that it is not technically feasible to retain the

dewatering water onsite. If any offsite discharge is requested due to demonstrated technical infeasibility of on-site retention, the applicant must provide the following information with the permit application:

a. Documentation of authorization that allows the applicant to discharge directly into the receiving water body and/or adjacent lands, and a demonstration that the receiving water body or adjacent lands are capable of accepting the dewatering discharge;

b. An operational plan which demonstrates that the discharge to the receiving water body will meet all applicable State Water Quality standards prior to discharge;

c. An operational plan which demonstrates that the discharge to protected wetlands will not contain turbidity levels in violation of State Water Quality standards (must be less than 29 NTU above background levels) prior to discharge;

d. A monitoring plan which includes, at a minimum, proposed sampling locations and daily turbidity measurements of the discharge and background conditions in the receiving body and/or wetland; and

e. A contingency plan which includes procedures for ceasing dewatering operations and correcting the situation until monitoring demonstrates water quality standards are met.

(5) Provide reasonable assurances that fresh dewatering water will not be discharged to saline tidal waters, unless the applicant demonstrates that it is not technically feasible to prevent discharge to saline water and requests specific authority from the District for discharge. Saline dewatering water, as defined in this Basis of Review, may be discharged to tidewater.

(6) Provide an operational plan which describes how stormwater will be handled during dewatering operations.

Dewatering applications will be reviewed concurrently with Environmental Resource or Surface Water Management construction permit applications, and the dewatering application will not be considered complete until both applications are complete. An applicant may request that the dewatering permit include a later "start" date to coincide with the actual start of dewatering activities at the project. Staff will recommend a permit expiration date, based on the proposed "start" date.

Any temporary dewatering water holding areas must be constructed and operated using sound engineering practices to protect public health, safety, and welfare and, as necessary, dewatering activities must meet all applicable Environmental Resource or Surface Water Management criteria.

2.5.3 Long-Term Dewatering Individual Permits

Long-term dewatering individual permits apply to projects that exceed the thresholds and criteria described in Sections 2.5.1 and 2.5.2 above. These permits must be approved by the District Governing Board. Two types of individual dewatering permits are available from the District. For projects where all the dewatering activities are defined at the time of the permit

application, the applicant may apply for a "standard" Individual Permit. For long-term, multi-phased projects, with undefined activities or no contractor at the time of the permit application, the applicant may apply for a "master" Individual Permit.

Applicants for all individual dewatering permits must satisfy the conditions of issuance for Individual Permits (Rule 40E-2.301, F.A.C.), and may not commence dewatering prior to approval of the permit by the Governing Board. The applicant may elect to begin dewatering for a single period of only 90 days in areas of the project, that meet the No-Notice criteria specified in Section 2.5.1 of this Basis of Review, once an application for an Individual dewatering permit has been submitted to the District.

The applicant must provide the information required for the Dewatering General Permit, as specified in Section 2.5.2. In addition, the applicant shall provide estimates of the maximum monthly and annual dewatering withdrawals for the project and will be required to submit records of monthly withdrawals for each dewatering pump to the District. Due to the uncertainty and variability associated with dewatering withdrawals, Staff shall not specify maximum monthly or annual withdrawal volumes in the recommended permit conditions presented to the Governing Board.

A. "Standard" Individual Permits

The applicant shall specify all proposed dewatering activities for the project in terms of depth, duration, and areal extent of dewatering and proposed routing of dewatering water, the estimated magnitude and extent of drawdown, proposed recharge/storage areas, and the potential for harm. The applicant may proceed with all dewatering activities once the permit has been approved by the Governing Board.

B. "Master" Individual Permits

Due to project uncertainties, the applicant may not be able to specify all aspects of the proposed dewatering activities at the time of the permit application. In order to receive a "master" dewatering permit, the applicant must meet all conditions of issuance and specify the depth, duration, and areal extent of dewatering, the proposed routing of dewatering water, the estimated magnitude and extent of drawdown, proposed recharge/storage areas, and the potential for harm for "typical" dewatering activities for the project. In addition, the applicant shall provide an estimated project schedule showing dewatering activities and calculated estimated maximum monthly and annual dewatering withdrawals. After approval of the permit by the Governing Board, the applicant shall be required by limiting condition to supply site-specific dewatering plans for each proposed dewatering activity to the District for review and approval at least two weeks prior to dewatering. The applicant may not initiate dewatering prior to receiving written notification from District Staff, that the proposed dewatering activity is consistent with the "master" permit approved by the Governing Board.

TABLE 2-3
Dewatering Permits

PERMIT REQUIRED	MAXIMUM DAILY PUMPAGE	TOTAL PROJECT PUMPAGE	DURATION	COMMENTS
"No Notice" Rule 40E-20.302(3), F.A.C. BOR Section 2.5.1	5 MG	100 MG	Less than 90 Days	No potential for resource impacts No offsite discharge
General Permit 40E-20.302(2), F.A.C. BOR Section 2.5.2	10 MG	1800 MG	Less than 1 Year	Short-term permit for defined projects
Individual Permit 40E-2, F.A.C. BOR Section 2.5.3.A	No limitation	No limitation	Greater than 1 Year	Standard longer-term permit for defined projects
"Master" Individual Permit 40E-2, F.A.C. BOR Section 2.5.3.B	No limitation	No limitation	Greater than 1 Year	Permit for phased projects, projects with undefined activities, or no contractor at time of permit application

Applicants for an individual or general permit must demonstrate that the quantities applied for relate to reasonable dewatering needs. These needs are generally demonstrated by providing information on the water budget for the operation, including all sources and losses of water utilized in the dewatering process.

Applicants for dewatering uses must identify the areal extent and depth of excavation, the depth of dewatering and the hydraulic conductivity of the materials to be dewatered. The water lost in the actual dewatering process should also be identified through the development of a water budget. The water budget demonstrates where water is generated and in what quantities to accomplish the dewatering, including any associated losses, and where and in what quantities water is disposed of or reused. If processing of materials is associated with the dewatering, a separate water budget diagram describing these activities is preferred. The water budget may be in the form of a spreadsheet or a flow diagram that indicates all water sources and losses.

The following changes are made to Chapter 3.0

3.2.1 Restricted Allocation Areas.

Due to concerns regarding water availability, the following geographic areas are restricted with regard to the utilization of specific water supply sources. These areas and sources include the following:

A. Lake Istokpoga/Indian Prairie Canal System – No additional surface water will be allocated from District controlled surface water bodies over and above existing allocations. No increase in surface water pump capacity will be recommended.

B. C-23, C-24 and C-25 Canal System – No additional surface water will be allocated from, or direct connections to, District canals C-23, C-24 and C-25, or any connected canal systems that derive water supply from these District canals, over and above existing allocations, until District investigations show that additional water is available for allocation. No increases in surface water pump capacity will be recommended, for surface water pumps located on C-23, C-24 and C-25 for any use of water.

C. L-1, L-2 and L-3 Canal System – No additional surface water will be allocated from District canals L-1, L-2 and L-3 over and above existing allocations. No increase in surface water pump capacity will be recommended.

D. Floridan aquifer withdrawals – When the project site is located within the Eastern Okeechobee-Northwestern St. Lucie Basin, proposed withdrawals from the Floridan aquifer, in order to maintain positive head flowing conditions of existing Floridan aquifer wells, are limited to the volume of water equivalent to 1.5 inches per total property acreage per month. This area is depicted in Figure III-1 and described in Figure III-2). Generally, this criteria prevails unless the Applicant conducts and provides the results of a study, approved by District staff, which shows that withdrawals of greater than the volume of water equivalent to 1.5 inches per total property acreage per month will not adversely impair an existing legal users capability to obtain water from that source.

D.E. Pumps on Floridan Wells – No pump shall be placed on a flowing Floridan well in Martin or St. Lucie County, except under the following guidelines:

1. If the pump was in place and operational prior to March 2, 1974, and is still in place or a replacement pump with a similar capacity is in place, or

2. The proposed pump to be installed is a centrifugal pump installed for the purpose of increasing pressure in attached piping (e.g., drip or micro-jet irrigation systems) and not for the purpose of increasing flow over and above that flow which naturally emanates from the well. The determination of the appropriate pump capacity must occur after well construction and measurement of the actual natural flow rate. The Permittee shall notify District staff after well construction, for the purpose of determining existing flow rate. Prior to any pump installation, the Permittee shall provide measurements of flow from each well using calibrated flow equipment. The method

of accounting, calibration data, corrections for well losses, proposed pump information, and the basis for the requested flow rate shall be submitted to District Staff for review and approval, or

3. The Applicant conducts and provides the results of a study, approved by District staff, which shows that pump installation and subsequent withdrawals will not interfere with any presently adversely impair an existing legal user's, as defined in Section 3.7 of this Basis of Review, or capability to obtain water from that source

4. The proposed pump is installed to temporarily assist in producing the permitted allocation associated with freeze protection pursuant to Section 2.3.4 of this Basis of Review, or

5. The proposed pump is installed to temporarily assist in meeting allowable withdrawals for the duration of a water shortage declared pursuant to Chapter 40E-21, F.A.C.

3.4 Saline Water Intrusion.

A water use permit application will be denied is subject to denial if the application requests freshwater withdrawals that would cause harm to the water resources as a result of significant saline water intrusion. Harmful Significant saline water intrusion includes:

A. Withdrawals that result in movement of a saline water interface to a greater distance inland toward a freshwater source or vertically upward towards a fresh water source than has historically occurred as a consequence of seasonal fluctuations, or

B. Withdrawals that result in the upward movement of saline water more than one-third the distance separating the bottom of the screened or open hole interval of a production well from the historic position of the saline water interface within the aquifer. The historic position of the saline water interface shall be determined using the oldest water quality data representative of the site that predates the proposed water use. A sustained increase from background values of saline monitor wells with regard to dissolved chloride concentration. In order to provide reasonable assurances that harmful saline water intrusion will not occur, the Applicant shall demonstrate that:

1.A. A ground water divide (mound of fresh water) greater than one foot higher than the potentiometric head at the saline water source exists between the withdrawal point and the saline water source (defined by the location of the 250 mg/l isochlor); or The hydraulic gradient between the wellfield and saline water is such that a hydraulic gradient (mound of fresh water) less than one foot National Geodetic Vertical Datum (NGVD) exists between the wellfield and saline water source during the months of November through April.

2.B. A hydrologic analysis of groundwater flow demonstrates that there will be no net inflow of groundwater from the saline water source toward the withdrawal point; or Monitoring wells within 800 feet of a production well reflect

chloride concentration increases at the base of the aquifer, indicating long term advancement of the saline water front toward the wellfield or within portions of the aquifer;

3.C. Other evidence shows saline water intrusion will not cause harm be a serious threat to the wellfield and water natural resource, if pumpage is allowed or increased.

Permitted withdrawals of saline water may cause limited saline water intrusion, but not to the extent of adversely affecting other existing legal uses of the water, the Applicant or the public health, safety, and general welfare. The Applicant, in the case of public water supply, must show that the saline water is capable of being treated, either through membrane filtration or by blending with a fresh water source, to meet potable drinking water standards.

Cumulative withdrawals from a fresh water aquifer may only occur in such a manner that a hydraulic barrier between the withdrawal facility or facilities and the source of saline water is maintained. This is accomplished through maintenance of a fresh water mound or ground water divide in the aquifer located between the source of saline water and the point of withdrawal at all times of the year. Staff will not recommend a newly proposed use for approval or an increase in allocation for an existing use under the following circumstances:

Should the Applicant's proposed withdrawals occur in an area where the saline water interface is unstable (as demonstrated by increases in measured chloride concentration levels within the influence of the proposed use), the applicant shall determine the cause of the saline movement and the extent of future movement through the duration of the permit and shall demonstrate that the proposed withdrawal will not cause harmful saline intrusion through the duration of the permit.

Withdrawals of fresh water must not result in significant upconing of saline water. Significant movement is defined as a movement of one-third of the original distance separating the bottom of the screened or open hole interval of a production well from the boundary of the saline water below it.

3.4.1 Use of Saline Water.

The District encourages the use of the lowest water quality for the use intended, while also providing for the long-term protection of the water resources. The use of saline water is permitted by the District as a source of supply, including its use for public water supply through the use of desalination treatment and for irrigation purposes. The use of saline water may cause limited increases in salinity saline water intrusion, but not to the extent of interfering with any presently adversely affecting other existing legal uses of water, or otherwise harming water resources or the Applicant's proposed use Applicant, or the public health, safety and general welfare. In order to provide reasonable assurances that harmful increases in salinity will not occur, (The Applicant must demonstrate provide proof that:

A. The quality of the proposed source will be adequate for the intended use throughout the duration of the permit; the use of saline water will not prevent the Applicant from providing potable water with a finished dissolved chloride concentration no greater than 250 mg/l in the case of public water supply;

B. The proposed use will not cause harm to presently existing legal use of water as defined in section 3.7 of this Basis of Review; and

C. ~~B.~~ The proposed use of water will not cause harm to freshwater sources that come in contact with saline water as a result of the proposed use have an unmitigated adverse impact on existing legal or the ground and surface water and Under the following conditions, the use of saline water will not be considered harmful to the receiving water body under this subsection:

i. The affected receiving water body is not a potential supply source due to its non-productive or low yielding nature;

ii. The saline source water will discharge directly to tide after use;

iii. The saline source water will be diluted to less than 200 mg/L chloride concentration prior to use; or

iv. The impacts of the saline water use are compatible with surrounding land uses and are consistent with the public interest.

C. The use is in the public interest.

Any use of saline water that comes into contact with fresh water as a result of the proposed use for irrigation purposes where the Water Table aquifer contains fresh water will require a detailed water quality monitoring program as a limiting condition of any permit issued.

The following changes are made to Chapter 4.0

4.0 MONITORING REQUIREMENTS

~~Issuance of a Water use Permit is based on reasonable assurance provided by the Applicant that (1) withdrawals will not cause any unmitigated adverse impacts on harm to the water resources and existing legal users, (2) the use is reasonable-beneficial and (3) the use continues to be in the public interest. To ensure continuing compliance with the conditions of permit issuance, that these criteria are met after a permit is issued, monitoring and reporting activities shall be required as special limiting conditions of the permit pursuant to Section 5.0 of this Basis of Review. The details of all required monitoring plans shall be submitted by the Applicant for District review and approval as part of the water use permit application and shall be a condition of permit issuance. The permit will require implementation of the approved monitoring programs.~~

4.1 Withdrawal Quantity.

Proper accounting for water use is essential to establish that the use is a reasonable-beneficial use of the resource and in the public interest. In addition, proper accounting of the various water uses enables the District to better estimate water use and to implement water shortage plans. ~~All Permittees are required~~

~~to monitor the quantity of water withdrawn or diverted from any supply source. Monitoring of actual pumpage or volume of water diverted provides a means to develop historical records in order to accurately project future reasonable and to assess impacts to the resource. Monitoring will also provides a means of accounting for the quantity of water pumped or diverted during a declared water shortage and will also allow for a means of comparing the amount of water withdrawn or diverted versus the quantity of water allocated through the permit.~~

All Permittees with a maximum monthly allocation of greater than 3.0 million gallons, or irrigation water users located within the South Dade County Water Use Basin (as designated in Figure 21-11, Chapter 40E-21, F.A.C.), with a maximum monthly allocation of greater than 15.0 million gallons, are required to monitor and report withdrawal quantities from each withdrawal facility or point of diversion. A reliable, repeatable water use accounting system must be identified to monitor water usage from all withdrawal facilities, in accordance with permit conditions. The District considers a reliable water use accounting method to be accurate within +/- 10 per cent of the actual flow. For pumped systems, acceptable water use accounting systems include ~~direct and indirect methods such as flowmeters, or clocks which totalize pump operation, or fuel consumption.~~ For ~~non-pumped and gravity flow systems,~~ acceptable ~~direct~~ methods include the use of rated water control structures. ~~Acceptable indirect methods include the development of water diversion accounting systems that include the stage measurement of inside farm and outside farm canal water levels and the times of operation for each facility.~~ Permit applicants must submit documentation of the water use accounting method and calibration method as a part of ~~the any~~ permit application. Prior to the use of any authorized facility, the approved water use accounting method must be operating and the initial calibration submitted to the District. Recalibration results for the water use accounting method shall be submitted to the District every five years from permit issuance.

Irrigation W~~ithdrawal quantities, separated by source, for each permitted withdrawal facility shall be calculated totalized on a monthly basis and reported to the District on a quarterly, unless otherwise conditioned on a greater frequency due to the potential for resource harm basis. Permittees, who are dependent on other sources of water supply, such as reclaimed water or water sale agreements to meet a portion of their demands, shall report the monthly totals supplied from all sources used, including those not contained in the permit, to the District. Daily pumpages, separated by source, for Industrial, Dewatering and Public Water Supply use classes shall be monitored and submitted to the District on a monthly basis. An applicant for specific irrigation uses located in areas of water resource concern, such as areas where the potential for saltwater intrusion or depletion of the aquifer exists or where the potential for environmental impacts or impacts to existing~~

legal uses exists, shall totalize pumpage on a daily basis from each withdrawal point and report the daily withdrawal quantities to the District on a monthly basis.

For special districts with withdrawal facilities that supply several individual users, the water use shall be monitored at the primary withdrawal facilities. Individual water users within the special district do not need to submit individual pumpage reports unless required by another water use permit. For those special districts in which water is passed through the project, the permittee may be required to report the volumes of water that flow out of the project if necessary to quantify the water consumed by the project.

4.2 Saline Water Monitoring.

The purpose of saline water monitoring is to ensure that harmful saline water intrusion, whether lateral from a surface or groundwater saline source, vertical from an aquifer containing lower quality water, or a combination of both, does not occur significantly degrade the water quality of the aquifer. Saline water monitoring provides a means to establish historical trends in saline water movement. The District uses this information in evaluating present and future withdrawals and determining when corrective action should be taken, if sustained saline water movement is detected. Saline water monitoring is accomplished by routine sampling of the discharge water from production wells or from separate monitor wells. However, in areas of known saline water movement intrusion areas, separate monitor wells are required to be designed and constructed expressly for the purpose of saline water intrusion monitoring. The dissolved chloride (Cl^-) concentration and the water level elevation, referenced to National Geodetic Vertical Datum, shall be measured sampled. Frequency of measurements sampling may be weekly, monthly, or quarterly, or otherwise, as appropriate and will be as identified in the permit limiting conditions.

Applicants shall submit a saline water monitoring program for review and approval when: Permittees shall implement a saline water monitoring (SALT) program when:

A. The withdrawal facility wellfield is within one mile of a brackish or saltwater body including canals and tidal creeks;:-

B. The withdrawal facility wellfield is located seaward of the 250 mg/l chloride line mapped at the base of the aquifer or located seaward of a line between two adjacent salinity control structures;:-

C. The land on which the withdrawal facility wellfield is located is between the Intracoastal Waterway and the Atlantic Ocean; between a tidal creek and the Gulf of Mexico; or between the Intracoastal Waterway and the Gulf of Mexico;:-

D. Non-potable Ssaline water is located either above or below the producing zone by a distinct and definable confining layer;:-

E. A history of saline water intrusion or increasing chloride concentrations exists for either ground water or surface water in the vicinity of the withdrawal facility wellfield;:-

F. Staff evaluation indicates that, at projected withdrawal rates, saline water intrusion may occur to the extent that the existing treatment process will no longer be capable of producing potable water;:-

G. Staff evaluation indicates that, at projected withdrawal rates, saline water intrusion may occur in neighboring withdrawal facilities wellfields; or:-

H. Staff evaluation indicates ~~that the use of~~ saline water ~~for irrigation purposes~~ may come in contact with a fresh water source (per Section 3.4.1 of this Basis of Review) as a result of the proposed use ~~contaminate a potable aquifer.~~

Guidelines for establishing a saline water monitoring program, as well as sampling, sample handling, and analysis guidelines, are available from the District described in Part B, Section I, of this Manual.

4.3 Pollution Ssource Mmonitoring.

The purpose of pollution source monitoring is to ensure ~~that~~ withdrawals do not cause harmful movement of pollutants into water resources that are not polluted constituents that would result in significant water quality degradation of the water resource to the extent that the water resource is harmed, or existing legal users are adversely impacted harmed, or the public interest is otherwise detrimentally affected. In order to effectively monitor a pollution source, separate monitor wells must be installed and monitored to evaluate withdrawal effects on movement of the pollution. The Applicant shall submit a pollution source monitoring program identifying chemical constituents, monitoring frequencies, and well construction details and locations to the District for review and approval when the project's withdrawals have the potential for a direct influence on a contaminant plume. ~~Production wells are not used as an effective means of detecting induced movement of a pollution source.~~

4.4 Water Level Monitoring.

The purpose of water level monitoring programs is to ensure ~~that~~ existing legal uses, offsite land use, and water resources, ~~and associated environmental features~~ are not harmed adversely impacted by lowered water levels withdrawals. Applicants shall submit a water level monitoring program to the District for review and approval when: A water level monitoring program includes such indicators as water table levels, potentiometric surface levels, or monitoring of significant surface water bodies or environmentally sensitive wetland water bodies.

~~A. Permittees shall be required to implement a ground water level monitoring program any time~~ Aa saline water monitoring program or a pollution source monitoring program is required (see Sections 4.2 and 4.3);:-

B. A wetland hydrobiologic Permittees shall be required to implement a ground water level monitoring program monitoring program is required (see Section 4.5); or when:

C. If insufficient data exists to define the drawdown resulting from withdrawals from ground water or surface water sources and to ensure that existing legal uses, offsite land use, water resources, and wetland and surface water functions are not harmed by withdrawals.

1. An environmental assessment monitoring program is required (see Section 4.5):

2. Insufficient data exist to define the cone of depression of the withdrawal, and there is reasonable cause to expect adverse impacts to existing legal use, offsite land uses, the water resources, or associated environmental features.

C. Monitoring of surface water levels shall be required if necessary to ensure that adverse impacts to the water resources and associated environmental features do not occur. Permittees shall be required to implement a surface water level monitoring program for surface water levels if:

1. Withdrawals from ground water sources potentially adversely impact surface water levels in nearby water bodies that support environmentally significant wetland systems. In such cases, the Permittee shall be required to monitor surface water levels.

2. Withdrawals from lakes that support environmentally significant wetland systems. In such cases, the Permittee shall be required to monitor lake levels.; or

3. Withdrawals potentially cause adverse impacts to water level dependent vegetation or animal life in wetlands. In such cases, Permittees shall be required to monitor surface water levels.

4.5 Wetland and Other Surface Waters Environmental Assessment and Monitoring.

Wetland Environmental monitoring shall be required to ensure that harm to wetland and other surface waters does not occur. for permits that potentially cause adverse impacts to environmental features associated with the water resources; of the District Monitoring to document environmental impacts shall consists of various types of data collection, such as including ground water and surface water levels, surface water quality, biological parameters, ground and aerial photography, rainfall, pumpage, and land cover assessments. Guidelines for establishing a wetland hydrobiologic monitoring program are available from the District. The Applicant shall submit a wetland hydrobiologic monitoring program to the District for review and approval when:

A. The impacts of the proposed use, either individually or cumulatively with other permitted users, produces drawdowns approaching the applicable drawdown criteria in Section 3.3. The Permittee shall provide to the District information on the environmental features associated with the project site, including baseline hydrologic and biological data. During the term of the permit, the District may investigate the site or

implement its own monitoring program to assess impacts associated with the withdrawal. The details of the environmental monitoring program shall be identified during the application process as a condition for issuance of the permit or attached to the permit as a limiting condition.

The following changes are made to Chapter 5.0

5.0 PERMIT CONDITIONS.

Water use permits shall be conditioned as necessary so that the use is consistent with the overall objectives of the program and are not harmful to the water resources of the area. There are two categories of permit conditions that will be applied to water use permits. Standard Conditions contain general information and operational constraints that apply to all uses of water. Special Conditions address project specific considerations that may vary among use classes, sources of supply and geographic locations.

Standard Conditions in all cases are automatically placed on all permits. Special Conditions are placed on permits pursuant to Section 5.2. This Section contains a list of standard conditions and examples of special conditions that are used when appropriate.

5.1 Standard Permit Conditions.

A. This permit shall expire on (expiration date).

B. Application for a permit modification may be made at any time.

C. Use classification is (primary water use type and secondary water use types).

D. Source classification is: (source classification) and the water use basin is (water use basin).

E. Total annual allocation shall not exceed (recommended actual allocation).

Total maximum monthly allocation shall not exceed (recommended maximum monthly allocation).

Total maximum daily allocation shall not exceed (recommended daily allocation).

Maximum annual allocation from (a specific source) shall not exceed (the recommended maximum annual allocation by source).

Maximum monthly allocation from (a specific source) shall not exceed (recommended maximum monthly allocation by source).

Maximum daily allocation from (a specific source) shall not exceed (the recommended maximum daily allocation by source).

F. In the event of a declared water shortage, water withdrawal reductions will be ordered by the District in accordance with the Water Shortage Plan, Chapter 40E-21, F.A.C. The Permittee is advised that during a water shortage, pumpage, water levels, and water quality data shall be collected and submitted as required by District orders issued pursuant to Chapter 40E-21, F.A.C.

G. Withdrawal facilities are:

H. Permittee shall mitigate, to the satisfaction of the District, harm to existing legal uses caused, in whole or in part, by the permittee's withdrawals. When harm occurs, or is imminent, the District will require the permittee to curtail withdrawal rates or mitigate the harm. Harm will be determined by the District and may include:

A) Reduction in surface or ground water levels that prevents an adjacent withdrawal facility from producing water, or

B) Induced movement of saline water or pollutants into a withdrawal facility to a degree that causes the water to be unsuitable for the use intended.

I. Permittee shall mitigate, to the satisfaction of the District, harm to existing off-site land use caused, in whole or in part, by the permittee's withdrawals. When harm occurs, or is imminent, the District will require the permittee to curtail withdrawal rates or mitigate the harm. Harm will be determined by the District and may include:

A) Significant reduction in water levels in an adjacent surface water body, including impoundments, to the extent that the designed function of the authorized structures and facilities is impaired,

B) Land collapse or subsidence caused by reduction in water levels, or

C) Damage to crops and other types of vegetation caused by withdrawals that impair the operation of a seepage irrigation system.

J. Permittee shall mitigate, to the satisfaction of the District, harm to the natural resources caused, in whole or in part, by the permittee's withdrawals. When harm occurs, or is imminent, the District will require the permittee to curtail withdrawal rates or mitigate the harm. Harm will be determined by the District and may include:

A) Reduction in ground or surface water levels that results in harmful lateral movement of the fresh water/salt water interface,

B) Reduction in water levels that harm the hydroperiod of protected wetland environments,

C) Significant reduction in water levels or hydroperiod in a naturally occurring water body such as a lake or pond,

D) Harmful movement of pollutants into the water resource, or

E) Significant damage to the natural system including damage to habitat for rare or endangered species.

K. If any condition of the permit is violated, the permit shall be subject to review and possible modification, enforcement action, or revocation.

L. Authorized representatives of the District, with advance notice to the permittee, shall be permitted to enter, inspect, and observe the permitted system to determine compliance with permit conditions.

M. Permittee is advised that this permit does not relieve any person from the requirement to obtain all necessary federal, state, local and special district authorizations.

N. The permit does not convey any property right to the Permittee, nor any rights and privileges other than those specified in the permit and Chapter 40E-2, F.A.C.

O. Permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the real property on which the permitted activities are located. All transfers of ownership are subject to the requirements of Rule 40E-1.6107, F.A.C.

P. Permittee shall notify the District in writing 30 days prior to any changes to the project that could potentially alter the reasonable demand reflected in the permitted allocation. Such changes include, but are not limited to, change in irrigated acreage, crop type, irrigation system, large users agreements, or water treatment method. Permittee will be required to apply for a modification of the permit for any changes in permitted allocation.

A. In the event of a declared water shortage, water withdrawal reductions will be ordered by the District in accordance with the Water Shortage Plan, Chapter 40E 21, Florida Administrative Code. The Applicant is advised that during a water shortage pumpage reports shall be submitted as required by Chapter 40E 21, Florida Administrative Code.

B. Source classification is:

Ground water or Surface water source name(s)

C. Permittee shall mitigate any adverse impact on existing legal uses caused by withdrawals. When adverse impacts occur, or are imminent, the District reserves the right to curtail withdrawal rates. Adverse impacts are:

1. Reduction in well water levels that impairs the ability of an adjacent well, including a domestic well, lawn irrigation well, or public water supply well, to produce water by 10% or greater;

2. Significant reduction in levels in an adjacent water body such as a lake, pond, or a canal system that impairs the ability to produce water by 10% or greater;

3. Saline water intrusion or induced movement of pollutants into the water supply of an adjacent water use, resulting in a significant reduction in water quality, and

4. Change in water quality caused by the permittee that results in significant impairment or loss of use of a well or use of a water body.

D. Permittee shall mitigate any adverse impact on existing off-site land use as a consequence of withdrawals permitted herein. If increased withdrawals cause an adverse impact on existing land use, the district reserves the right to curtail future withdrawal rates. Adverse impacts are:

1. Significant reduction in water levels in an adjacent surface water body, including impoundments, to the extent that the designed function of the water body is impaired;

~~2. Land collapse or subsidence caused by reduction in water levels; and~~

~~3. Damage to crops and other types of vegetation.~~

~~E. If adverse impacts occur to natural resources as a result of the Permittee's water withdrawals, the Permittee shall mitigate for such impacts. When adverse impacts occur, or are imminent, District reserves the right to curtail withdrawal rates. Examples of adverse impacts include:~~

~~1. Reduction in ground water levels that results in significant lateral movement of the fresh water/ salt water interface;~~

~~2. Reduction in water levels that adversely impact the hydroperiod of protected wetland environments;~~

~~3. Significant reduction in water levels or hydroperiod in a naturally occurring water body such as a lake or pond;~~

~~4. Induced movement or induction of pollutants into the water supply resulting in a significant reduction in water quality; and~~

~~5. Significant harm to the natural system including damage to habitat for rare or endangered species~~

~~F. Authorized representatives of the District shall be permitted to enter, inspect, and observe the permitted system to determine compliance with special conditions.~~

~~G. If any condition of the permit is violated, the permit shall be subject to review and possible modification, enforcement action, or revocation.~~

~~H. Application for a permit modification may be made at any time.~~

~~I. Withdrawal facilities are: (list withdrawal facilities)~~

~~J. This permit shall expire on (date).~~

~~K. Annual allocation shall not exceed (recommended annual allocation).~~

~~Maximum monthly allocation shall not exceed (recommended maximum monthly allocation).~~

~~Maximum daily allocation shall not exceed (recommended maximum daily allocation).~~

~~L. Use classification is (primary water use type and secondary water use type).~~

~~M. The Permittee is advised that this Permit does not relieve any person from the requirement to obtain all necessary federal, state, local and special district authorizations.~~

~~N. The permit does not convey any property right to the Permittee, nor any rights and privileges other than those specified in the permit and Chapter 40E-2, F.A.C.~~

~~5.2 Special Permit Conditions.~~

~~A. Permittee shall submit all data as required by the implementation schedule for each of the limiting conditions to: S.F.W.M.D., Supervising Hydrogeologist – Water Use Compliance, Water Use Division (4320), P. O. Box 24680, West Palm Beach, FL 33416-4680 or by e-mail to wucomp@sfwmd.gov. This section describes Special Conditions which are added to the Standard Conditions pursuant~~

to Rule 40E-2.381. Other Special Conditions shall be placed in the permit as required by Rule 40E-2.381. Both the language and the application of any of the permit conditions listed below shall be modified if necessary to accommodate the specific circumstances of the project. The following are special conditions that are placed on water use permits as stated above.

5.2.1 Public Water Supply.

A. Permittee shall notify the District within 30 days of any change in service area boundary. If the change in the service area results in a change in demand that affects the allocation, the allocation shall be subject to modification.

B. Permittee shall implement the wellfield operating plan submitted in support of the permit application, as described in the District staff report.

C. Permittee shall implement the following wellfield operating plan:

D. Permittee shall determine unaccounted-for distribution system losses. Losses shall be determined for the entire distribution system on a monthly basis. Permittee shall define the manner in which unaccounted-for losses are calculated. Data collection shall begin within six months of Permit issuance. Reporting shall be submitted to the District on a yearly basis from the date of Permit issuance.

E. Permittee shall maintain an accurate flow meter at the intake of the water treatment plant for the purpose of measuring daily/monthly inflow of water. The monthly total inflow to the treatment plant shall be reported to the District quarterly.

F. Within two years of permit issuance, the Permittee shall submit a long-term water supply plan to the District. Prior to (board date + 1 year), the Permittee shall submit to the District an outline of the proposed plan. At a minimum, the plan shall include consideration of resource protection, water supply alternatives, compliance with applicable wellfield protection ordinances, plans for water shortages or wellfield failures, and conservation measures to reduce overall demands.

G. The following elements in the Water Conservation Plan required by Section 2.6.1 of the Basis of Review for Water Use Permit Applications within the South Florida Water Management District, must be implemented in accordance with the following approved implementation schedule:

A. Permittee shall submit to the District copies of the monthly "FDEP water treatment plant reports" showing daily wellfield pumpage. Reports shall be submitted monthly in the month following either the first month of pumpage or permit issuance.

B. Every two years from the date of permit issuance, the Permittee shall submit re-calibration data on each water pumping accounting facility, for those Permittees whose accounting method(s) require re-calibration.

C. Prior to (Board date + six months) the Permittee shall provide the results of the calibration testing of the identified water accounting method(s) and equip all existing and proposed withdrawal facilities with approved water use accounting method(s) pursuant to section 4.1.

D. ~~Permittee shall determine “unaccounted for” distribution system losses. Losses shall be determined for the entire distribution system on a monthly basis. Permittee shall define the manner in which “unaccounted for” losses are calculated. Data collection shall begin within six months of permit issuance. Loss reporting shall be submitted to the District on a yearly basis from the date of permit issuance.~~

E. If the Permittee will not serve a new demand within the service area for which the annual allocation was calculated, the annual allocation shall then be subject to modification.

F. ~~Prior to (Board date + 6 months), Permittee shall develop and implement a “wellfield operating program”. This program shall detail which wells are primary, secondary, standby (reserve), and any other aspects of wellfield management. The wellfield operating program, which may be submitted as a letter report, shall be submitted to District Staff prior to (Board date + 3 months).~~

G. The Permittee shall maintain an accurate flow meter at the intake of the water treatment plant for the purpose of measuring daily inflow of raw water.

H. ~~Prior to (permit expiration date), the Permittee shall evaluate long term water supply alternatives and submit a long term water supply plan to the District. Prior to (Board date + 1 year), the Permittee shall submit to the District an outline of the proposed plan. The assessment should include consideration of saline intrusion, wellfield protection, plans for compliance with applicable wellfield protection ordinances, expected frequencies and plans to cope with water shortages or well field failures, and conservation measures to reduce overall stresses on the aquifer.~~

I. The Permittee shall notify the District of any change in service territory or area within 30 days of change in boundary.

J. ~~Prior to (Board date + 2 years, or upon permit renewal for existing Permittees), potable public water supply utilities are required to provide a study evaluating emergency water supply preparedness, including analysis of demand management measures, potential pumpage shifting and the feasibility of emergency interconnections for the purpose of supplying water on a short term, emergency basis to adjoining utilities. The Permittee must provide the District with a copy of the study. As to emergency interconnects, the feasibility study must assess the technical, physical and economic ability of the Permittee to develop interconnecting pipes capable of delivering water to adjoining utilities to meet emergency, short term water supply needs. (In the event of an interconnect being established, individual public water supply permit allocations will not address the emergency usage.) It is the policy of the District to encourage emergency interconnects~~

between adjoining public water supply utilities for the purpose of providing emergency water supply. Thus, where the feasibility study indicates emergency interconnects are possible, the District encourages the adjoining utilities to implement the same.

K. ~~The Water Conservation Plan required by criteria 2.6.1 of the Basis of Review for Water Use Permit Applications within the South Florida Water Management District October 1997, must be implemented in accordance with the implementation schedule contained therein.~~

5.2.2 Dewatering.

A. Prior to initial dewatering, the Permittee shall contact the District to allow for a site visit to verify:

(1) The water use accounting method used by the contractor and receive results of the calibration testing of the identified method.

(2) The location and design of the recharge trenches and on-site retention areas where dewatering water will be retained,

(3) The location of monitoring facilities, and

(4) Other appropriate site-specific issues related to the protection of the resource or other existing legal users.

Dewatering may commence upon written approval from the District that the preceding conditions have been satisfied as permitted.

A site visit can be scheduled by contacting:

B. All dewatering water shall be retained on the Permittee’s land. Off-site discharge of dewatering effluent shall not be made.

C. Off-site discharge may be made via the facilities and conditions that follow:

D. Turbidity measurements of the dewatering water shall be made daily prior to discharge and submitted to the District weekly. If turbidity levels in the dewatering water exceed 29 NTU above background conditions in the receiving water body, the Permittee is required to cease dewatering operations and correct the situation until monitoring demonstrates turbidity standards are met.

E. Permittee shall not lower the water table below _____ feet NGVD, which is _____ feet below ground surface. The depth of the excavation shall not exceed _____ feet below ground surface.

F. Permittee shall construct the proposed recharge trenches prior to dewatering and maintain water levels during active dewatering operations within one foot of land surface. Obstructions and sediments within the recharge trenches shall be removed to increase effectiveness of the recharge system.

G. The excavation and associated dewatering facilities (such as impoundments and recharge trenches) shall be constructed using sound engineering practice. If the excavation or dewatering activities endangers the properties of adjacent owners (through erosion, side wall collapse, flooding, etc.), the Permittee shall cease operation until a method to prevent such

occurrences is found and instituted. The Permittee shall be responsible for finding and instituting methods to stop such occurrences.

H. Permittee shall immediately cease dewatering when continued dewatering would create a condition hazardous to the health, safety, and general welfare of the people of the District.

I. Permittee shall be responsible for clearing shoaling, if the Permittee's dewatering operation creates shoaling in adjacent water bodies.

J. Permittee shall conduct dewatering activities in adherence to the following operating plan:

K. Following the dewatering operation, all dewatering facilities (such as impoundments, conveyances, and recharge trenches) shall be filled and regraded to ground elevation or to otherwise comply with the Environmental Resource Permit.

A. Maximum day pumpage for each pit shall not exceed _____ mgd. If the need to exceed the above withdrawal rate arises, the Permittee may submit, for District staff review, a request for a modification of this permit or the issuance of an emergency water use permit. If the need to exceed the specified maximum daily allocation arises as a consequence of unusual rainfall conditions, the Permittee shall notify District Staff of the need.

B. The borrow pit shall be constructed using sound engineering practice. If the excavation endangers the properties of adjacent owners (through erosion, side wall collapse, etc.), the Permittee shall cease operation upon notification by the District until a method to prevent such occurrences is found and instituted. If the excavation endangers the properties of adjacent owners (through erosion, side wall collapse, etc.), the Permittee shall be responsible for finding and instituting methods to stop such occurrences.

C. The Permittee is advised that this Permit does not relieve it of complying with all county, state, and federal regulations governing the operation, maintenance, and reclamation of the borrow pit.

D. Permittee shall establish and maintain a surveyed datum point from which water levels in the borrow pit can be referenced.

E. Permittee shall immediately cease dewatering when continued dewatering would create a condition hazardous to the health, safety, and general welfare of the people of the District.

F. Permittee shall be responsible for clearing shoaling if the Permittee's dewatering operation creates shoaling in adjacent water bodies.

G. Permittee shall comply with turbidity and general water quality standards for surface discharge into receiving streams, as established by Chapter 17-3, Florida Administrative Code (F.A.C.):

H. Permittee shall not lower the water table below _____ feet NGVD which is _____ feet below ground surface. The depth of the pit shall not exceed _____ feet below ground surface.

I. Prior to installation of discharge facilities, the Permittee shall install and maintain in the receiving water body a staff gauge referenced to NGVD. The location of this gauge is subject to Water Use Division Field Staff approval based on site accessibility. If the gauge location is accessible by Staff it will be approved. District Staff will then establish a maximum receiving water elevation. Dewatering discharge from the project must cease when receiving water elevation exceeds this maximum level.

J. All dewatering water shall be retained either on the Permittee's land or adjacent areas to which the Permittee has an easement or similar legal right to discharge. Dewatering discharge shall not be allowed to drain to tidewater. Off-site discharge shall be made only through the following facilities:

K. Following the dewatering operation, recharge ditches shall be filled and regraded to natural ground elevation. Pre- and post-dewatering panoramic photographs shall be submitted delineating the restored area within 30 days of completion.

L. Water levels in the recharge ditch shall be maintained at an elevation of _____ feet NGVD.

M. Daily withdrawals, separated by each source as stated on the permit, shall be submitted to the District on a monthly basis. The water accounting method and means of calibration shall be stated on each report.

N. Every two years from the date of permit issuance, the Permittee shall submit re-calibration data on each water pumping accounting facility, for those Permittees whose accounting method(s) require re-calibration.

O. Prior to (Board date + six months) the Permittee shall provide the results of the calibration testing of the identified water accounting method(s) and equip all existing and proposed withdrawal facilities with the approved water use accounting method(s) pursuant to Section 4.1.

5.2.3 Irrigation

A. Landscape and golf course Permittees must comply with the water conservation plan requirements in section 2.3.1 of the Basis of Review for Water Use Permit Applications Within the South Florida Water Management District.

B. Landscape and golf course irrigation is prohibited between the hours of 10:00 A.M. and 4:00 P.M., except as follows:

a) Irrigation using a micro-irrigation system is allowed anytime.

b) Users whose average annual allocation is made up of 75% or greater volume of reclaimed water for irrigation may irrigate at anytime.

c) Irrigation of, or in preparation for planting, new golf courses and recreational areas is allowed at any time of day for one 30-day period provided irrigation is limited to the amount

necessary for sod or plant establishment. Irrigation of newly seeded or sprigged golf course areas is allowed any time of day for one 60-day period.

d) Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides, when required by law, recommended by the manufacturer or constituting best management practices, is allowed anytime within 24 hours of application.

e) Irrigation systems may be operated anytime for maintenance and repair purposes.

C. The allocation in this permit is for irrigation only, not the artificial maintenance of lake levels. The use of surface water lakes is for water quality treatment only. Therefore, the ratio of the number of gallons per day withdrawn from the groundwater wells to the number of gallons per day withdrawn from the surface water pumps shall not exceed 1:1 on a monthly basis.

A. Irrigation withdrawals from the reservoir system shall be made only through the permitted irrigation culvert structures. The use of pumps for surface water withdrawals from the reservoir system or withdrawals below the control elevation are prohibited.

B. The ratio of the number of gallons per day withdrawn from the proposed recharge well listed in "Table A" to the number of gallons per day withdrawn from the on-site pond pump listed in "Table B" shall not exceed 1:1 on an average monthly basis.

C. Landscape and Golf Course Permittees must comply with all water conservation plan requirements and the implementation schedule contained in the plan submitted pursuant to Section 2.3.1 of the Basis of Review for Water Use Permit Applications within the South Florida Water Management District - October 1997.

D. Landscape and Golf Course irrigation is prohibited between the hours of 10:00 a.m. and 4:00 p.m., except as follows:

1. Irrigation using micro-irrigation system is allowed anytime.

2. Users whose average annual allocation is made up of 75% or greater volume of reclaimed water for irrigation may irrigate at anytime.

3. Irrigation of, or in preparation for planting, new golf courses and recreational areas is allowed at any time of day for one 30-day period provided irrigation is limited to the amount necessary for plant establishment. Irrigation of newly seeded or sprigged golf course areas is allowed any time of day for one 60-day period.

4. Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides when required by law, recommended by the manufacturer or constituting best management practices is allowed anytime within 24 hours of application.

5. Irrigation systems may be operated anytime for maintenance and repair purposes.

6. The use of water to protect golf course turf from heat and wind stress damage is allowed anytime.

E. Monthly withdrawals, separated by each source as stated on the permit, shall be submitted to the District on a quarterly basis. The water accounting method and means of calibration shall be stated on each report.

F. Every two years from the date of permit issuance, the Permittee shall submit re-calibration data on each water pumping accounting facility, for those Permittees whose accounting method(s) require re-calibration.

G. Prior to (Board date + six months) the Permittee shall provide the results of the calibration testing of the identified water accounting method(s) and equip all existing and proposed withdrawal facilities with approved water use accounting method(s) acceptable to the District.

5.2.4 Industrial/Commercial

A. Industrial/Commercial Permittees must comply with The Water Conservation Plan requirements in section required by criteria 2.4.1; of the Basis of Review for Water Use Permit Applications Within the South Florida Water Management District - October 1997, must be implemented in accordance with the implementation schedule contained therein.

B. Daily withdrawals, separated by each source as stated on the permit, shall be submitted to the District on a monthly basis. The water accounting method and means of calibration shall be stated on each report.

C. Every two years from the date of permit issuance, the Permittee shall submit re-calibration data on each water pumping accounting facility, for those Permittees whose accounting method(s) require re-calibration.

D. Prior to (Board date + six months) the Permittee shall provide the results of the calibration testing of the identified water accounting method(s) and equip all existing and proposed withdrawal facilities with approved water use accounting method(s) pursuant to Section 4.1.

5.2.5 Reclaimed Water Feasibility

A. Upon notification from the District of the availability of reclaimed water pursuant to Section 373.250, F.S., the Permittee shall determine (continue to investigate) the availability, cost, and feasibility of obtaining reclaimed water and actively participate in discussions and negotiations with potential suppliers of reclaimed water when the supplies become available.

B. Should reclaimed water become unavailable, the Permittee shall apply to the District for an emergency water use permit prior to temporarily increasing withdrawals above the permitted allocation.

C. If reclaimed water becomes available prior to the expiration date of this permit, the Permittee shall apply for a modification of the water use permit to reflect that portion of

the allocation which is to be provided for by reclaimed water. Reclaimed water is considered available when an agreement has been executed between both parties, the transmission lines are constructed to the project site, and the necessary on-site modifications and authorizations are obtained.

5.2.6 Water Level, Saline Water Intrusion, Contamination, and Wetland Hydrobiologic Monitoring and Data Collection
When warranted, the following Special Condition shall be added to require monitoring to ensure the use of water authorized in the permit is not causing harm to the resource, the user, or other existing legal users:

A. Permittee shall implement the (water level, saline water intrusion, contamination, or wetland hydrobiologic) monitoring program described in the District staff report prepared in support of recommendation for permit issuance.

B. Permittee shall implement the following (water level, saline water intrusion, contamination, or wetland hydrobiologic) monitoring program:

5.2.6 Monitoring Data Collection

A. Prior to (Board date + 6 months), Permittee shall develop and implement a "Potentiometric Head Monitoring Program". A preliminary proposal shall be submitted to Staff for review and approval prior to (Board date + 3 months). Staff approval will be granted if the proposed monitoring well network will monitor the potentiometric head of the groundwater source(s) or adjacent zones potentially influenced as identified in the Impact Evaluation Summary of this staff report. In developing the program, the Permittee shall consider the number of wells, well localities, depth, method of well construction, types of screen, method of chloride analysis, and frequency of data collection.

B. Prior to (Board date + 6 months), Permittee shall develop and implement a "Surface Water/Wetland Monitoring Program". A preliminary proposal shall be submitted to Staff for review and approval prior to (Board date + 3 months). Staff approval will be granted if the proposed monitoring network will monitor the water level of the surface water source(s) or adjacent environmentally sensitive areas as identified in the Impact Evaluation Study. In developing the program, the Permittee shall consider the number of wells and/or staff gauges, well and/or gauge localities, depth of wells, method of well construction and/or gauge surveying, types of screen, method of chloride analysis, if required, and frequency of data collection.

5.2.6.1 Saline Water Intrusion

A. Prior to (Board date + 6 months), Permittee shall develop and implement a "Saline Water Intrusion Monitoring (SALT) Program". A preliminary proposal shall be submitted to Staff for approval prior to (Board date + 3 months). The purpose of this program shall be to:

1. Locate the saline water interface, and
2. Construct a monitoring well network that will monitor the movement and velocity of the saline water interface.

In developing the program, the Permittee shall include the number of wells, well localities, depth, method of well construction, types of screen, method of chloride analysis, and frequency of data collection.

B. Prior to (Board date + 6 months), Permittee shall implement an updated Saline Water Intrusion Monitoring (SALT) Program. A preliminary proposal to modify the existing SALT program shall be submitted to Staff for approval prior to (Board date + 3 months). Staff approval will be granted if the proposal successfully updates the existing monitoring network. In developing the program the Permittee shall consider well localities, depth, and method of well construction, types of screen, method of chloride analysis and frequency of data collection.

5.2.6.2 Pollution/Contamination Monitoring

Permittee shall establish a water quality monitoring program within one year (DATE) of permit issuance. In developing the program, the Permittee shall consider well localities, depth, method of well construction, types of screen, screened interval, methods of analysis, and frequency of data collection. A preliminary proposal shall be submitted to Staff for approval within six months of permit issuance.

5.2.7-6.3 Well Construction

A. Permittee shall secure a well construction permit prior to construction, repair, or abandonment of all wells, as described in Chapters 40E-3 and 40E-30, F.A.C.

B. If a proposed well location is different from a location specified in the application, the Permittee shall submit to the District an evaluation of the impact of pumpage from the proposed well location on adjacent existing legal uses, pollution sources, environmental features, the saline water interface, and water bodies one month prior to all new well construction. The Permittee is advised the proposed well locations and resulting impacts must be in compliance with all permitting criteria and performance standards in effect at that time.

C. Permittee shall submit to the District an updated Well Description Table (Table "A") within 90 days of completion of the proposed wells identifying the actual total and cased depths, pump manufacturer and model numbers, pump types, intake depths and type of meters.

D. Permittee shall submit to the District an updated Well Description Table (Table "A") within six months of permit issuance, identifying which wells have been properly plugged and abandoned according to subsection 40E-3.531(3), F.A.C., and which wells are to be maintained as water level monitoring wells.

E. Within six months of permit issuance, the Permittee shall plug and abandon the following wells in accordance with Chapter 40E-3 or 40E-30, F.A.C.:

F. Permittee shall submit to the District a well survey that shall include the following: well cased depth, well total depth, and chloride ion concentration of the water in wells not having

this information listed in Well Description Table (Table "A"). This survey shall be submitted for the following wells within six months of permit issuance:

G. Within one month of new well construction, Permittee shall perform a step drawdown test. Prior to conducting the test, the Permittee shall submit a plan for the test to District staff for review and comment. Permittee shall submit step drawdown test information for the following wells to the District within one month of completion of the test. Information on performing step drawdown tests is available from the District.

H. Permittee shall perform an aquifer performance test on the proposed wells. Prior to conducting the test, the Permittee shall submit a plan for the test to District staff for review and comment. The test data for the following wells shall be submitted to the District within one month of completion of testing. Permittee shall submit the pumping rate, duration of test, and the drawdown at the end of the test. Information on performing aquifer performance tests is available from the District.

A. If at any time there is an indication that the well casing, valves, or controls leak or have become inoperative, repairs or replacement shall be made to restore the system to an operating condition. Failure to make such repairs shall be cause for filling and abandoning the well, in accordance with procedures outlined in Chapters 40E-3 and 40E-30, F.A.C.

B. If a proposed well location is different from a location specified in the application, the Permittee shall submit to the District an evaluation of the impact of pumpage from the proposed well location on adjacent existing legal uses, pollution sources, environmental features, the saline water interface, and water bodies one month prior to all new well construction. The Permittee is advised that the proposal must meet all permitting criteria in effect at the time of submittal, and that a formal modification of the permit shall be required if the withdrawals from the well location result in an environmental or resource impact significantly greater than that anticipated in the permit review process.

C. Permittee shall secure a well construction permit prior to construction, repair, or abandonment of all wells, as described in Chapters 40E-3 and 40E-30, F.A.C.

D. 1. The Permittee shall submit to the District an updated Table "A" prior to (Board date + 6 months), identifying which wells are to be properly plugged and abandoned according to subsection 40E-3.531(3), F.A.C., and which wells are to be maintained as water level monitoring wells.

2. The Permittee shall submit to the District an updated Table "A" within one month of completion of the proposed well[s] identifying the actual total and cased depths, pump manufacturer & model numbers, pump types, intake depths and type of meters.

E. Prior to (Board date + 60 days), the Permittee shall plug and abandon wells number (well nos.) in accordance with Chapters 40E-3 and 40E-30, F.A.C.

F. Permittee shall submit to the District a well survey, which shall include the following: well cased depth, well total depth, and chloride ion concentration of the water in wells not having this information listed in Table A. This survey shall be submitted prior to (Board date + 6 months).

G. Within one month of new well construction, Permittee shall perform a step drawdown test. Permittee shall submit this information to the District within one month of the test. (Information on performing step drawdown tests is available from the District.)

H. Permittee shall perform a specific capacity test on the proposed wells. This data shall be submitted to the District within one month of completion of testing. Permittee shall submit the pumping rate, duration of test, and the drawdown at the end of the test. Information on performing specific capacity tests is available from the District.

I. The Permittee is hereby notified that pursuant to Section 373.316, F.S., Upon repair or abandonment of any well in existence prior to July 1, 1973, such well shall be brought into compliance with the well construction requirements in Chapters 40E-3 or 40E-30, F.A.C.

5.2.8-6.4 Flowing Floridan Aquifer Wells

A. Permittee shall submit to the District an artesian well survey ~~that~~ which shall include the following: well cased depth, well total depth, and chloride ion concentration of the water in each well. This survey shall be submitted for the following wells within six months of permit issuance: ~~prior to (Board date + 6 months).~~

B. Prior to any permanent pump installation on Floridan aquifer wells in Martin or St. Lucie counties, the Permittee shall provide measurements of flow from each well using calibrated flow equipment. The method of accounting, calibration data, corrections for well losses, proposed pump information, and the basis for the requested flow rate shall be submitted to the District for review and approval. Staff approval will be granted if the natural flow rate of the well is greater than that of the proposed pump. In Martin and St. Lucie counties, the maximum installed capacity shall be that capacity at which the wells are capable of flowing in a free flowing mode relative to existing land elevation at the well site. Pumping equipment shall not be installed on any free flowing Floridan aquifer well as a means to regain or increase capacity.

C. Temporary pumps installed on Floridan aquifer wells in Martin or St. Lucie counties to increase flow for freeze protection withdrawals must be removed within 72 hours of the conclusion of the freeze event. Prior to the installation of a pump on a Floridan aquifer well in either Martin or St. Lucie County for the purpose of increasing pressure on the discharge side, rather than increasing flow, Permittee shall obtain, by written request, a flow verification determination by Water Use

~~Division Field Staff. Staff approval will be granted if the natural flow rate of the well is not less than that of the proposed pump.~~

~~D. A one quarter inch brass valve shall be installed on the casing side of the well valve head of well No. _____. The brass valve shall be threaded into the casing and shall exhibit a female threaded end on the discharge side. The valve shall be kept in working order.~~

5.2.9 Water Use Accounting (for permits with maximum monthly allocations greater than 3 million gallons)

A. Prior to any withdrawals at the project, the Permittee shall provide the results of the calibration testing of the identified water accounting method(s) and equip all existing and proposed withdrawal facilities with approved water use accounting method(s) pursuant to Section 4.1 of the Basis of Review for Water Use Permit Applications.

B. Every five years from the date of Permit issuance, the Permittee shall submit re-calibration data on each withdrawal facility.

C. Monthly withdrawals for each withdrawal facility shall be reported to the District quarterly. The water accounting method and means of calibration shall be stated on each report.

D. Permittees, who are dependent on other sources of water supply such as reclaimed water or water sale agreements to meet a portion of their demands, shall include the monthly volumes from all other sources in the report to the District. The water accounting method and means of calibration shall be stated on each report.

E. Permittee shall maintain records of the calibrated daily withdrawals from each withdrawal facility. These records shall be available for review upon request by District staff. Monthly withdrawals for each withdrawal facility shall be reported to the District quarterly. The water accounting method and means of calibration shall be stated on each report.

F. Daily withdrawals for each withdrawal facility shall be reported to the District on the following schedule. The water accounting method and means of calibration shall be stated on each report.

5.3 Specific Region Special Conditions

A. A "Water Rights Compact Among the Seminole Tribe of Florida, the State of Florida, and the South Florida Water Management District", which confirms tribal rights has been approved. Exercise of tribal rights in the future may impact allocations sought by the Permittee in future permit modifications and renewals.

B. The property which is the subject of this Permit is located in the area covered by Chapter 40E-63, F.A.C., (Works of the District within the Everglades). This special condition is intended to notify the Permittee that this property may be subject to additional or new permitting or water quality requirements as specified in Chapter 40E-63, F.A.C.

C. The Permittee shall be subject to all the stipulations agreed to in any executed landowner agreement reached between the Permittee, the District and the Seminole Tribe of Florida. Such stipulations may impact allocations sought by the Permittee in future Permit modifications and renewals.

D. Permittee and the Lake Worth Drainage District have previously entered into an interlocal agreement for mitigation of impacts. It is acknowledged and agreed by the Permittee that this modification of the permit shall be incorporated into and made part thereof the interlocal agreement.

E. Permittee may be responsible for mitigation to domestic uses, including but not limited to those shown in the District staff report for this permit, in the event that declining water levels result in domestic uses suffering a loss of water supply and the event is confirmed by District staff. Factors used in determining mitigation responsibility include, but are not limited to, water level monitoring data, local pumpages, and climatic conditions. Failure by the Permittee to mitigate any adverse impacts that occur as a result of the Permittee's withdrawals, for which mitigation responsibility has been determined, will be considered a permit violation.

5.4 Surface Water Management

This is an existing project. An Environmental Resource or surface water management permit will be required prior to any change in land use or modification of the drainage system.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Wm. Scott Burns, Director, Water Use Regulation Department

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 15, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 3, 2001

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

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PURPOSE AND EFFECT: The purpose and effect of the rule development is to modify and update the District's Well Construction Rules to reflect new policy development.

SUMMARY: Well Construction Permitting/Standards are revised.

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: 120.54(5), 120.60, 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.103(1), 373.306, 373.308, 373.309, 373.313, 373.314, 373.316, 373.319, 373.323(2), 373.326, 373.329, 373.333, 373.342 FS.

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

TIME AND DATE: 8:30 a.m., March 14, 2002

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: For technical issues contact Scott Burns (internet: sburns@sfwmd.gov), or Elizabeth Ross (internet: eross@sfwmd.gov), telephone number 1(800)432-2045. For procedural issues contact: Julie Jennison (internet: jjeniso@sfwmd.gov), 1(800)432-2045, Ext. 6294 or (561)682-6294, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680

THE FULL TEXT OF THE PROPOSED RULES IS:

40E-3.011 Policy and Purpose.

(1) The purpose of Chapter 40E-3, Florida Administrative Code, (F.A.C.) is to implement the duties and responsibilities of the South Florida Water Management District, (District) under Part III, Chapter 373, Florida Statutes, (F.S.) and those responsibilities and duties delegated to the District by the Department of Environmental Protection Regulation, (Department) relative to regulating the location, construction, repair, or abandonment of water wells and the licensing of water well contractors. It is the policy of the Governing Board that these rules are reasonably necessary ~~a reasonable necessity~~ to insure the protection and management of water resources and the health, safety, and general welfare of the people of this District.

(2) The rules in this chapter implement the regulation of wells through ~~and well-driller water well contractors and include~~ the following parts:

(a) Part I of this chapter establishes a permitting system for the location, construction, repair or abandonment of wells.

(b) Part II of this chapter establishes the minimum standards for the construction, repair or abandonment of wells.

(3) Additional rules relating to well construction are found in Chapters 40E-5, F.A.C. Florida Administrative Code (Artificial Recharge), 40E-2, F.A.C. (Consumptive Use), and 40E-30, F.A.C. (General Permits for Wells).

(4) Rules relating to Water Well Contractor Licensing and enforcement guidelines are found in Chapter ~~62-531~~ 47-531, F.A.C. (Water Well Contractors in Florida). ~~Florida Administrative Code adopted by reference in Rule 40E-3.037 (Governing Water Well Contractors in Florida).~~

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103(1), 373.306, 373.308, 373.309, 373.313, 373.314, 373.316, 373.319, 373.323(2), 373.326, 373.329, 373.333, 373.342 FS. History—New 1-1-85, Amended 12-19-89,_____.

40E-3.021 Definitions.

When used in this chapter:

(1) “Abandoned Water Well” means a well for which the use has been permanently discontinued. A well shall be deemed to be abandoned, if it is in a state of disrepair, such that its continued use for obtaining groundwater or disposing of water or liquid wastes is impractical.

(2)(+) “Annulus or Annular Space” means any artificially created void existing between a well casing or liner pipe and a borehole wall or the space between two casings or liner pipes.

~~(3)(2)~~ “Aquifer” means a geologic formation, group of formations, or part of a formation that contains sufficient saturated permeable material to yield useful quantities of groundwater to wells, ~~and springs, or surface water.~~

(4) “Bentonite” means a grout or chips, tablets, or pellets used for plugging or sealing water wells, consisting of high solids montmorillonite.

~~(5)(3)~~ “Casing Diameter or diameter of casing” means the nominal diameter of the largest permanent water bearing casing. For the purpose of this section, the diameter of the casing at the upper terminus will be presumed to be the diameter for the entire length, unless the well owner or contractor can demonstrate that the well has a smaller diameter permanent water bearing casing below the upper terminus largest inside diameter of the final casing.

(6) “Consolidated” means a stratum, which is cemented with a binding substance commonly derived from within the deposit containing that stratum.

(7) “Consumptive Use Permit” means a water use permit issued under Chapter 40E-2 and 40E-20, F.A.C.

(8) “Department” means the Florida Department of Environmental Protection (FDEP).

~~(9)(5)~~ “Dewatering” means the use of wells or other such equipment to temporarily lower a water level as may be necessary during construction activities.

(10) “Driller” means a licensed water well contractor or a person working under the direct supervision of a licensed water well contractor who actually constructs the well.

(11) “Driven Casing” means well casing installed by the percussion drilling method, where the well casing is driven into a borehole that is less than the nominal outside diameter of the casing.

~~(12)(6)~~ “Drive Shoe” means any device specifically designed, fabricated, and installed to protect the lower end of a water well casing or liner pipe from collapse or other damage while the casing or liner pipe is being driven into place in a well.

(13) “Field Log” means an accurate, written documentation of all construction activities needed to fill out well completion reports.

(14) “Filter Pack” means a siliceous sand or gravel that is uniformly graded, washed, and clean. It is placed in the annulus of the well between the borehole wall and the well screen.

~~(15)(7)~~ “Gang Well” means a system where two (2) or more water wells are coupled together with a common header or manifold.

~~(16)(8)~~ “Grout” means a mixture of water, and either Portland cement (American Concrete Institute Type I, American Concrete Institute Type II, Class H, American Concrete Institute Type III, or any other types of cement approved by the District) or Bentonite, and sand (not more than two parts of sand to one part of cement by weight), and other

additives listed under subsection 40E-3.021(13), Florida Administrative Code, or other additives approved by the District. Grout composition shall not exceed six (6) gallons of water per cubic foot of cement.

~~(17)(9)~~ “Inspection Port” means any opening not less than three-quarters (3/4) inch in diameter through which unobstructed access to the inside of the casing can be obtained for measuring water levels. Inspection ports shall be threaded openings temporarily sealed with a removable watertight plug.

(18) “Jetted Well” means a pipe with an attached well point or open-ended screen. The well is installed in unconsolidated formations by the washing action of a water jet.

~~(19)(10)~~ “Liner” means a metallic or nonmetallic pipe, which either is installed either within the outer casing to modify, improve, repair or protect the outer casing or is installed below and separate from the outer casing to seal off caving material which may be encountered in the open hole of the well.

~~(20)(11)~~ “Monitoring Well” or “Observation Well” means a well used primarily to monitor hydrologic parameters such as water levels or water quality.

~~(12)~~ “Neat Cement Grout” means grout without addition of sand but may include bentonite (not to exceed 5 lbs. per 93 lb. sack of cement), calcium chloride (not to exceed 3 lbs. per 94 lb. sack of cement) or retarder (not to exceed 1 lb. per 94 lb. sack of cement), or other admixtures approved by the District to reduce permeability or shrinkage, increase fluidity, adjust slurry weight and/or control set time. Neat cement ground composition shall not exceed six (6) gallons of water per cubic foot of cement.

(21) “Nominal” means the standard size of the well casing. Nominal, when referring to grouting of the annulus, means the average available void thickness between the telescoped well casing and the permanent well casing or the average available void thickness between the borehole and the outside wall of the well casing.

~~(13)~~ “Observation Well” means a well used primarily to observe the elevation of the water table of potentiometric surface of to observe water quality in the aquifer.

~~(14)~~ “Production Well” means a water well but specifically excludes a test hole, and observation well of a monitoring well.

(22) “Packer” means a device placed within a well casing that seals the joint between two pieces of casing, between the casing and the screen, between one formation or water bearing strata and another or between the formation and the casing.

~~(23)(15)~~ “Public Water Supply Well” means a well constructed for the purpose of supplying water to a public water system, as permitted under Chapters 62-550, 62-555, 62-560, and 64E-8, F.A.C.

~~(24)(16)~~ “Public Water System” means a community or non-community system for the provision to the public of piped water for human consumption, if provided that such a system

has at least 15 service connections or regularly serves at least 25 individuals daily at least 60 days out of the year, as set forth in Chapter 62-550, 62-555, and 62-560, F.A.C.

(25)(17) "Sand point Well" means any device, which is driven or washed into place in unconsolidated earth materials, and which consists of a pipe with an attached perforated metal tube or well screen designed to permit the passage of water.

(26) "Telescoped casing" means an interior well casing extending below and sealed within an exterior well casing.

(27)(18) "Test Hole" means any artificial temporarily cased or uncased hole in the ground drilled, bored, cored, washed, or jetted, for the intended use of which includes obtaining data for engineering, and/or for geophysical or geological exploration, and/or prospecting for minerals or products of mining or quarrying, and not for the purposes of either producing, disposing of, or searching for water.

(28) "Upper Terminus" means that portion of a well casing ending at land surface or within an approved depth below land surface. Land surface is considered to be the ground elevation of the finished grade at the well.

(29) "Water Test Well" means a water well whose purpose is obtaining data to determine aquifer properties or water quality. Water test wells are commonly drilled, in order to obtain hydrologic data prior to applying for a water use permit.

(30)(19) "Water Use Permit" means a permit issued under Chapter 40E-2 or 40E-20, F.A.C. Florida Administrative Code.

(31)(20) "Water Well" means a well as defined in Section 373.303(7), F.S., which includes any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is for the location, acquisition, development or artificial recharge of ground water. This term does not include any well constructed for the purpose of obtaining or prospecting for oil, natural gas, or products of mining or quarrying, for disposing of oil brine or re-pressuring oil bearing or natural gas-bearing formations, for storing petroleum, natural gas or other products, or for temporary dewatering of subsurface formations for mining, quarrying or construction purposes Florida Statutes.

(32)(4) "Water Well Contractor" means an individual who is responsible for the location, construction, repair, or abandonment of a water well and who is licensed under any person licensed by the Department, or a water management district, in accordance with Chapter 62-531 17-531, F.A.C. Florida Administrative Code, to and engaged in the business of construction, repair, or abandonment of wells.

(33)(21) "Well Casing" means a metallic or nonmetallic pipe installed in a borehole or driven to prevent caving, provide structural strength, seal off zones of poor water quality, or prevent the interchange of waters between aquifers.

(34)(22) "Well Completion" means termination of all well construction, repair or abandonment activities in accordance with Part II.

(35)(23) "Well Completion Report" means the form supplied or approved by the District, that is a form "0124" completed and signed by the licensed water well contractor and submitted to the District within 30 days of well completion person constructing the well in accordance with this chapter.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.019, 373.106, 373.303, 373.306 FS. History--New 1-1-85, Amended _____.

40E-3.031 Implementation.

The effective date for rules established in this chapter:

(1) For Rule 40E-3.037, October 1, 1984.

(2) For the remainder of the chapter, January 1, 1985.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103(1), 373.306, 373.308, 373.309, 373.313, 373.314, 373.316, 373.319, 373.323(2), 373.326, 373.329, 373.333, 373.342 FS. History--New 10-1-84, Repealed _____.

40E-3.032 Delegation.

(4) The authority for general administration of Part 1 of Chapter 40E-3, Florida Administrative Code, is delegated to the Executive Director of the District. It is the policy of the Board that in making this delegation the Executive Director is authorized to may designate specific staff members to carry out various tasks but that overall supervision and responsibility shall rest with the Executive Director. The Executive Director is expressly authorized to issue permits under this chapter as provided in Section 373.342(1), F.S. Florida Statutes.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.308, 373.309(2), 373.339, 373.342 FS. History--New 1-1-85, Amended _____.

40E-3.035 Agreements.

The Governing Board hereby incorporates by reference the following documents:

(1) "Agreement between Lee County and South Florida Water Management District," dated January 9, 1985.

(2) "Agreement between Dade County and South Florida Water Management District," dated January 31, 1985.

(3) "Agreement between Collier County and South Florida Water Management District," dated February 5, 1985.

(4) "Agreement between the City of Cape Coral and South Florida Water Management District," dated October 10, 1986.

(5) "Agreement between the Martin County Health Department and South Florida Water Management District," dated June 12, 1998.

(6) "Agreement between the Osceola County Health Department and South Florida Water Management District," dated February 11, 1999.

(7) "Agreement between the St. Lucie County Health Department and South Florida Water Management District," dated April 13, 2000.

(8) "Agreement between the Hendry County Health Department and South Florida Water Management District," dated September 14, 2000.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103, 373.308, 373.309, 373.323, 373.324, 373.326, 373.329, 373.333 FS. History—New _____.

40E-3.037 Rules and Publications Incorporated by Reference Water Well Contractor Licensing.

The following Department rules and publications are incorporated by reference into this rule and shall apply to the well contractor licensing program administered by the District and to all wells constructed, repaired, or abandoned in the District.

(1) Well Contractor Licensing – Chapter 62-531 47-531, F.A.C., Florida Administrative Code, which requires the licensing of water well contractors and includes the Department’s Water Well Contractor Disciplinary Guidelines and Procedures Manual, April 1989 which is incorporated by reference at subsection 17-531.450(5), is adopted by reference and made part of this rule. The licensing program shall be administered and enforced by the District under the authority delegated to it by the Department of Environmental Protection.

(2) Construction of Water Wells – Chapter 62-532, F.A.C.

(3) Construction of Public Supply Water Wells – Chapter 62-555, F.A.C.

(4) Construction of Water Wells in Delineated Areas – Chapter 62-524, F.A.C.

(5) Drinking Water Systems – Chapter 64E-8, F.A.C.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103, 373.308, 373.309, 373.323, 373.324, 373.326, 373.329, 373.333 FS. History—New 10-1-84, Amended 12-19-89, _____.

40E-3.038 Violations of Contractor Licensing Requirements.

(1) Violations of contractor licensing requirements of this chapter are specifically listed at Rules 62-531.380, 62-531.450 and 62-531.500, Florida Administrative Code.

(2) Actions which may be taken by the District upon determination that a violation has occurred are outlined in Chapter 62-531 and Rule 40E-1.612, Florida Administrative Code.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.323, 373.326, 373.333, 373.336 FS. History—New 12-19-89, Repealed _____.

40E-3.039 Penalties.

Penalties for violation of this chapter shall be as provided by Chapter 373, Florida Statutes, and Chapter 62-531 47-531, F.A.C. Florida Administrative Code, which includes including the Water Well Contractors Disciplinary Guidelines and Procedures manual as adopted by the Department and delegated to the water management districts.

Specific Authority 373.044, 373.113, 373.171, 373.333 FS. Law Implemented 373.129, 373.308, 373.309, 373.333, 373.336 FS. History—New 1-1-85, Amended 12-19-89, _____.

40E-3.0391 Enforcement.

Once the District determines that a violation of ~~licensing provisions~~ of Chapter 40E-3, 62-531, 62-532, 62-550, 62-555, 62-524, or 64E-8, F.A.C. 47-531 Florida Administrative Code has occurred, the District may take enforcement action pursuant to Chapter 373, Florida Statutes, and applicable portions of Chapters 40E-1 and 62-531, F.A.C. Florida Administrative Code.

Specific Authority 373.044, 373.119, 373.136, 373.171, 373.333 FS. Law Implemented 373.119, 373.129, 373.306, 373.333, 373.336 FS. History—New 12-19-89, Amended _____.

PART 1 PERMITTING REGULATION OF WELLS

40E-3.040 Scope of Part 1.

~~This The rules in part sets forth relate to~~ the permitting requirements applicable to the construction, repair or abandonment of water wells. Unless expressly exempted by statute or this ~~chapter, rule~~ all wells must be permitted prior to construction, repair or abandonment and must be constructed, repaired or abandoned by a licensed water well contractor. ~~This exemption does not relieve the applicant from obtaining permits which may be required under Chapter 40-2 (Consumptive Use), Chapter 40E-4 (Surface Water Management), Chapter 40E-20 (General Water Use Permits) or Chapter 40E-40 (General Surface Water Management Permits).~~

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.303, 373.308, 373.309, 373.316, 373.326, 373.342 FS. History—New 1-1-85, Amended _____.

40E-3.041 Permits Required.

(1) Unless expressly exempted by Statute law or this chapter, District rule a well construction permit must be obtained from the District or delegated agency prior to the construction, repair or abandonment of any well within the District’s jurisdiction.

(2) A well construction permit must be obtained prior to the construction of any gang well, regardless of the size or depth of the individual wells comprising such gang well, for the purpose of procuring or obtaining water other than for dewatering.

(3) No test hole or water test well shall be converted to a water well until a well construction permit is obtained.

(4) No monitoring or observation well shall be converted to a production well until a well construction permit or modification thereof is obtained for each production well.

(5) A well construction permit is required prior to the construction of any public supply well.

(6) A well construction permit must be obtained from the District prior to the construction, repair, or abandonment of any water well in areas designated by the Department, pursuant to Chapter 62-524, F.A.C. All wells will require a permit under Chapter 62-524, F.A.C., from the entity to which the authority to issue a permit has been delegated.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103, 373.309, 373.313, 373.316 FS. History—New 1-1-85, Amended _____.

40E-3.051 Exemptions.

The following wells are exempt from Section 40E-3.041 Rules 40E-3.101 and 40E-3.201. This exemption does not relieve the applicant from obtaining permits which may be required under Chapter 40E-2 (Consumptive Use), Chapter 40E-4 (Environmental Resource Permits Surface Water Management), Chapter 40E-20 (General Water Use Permits) or Chapter 40E-40 (Environmental Resource Standard General Surface Water Management Permits).

(1) Existing wells exempted under subsection The wells set forth in Section 373.316, Florida Statutes.

(2) The wells exempted under subsection excluded from the definition of “well” under Section 373.303(7), Florida Statutes.

(3) The wells set forth in Section 373.326(2), Florida Statutes, provided the provisions of Section 373.326(2), F.S., are satisfied and the well is constructed, repaired, or abandoned in accordance with the standards of this chapter and the well completion report is submitted in accordance with Rule 40E-3.411.

(3)(4) A well constructed solely for the purpose of a test hole, as defined in subsection 40E-3.021(27), F.A.C.

(4)(5) The construction, repair or abandonment of a water well with a casing diameter of less than six inches by a licensed water well contractor, excluding public water supply wells, provided a well completion report is submitted in accordance with Rule 40E-3.411, F.A.C. and provided that the well is constructed, repaired or abandoned in accordance with the standards of this chapter. This exemption from permitting requirements in 40E-3.041, F.A.C. does not apply to:

(a) Public water supply wells,

(b) Any wells constructed in an area delineated pursuant to Chapter 62-524, F.A.C.

(c) Any water wells within jurisdictions to which the District has delegated authority for water well construction permitting for all wells, pursuant to Rule 40E-3.035, F.A.C.

(5)(6) A well intended for use as an injection well, which has received a permit under Chapter 62-28, F.A.C. 47-28 Such wells are exempt from the construction standards in Part II provided the applicable standards of Chapter 62-28 47-28 are met.

(6) A well drilled by a government agency only for research purposes.

(7) Wells intended for monitoring purposes only which is part of an approved permit issued by the Department of Environmental Regulation.

~~(7)(8)~~ In addition, a wells which satisfies the requirements of Chapter 40E-30, F.A.C. is Part IV of this Chapter are exempt from the provisions of 40E-3.301, 40E-3.321, 40E-3.411, 40E-3.501, 40E-3.512, 40E-3.562 and 40E-3.351, F.A.C.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.303, 373.308, 373.309, 373.313, 373.316, 373.326 FS. History—New 1-1-85, Amended _____.

40E-3.0511 Exceptions and Variances.

(1) ~~The board finds that compliance with all the requirements of Part I may result in an undue hardship for the construction, repair, or abandonment of certain wells.~~

(2) ~~Any affected person may request an exemption from any or all of these rules for an individual well by making written request which must include those specific requirements for which an exemption is requested, any alternate or substitute methods or conditions considered appropriate, and reasons why the exemption is considered necessary.~~

(3) ~~The District may grant the exemption by way of a variance if the proposal is in accordance with accepted public health and sanitary engineering principles and practices and will not adversely affect the water resource. The variance shall be the minimum necessary to ameliorate the hardship.~~

(4) ~~Oral variance requests from the contractors will be received and oral decisions rendered by the District when, in the opinion of the District, an emergency situation exists and warrants such verbal request and decision. Approved oral variances must be detailed and submitted in writing by the applicant to the District along with an application form within ten days of the verbal approval.~~

(5) ~~If the request is for a variance from requirement of obtaining a water use permit, the application must demonstrate that an application has been filed or a compelling necessity exists to commence the construction, repair or modification of a well while an application for a water use permit is pending. Issuance of the variance will not be evidence of any entitlement to the water use permit.~~

(6) ~~Upon issuance of a variance, District may impose such special conditions as may be necessary to protect the intent and purpose of Part III, Chapter 373, Florida Statutes.~~

Specific Authority 120.54(5), 373.044, 373.113 FS. Law Implemented 120.54(5), 373.303, 373.308, 373.309, 373.313, 373.316, 373.326 FS. History—New 1-1-85, Amended 12-19-89, 7-2-98, 9-2-98, 6-12-00, Repealed _____.

40E-3.101 Content of Application.

(1) The application shall be submitted to the permitting authority by the owner or by the water well contractor on behalf of the owner. All applications shall be submitted on SFWMD Form “0123”, State of Florida Permit Application to Construct, Repair, Modify, or Abandon a Well. Permits will only be issued to the owner or his agent on whose property the well is located.

(2) Applications for permits required by this chapter shall be filed with the District or the entity to which the authority to issue a permit has been delegated. The application for the construction, repair or abandonment of water wells shall contain:

~~(a) Form "0123" Application to the South Florida Water Management District for the construction, repair or abandonment of water wells.~~

~~(a)(b) The name, address, telephone number, license number and signature of the licensed contractor who will be constructing the wells, except in the case of a state agency or political subdivision that needs an indication of approval from the District in order to obtain financing to construct a well. In this case, the District will take action on the application for a permit not signed by a licensed water well contractor with the following condition: "Prior to well construction, a copy of the original application, signed by the licensed water well contractor chosen to construct the well, will be submitted to the District."~~

~~(b)(c) The name, address, and telephone number and signature of the property owner or and his agent, if applicable, on whose property the well is being drilled.~~

~~(c) Written authorization from the owner designating the authorized agent, if any;~~

~~(d) The location of the well (to the nearest one-quarter section, or latitude and longitude to the nearest second, or Florida State Planar Coordinates) (state planar coordinates) to the nearest one hundred feet), and site map of the well location, depicting land marks and providing a scale,~~

~~(e) The expected depth of the well,~~

~~(f) The proposed use of the well,~~

~~(g) The estimated daily volume of the proposed use,~~

~~(h) The specification for well construction including the size(s) of the casing to be used, the proposed construction, repair or abandonment methods, specifications including casing types, casing diameters and depths; open hole or screened intervals, sizes and screen openings; and proposed grouting materials.~~

~~(i) The proposed method of construction and completion of the well, or the method of plugging and abandoning of the well,~~

~~(j) The proposed pump capacity,~~

~~(j)(k) The anticipated starting date to begin drilling,~~

~~(k)(4) The District water use permit number, the water use application number, and the well number from the water use permit Table A, if applicable.~~

~~(l)(m) A well completion report and/or lithologic or cuttings log for any test hole or water test well, which is being requested to be converted to becomes a water well.~~

(m) Applications for public supply wells shall include: the name and address of the water system; the number of persons the well is intended to serve; and a scaled map showing the

well location, property boundaries, existing buildings or physical features, the location of all known and proposed sources of contamination in the vicinity, and the location of power lines or overhead obstructions.

(n) Applications for water test wells must be accompanied by a description of the proposed test. The description at a minimum shall include:

1. Purpose of the test, a brief description of the testing method, and a summary of the results to be provided to the District within 30 days of completion of the testing.

2. Name, address, and telephone number of the person or consulting firm performing the test.

3. A site map showing the location of the water test well and any observation wells.

~~(3)(4) The required fee pursuant to Rule 40E-1.607, F.A.C., or the fee schedule established by the agency to which permitting authority has been delegated, Section 40E-3.201 shall be submitted with the permit application.~~

~~(3) The application must be signed by the owner and or his authorized agent, if applicable. The application must also be signed by the licensed water well contractor, if applicable under Rule 40E-3.051(3).~~

~~(4) In addition to the information required to be submitted on the District form, the District staff may specifically request such reasonable additional information as may be necessary to evaluate the hydrologic impacts of the withdrawal to ensure that the impacts will not be harmful to the water resource of the District as set forth in Chapter 40E-2, F.A.C., and are in compliance with statutory and rule requirements. Pursuant to Section 373.232, F.S., the District will cite a specific rule when requesting such additional information. Such requests for additional information will be made in compliance with section 120.60, F.S. and Chapter 40E-1, F.A.C. The required fee pursuant to section 40E-3.201 shall be submitted with the permit application.~~

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.308, 373.309, 373.313, 373.326, 373.342 FS. History—New 1-1-85, Amended 12-19-89, _____.

40E-3.301 Conditions for Issuance of Permits.

~~(1) In order to obtain a permit under this chapter an applicant must submit a permit application as specified in Rule 40E-3.101, F.A.C.~~

~~(2) The permit application fee shall accompany the original application according to the fee schedule provided in Rule 40E-3.201.~~

~~(2)(3) The Applicant must certify that:~~

~~(a) the proposed well will be constructed, repaired, or abandoned in compliance empty with the criteria set forth in Part II of this chapter;~~

~~(b) The applicant or owner has obtained a water use permit under Chapters 40E-2 or 40E-20, if applicable.~~

~~(e)~~ The proposed well will not otherwise adversely affect the water resources.

(3) A water use permit, if applicable, under Chapters 40E-2 or 40E-20, F.A.C., must have already been obtained.

(4) The proposed well must not harm the water resources of the District or interfere with existing legal users.

~~(5)~~(4) The application must be complete and must meet the requirements of Chapter 373, F.S. Florida Statutes, and this chapter.

(6) The District shall impose on any permit issued under this Chapter such reasonable conditions as are necessary to protect the water resource and assure that the permitted activity will be consistent with the overall objectives of the District. The District shall attach such conditions to the permit, and well construction, repair, or abandonment shall be performed accordingly.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103, 373.306, 373.308, 373.309, 373.313, 373.342 FS. History–New 1-1-85, Amended _____.

40E-3.321 Duration of Permits.

(1) Each permit shall be valid for a period of ninety (90) days, unless the time limit is extended by the District six (6) months. In the event construction, repair or abandonment is not completed within that time, the District may extend the time limit upon written request by the permittee, provided that the conditions of the original permit application have not changed.

(2) Construction, repair or abandonment of a well shall not commence or continue after the expiration of a permit.

(3) Extensions of an existing permit shall be granted by the District upon written request if:

(a) Submitted by the permittee prior to the expiration date of the permit, and

(b) The permittee shows circumstances and conditions have not changed substantially since the permit issuance so that the proposed well will not harm the water resource.

(4) Modifications of an existing permit may be granted by the District upon written application if submitted by the permittee prior to the expiration date of the permit.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.308, 373.309, 373.313, 373.326, 373.342 FS. History–New 1-1-85, Amended _____.

40E-3.341 Suspension and Revocation.

~~(+)~~ The District may suspend or revoke a permit to construct, repair or abandon a well by written notice to the permittee under any of the following circumstances:

~~(1)(+)~~ Material misstatement or misrepresentation in the application for a permit.

~~(2)(+)~~ Failure to comply with the provisions set forth in the permit;

~~(3)(+)~~ Disregard or violation of any provisions of this chapter these rules and regulations or Part III of Chapter 373, F.S. Florida Statutes.; or

~~(4)(d)~~ Unforeseen circumstances which may create a danger to the water resources or the public health, safety or welfare if the well is constructed as permitted.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103, 373.306, 373.308, 373.309, 373.313, 373.342 FS. History–New 1-1-85, Amended _____.

40E-3.411 Well Completion Report.

(1) The Water Well Contractor shall submit a fully completed well completion report (SFWMD Form “0124”) to the District. Well completion reports are required for the construction, repair or abandonment of all wells, regardless of whether a permit application is required under Rule 40E-3.101, F.A.C. Well completion reports shall be filed with the District within 30 days of the completion of the work.

(a) Well Completion reports for sites controlled by Chapter 62-761, F.A.C., Underground Storage Tank Systems, may include all monitoring wells for the same site on a single form.

(b) Computer generated completion reports developed by the contractor may be used in place of District supplied forms if these reports have been approved by the District prior to use.

(2) The water well contractor shall keep or cause to be kept by a person registered driller in his employ an accurate field log of all construction, repair or abandonment activities. Such logs shall be available for inspection by the District at the site during all times when work is in progress.

(3) If no work is performed or if the well is not completed, a report shall be filed within thirty days of the expiration of the permit stating that no well construction was performed under the permit or outlining the status of the incomplete well.

(4) The District may also require that samples be taken during construction and furnished along to it with the completion report. If samples are required, the District will shall provide containers and instructions.

(5) For water test wells, the District will require that a report on the test results be submitted to the District within 30 days of completion of the testing. The report shall also include a request and a proposed schedule to either abandon the water test well or convert the water test well to a production well.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.308, 373.309, 373.313, 373.326, 373.342 FS. History–New 1-1-85, Amended _____.

40E-3.451 Emergency Authorization.

(1) Emergency water well construction permits may be issued by the Executive Director or his designee when one of the following conditions exist which that justifies the issuance:

(a) An existing well supplying a particular use has failed and must be immediately replaced;

(b) The health, safety, or general welfare of the people affected by said emergency of the District would be jeopardized without such authorization;

(c) Emergency authorization is needed to immediately mitigate or resolve potentially hazardous degradation of water resources; or

(d) A serious set of unforeseen, ~~and unforeseeable~~ circumstances occurs ~~exists~~ which creates the emergency.

(2) Emergency permits may be applied for and issued orally. Mere carelessness or lack of planning on the part of the applicant, contractor or driller will not constitute sufficient cause for the issuance of an emergency permit. If Chapter 40E-2 or 40E-20, F.A.C. Consumptive Use, also applies to the well, an emergency permit may be issued only if, in addition to qualifying under (1) above, an application for a consumptive use permit has been filed with the District. Issuance of an emergency permit will not be evidence of any entitlement to the consumptive use permit authorizations shall be administered pursuant to Rule 40E-1.6115, F.A.C.

(3) The applicant for an emergency permit shall submit the application and fee in accordance with Section 40E-3.101 along with any other requested information within twenty-four hours after making oral application.

(4) Rule 40E-3.411 and Part II of this chapter shall apply to all construction performed under an emergency permit.

Specific Authority 373.044, 373.149, 373.171 FS. Law Implemented 373.308, 373.309, 373.313, 373.326, 373.342 FS. History—New 1-1-85, Amended 7-2-98, _____.

40E-3.461 Inspection.

(1) ~~The Department or the~~ District is authorized to inspect any well or abandoned well within its jurisdiction, including those wells permitted under Rule 40E-3.041, F.A.C. Inspections shall be done as Part II within its jurisdiction as it deems necessary to insure conformity with applicable standards. Such inspection may include but need not be limited to geophysical logging, water level measurements, or other methods. Duly authorized representatives of ~~the Department~~ the District may, upon presenting proper identification and at reasonable times, may enter upon ~~and shall be given access to~~ any premises for the purpose of such inspection.

(2) If, based on ~~upon the basis of~~ such inspection, the District finds the standards of Part II have not been met, the District shall proceed with enforcement actions as prescribed by Chapter 62-531, F.A.C., Water Well Contractors, may give the owner and contractor, if applicable, a written notice stating which rules have been violated and may order that necessary corrective action be taken within a reasonable length of time to be prescribed in such order.

(3) A site inspection may be conducted by an authorized representative of the District or delegated governmental entity ~~the Department~~ prior to issuing a permit for construction of a public water supply well.

(4) The District shall be notified at least 24 hours in advance of placement of grout in the annular space of any public water supply well. A District representative may be on site to observe the grouting. If the District is properly notified

and a representative is not at the site at the appointed time, the grouting may begin in the absence of a District representative ~~be accomplished in his absence.~~

(5) If, based on ~~upon basis of~~ an inspection, the District finds any well is an abandoned well, the well shall be plugged in accordance with Rule 40E-3.531 Part II.

(6) The District shall have the right to inspect drilling records upon reasonable notice to a licensed water well contractor.

(7) In all circumstances, a copy of all applicable well construction permits will be available at the construction site during installation.

Specific Authority 373.044, 373.149, 373.171 FS. Law Implemented 373.103, 373.308, 373.309, 373.319 FS. History—New 1-1-85, Amended _____.

~~PART II CONSTRUCTION, REPAIR AND ABANDONMENT STANDARDS~~

40E-3.500 Scope of Part II.

~~The rules in T~~his part sets forth ~~relate to~~ the standards and criteria for the construction, repair and abandonment of wells. All wells within the District boundaries ~~unless specifically exempted under Rule 40E-3.051~~ must comply with these standards regardless of whether a permit is required under Part I.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.308, 373.309, 373.313 FS. History—New 1-1-85, Amended _____.

40E-3.501 Variances.

(1) The Board finds that in certain cases compliance with all the requirements of Part II may result in an undue hardship in the construction, repair, or abandonment of wells.

(2) Any affected permittee or licensed water well contractor may request a variance from specific requirements by making a written request to the District prior to construction of the well, which provides at least the following information:

(a) Licensed contractor's name and number, unless exempt by subsection 373.326(2), F.S.;

(b) The name, address and telephone number of the property owner for whom the well is proposed to be constructed, repaired, or abandoned;

(c) Well location including section, township, range and county;

(d) Casing diameter and type for proposed well;

(e) Well use;

(f) Specific criteria or standard from which the variance is being requested;

(g) Specific facts which demonstrate the undue hardship, if the criteria or standard is applied without granting of a variance.

(3) The Executive Director or designee may grant the exemption by way of a variance if the proposed alternative is in accordance with accepted public health and sanitary

engineering practices and will not harm the water resource. The variance shall be the minimum necessary to ameliorate the hardship.

(4) Oral variance requests from the contractors will be received and oral decisions rendered by the Executive Director or designee when, in the opinion of the District, an emergency situation exists and warrants such verbal request and decision. Approved oral variances must be detailed and submitted in writing by the applicant to the District along with an application form within 24 hours of the verbal approval.

(5) If the request is for a variance from requirement of prior obtainment of a water use permit, the application must demonstrate that an application has been filed and a compelling necessity exists to commence the construction, repair or modification of a well while an application for a water use permit is pending. Issuance of the variance will not be evidence of any entitlement to the water use permit.

(6) When issuing a variance, the Executive Director or designee may impose other conditions as necessary to protect the resource consistent with Part III of Chapter 373, F.S.

Specific Authority 120.54(5), 373.044, 373.113, 373.171 FS. Law Implemented 120.54(5), 373.303, 373.308, 373.309, 373.313, 373.316, 373.326 FS. History--New _____.

40E-3.502 Construction Methods.

(1) Wells must be located, so constructed, cased, grouted, plugged, capped, or sealed as to prevent uncontrolled surface flow, uncontrolled movement of water from one aquifer or water bearing zone of differing water quality to another, contamination of groundwater or surface water resources, or other adverse impacts. The construction methods and standards in this chapter following shall apply to all construction, repair, or abandonment of wells in the District except:

(a)(1) In those areas exempted by the District with the concurrence of the Department; or

(b)(2) For public water supply wells or limited use public supply wells, which wells shall be constructed, repaired or abandoned in accordance with Chapter 62-555 or 64E-8, F.A.C., respectively 17-555, F.A.C.

(c) For monitor wells, which shall be constructed, repaired, or abandoned in accordance with Chapter 62-761, F.A.C. covering underground storage tank systems.

(d) For wells permitted in Chapter 62-524, F.A.C., delineated areas, which shall be constructed, repaired or abandoned in accordance with Chapter 62-524, F.A.C., or special criteria developed for specific designated areas.

(2) The District may designate special well construction standards areas by Emergency Rule to prevent transport of surface contaminants to groundwater or movement of introduced or natural contaminants from one aquifer or zone to another. Such standards will be the minimum necessary to prevent the movement of contaminants and will be in

cooperation with other state agencies, local jurisdictions, and the regulated public, in accordance with Chapter 120, F.S. provisions for emergency rulemaking.

Specific Authority 373.044, 373.309, 373.171 FS. Law Implemented 373.113, 373.306, 373.308, 373.309 FS. History--New 1-1-85, Amended _____.

40E-3.504 Location.

(1) Wells shall be located so as to not pose a threat of contamination to the water resource and to provide for the protection of the health, safety and welfare of the user.

(2) Water wells shall be located to comply with the setback distances in Chapter 62-532, F.A.C.

(3) The District shall increase these distances if necessary to protect the health, safety and welfare of individuals who may be exposed to ground water contamination.

Specific Authority 373.044, 373.171, 373.309 FS. Law Implemented 373.113, 373.306, 373.308, 373.309 FS. History--New 1-1-85, Amended _____.

40E-3.507 Casing and Liner Pipe Standards.

(1) Well casing and liner pipe shall be new or shall be pipe or casing in like new condition. Such casing or pipe shall not be used unless free of leaks, corrosion, and dents; is straight and true, and is not out of round. Welded or seamless black or galvanized steel pipe or casing, or stainless steel pipe or casing, or approved types of nonmetallic pipe shall be used for well casing or liner pipe. All well casing Well casing installed by driving shall not have less than the dimensions and weights specified in Table 1 unless otherwise approved by the District and shall conform to the standards identified in Chapter 62-532, F.A.C. American Society for Testing and Materials (ASTM) Type S, Grade A except as noted below.

(2) Black or galvanized steel casing or liner pipe set into place without driving shall not have less than the dimensions and weights specified in Table 2 Table 1. and shall conform to the American Petroleum Institute (API) Standard 5L, Grade A.

Table 1
MINIMUM DIMENSIONS AND WEIGHTS FOR
BLACK OR GALVANIZED STEEL CASING
OR LINER PIPE INSTALLED BY DRIVING

Nominal Size (in-)	Outside Diameter (in-)	Wall Thickness (in-)	Plain End Weight (lbs/ft)
3	3.500	.216	7.58
3.5	4.000	.226	9.11
4	4.500	.188	8.62
5	5.563	.258	14.62
6	6.625	.280	18.97
8	8.625	.277	24.70
10	10.750	.307	31.20
12	12.750	.330	43.7

(3) Black or galvanized steel casing installed by driving with a nominal size between 12 and 30 inches shall have a minimum wall thickness of 0.375 inches and shall be of

~~weights as specified by American National Standards for Wrought Steel and Wrought Iron Pipe ANSI B36.10-1970, for standard pipe. Pipe larger than 30 inches shall have a minimum wall thickness of 0.500 inches and shall be of weights as specified by American National Standards for Wrought Steel and Wrought Iron Pipe ANSE B36.10-1970, for standard pipe. Four inch nominal size pipe with a wall thickness of 0.188 shall be certified by the manufacturer to be in accordance with American Petroleum Institute (API) Standard 5L or ASTM A589-73, A120-77, A53-77A, A252-77A Grade 2.~~

Table 2

MINIMUM DIMENSIONS AND WEIGHTS FOR BLACK OR GALVANIZED STEEL CASING SET INTO PLACE WITHOUT DRIVING OR LINER PIPE

Nominal Size (in.)	Outside Diameter (in.)	Wall Thickness (in.)	Plain End Weight (lbs/ft)
2.5	2.875	.203	5.79
3	3.500	.125	4.51
3.5	4.00	.134	5.53
4	4.500	.142	6.61
5	5.500	.164	10.22
6	6.625	.185	12.72
8	8.625	.188	16.90

~~(4) Black or galvanized steel casing or liner pipe set into place without driving, with an outside diameter less than 3.500 inches shall have a wall thickness of not less than 0.125 inches. Black or galvanized steel casing or liner pipe with a nominal size between 8 and 16 inches shall have a wall thickness of not less than 0.250 inches. Steel casing or liner pipe with a nominal size of 16 inches or more shall have a wall thickness of not less than 0.375 inches.~~

~~(5) Stainless steel pipe used for casing or liner pipe shall be Schedule 10S of the American National Standards Institute (ANSI B36.19-1976), or stronger classification.~~

~~(6) Polyvinyl Chloride (PVC) pipe may be used for well casing or liner pipe. Any PVC pipe used to construct a water well shall have been marked by the manufacturer, under a method specified as suitable for use in potable water systems. Any PVC pipe larger than 4.5 inches outside diameter used for well construction or repair shall have a working pressure rating of not less than 200 p.s.i. at 73F or shall be ASA Schedule 40. Other non metallic pipe may be approved by the District.~~

~~(2)(7) Steel well casing and liner pipe shall may be joined in a watertight manner by threaded couplings, electrical welding methods, or other methods approved by the District which provide equivalent protection. PVC pipe shall be joined by solvent bonded couplings, or threaded couplings, heat welding, or other methods approved by the District which provide equivalent protection approved methods which shall meet the strength requirements of casing as specified in (6) above.~~

~~(3)(8) Nonmetallic and stainless steel well casing or liner pipe shall not be installed by driving unless prior approval is obtained from the District based on a demonstration that the integrity of the well casing or liner pipe will be maintained.~~

~~(a) For well casing or liner pipe installed by driving, the casing or pipe shall not butt together inside threaded couplings unless the joint is electrically welded so as to be completely watertight.~~

~~(b) A drive shoe is required for use on casing or pipe installed by driving unless prior approval is obtained from the District based on a demonstration that a drive shoe is not necessary to maintain the integrity of the casing or pipe exempted by the District.~~

Specific Authority 373.044, 373.171, 373.309 FS. Law Implemented 373.113, 373.306, 373.308, 373.309 FS. History—New 1-1-85, Amended _____.

40E-3.512 Well Construction Requirements.

(1) In the construction of a well, reasonable caution shall be taken to maintain the work site so as premises in sanitary condition and to minimize the entrance of contaminants into the water resource. Water and materials used in construction shall be reasonably free of contamination.

(2) For wells, which penetrate multiple aquifers or water bearing zones, the well shall be completed so as to prevent cross-contamination of ~~different aquifers or zones~~. If significantly different water quality exists between these aquifers or water bearing zones, and to prevent leakage of water from one aquifer or water bearing zone to another must be prevented aquifer or zone.

(3) For wells obtaining water from unconsolidated earth materials, continuous finished into unconsolidated aquifers, casing shall extend from the upper terminus of the well above top of grade to the well screen. ~~(a) The well screen shall be attached to the casing with a watertight seal, or~~ The well shall be constructed to prevent caving or pumping of sand. A filter pack shall be installed around the screened portion of the well and the well shall be adequately developed to remove particulate materials and turbidity. If the developed well pumps sand in excess of the following industry-standard sand content limits, the well will be determined to be unsuitable for its intended use and will need to be repaired or abandoned.

(a) Flood irrigation – 15 ppm

(b) Sprinkler irrigation – 10 ppm ~~Sealed against the casing with a packer;~~

(c) Home/public water supply – 5 ppm ~~The screen assembly shall overlap the casing by at least ten (10) feet.~~

(d) Processing of food or beverages – 1 ppm

(4) For wells obtaining water from consolidated earth materials, finished into consolidated aquifers, a continuous casing shall extend from the upper terminus of the well to the top of the uppermost consolidated unit above top of grade into

~~the top of the aquifer. For artesian wells, the casing shall penetrate the entire thickness of the overlying formation above the aquifer or producing zone within the aquifer.~~

~~(5) Notwithstanding the provisions of (4) above, the District may grant waivers for seating of casing within the confining zone above an artesian aquifer on a case-by-case basis when, in the opinion of the District, extending casing to the top of the aquifer would present undue hardship, provided that;~~

~~(a) The casing extends a sufficient distance into the confining zone so as to prevent movement of water from the artesian aquifer to overlying aquifers;~~

~~(b) The District determines that such construction will not harm adversely affect the water resources.~~

~~(6) If a well cannot be properly completed to prevent an unauthorized interchange of water between water bearing zones or to prevent a loss of artesian pressure, the well shall be abandoned and plugged in accordance with subsection 40E-3.531(3), F.A.C., or other directions from the District, which are appropriate for the geological conditions encountered. In all cases casing shall extend from land surface to a minimum of three (3) feet below land surface.~~

~~(7) Water wells constructed using Bentonite grouts shall meet all the following requirements:~~

~~(a) The casing seat must be clean allowing the casing to be set at the total depth bored in a hole reasonably free of drill cuttings;~~

~~(b) A formation packer or a 5-foot neat cement plug must be installed at the casing seat;~~

~~(c) Neat cement must be placed in the upper three (3) feet of the annular space to prevent deterioration of, or damage to, the Bentonite seal; and~~

~~(d) Bentonite grout may be used only on monitor, domestic, irrigation, water source, or ground source heat pump installations with a nominal casing diameter of five (5) inches or less. Use of Bentonite grout is not allowed on public supply wells, wells in delineated areas, wells where artesian flow occurs, in any identified contamination sites where the contaminants will prevent an adequate seal, or in wells with the water quality concentrations exceeding 10,000 milligrams per liter total dissolved solids.~~

~~(e) Bentonite grout used for abandonment purposes is not restricted by well size, but cannot be used to abandon a dry well and cannot be placed any higher in the well than the height of the static water level. Any unsealed remainder above the height of the static water level must be filled with neat cement.~~

Specific Authority 373.044, 373.171, 373.309 FS. Law Implemented 373.113, 373.306, 373.308, 373.309 FS. History—New 1-1-85, Amended _____.

40E-3.517 Grouting and Sealing.

Wells shall be grouted and sealed to protect the water resource from degradation caused by movement of waters along the well annulus either from the surface to the aquifer or between aquifers, and to prevent loss of artesian pressure in artesian aquifers. All wells shall be constructed and sealed using a method which insures that an open or unnatural permeable annular space does not remain when a well is completed.

~~(1) All wells that are constructed in a manner which creates an annular space between the casing and the naturally occurring geologic formations shall be grouted and sealed in accordance with the methodologies listed in Chapter 62-532, F.A.C., and this rule. The casing shall be centered in the borehole prior to grouting and sealing. In those cases where, during grouting operations, circulation of the grout is lost so that the annular space being grouted cannot be filled in one continuous operation, a tremie pipe shall be installed in the annular space to a point immediately above the zone of lost circulation and the annulus shall be bridged at that point by sand and other approved material introduced through the pipe. Grouting or sealing of the annular space shall be completed using the pipe or other approved method, may also be used to complete grouting when the total volume of grout to be emplaced exceeds that which can be safely emplaced in one continuous operation. The minimal set time for grouting of casing before drilling operations may continue, shall be 12 hours.~~

~~(2) For any part of a well casing with an outside diameter of four inches or larger intended to be installed in a bore hole which is larger in diameter than the outside diameter of the casing, the annular space shall be filled from bottom to top with not less than a nominal two inch thickness of neat cement grout. Wells less than four inches in diameter must have a minimum of a one inch annular space for grouting. Wells equal to or greater than four inches in diameter must have an annular space equal to or greater than two inches for grouting.~~

~~(3) For any part of a well casing with an outside diameter of less than four inches intended to be installed in a bore hole which is larger in diameter than the outside diameter of the casing, the annular space shall be filled from bottom to top with not less than a nominal one inch thickness of neat cement grout minimum. Wells constructed in unconsolidated formations by any method which creates an annular space shall be grouted no more than ten (10) feet above the top of the screen to land surface.~~

~~(4) Wells obtaining water from unconsolidated formations using a method other than jetting or driving a casing and creating an annular space shall be grouted from no more than ten (10) feet above the top of the screen to the upper terminus. Borehole cuttings shall not be reintroduced into the annular space. The District may grant individual exceptions or, with the concurrence of the Department, may exempt any areas of the District from the requirements of grouting the annular~~

space of that part of the well which penetrates an unconsolidated formation, except that the uppermost three feet of the casing must be grouted to provide protection from contaminated surface water.

(5) For wells constructed using a jetting method and obtaining water from an unconsolidated formation of a naturally caving nature in which the annular space is completely filled with formation material, only the upper three (3) feet shall be grouted to provide protection from possible contaminated surface water. All other wells shall be grouted from the bottom of the casing to land surface.

(6) For wells obtaining water from a consolidated formation, a continuous casing shall extend from the upper terminus of the well to the top of the uppermost consolidated unit. Wells, which are constructed using telescoping casings, shall be considered as a continuous casing provided the following conditions are met: Grouting and sealing of water wells, shall be accomplished by the practices and methods recommended by section A1-8.4 of AWWAA100-66, AWWA Standard for Deep Wells, American Water Works Association, Inc. or other methods approved by the District.

(a) The annular space between each casing and the borehole shall be grouted in accordance with the provision of subsections (1)-(3) above.

(b) The bottom end of the casing shall extend to or below the water level of the aquifer intended to supply water to the well.

(c) All caving zones below the uppermost consolidated unit shall be cased.

(d) A minimum of 10 feet overlap is required for non-public supply wells. One casing centralizer shall be used within the overlapped section.

(7) All other wells shall be grouted from the bottom of the casing to land surface. Wells constructed by methods which require driven well casing are exempt from Rule 40E-3.517(2) and (3), provided the following conditions are met:

(a) Casing shall be driven from land surface to its final depth in a borehole smaller in diameter than nominal outside diameter of the casing used, or be driven from land surface to its final depth ahead of the drill bit;

(b) A drive shoe as defined in Rule 40E-3.021(12) is used;

(c) No annular space exists after casing is installed;

(d) The uppermost three feet of the casing must be grouted to provide protection from contaminated surface water;

(e) The well is sealed in accordance with Rule 40E-3.517(8) and (9);

(f) All other requirements of this part are met.

(8) Unless a variance has been granted by the District, grouting and sealing of water wells shall be accomplished in the following manner: Temporary Well Seals:

Whenever there is a temporary interruption in work on the well during construction, repair or abandonment the well opening shall be sealed with a substantial watertight cover. Except for those areas of the District designated by the District with the concurrence of the Department, any well in which pumping equipment is installed seasonally or periodically shall, be capped with a water tight cap or valve. Whenever pumping equipment is not installed, If a temporary well seal is installed, an unobstructed inspection port must be provided for wells six (6) inches or greater in diameter.

(a) The grout mixture shall consist of either Portland Cement or a natural Bentonite slurry for wells and boreholes meeting the requirements in subsection 40E-3.512(7), F.A.C.

1. A mixture consisting of 5.2 to 6.0 gallons of water per sack of Portland Cement or a mixture of 6.5 gallons of water per sack of Portland Cement with 3 to 5 pounds of Bentonite not to exceed 5% by weight will meet minimum requirements.

2. A mixture of 8-20 mesh granular Bentonite, water, and an approved liquid viscosifier or untreated 200-mesh Bentonite and water is acceptable. In all circumstances, the manufacturer's mixing instructions shall be followed.

(b) The minimum set time for grouting of casing using either Portland Cement or Bentonite before drilling operations may continue is 12 hours.

(c) The casing shall be centered in the borehole prior to grouting and sealing.

(d) Grouting of the annular space shall be completed using the tremie pipe, forced pressure, or other equivalent method approved by the District. In all cases, grout will be introduced into the annular space from bottom to top.

(e) Wells constructed by driving well casing are exempt from the grouting and sealing guidelines as set forth in previous sections of this Rule provided that dry Bentonite with an average mesh size of between 4 and 20 U.S. standard sieve size or grain size between 5mm and .85mm must be added to the continuous casing string at land surface at the beginning and during construction of the well.

(f) In those cases where, during grouting operation, circulation of the grout is lost so that the annular space being grouted cannot be filled in one continuous operation, a tremie pipe shall be installed in the annular space to a point immediately above the zone of lost circulation and the annulus shall be bridged at that point by sand or other approved material introduced through the pipe. Grouting or sealing of the annular space shall be completed using the tremie pipe or other approved methods.

(9) Permanent Well Seals:

Wells located on ground subject to flooding shall be properly sealed to prevent the movement of contaminants and surface water into the well. The upper end of the well casing shall include a watertight seal with any vent above the 100 year flood level. Pumping equipment and any necessary pipe or electrical connections shall be so installed as to prevent

~~inadvertent introduction of contaminants into the well. Pumping equipment and any necessary piping or electrical connections installed within the casing shall be installed through a well seal. An unobstructed inspection port equipped with a temporary removable plug shall be provided and accessible at the wellhead for wells six (6) inches or greater in diameter.~~

Specific Authority 373.044, 373.171, 373.309 FS. Law Implemented 373.113, 373.306, 373.308, 373.309 FS. History—New 1-1-85, Amended _____.

40E-3.521 Well Seals.

(1) Temporary Well Seals.

(a) Whenever there is a temporary interruption during construction, repair or abandonment the well opening shall be sealed with a reasonably watertight cover.

(b) Except in areas designated by the District, any well in which pumping equipment is installed seasonally or periodically shall be capped with a water tight cap or valve. The top of the well casing shall, at a minimum, extend one (1) foot above land surface.

(c) If a temporary well seal is installed, an unobstructed inspection port must be provided. Inspection ports shall be sealed with threaded temporary removable watertight plug or locking cap.

(2) Permanent Well Seals.

(a) Wells shall be properly sealed to prevent the movement of contaminants and surface water into the well.

(b) The upper end of the well casing shall at a minimum extend one (1) foot above land surface, and include a watertight seal, with any vents at least one (1) foot above the 100-year flood level.

(c) Pumping equipment and any necessary pipe or electrical connections shall be installed to prevent inadvertent introduction of contaminants into the well, and if installed within the casing, shall be installed through a well seal.

(d) An unobstructed inspection port equipped with a temporary removable watertight plug may be required for wells six (6) inches or greater in diameter.

Specific Authority 373.044, 373.171, 373.309 FS. Law Implemented 373.113, 373.306, 373.308, 373.309 FS. History—New _____.

40E-3.525 Explosives.

The use of explosives in well construction or development is prohibited unless specifically approved by the District pursuant to Section 40E-3.0511.

Specific Authority 373.044, 373.171, 373.309 FS. Law Implemented 373.113, 373.306, 373.308, 373.309 FS. History—New 1-1-85, Amended _____.

40E-3.529 Flowing Wells.

If the well flows at land surface, it each well shall be equipped provided with a valve to control the discharge from the well pursuant to Section 373.206.

Specific Authority 373.044, 373.171, 373.309 FS. Law Implemented 373.113, 373.306, 373.308, 373.309 FS. History—New 1-1-85, Amended _____.

40E-3.531 Abandoned Well Plugging.

(1) Any well which was not constructed in accordance with the standards of Part II and fails to be corrected upon written notice in accordance with subsection Rule 40E-3.461(2), F.A.C., shall be deemed an abandoned well. Any well, which has been permanently disconnected from pumping equipment and has not been converted to a monitoring well, shall be deemed to be abandoned. The owner of the property, on which an abandoned well is located, shall be responsible for ensuring that all abandoned wells on the property are properly plugged.

(2) Any well, which is an abandoned artesian well under subsection 373.203(1), F.S. Florida Statutes, shall be plugged in accordance with this section paragraph (3).

(3) All abandoned wells shall be plugged by filling them from bottom to top with neat cement or Bentonite grout within a time specified by the District; unless otherwise provided in writing by the District. The plugging shall be to restore or improve the hydrologic conditions which existed before the well was constructed. The work shall be accomplished by a licensed water well contractor.

(a) Use of clean aggregate to bridge cavernous or lost circulation zones shall be allowed if measurements indicate loss of grout, and the borehole or screened portion does not connect two (2) or more aquifers of significantly differing water quality. Grouting of confining units shall be required to segregate producing units of significantly differing water quality. Prior approval to use aggregate or other material must be obtained from the District.

(b) Obstructions shall be cleared from all wells prior to grouting.

(4) Requests to abandon a well shall be submitted on the application form provided by the District, unless the well is exempt from permitting under Rule 40E-3.051, F.A.C.

Specific Authority 373.044, 373.171, 373.309 FS. Law Implemented 373.113, 373.306, 373.308, 373.309 FS. History—New 1-1-85, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Wm. Scott Burns, Director, Water Use Regulation Department

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 15, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 3, 2001

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLES:	RULE NOS.:
Review of General Water Use	
Permit Applications	40E-20.010
Policy and Purpose	40E-20.011

Implementation	40E-20.031
General Permit for Water Use	40E-20.042
Delegation of Authority Pertaining to General Water Use Permits	40E-20.061
Publications Incorporated by Reference	40E-20.091
Content of General Water Use Permit Applications	40E-20.101
Notice of Intent	40E-20.112
Request for Additional Information	40E-20.141
Conditions for Issuance of General Water Use Permits	40E-20.301
Conditions for Issuance of Authorization	40E-20.302
Duration of General Water Use Permits	40E-20.321
Modification of General Water Use Permits	40E-20.331
Revocation of General Water Use Permits	40E-20.341
Transfer of General Water Use Permits	40E-20.351
Limiting Conditions	40E-20.381
Publication	40E-20.391

PURPOSE AND EFFECT: The purpose and effect of the rule development is to modify and update the District’s Water Use Rules to reflect new legislative direction, new policy development and regional water supply plans.

SUMMARY: The following topics are modified: Dewatering, General Water Use Permit Thresholds, Reduced Threshold Areas, Conditions of Issuance, and Delegations to Staff.

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: 120.54(5), 120.60, 373.044, 373.113, 373.083, 373.113, 373.118 FS.

LAW IMPLEMENTED: 120.60(2), 373.103, 373.118, 373.219, 373.223, 373.229 FS.

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

TIME AND DATE: 8:30 a.m., March 14, 2002

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: For technical issues contact: Scott Burns (internet: sburns@sfwmd.gov) or Elizabeth Ross (internet: eross@sfwmd.gov), telephone number 1(800)432-2045. For procedural issues contact: Julie Jennison (internet: jjenniso@sfwmd.gov), 1(800)432-2045, Ext. 6294 or (561)682-6294, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680

THE FULL TEXT OF THE PROPOSED RULES IS:

40E-20.010 Review of General Water Use Permit Applications.

General Water Use permit applications ~~and notices of intent~~ are processed pursuant to the provisions of Section 120.60, F.S., Part VI of Chapter 40E-1, F.A.C., and Chapter 28-107, F.A.C.

Specific Authority 120.54(5), 120.60 FS. Law Implemented 120.54(5), 120.60 FS. History–New 7-2-98, Amended _____.

40E-20.011 Policy and Purpose.

(+) The rules in this chapter authorize issuance of grant general permits for water use for certain specified uses which have been determined by staff review to be reasonable-beneficial, not interfering with existing legal uses and consistent with the public interest pursuant to Section 373.223, F.S. The purpose of this chapter is to set forth the conditions for issuance for all general permits in Rule 40E-20.301, F.A.C., and establish requirements for the various types of general permits available under this Chapter in Rule 40E-20.302, F.A.C. ~~requirements for qualifying for a general water use permit and the conditions under which it may be exercised.~~ Persons conducting uses or withdrawals that are not exempt pursuant to Rule 40E-2.051, F.A.C. and do not qualify for a general water use permit under this chapter are required to obtain individual permits pursuant to Chapter 40E-2, F.A.C.

(2) District staff shall take final agency action on applications submitted under this rule pursuant to Section 373.118, F.S. and Chapter 40E-20, F.A.C. If an application for any proposed water use does not meet the provisions of this Chapter, the District will provide the permit applicant with the option to either withdraw the general permit application, or supply the additional information and fee required for an individual permit. In the event one of these options is not selected, Staff will recommend that the Governing Board deny the general permit application. Water uses or withdrawals that meet the conditions for issuance of authorization for a general permit specified in Rule 40E 20.302 are presumed to meet the criteria in Section 373.223, Florida Statutes. Staff will recommend denial of general permit authorizations for water uses or withdrawals that do not meet the conditions for issuance of authorization. The District shall require an individual permit, or deny issuance of a general permit authorization, if the applicable conditions for issuance of

authorization are insufficient to demonstrate that a particular proposed use or withdrawal meets the criteria in Section 373.223, Florida Statutes. Where applicable, criteria in the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District _____ – October 1997” incorporated by reference in Rule 40E-20.091, F.A.C., will be utilized to determine whether the conditions for issuance in Rule 40E-20.301, F.A.C., of authorization are satisfied.

Specific Authority 373.044, 373.113, 373.118, 373.083 FS. Law Implemented 373.103(4), 373.219, 373.118, 373.083 FS. History–New 9-3-81, Formerly 16K-2.032(4), 16K-3.031(4), Amended 4-20-94, 7-11-96, 4-9-97, 12-10-97, 9-10-01, _____.

40E-20.031 Implementation.

(1) This rule specifies the effective dates of the water use general permits granted in this chapter.

(2)(a) If the use of withdrawal meets the conditions of subsection 40E 20.302(2), the effective date is December 12, 1977.

(b) If the use or withdrawal meets the conditions of subsection 40E-20.302(1)(b)1.a. or 40E-20.302(1)(b)2., or the use or withdrawal was located within Sanibel, Captiva or North Captiva Islands, Lee County, the effective date is January 29, 1979.

(c) If the use or withdrawal meets the conditions of subsection 40E-20.302(1)(b)1.e., the effective date is September 3, 1981.

(d) If the use or withdrawal meets the conditions of subsection 40E 20.302(1)(b)1.b., except Sanibel, Captiva or North Captiva Islands, or subsection 40E 20.302(1)(b)1.d., e., f., g., or h., the effective date is December 1, 1982.

(3) If the use or withdrawal meets the conditions of subsections 40E-20.302(3), or 40E-20.302(4), the effective date is July 31, 1987.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.103(1), 373.118, 373.216 FS. History–New 9-3-81, Amended 12-1-82, 7-26-87, Repealed _____.

40E-20.042 General Permit for Water Use.

(1) All persons using or withdrawing water, who are not exempt under Rule 40E 2.051 and who meet the conditions specified in Rule 40E-20.302, are hereby granted a general permit to use and withdraw water subject to the requirements of this chapter.

(2) No use or withdrawal of water shall commence under this general permit until the permittee receives a written authorization to proceed from the District, except for permits issued pursuant to subsection 40E 20.302(4), and except in those instances when short term dewatering applicants file a Notice of Intent pursuant to subsection 40E 20.112(3) and commence work pursuant to subsection 40E 20.302(4).

Specific Authority 373.044, 373.113 FS. Law Implemented 120.60(2), 373.103(4), 373.219 FS. History–New 9-3-81, Formerly 16K-2.031(1), 16K-2.032(1)(a), Amended 7-26-87, 4-20-94, 7-2-98, Repealed _____.

40E-20.061 Delegation of Authority Pertaining to General Water Use Permits.

The Governing Board delegates to the Executive Director the authority to issue general water use permits under this Chapter pursuant to Section 373.118, F.S. The Executive Director hereby executes such delegated authority through the Director and supervisors of the Division that reviews water use permit applications.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118 FS. History–New _____.

40E-20.091 Publications Incorporated by Reference.

The “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – December 2001”, is hereby published by reference and incorporated into this chapter. A current version of this document is available upon request.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.042, 272.0421, 373.103(4), 373.118, 373.223, 373.229 FS. History–New _____.

40E-20.101 Content of General Water Use Permit Applications.

(1) Except in those circumstances detailed in subsection (4) below, an application for a General Water Use permit shall be filed with the District prior to commencement of any use of water authorized in this Chapter. The application for all General Water Use Permits shall contain:

(a) The appropriate permit application processing fee required by Rule 40E-1.607, F.A.C.;

(b) The information required in subsection 373.229(1), F.S.;

(c) Information sufficient to show the use meets the criteria and conditions established in Rules 40E-20.301 and 40E-20.302, F.A.C.; and

(d) Completed application forms, as specified below, signed by the applicant or the authorized agent of the applicant.

(2) Applicants for a Standard General Water Use Permit under subsection 40E-20.302(1), F.A.C., shall file the following parts of Form 0645 – Water Use Permit Applications, as incorporated by reference in Rule 40E-1.659, F.A.C.:

(a) Part RC-1A Administrative Information for Water Use Permit Applications, and

(b) Part RC-1W Application for a Water Use permit (all Standard General Water Use Permits) or Part RC-1G Application for a Water Use General Permit (Standard General Water Use Permits with recommended maximum allocations < 3 million gallons per month).

(3) Applicants for a Dewatering Water Use General Permit under subsection 40E-20.302(2), F.A.C., shall file Form 0645 – Water Use Permit Applications, Part RC-1A Administrative Information for Water Use Permit Applications, and Form 0445, Application for a Dewatering Water Use General Permit, as incorporated by reference in Rule 40E-1.659, F.A.C.

(4) Applicants are not required to file an application to qualify for a No-Notice Short-Term Dewatering Permit, if the conditions of Rule 40E-20.301 and subsection 40E-20.302(3), F.A.C., are satisfied.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103(1), 373.219, 373.223, 373.229 FS. History—New _____.

40E-20.112 Notice of Intent.

~~Except in those circumstances detailed in subsection (4), prior to commencement of any use or withdrawal of water authorized in this chapter the permittee shall file with the District, a written Notice of Intent to Use Water, form number 0645, Surface Water Management Permit Applications and/or Water Use Permit Applications, in addition to any other applicable Notice of Intent forms specified in this section for a requested general permit authorization. Authorized uses or withdrawals, in existence prior to January 29, 1979, are not required to file a Notice of Intent. However, in order to continue such use or withdrawal beyond January 29, 1999, the appropriate Notice of Intent must be filed in order to receive a general permit prior to that date.~~

~~(1) Persons qualifying for a general permit under Subsection 40E-20.302(1) shall file the Notice of Intent, at least sixty days prior to using or withdrawing water, and shall include the following information:~~

- ~~(a) The permittee's name and address;~~
- ~~(b) The date on which use or withdrawal commenced or is expected to commence;~~
- ~~(c) The source of the water supply;~~
- ~~(d) The estimated amount of water to be withdrawn;~~
- ~~(e) The use to be made of the water;~~
- ~~(f) A description of the land where the water use will occur and documentation that the permittee has legal control over the project site;~~
- ~~(g) The location of point(s) of withdrawal;~~
- ~~(h) The number and size of wells or other withdrawal facilities;~~

~~(i) A statement that all applicable conditions in Rule 40E-20.381 and Section 5 of the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District—September 2001" incorporated by reference in Rule 40E-2.091, will be met.~~

~~(2) Persons qualifying for a general permit under subsection 40E-20.302(2), shall file a Notice of Intent to Use Water in Conjunction with Oil Well Drilling in Lee, Collier and Hendry Counties, form number 0659, as incorporated by reference in subsection 40E-1.659, at least 60 days prior to the intended use or withdrawal of water, and shall include the following information:~~

- ~~(a) The name of the permittee;~~
- ~~(b) The name of the proposed project;~~
- ~~(c) The location of the project;~~
- ~~(d) A brief description of the project;~~

- ~~(e) The name of the water well driller;~~
- ~~(f) A statement that all necessary Federal, State, local and special district authorizations have been received or will be received prior to initiation of drilling or any activity at the site, where required;~~
- ~~(g) The date on which use or withdrawal is expected to commence;~~
- ~~(h) The estimated amount of water to be withdrawn from each well;~~
- ~~(i) The volume and location of surface discharges of salt water, if any;~~
- ~~(j) The potential for adverse environmental impact due to the water withdrawal, if any;~~
- ~~(k) The location of any surface water use other than the permittee within 300 feet of the proposed water wells;~~
- ~~(l) A statement that all applicable conditions in Rule 40E-20.381 and Section 5 of the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District—September 2001" incorporated by reference in Rule 40E-2.091, will be met;~~
- ~~(m) Documentation that permittee has legal control over the project site.~~
- ~~(3) Persons qualifying for a general permit under subsection 40E-20.302(3), shall file form number 0445, Notice of Intent to Short-term Dewater, as incorporated by reference in subsection 40E-1.659, at least 60 days prior to the intended use or withdrawal of water, and shall include the following information:~~
 - ~~(a) The name and address of the permittee;~~
 - ~~(b) The name and location of the proposed project, including a site map;~~
 - ~~(c) A brief description of the project, including:~~
 - ~~1. A detailed statement of why dewatering is necessary;~~
 - ~~2. The maximum depth of the excavation, if applicable;~~
 - ~~3. The method of proposed excavation;~~
 - ~~4. Documentation that the permittee has legal control over the project site;~~
 - ~~5. A recent aerial photo and topographic map of the site;~~
 - ~~6. Description of all existing and proposed pumps, including pump size, pump ratings and estimated withdrawal in million gallons per day;~~
 - ~~7. Description of all existing and proposed culverts;~~
 - ~~(d) The name and address of the dewatering contractor, if different from permittee;~~
 - ~~(e) A statement, if applicable, that the contractor expects to commence dewatering pursuant to subsection 40E-20.302(4) while the Notice of Intent is under review;~~
 - ~~(f) The site's surface water management permit number, if any;~~
 - ~~(g) The date on which dewatering is expected to commence and be completed;~~

~~(h) A statement explaining how potential adverse environmental impacts will be avoided during the dewatering operation;~~

~~(i) The proposed discharge location, if any;~~

~~(j) A statement that all applicable conditions in Rule 40E-20.381 and Section 5 of the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District — September 2001" incorporated by reference in Rule 40E-2.091, will be met.~~

~~(4) Persons are not required to file a Notice of Intent to qualify for a short-term dewatering general permit if the conditions of subsection 40E-20.302(4) are satisfied.~~

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.042, 373.0421, 373.103(4), 373.118, 373.223, 373.229 FS. History—New 9-3-81, Formerly 16K-2.031(3), 16K-2.032(3), Amended 7-26-87, 11-21-89, 4-20-94, 7-11-96, 4-9-97, 12-10-97, 7-2-98, 9-10-01, Repealed _____.

40E-20.141 Request for Additional Information.

If the information provided in the General Water Use Permit application required by Rule 40E-20.101, F.A.C., the Notice of Intent required by Rule 40E-20.112 is not sufficient to determine whether the use or withdrawal qualifies for a general water use permit or permit modification or meets the criteria and conditions in Rules 40E-20.301381 and 40E-20.302, F.A.C., the District may request the applicant permittee to submit additional information pursuant to Rule 40E-1.603, F.A.C. including any information required in Rule 40E-2.101.

Specific Authority 373.044, 373.113 FS. Law Implemented 120.60(2), 373.219 FS. History—New 9-3-81, Amended 4-20-94, 7-2-98, _____.

40E-20.301 Conditions for Issuance of General Water Use Permits.

(1) In order to receive a general permit, permit renewal, or permit modification under this Chapter, an applicant must provide reasonable assurances that the proposed water use:

(a) Will not cause harmful saline water intrusion;

(b) Will not harm offsite land uses;

(c) Will not cause environmental harm;

(d) Will not cause pollution of the water resources;

(e) Is otherwise a reasonable-beneficial use as defined in subsection 373.019(13), F.S., with consideration given to the factors set forth in subsection 62-40.401(2), F.A.C.

(f) Will not interfere with presently existing legal uses;

(g) Is in accordance with the State Water policy on water transport pursuant to Rule 62-40.402, F.A.C.;

(h) For uses with a recommended maximum allocation which exceeds 3 million gallons per month, makes use of a reclaimed water source unless the applicant, in any geographic location, demonstrates that its use is either not economically, environmentally or technically feasible; or in areas not designated as Critical Water Supply Problem Areas pursuant to Chapter 40E-23, F.A.C., the applicant demonstrates reclaimed water is not readily available; and

(i) Meets the established minimum flows and levels and implementation provisions in Chapter 373, F.S., this Chapter, and Chapter 40E-8, F.A.C.; and

(j) Is consistent with Sections 373.016 and 373.036, F.S. and otherwise is consistent with the public interest as prescribed by Chapter 373, F.S., and this Chapter.

(2) In order to satisfy the conditions for permit issuance in subsection (1), the permit applicant must provide reasonable assurances that the criteria in the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District", incorporated by reference in subsection 40E-20.091(1), F.A.C., are met.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.103(4), 373.118, 373.223, 373.229 FS. History—New _____.

40E-20.302 Types of General Water Use Permits Conditions for Issuance of Authorization.

(1) Standard General Water Use Permit – the use or withdrawal of water, which does not exceed a recommended maximum allocation of 15 million gallons per month (MGM), except as stated below, shall qualify for a Standard General Water Use Permit, provided the conditions for issuance in Rule 40E-20.301, F.A.C., are met. To receive a general permit authorization, a person must provide reasonable assurances that the conditions for issuance of authorization are met. Applicable criteria in the "Basis of Review for Water Use Permit Applications Within the South Florida Water Management District — September 2001" incorporated by reference in Rule 40E-2.091(1), shall be utilized by District Staff in determining whether applicable conditions for issuance of authorization will be met.

(1)(a) The use or withdrawal of water not exceeding the thresholds in paragraph (b) Qualify for a general permit.

(b) Thresholds

1. 10,000 gallons average per day or 20,000 gallons maximum per day within the following areas:

a. Stuart Peninsula (see Figure 20-1):

BEGINNING at the Southeasterly end of Roosevelt Bridge (U.S. Highway No. 1 Bridge) over the St. Lucie River in Section 5, Township 38 South, Range 41 East, City of Stuart, Martin County, Florida; thence, Northerly, Easterly, Southeasterly, Southerly and Southwesterly along the Southerly and Southwesterly bank of the St. Lucie River to the Northerly bank of Willoughby Creek; thence, Northwesterly along said Northerly bank to Indian Street; thence, Southwesterly along Indian Street, Indian Avenue and its Westerly prolongation to the East bank of the South Fork of the St. Lucie River; thence, Northerly along said Easterly Bank to the POINT OF BEGINNING.

b. Lee County (see Figure 20-2):

All of Lee County as described in Section 7.36, Florida Statutes:

c. Lighthouse Point Peninsula (see Figure 20-3):

A parcel of land in Section 31, Township 37 South, Range 41 East, Section 1 and 12, Township 38 South, Range 40 East and Sections 5, 6, 7 and 8, Township 38 South, Range 41 East, Martin County, Florida, being specifically described as follows:

BEGINNING at the Southeast corner of said Section 7; thence, Westerly along the South line of said Section 7 to the West line of the East one quarter of said Section 7; thence, Northerly along said West line to the South line of the North one quarter of said Section 7; thence, Westerly along said South line and along the South line of the North one quarter of said Section 12 to the West line of said Section 12; thence, Northerly along the West line of said Section 12 to Bessey Creek; thence, Northeasterly along Bessey Creek to the South Bank of the North Fork of the St. Lucie River; thence, Easterly and Southerly along said South bank and the Westerly bank of the South Fork of the St. Lucie River to the South line of said Section 8; thence, Westerly along the South line of said Section 8 to the Southeast corner of said Section 7, and the POINT OF BEGINNING.

d. Coastal Collier County (see Figure 20-4).

BEGINNING at the Northeast corner of Section 1, Township 47 South, Range 27 East; Thence, Westerly along the Township line between Townships 46 and 47 to the Northwest corner of Section 6, Township 47 South, Range 27 East; Thence, Southerly along the Range line between Ranges 26 and 27 to the Northeast corner of Section 12, Township 48 South, Range 26 East; Thence, Westerly along the North lines of Sections 7 through 12, Township 48 South, Range 26 East and Sections 9 through 12, Township 48 South, Range 25 East to the Southeast corner of Section 5, Township 48 South, Range 25 East; Thence, Northerly along the Section line to the Northeast corner of said Section 5; Thence, Westerly along the Township line between Townships 47 and 48 to the Gulf of Mexico; Thence, Southerly along said Gulf, including all islands and the waters of said Gulf within the jurisdiction of the State of Florida, to the intersection thereof with the West boundary line of the Everglades National Park; Thence, Northerly and Easterly along said Everglades National Park boundary line to the Southeast corner of Section 12, Township 53 South, Range 30 East; Thence, Northerly along the Range line between Ranges 30 and 31 to the Northeast corner of Section 13, Township 52 South, Range 30 East; Thence, Westerly along the North lines of Sections 13 through 18, Township 52 South, Range 30 East to the Northwest corner of Section 18, Township 52 South, Range 30 East; Thence, Northerly along the Range line between Ranges 29 and 30 to the Northeast corner of Section 1, Township 52 South, Range 29 East; Thence, Westerly along the Township line between Townships 51 and 52 to the Northwest corner of Section 6, Township 52 South, Range 29 East; Thence, Northerly along the Range line between Ranges 28 and 29 to the Northeast corner of Section 25, Township 47 South, Range 28 East;

Thence Westerly along the North lines of Sections 25 through 30, Township 47 South, Range 28 East to the Northwest corner of Section 30, Township 47 South, Range 28 East; Thence, Northerly along the Range line between Ranges 27 and 28 to the POINT OF BEGINNING.

e. Southwestern Glades County (see Figure 20-5).

BEGINNING at the Southwest corner of Section 31, Township 42 South, Range 28 East; Thence, Northerly along the Section lines to the Northwest corner of Section 6, Township 42 South, Range 28 East; Thence, Easterly along the Section lines to the Northeast corner of Section 1, Township 42 South, Range 29 East; Thence, Southerly along the Section lines to the Southeast corner of Section 36, Township 42 South, Range 29 East; Thence Westerly along the Section lines to the Southwest corner of Section 33, Township 42 South, Range 29 East; Thence, Northerly along the Section lines to the Northwest corner of said Section 33; Thence, Westerly along the Section lines to the Northeast corner of the West one-half of Section 31, Township 42 South, Range 29 East; Thence Southerly along the North/South quarter line to the intersection thereof with the South line of said Section 31; Thence, Westerly along the Section lines to the POINT OF BEGINNING.

f. Northwestern Hendry County (see Figure 20-6).

BEGINNING at the Northwest corner of Section 6, Township 43 South, Range 28 East; Thence, Southerly along the Section lines to the Southwest corner of Section 31, Township 43 South, Range 28 East; Thence, Easterly along the Section lines to the Southeast corner of Section 36, Township 43 South, Range 29 East; Thence, Northerly along the Section lines to the Northeast corner of Section 1, Township 42 South, Range 29 East; Thence, Westerly along the Section lines to the Southwest corner of Section 33, Township 42 South, Range 29 East; Thence, Northerly along the Section line to the Northwest corner of said Section 33; Thence, Westerly along the Section lines to the Northwest corner of the East one-half of Section 32, Township 42 South, Range 29 East; Thence, Southerly along the North/South quarter line to the intersection thereof with the South line of said Section 32; Thence, Westerly along the Section lines to the POINT OF BEGINNING.

g. The Savannas and Jensen Beach Peninsula (see Figure 20-7).

Begin at the intersection of the South line of Section 22, Township 35 South, Range 40 East and the center line of U.S. Highway 1; Thence, Northerly along said center line to the North line of the South one-half (S 1/2) of said Section 22; Thence, Easterly along said North line and the North line of the South one-half (S 1/2) of Section 23, Township 35 South, Range 40 East to the Westerly bank of the Indian River; Thence, Southeasterly along said bank to the Northerly bank of the St. Lucie River; Thence, Northwesterly and Northerly along the North bank of the St. Lucie River and the East bank of the North Fork of the St. Lucie River to the North line of the

South one-half (S 1/2) of Section 4, Township 36 South, Range 40 East; Thence, Easterly along said North line and the North line of the South one-half (S 1/2) of Section 3, Township 36 South, Range 40 East to the intersection thereof with the center line of U.S. Highway 1; Thence, Northerly along said center line to the POINT OF BEGINNING.

h. Coastal Juno Beach (see Figure 20-8).

BEGINNING at the intersection of the centerline of Old Dixie Highway (Alternate A1A) with the centerline of PGA Boulevard in Section 6, Township 42 South, Range 43 East; Thence, Northerly, along said centerline of Old Dixie Highway, to the intersection thereof with the centerline of the Loxahatchee River; Thence, Easterly, along said centerline and the centerline of the Jupiter Inlet, to the Westerly shoreline of the Atlantic Ocean; Thence Southerly, along said shoreline, to the intersection thereof with the South line of Section 3, Township 42 South, Range 43 East; Thence, Westerly, along said Section line and along the South line of Section 4, Township 42 South, Range 43 East, to the intersection thereof with the centerline of U.S. Highway 1 (State Road 5); Thence, Northerly, along said centerline, to the intersection thereof with the centerline of PGA Boulevard; Thence, Westerly, along said centerline, to the POINT OF BEGINNING.

2. 500,000 gallons per day within South Dade County Water Use Basin (see Figure 20-9). BEGINNING at the Northwest corner of Section 6, Township 55 South, Range 38 East; Thence, Southerly along the section lines to the Northeast corner of Section 24, Township 58 South, Range 37 East; Thence Westerly to the Northwest corner of said Section 24; Thence, Southerly along the section lines to the Southwest corner of Section 36, Township 58 South, Range 37 East; Thence, Easterly to the Southeast corner of said Section 36; Thence, Southerly along the section lines to Southwest corner of Section 7, Township 58 South, Range 38 East; Thence, Easterly along the section lines to the centerline of South Florida Water Management District's Canal 111; Thence Southeasterly, Southerly and Southeasterly along said centerline of Canal 111 to the centerline of State Road 5 (U.S. Highway 1); Thence, southerly along said centerline of State Road 5 (U.S. Highway 1) to the Dade Monroe County line and Florida Bay; Thence, Northeasterly along the Dade Monroe county line to the Western shore of Little Card Sound, Thence, Northeasterly and Northerly along the Western shore of Little Card Sound and Biscayne Bay to the south line of Section 14, Township 56 South, Range 40 East; Thence, Westerly along the section lines to the centerline of State Road 821. Thence, Northerly along said centerline of State Road 821 to the South Line of the North one-half of Section 17, Township 56 South, Range 40 East; Thence, Westerly along the one-quarter section lines to the Southwest corner of the Northwest one-quarter of said Section 18; Thence, Northerly to the Southeast corner of Section 12, Township 56 South, Range 39 East; Thence, Westerly along the south line of said Section 12 to the

Southwest corner of said Section 12; Thence, Northerly along the West line of Said Section 12 to the centerline of South Florida Water Management District's Canal 1 West; Thence, Northwesterly and Westerly along said centerline of Canal 1 West to the centerline of South Florida Water Management District's Levee 31 North; Thence, Northerly along the centerline of said Levee 31 North to the North line of Section 2, Township 55 South, Range 38 East; Thence, Westerly along the section lines to the POINT OF BEGINNING.

3. 100,000 gallons per day within areas of the District not delineated in subparagraphs 1. and 2.

(e) Water use activities that directly withdraw water from a MFL water body that is subject to a recovery strategy shall not qualify for a general permit.

(2) Persons using or withdrawing water in conjunction with oil well drilling within Lee, Collier and Hendry Counties qualify for a general permit under the following conditions:

(a) The maximum daily groundwater pumpage does not exceed 0.7 million gallons for any one oil drilling site;

(b) The maximum total installed capacity does not exceed 1,000 gallons per minute for any one oil drilling site; and

(c) The person has received a Department of Natural Resources permit, a Department of Environmental Protection water quality certificate or waiver, if required, and the approval of the Big Cypress Advisory Committee, if required, for the proposed site;

(d) Water use activities that directly withdraw water from a MFL water body that is subject to a recovery strategy shall not qualify for a general permit.

(2)(3) Dewatering General Water Use permit – The use of water Persons using or withdrawing water in conjunction with short-term dewatering operations such as; well pointing, utility construction, lake construction, exploratory testing, and other minor uses; or in conjunction with a short-term Remedial Action Plan approved by the state or local agency having legal jurisdiction over such activities, shall qualify for a Dewatering General Water Use Permit, provided the conditions for issuance in Rule 40E-20.301, F.A.C., and the following requirement is met: qualify for a general permit, not to exceed the thresholds described in subparagraph (3)(b)1., below, by satisfying the following conditions and providing the following reasonable assurances:

(a) If the dewatering operation is associated with a surface water management system, the applicant must have:

1. Submitted a surface water management permit application which is deemed complete, pursuant to Rule 40E-1.603, and

2. Received proposed agency action recommending approval of such application.

(a)(b) The proposed dewatering operation:

1. will not exceed a maximum of ten million gallons per day, with a maximum of ~~eighteen nine~~ hundred (1800 900) million gallons total pumpage and will not exceed a total duration of one year for the entire project.

2. ~~Will retain all discharge on either the permittee's land or on adjacent lands or on other existing drainage or runoff facilities which are at all times capable of legally handling the additional dewatering discharge and in which a right to discharge exists., provided discharge to tidal waters is restricted; unless specific authority is granted by the District for conditional discharge. to tidewater; except saline water, as defined in the document incorporated in Rule 40E-2.091, may be discharged to tidewater.;~~

3. ~~Will not dewater to a depth below 0.0 NGVD within 1000 feet of saline water, except when dewatering saline water, as defined in the document incorporated in Rule 40E-2.091;~~

4. ~~Will not interfere with any presently existing legal use;~~

5. ~~Will not occur within 100 feet of a waste water treatment plant percolation pond;~~

6. ~~Will not cause an exchange of saline and fresh water or movement of a plume of contaminated groundwater;~~

7. ~~Will not adversely impact off-site land uses existing at the time of application;~~

8. ~~Will not cause adverse environmental impacts;~~

9. ~~Will not cause violation of state water quality standards for either surface or ground water;~~

10. ~~Will satisfy any applicable District criteria for above ground impoundments;~~

11. ~~Is otherwise a reasonable beneficial use as defined in subsection 373.019(4), Florida Statutes.~~

(c) ~~Water use activities that directly withdraw water from a MFL water body that is subject to a recovery strategy shall not qualify for a general permit.~~

(3)(4) No-Notice Short-Term Dewatering General Water Use Permit – The use of water in conjunction with short-term dewatering operations, such as: well pointing, utility construction, lake construction, exploratory testing, and other minor uses; or aquifer performance tests; or in conjunction with a short-term Remedial Action Plan approved by the state or local agency having legal jurisdiction over such activities, shall qualify for a No-Notice Short-Term Dewatering General Water Use Permit, provided the conditions for issuance in Rule 40E-20.301, F.A.C., and the following requirement is met: Persons who use or withdraw water in conjunction with short term dewatering operations or aquifer performance tests (APT) are authorized to do so provided the permittee provides reasonable assurances that the applicable conditions of subparagraph 40E-20.381 and Section 5 of the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – September 2001” incorporated by reference in subsection 40E-2.091(1), will be satisfied and provided the permittee satisfies all the conditions below.

(a) ~~The proposed dewatering operation:~~

1. ~~will may not exceed a maximum of five (5) ten (10) million gallons per day, with a maximum of one hundred (100) two hundred (200) million gallons total pumpage; and will not exceed a total duration of 90 days for the entire project, except for linear construction projects, such as roads, utilities, and pipelines, which may have a rolling 90 day duration in which the dewatering operation at the end of each 90-day period occurs more than 1 mile from the location at the beginning of each 90-day period.~~

2. ~~May not discharge off-site, except to either the permittee's land or adjacent lands or on other existing drainage or runoff facilities, which are at all times capable of legally handling the additional dewatering discharge and to which a right to discharge exists, provided discharge to tidal waters is restricted; saline water, as defined in the document incorporated in Rule 40E-2.091, may be discharged to tidewater;~~

3. ~~May not dewater to a depth below 0.0 NGVD within 1000 feet of saline water except in the case of dewatering saline water, as defined in the document incorporated in Rule 40E-2.091;~~

4. ~~May not adversely impact existing off site land uses;~~

5. ~~May not cause an exchange of saline and fresh water or movement of a plume of contaminated groundwater;~~

6. ~~May not interfere with any presently existing legal use;~~

7. ~~May not cause a violation of state water quality standards for either surface or groundwater;~~

8. ~~May not occur within 100 feet of a waste water treatment plant percolation pond;~~

9. ~~May not occur within one mile of a known landfill;~~

10. ~~May not cause adverse environmental impacts; or~~

11. ~~Is a reasonable beneficial use as defined in subsection 373.019(4), Florida Statutes.~~

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.042, 373.0421, 373.103(4), 373.118, 373.219, 373.223 FS. History–New 9-3-81, Amended 12-1-82, Formerly 16K-2.031(1), 16K-2.032(1)(b), Amended 2-24-85, 3-29-87, 7-26-87, 4-20-94, 7-11-96, 4-9-97, 12-10-97, 9-10-01, _____.

40E-20.321 Duration of General Water Use Permits.

(1) ~~The duration of the general water use permits shall equal the time period for which sufficient data is available to provide reasonable assurances that the conditions for permit issuance will be met, the time period for which the permit applicant demonstrates legal control, expiration or termination date of the permittee's legal control over the project site or activities, or the applicable general permit expiration date in subsections (2) through (5)(6), whichever occurs first.~~

(2) ~~The duration of the general water use permit authorized in subsection 40E-20.302(1), F.A.C., shall not exceed the following time periods: 20 years, determined as follows:~~

(a) For uses with a maximum monthly allocation less than 3 million gallons per month (mgm), the period shall not exceed 20 years, for uses in existence on January 29, 1979, the 20 year period begins on that date;

(b) For uses with a maximum monthly allocation greater than 3 mgm (up to 15 mgm), the period shall not exceed the basin expiration date as specified in the document described in Rule 40E-20.091 as applicable to the location of the project for uses not in existence on January 29, 1979, the 20 year period begins with the date of issuance of authorization for the Notice of Intent required in subsection 40E-20.112(1).

~~(3) The duration of the general permit authorized in Subsection 40E-20.302(2) shall be from the date of first withdrawal until completion of the oil well drilling activities at the site or the expiration of the Department of Environmental Protection permit for that site, whichever occurs last.~~

~~(3)(4) The duration of the general permit authorized in subsection 40E-20.302(3), F.A.C., shall not exceed one (1) year six (6) months from the date of issuance of authorization.~~

~~(4)(5) The duration of the general permit authorized in subsection 40E-20.302(4), F.A.C., shall not exceed ninety (90) days after commencing dewatering.~~

~~(5)(6) The duration of a general permit issued for a Remedial Action Plan approved by the state or local agency having legal jurisdiction over such activities will correspond with the termination of the water use activities under the plan or the applicable general permit expiration date, whichever occurs first.~~

~~(6)(7) Extension of time shall be granted by the District under circumstances that could not be reasonably foreseen and that are outside the control of the permittee, as determined by District staff.~~

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.236 FS. History--New 9-3-81, Formerly 16K-2.031(2)(j), 16K-2.032(2)(d), Amended 7-26-87, 4-20-94, _____.

40E-20.331 Modification of General Water Use Permits.

(1) A permittee shall apply to the District Board for approval of any modification of an unexpired general water use permit pursuant to Section 373.239, F.S., and Florida Statutes. ~~The Executive Director shall initiate proceedings to modify a permit pursuant to Rule 40E-1.609, F.A.C.~~

(2) Applications for modification except for modifications issued pursuant to subsection ~~(3)(4)~~ shall contain the information required in Rule 40E-20.101112, F.A.C., will be evaluated using the conditions and requirements criteria specified in Rules 40E-20.301 and 40E-20.302, F.A.C., and will be subject to the limiting conditions specified in Rule 40E-20.381, F.A.C. Modifications shall be approved if the conditions and requirements criteria in Rules 40E-20.301 and 40E-20.302, F.A.C., are met.

~~(3) Proposed increases in allocation will be treated as new uses to the extent the proposed allocation exceeds the existing allocation. The applicable general permit allocation threshold in Rule 40E-20.302 shall not be exceeded.~~

~~(3)(4)(a) Modification of an existing general water use permit shall be approved by letter, provided the permit is in compliance with all applicable limiting conditions and the modification request:~~

~~1. Does not exceed the applicable general permit allocation limitations in Rule 40E-20.302, F.A.C.; result in an increase in the amount of water permitted to be used;~~

~~2. Does not result in a requested permit duration which exceeds the expiration date of the existing permit, except that when the permit duration is based upon the current lease expiration date, the permit duration may be extended by letter modification to the new lease date, but shall not exceed the applicable permit duration pursuant to subsection 40E-20.321(2), F.A.C.; not to exceed the applicable basin expiration date;~~

~~3. Does not potentially interfere with any presently existing legal use of water, cause adverse environmental harm, harmful impacts saltwater intrusion or pollution of the water resources, harm ~~adverse impacts~~ to offsite land uses, or does not otherwise raise issues requiring a Staff determination of whether harm ~~such impacts~~ would occur pursuant to the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District _____ ~~October 1997~~", incorporated by reference in Rule 40E-20.091(4), F.A.C.; and~~

~~4. Does not change the permitted withdrawal source(s) or use classification and;~~

~~5. Does not result in a modification of the permit which must be approved by the Governing Board pursuant to Rule 373.239(2), F.A.C.~~

~~(b) The time frames set forth in Rule 40E-1.603, F.A.C., ~~606~~ shall apply to the processing of applications for letter modifications.~~

Specific Authority 373.044, 373.113 FS. Law Implemented 373.223, 373.229, 373.239 FS. History--New 4-20-94, Amended 7-11-96, 4-9-97, 12-10-97, _____.

40E-20.341 Revocation of General Water Use Permits.

Violations of this Chapter may result in the revocation or suspension of the permit authorization in whole or in part in accordance with the provisions of Sections 373.119 and 373.243, F.S. Florida Statutes, Chapter 120, F.S. Florida Statutes, and Rules 40E-1.609 and 28-107.004, F.A.C.

Specific Authority 373.044, 373.113 FS. Law Implemented 120.60(6), 373.103(4), 373.219, 373.229 FS. History--New 9-3-81, Formerly 16K-2.031(5), 16K-2.032(5), Amended 4-20-94, 7-2-98, _____.

40E-20.351 Transfer of General Water Use Permits.

A permittee must comply with the requirements of Rule 40E-1.6107, F.A.C., in order to obtain a permit transfer to a new permittee. If the permit transfer is in conjunction with an application for permit modification, the permit shall be transferred at the time of permit modification if all applicable permit transfer criteria are met.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.223, 373.229, 373.239 FS. History—New 12-1-82, Amended 4-20-94, Repromulgated

40E-20.381 Limiting Conditions.

~~Staff The Board~~ shall impose on any permit granted under this ~~Chapter~~ such reasonable standard and special conditions as are necessary to assure that the permitted use or withdrawal will be consistent with the overall objectives of the District, will not be harmful to the water resources of the District, is reasonable-beneficial, will not interfere with any presently existing legal uses, and is consistent with the public interest. Standard permit conditions in Section 5.1 of the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District ~~October 1997~~” incorporated by reference in subsection 40E-20.091(1), F.A.C., shall be in the permit. Special permit conditions, including those specified in Section 5.2 of the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District _____ ~~October 1997~~” shall be in the permit.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.042, 373.0421, 373.103(4), 373.118, 373.219, 373.223 FS. History—New 9-3-81, Formerly 16K-2.031(2), 16K-2.032(2), Amended 2-24-85, 7-26-87, 4-20-94, 7-11-96, 4-9-97, 12-10-97, 9-10-01, _____.

40E-20.391 Publication.

The publication of general permits shall comply with Rule 40E-1.6058, F.A.C.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.042, 373.0421, 373.103(4), 373.118, 373.219, 373.223 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Wm. Scott Burns, Director, Water Use Regulation Department
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the South Florida Water Management District
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 15, 2001
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 23, 2001

DEPARTMENT OF THE LOTTERY

RULE TITLE: Benefits
 PURPOSE AND EFFECT: The purpose of the proposed rule is to add dental insurance coverage to the part-time Lottery employee benefits.
 SUMMARY: The proposed rule adds dental insurance coverage to the part-time Lottery employee benefits and updates other provisions in the rule.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

RULE NO.: 53-14.009

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

SPECIFIC AUTHORITY: 24.105(9)(j) FS.

LAW IMPLEMENTED: 24.105(19)(d) 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., February 27, 2002

PLACE: Department of the Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diane D. Schmidt, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011, (850)487-7724

THE FULL TEXT OF THE PROPOSED RULE IS:

53-14.009 Benefits.

(1) No change.

(2) The Lottery shall pay for a portion (proportionate to hours worked) of state health, dental, life and disability insurance coverage for part-time employees filling established positions on the condition that the remaining portion is paid by the employee.

~~(3) Employees in authorized positions with less than .75 full time equivalent are not eligible to participate in the dental program.~~

(3)(4) Any special clothing required by Lottery employees is subject to the provisions of Chapter Rule 60L-1, Florida Administrative Code (F.A.C.).

(4)(5) Any moving expenses incurred by Lottery employees are subject to the provisions of Chapter Rule 60L-9, F.A.C.

(5)(6) All employees in regularly established positions are required to participate in the Florida Retirement System, except employees who previously elected to remain in the State and County Officers and Employees Retirement System or the Teachers Retirement System.

(a) The Florida Retirement System is governed by Chapter 121, Florida Statutes F.S., and Chapters 60S-1 through 60S-7, and Chapter 60S-9 60S, F.A.C.

(b) All members of the Florida Retirement System must participate in social security.

~~(6)(7)~~ Educational Support within the State University System.

(a) Tuition free courses for state employees – A permanent full-time state employee in an established position who at the time of registration has been employed with the state for at least six (6) months (length of service will be calculated from the date of initial employment to the first day of classes as

2. The employee's personal appointments with a doctor, dentist, or other recognized practitioner when it is not possible to arrange such appointments for off-duty hours.

3. Illness or injury of a member of the employee's immediate family when the employee's presence with the family member is necessary and required, not to exceed six (6) months.

(c) Notification of absence due to illness, injury, or exposure to a contagious disease shall be given to the immediate supervisor by the employee or the employee's representative as soon as possible on the first day of absence.

(d) Upon request, an employee shall be allowed to use accrued sick leave credits as provided in this section:

1. After two (2) workdays of absence in any thirty (30) calendar day period, the Secretary is authorized to require a medical certification of the employee's absence(s) due to illness or injury before authorizing any additional use of sick leave credits by the employee.

2. If there is a pattern of absence by an employee, such as consistent absence on the day preceding or following the employee's regular days off or absence on the same day of each week or each month, the Secretary is authorized to require a medical certification before authorizing any additional leave credits or may develop another policy for controlling such patterns of absence.

3. After ten (10) consecutive work days of absence, the employee shall submit to the Secretary a medical certification from the attending physician before any additional use of sick leave credits will be authorized for the employee. If the employee continues to be absent, the Secretary shall require further medical certification for each thirty (30) consecutive days of absence, unless the Secretary has personal knowledge that the employee is hospitalized and unable to return to work. If sick leave is to be authorized by the Secretary such medical certification must state that the employee is unable to perform the employee's regularly assigned duties.

4. If the medical certification furnished by the employee does not provide specific reasons to justify the absence or continued absence, the Secretary is authorized to require the employee to submit to a medical examination which shall be paid for by the Lottery. Based upon the medical examination, the Secretary:

a. Shall not approve further use of sick leave credits if the employee is medically evaluated as able to work.

b. Shall allow the employee to use accrued sick leave credits until such leave credits have been used or until the employee is able to return to work, whichever occurs first, if the employee is medically evaluated as unable to work. If the employee is medically certified as being unable to return to work after all sick leave credits have been used, the employee shall be allowed to use any accrued compensatory or annual leave credits before being placed on leave without pay.

5. An employee who, upon request by the Secretary, refuses to comply with these rules shall not be eligible to use accrued sick leave credits, shall be placed on leave without pay for the absence, and if the absence is for at least two (2) consecutive work days, shall be considered to have abandoned the position pursuant to paragraph 53-15.003(2)(a), F.A.C.

(e) An employee who becomes ill while on approved leave with pay or maternity leave shall be allowed to use accrued sick leave credits to cover the period of illness subject to the provisions of paragraph 53-16.007(2)(d), F.A.C.

(f) An employee who has accrued compensatory leave credits shall be allowed to first use such leave before using accrued sick leave credits.

(g) An employee who uses sick leave in an amount of time which is less than a full hour shall be charged with such leave to the closest quarter of an hour in accordance with the following table:

<u>Minutes Used</u>	<u>Time Charged</u>
0-7	.00
8-22	.25
23-37	.50
38-52	.75
53-60	1.00

(3) Transfer of unused sick leave.

(a) An employee who transfers from a position in another state agency to a position within the Lottery shall be credited by the Lottery with all unused sick leave for which the employee has not been paid.

(b) An employee who does not have a break in service between employment with a city or county and the Lottery, can be credited with up to four hundred eighty (480) hours of unused sick leave which was accrued while employed by that organization.

(4) Forfeiture of, and payment for, unused leave shall be pursuant to the provisions of Section 110.122, F.S.

Specific Authority 24.105(9)(49)(j) FS. Law Implemented 24.105(19)(24)(d), 110.122 FS. History--New 2-25-93, Repromulgated _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Diane D. Schmidt, Office of the General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth H. Hart, Jr. General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 20, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 4, 2002

DEPARTMENT OF THE LOTTERY

RULE TITLE:
Administrative Leave

RULE NO.:
53-16.009

PURPOSE AND EFFECT: The purpose of the proposed rule is to provide for aggregated use of up to four hours of administrative leave for mentoring and tutoring activities.

SUMMARY: The proposed rule provides for aggregated use of administrative leave for mentoring and tutoring activities.

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

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

SPECIFIC AUTHORITY: 24.105(9)(j) FS.

LAW IMPLEMENTED: 24.105(19)(d) 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., February 27, 2002

PLACE: Department of the Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diane D. Schmidt, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011, (850)487-7724

THE FULL TEXT OF THE PROPOSED RULE IS:

53-16.009 Administrative Leave.

(1) through (14) No change.

(15) Mentoring and Tutoring Activities.

(a) Each employee shall be granted up to one and one-half (1 1/2) hours of administrative leave per week, including up to thirty minutes of travel time, for participation in tutoring and/or mentoring activities in local education programs.

The employee's supervisor may approve the aggregated use of up to four hours of administrative leave in any calendar month, provided the Secretary or the Secretary's designee deems such usage appropriate for the mentoring and/or tutoring activities set forth in paragraph (15)(b) below. If such aggregated use of administrative leave is approved, no further administrative leave shall be granted for mentoring and/or tutoring activities until one week has elapsed for every additional hour and one-half (1 1/2) taken in the aggregate.

(b) Any employee, including an employee without children and an employee who does not have school-age children, may participate in the mentoring and tutoring activities in local public or private schools, including preschools, kindergarten, and grades one (1) through twelve (12). Mentoring and tutoring activities include the following:

1. Tutoring assignments, guest speaking, assisting in career day activities;

2. Participation in the Partners for Excellence Program, After-School Homework Center Program or the Take Stock in Children Program; and

3. Other mentoring and tutoring activities or programs with local schools in which the employee's participation is pre-approved by the Lottery.

(c) Initial and continued participation in tutoring or mentoring activities will be contingent upon the operational requirements of the Lottery and upon approval from the employee's immediate supervisor.

~~(16)(4)~~ If an employee does not use administrative leave as authorized in this section, the employee shall not accrue or be paid for such unused leave.

~~(17)(46)~~ This section applies to employees who are filling authorized and established positions.

~~(18)(47)~~ All requests for leave pursuant to this rule shall be in writing prior to the initial date of leave, when possible.

Specific Authority 24.105(9)(49)(j) FS. Law Implemented 24.105(19)(20)(d) FS. History—New 2-25-93, Amended 8-15-93, 10-21-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane D. Schmidt, Office of the General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth H. Hart, Jr., General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 20, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 4, 2002

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE TITLE: RULE NO.:

Certification for Examination and Licensure 64B2-11.0015

PURPOSE AND EFFECT: The Board proposes to add test site conduct requirements to the existing rule.

SUMMARY: With regard to examinations, the Board proposes that the conduct at the test site shall be as specified in Rule 64B-1.004, F.A.C.

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

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

SPECIFIC AUTHORITY: 460.405 FS.

LAW IMPLEMENTED: 460.406, 456.013(1),(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-11.0015 Certification for Examination and Licensure.

Upon certifying applicants for the licensure examination, the Board shall also certify applicants for licensure, contingent and effective upon successful completion of required examinations and no discovery of disqualifying factors prior to licensure. With regard to examinations administered by the Department, the conduct at the test site shall be that specified in Rule 64B-1.004, F.A.C.

Specific Authority 460.405 FS. Law Implemented 460.406, 456.013(1) FS. History—New 7-15-91, Formerly 21D-11.0015, 61F2-11.0015, 59N-11.0015, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 14, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 19, 2001

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE TITLE: Licensure Examination RULE NO.: 64B2-11.003

PURPOSE AND EFFECT: To correct information inadvertently left out of the rule.

SUMMARY: With regard to licensure examinations, the Board will allow an applicant to retake a failed subject area only twice.

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

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

SPECIFIC AUTHORITY: 456.017(1), 460.405 FS.

LAW IMPLEMENTED: 456.017(1), 460.406(1).

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-11.003 Licensure Examination.

(1) No change.

(2) A score of 75% on each subject area in subsection (1) shall be necessary to achieve a passing score on the practical portion of the examination outlined in subsection (1). Upon initial examination, an applicant must take the entire practical examination. The applicant must pass at least two (2) of the three (3) subject areas of the practical examination in order to retake any failed subject area. The applicant may retake a failed subject area only twice, upon which time the applicant must retake the entire practical examination.

(3) through (5) No change.

Specific Authority 456.017(1), 460.405 FS. Law Implemented 456.017(1), 460.406(1) FS. History—New 1-10-80, Amended 3-15-81, 10-25-83, 10-10-85, Formerly 21D-11.03, Amended 10-6-86, 5-10-87, 10-12-87, 1-5-88, 3-24-88, 4-19-89, 12-31-89, 7-8-90, 7-15-91, 4-26-93, 7-14-93, Formerly 21D-11.003, Amended 3-7-94, Formerly 61F2-11.003, 59N-11.003, Amended 11-4-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 14, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 10, 2001

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE TITLES: Licensure and Certification RULE NOS.: 64B2-12.003

Reexamination Fees 64B2-12.012 Examination Review Fees

PURPOSE AND EFFECT: The Board proposes to repeal the existing rules.

SUMMARY: With regard to Licensure and Certification Reexamination Fees and Examination Review Fees, the Board has decided to repeal these two rules in their entirety.

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

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

SPECIFIC AUTHORITY: 456.017, 456.017(2), 460.405, 460.406(1) FS.

LAW IMPLEMENTED: 456.017, 456.017(2), 460.406 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joe Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULES IS:

64B2-12.003 Licensure and Certification Reexamination Fees.

~~The reexamination fee for the licensure examination shall be five hundred dollars (\$500.00). The reexamination fee for the Acupuncture Certification Examination shall be seventy five dollars (\$75.00).~~

Specific Authority 456.017(2), 460.405, 460.406(1) FS. Law Implemented 456.017(2), 460.406 FS. History--New 1-10-80, Formerly 21D-12.03, Amended 2-24-86, 5-10-87, 4-19-89, 10-9-90, 10-15-92, Formerly 21D-12.003, 61F2-12.003, 59N-12.003, Amended 1-18-98, 11-19-00, Repealed _____.

64B2-12.012 Examination Review Fees.

~~(1) The fee for an examination review of the Practical & Florida Laws and Rules shall be seventy five dollars (\$75).~~

~~(2) The fee for an examination review of the Practical only shall be seventy five dollars (\$75).~~

~~(3) The fee for an examination review of the Florida Laws & Rules only shall be thirty dollars (\$30).~~

Specific Authority 456.017 FS. Law Implemented 456.017 FS. History--New 5-7-90, Formerly 21D-12.012, 61F2-12.012, 59N-12.012, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Chiropractic Medicine
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 14, 2001

**DEPARTMENT OF HEALTH
 Board of Chiropractic Medicine**

RULE TITLE: Continuing Education Course Required for Initial Licensure, Renewal, or Reactivation

RULE NO.: 64B2-13.0045

PURPOSE AND EFFECT: The Board proposes to require a two hour course relating to the prevention of medical errors.

SUMMARY: The Board proposes to update the existing rule text by requiring a two hour course relating to the prevention of medical errors. The two hour course shall count towards the total number of continuing education hours required for license renewal.

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

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

SPECIFIC AUTHORITY: 456.033(6), 460.408(3) FS.

LAW IMPLEMENTED: 456.033 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-13.0045 Continuing Education Course Required for Initial Licensure, Renewal, or Reactivation.

(1) No license shall be granted and no license shall be renewed or reactivated by ~~July 1, 1989~~, unless the applicant or licensee submits confirmation to the Board, on a form approved by the Board, that he or she has successfully completed a Board-approved course on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS).

~~(2) All licensees shall by December 31, 1989, submit confirmation to the Board, on a form approved by the Board, that they have successfully completed a Board-approved course on HIV/AIDS.~~

~~(2)(3)~~ To receive Board approval, courses on HIV/AIDS shall consist of at least 3 hours of classroom instruction.

~~(3)(4)~~ For the purpose of compliance with this rule, a licensee may submit confirmation of having taken a course which complies with subsection Rule 64B2-13.004(3), F.A.C., and is ~~subsequently approved by the Board, if the course was completed after July 1, 1988 for continuing education credit for 1989 renewal period.~~

~~(4)(5)~~ HIV/AIDS hours ~~Hours~~ completed to satisfy the requirement of this rule may be used by the licensee for purposes of satisfying the 40 hour requirement of subsection Rule 64B2-13.004(1), F.A.C.

(5) Each applicant for licensure shall attend and certify attending a Board-approved two hour course relating to the prevention of medical errors. Each licensee shall attend and certify attending a Board-approved two hours continuing education course relating to the prevention of medical errors. For licensees, the two hour course shall count toward the total number of continuing education hours required for license renewal.

Specific Authority 456.033(6), 460.408(3), 456.013 FS. Law Implemented 456.033, 456.013(7) FS. History--New 5-2-89, Amended 1-28-90, Formerly 21D-13.0045, Amended 10-26-93, Formerly 61F2-13.0045, 59N-13.0045, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Chiropractic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 14, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 19, 2001

DEPARTMENT OF HEALTH
Board of Chiropractic Medicine

RULE TITLE: Guidelines for the Disposition of Disciplinary Cases
RULE NO.: 64B2-16.003

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

SUMMARY: The Board determined that it was necessary to update the guidelines for the disposition of disciplinary cases.

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

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

SPECIFIC AUTHORITY: 456.072, 460.405, 460.413, 456.079 FS.

LAW IMPLEMENTED: 456.072, 460.413(4), 456.079 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-16.003 Guidelines for the Disposition of Disciplinary Cases.

(1) When the Board finds that an applicant or licensee whom it regulates pursuant to Chapter 460, Florida Statutes, has violated the below-listed provisions, it shall issue a final order imposing appropriate penalties, for each count, as set forth in section 456.072(2), F.S., within the ranges recommended in the following disciplinary guidelines. The identification of offenses are descriptive only; the full language of each statutory provision cited must be considered in order to determine the conduct included. For all persons subject to this rule, conditions of probation may be required following any period of suspension of license and probation will require compliance with conditions as set forth in (3). For applicants, all offenses listed herein are sufficient for refusal to certify an application for licensure. If the Board makes a finding of pecuniary benefit or self-gain related to the violation, then the Board shall require refund of fees billed and collected from the

patient or a third party on behalf of the patient. In addition to any other discipline imposed, the Board shall assess the actual costs related to the investigation and prosecution of a case.

(a) through (h) No change.

(i) 460.413(1)(a) or 456.072(1)(h), F.S.: obtain license by bribery – bribe/fraud – revocation or denial of license (minimum and maximum same) from a minimum fine of \$500 and/or up to two years of probation to a maximum of revocation. For a second offense, from a minimum fine of \$5,000 to revocation. After the second offense, revocation; obtain license by fraudulent misrepresentations – from six months probation and a fine of \$10,000 to a maximum of revocation and a fine of \$10,000. For a second offense, a fine of \$10,000 and revocation; obtain license by Department or Board error – from a minimum letter of concern and/or a fine of \$500 of six (6) months of probation, up to a maximum of suspension of license for one (1) year, followed by two (2) years of probation, and a fine of \$5,000. For a second offense, from a minimum fine of \$5,000 to revocation of license, and after the second offense, revocation of license;

(j) 460.413(1)(b) or 456.072(1)(f), F.S.: having a license acted against in another state, territory, or country – action consistent with the disciplinary guidelines for the offense that would have been taken had the violation occurred in the State of Florida. After the first offense, action consistent with the disciplinary guidelines for a repeat offense had the violation occurred in Florida from a minimum of reprimand, up to a maximum of revocation or denial of license;

(k) 460.413(1)(c) or 456.072(1)(c), F.S.: guilt of a crime that relates to the practice or the ability to practice – misdemeanor: from a minimum fine of \$1,500 and six months probation, up to a fine of \$5,000 and a year’s suspension with conditions; felony: from a minimum of a fine of \$7,500 and two years probation, up to a fine of \$10,000 and revocation. After the first offense, from a minimum of six (6) months of probation, up to a maximum fine of \$10,000 and/or of revocation or denial of license;

(l) 460.413(1)(d), F.S.: false/misleading advertising – (citation offense) from a minimum fine of an administrative of \$1,000, \$500; and a letter of concern, up to a maximum fine of \$7,500 and of one (1) year of probation. For a second offense, from a minimum fine of \$2,500 and/or one year of probation to a maximum fine of \$10,000 and/or three months suspension of license. After the second offense, a fine of up to \$10,000 and/or one year suspension to the maximum fine of \$10,000 and/or revocation;

(m) 460.413(1)(e), F.S.: non-identifying advertisement – (citation offense) from a minimum an administrative fine of \$500, up to a maximum of one (1) year of probation. After the first offense, from a minimum fine of \$2,000 and one year of probation to a maximum fine of \$5,000 and/or three years suspension. After the second offense, up to a maximum fine of \$10,000 and/or one year of suspension up to revocation;

(n) 460.413(1)(f), F.S.: ~~phony name~~ – from a minimum ~~of an administrative~~ fine of \$3,500 and one year probation, \$500, up to a maximum ~~fine of \$10,000 and/or~~ ~~of~~ suspension of license for six ~~(6)~~ months, followed by one ~~(1)~~ year of probation. ~~After the first offense, a minimum fine of \$5,000 and six months suspension up to a maximum fine of \$10,000 and/or revocation;~~

(o) 460.413(1)(g) or 456.072(1)(i), F.S.: ~~failure to report another– (citation offense)~~ from a minimum ~~letter of concern and/or a fine of \$500 of reprimand,~~ up to a maximum ~~fine of \$2,000 and/or~~ six ~~(6)~~ months of probation. ~~After the first offense, a minimum of six months of probation and a fine of \$2,000 to a maximum fine of \$10,000 and/or revocation.~~

(p) 460.413(1)(h) or 456.072(1)(j), F.S.: ~~assisting unlicensed person to practice~~ – from a \$5,000 fine and/or one year of suspension to revocation of license ~~(minimum and maximum same);~~ ~~After the first offense, from a fine of \$7,500 up to a maximum fine of \$10,000 and/or revocation;~~

(q) 460.413(1)(i) or 456.072(1)(k), F.S.: ~~failure to perform statutory or legal obligation~~ – from a minimum ~~fine of \$1,000 and a letter of concern of reprimand,~~ up to a maximum ~~of fine of \$7,500 and/or two years of suspension followed by two years six (6) months~~ of probation. ~~For a second offense, from a minimum fine of \$2,500 and six months of probation up to a maximum fine of \$10,000 and/or revocation. After the second offense, up to a fine of \$10,000 and/or revocation;~~

(r) 460.413(1)(j) or 456.072(1)(l), F.S.: ~~negligent filing of false report~~ – from a minimum ~~of an administrative~~ fine of ~~\$1,000~~ \$500, up to a maximum of ~~one year six (6) months~~ of probation and a fine of \$5,000. ~~For a second offense, a minimum fine of \$2,500 and a reprimand to a maximum fine of \$10,000 and two years suspension. After the second offense, up to a maximum fine of \$10,000 and/or revocation; Willful filing of false report, impeding, or inducing another to file false report of other~~ – from a minimum ~~fine of \$5,000 and/or~~ suspension of license for three ~~(3)~~ months, followed by six ~~(6)~~ months of probation, up to a maximum of revocation of license. ~~After the first offense, up to a maximum fine of \$10,000 and/or revocation; however, regardless of whether it is an initial or repeat occurrence, if the violation is for fraud or making a false or fraudulent representation, the fine portion of the discipline imposed shall be \$10,000 per count or offense;~~

(s) 460.413(1)(k) or 456.072(1)(m), F.S.: ~~misrepresentations/trick or scheme~~ – from a ~~minimum of an administrative~~ fine of \$500 and six ~~(6)~~ months of probation, up to a maximum of suspension of license for one ~~(1)~~ year, followed by two ~~(2)~~ years of probation and a \$10,000 fine per count or offense. ~~After the first offense, from a minimum of two years of probation up to a maximum of revocation and a \$10,000 fine per count or offense;~~

(t) 460.413(1)(l) or 456.072(1)(x), F.S.: ~~soliciting patients or commercial solicitation from accident report information~~ – from a minimum ~~of an administrative~~ fine of \$1,000 and/or one

~~year probation, \$500; up to a maximum of fine of \$10,000 and/or revocation one (1) year of probation. After the first offense, from a minimum fine of \$5,000 and/or six months suspension up to a maximum of \$10,000 and/or revocation;~~

(u) 460.413(1)(m), F.S.: ~~medical record-keeping~~ – from a minimum ~~fine of \$500 and/or of~~ one ~~(1)~~ year of probation, up to a maximum ~~fine of \$7,500, of~~ suspension of license for three ~~(3)~~ months, followed by six ~~(6)~~ months of probation. ~~After the first offense, a minimum fine of \$1,500 and two years of probation up to a maximum fine of \$10,000 and/or revocation;~~

(v) 460.413(1)(n) or 456.072(1)(n), F.S.: ~~exploit patient for financial gain~~ – from a minimum ~~of an administrative~~ fine of \$1,000 and/or one ~~(1)~~ year of probation, up to a maximum ~~fine of \$10,000 and/or of~~ revocation of license. ~~After the first offense, from a minimum of two years of probation and a fine of \$2,500 up to a maximum fine of \$10,000 and/or revocation;~~

(w) 460.413(1)(o), F.S.: ~~unauthorized services~~ – from a minimum ~~of an administrative~~ fine of ~~\$1,000~~ \$500 and/or one ~~(1)~~ year of probation, up to a maximum ~~of fine of \$5,000 and/or two years of probation. After the first offense, from a minimum fine of \$2,500 and two years of probation up to a maximum fine of \$10,000 and/or revocation or denial of license;~~

(x) 460.413(1)(p), F.S.: ~~dispensing drugs/performing surgery~~ – from a minimum ~~of an administrative~~ fine of ~~\$5,000~~ \$1,000 and/or one ~~(1)~~ year of probation, up to a maximum ~~fine of \$10,000 and/or of~~ revocation ~~or denial of license. After the first offense, a fine of \$10,000 and/or revocation;~~

(y) 460.413(1)(q) or 456.072(1)(y), F.S.: ~~unable to practice with skill and safety~~ – from a minimum ~~of an administrative~~ fine of ~~\$1,000, \$500 and three years one (1) year~~ of probation and referral for a PRN evaluation, up to a maximum of suspension of license for one ~~(1)~~ year, followed by up to five ~~two (2)~~ years of probation. ~~After the first offense from a \$3,500 fine, referral for a PRN evaluation, and two years of probation to a maximum fine of \$10,000 and/or revocation;~~

(z) 460.413(1)(r), F.S.: ~~gross or repeated malpractice~~ – from a minimum ~~of fine of \$1,000, up to a maximum fine of \$10,000 and/or suspension of license for three (3) months, followed by six (6) months of probation, up to a maximum of revocation or denial of license; other – Repeated malpractice~~ – from a minimum fine of \$1,000 up to a maximum fine of \$10,000 and/or revocation. ~~Unacceptable level of care, skill, and treatment~~ – from a minimum ~~of an administrative~~ fine of \$1,000 and ~~six (6) months of probation,~~ up to a maximum ~~fine of \$10,000 and/or revocation suspension of license for one (1) year, followed by two (2) years of probation;~~

(aa) 460.413(1)(s), F.S.: ~~experimentation on human subjects without consent~~ – from a ~~fine of \$1,000 and/or minimum of five (5) years of probation, up to a maximum of revocation or denial of license. After the first offense, up to a maximum fine of \$10,000 and/or revocation;~~

(bb) 460.413(1)(t) or 456.072(1)(o), F.S.: practicing beyond the scope permitted or competent to perform – from a minimum of an administrative fine of \$2,500 and/or one (1) year of probation, up to a maximum of suspension of license for two years followed by probation and a fine of \$10,000. After the first offense, up to a maximum fine of \$10,000 and/or revocation or denial of license;

(cc) 460.413(1)(u) or 456.072(1)(p), F.S.: delegating responsibilities to unqualified person – from a minimum of an administrative fine of \$1,000 and/or six (6) months of probation, up to a maximum fine of \$5,000 and of suspension of license for three years (3) months, followed by up to three years six (6) months of probation. After the first offense, from a minimum fine of \$5,000 and/or suspension of license for one year followed by probation up to a maximum fine of \$10,000 and/or revocation;

(dd) 460.413(1)(v) or 456.072(1)(q), F.S.: violating any lawfully issued order or subpoena – from a minimum of fine of \$1,000 and a letter of concern reprimand, up to a maximum fine of \$10,000 and/or of revocation or denial of license. For a second offense, from a minimum fine of \$5,000 and/or two years of probation up to a maximum fine of \$10,000 and/or revocation of license. After the second offense, from a minimum fine of \$7,500 and/or six months of suspension followed by probation up to a maximum fine of \$10,000 and/or revocation of license;

(ee) 460.413(1)(w), F.S.: conspiring or committing an act to prevent a licensee from advertising – from a minimum of an administrative fine of \$1,000 and/or one (1) year of probation, up to a maximum of suspension of license for six months, followed by one year of probation and a fine of \$5,000. After the first offense, from a minimum fine of \$5,000 and/or two years suspension of license followed by probation up to a maximum fine of \$10,000 and/or revocation or denial of license;

(ff) 460.413(1)(x), F.S.: submitting claims for treatment not provided – from a minimum of an administrative fine of \$1,000 and/or one (1) year of probation, up to a maximum fine of \$10,000 and/or of revocation or denial of license. For a second offense, from a minimum fine of \$5,000 and/or six months suspension followed by two years of probation to a maximum fine of \$10,000 and/or revocation. After the second offense, up to a maximum fine of \$10,000 and/or revocation;

(gg) 460.413(1)(y), F.S.: commingling or conversion of patient funds and financial recordkeeping – from a minimum of an administrative fine of \$2,000 and/or one year of probation, \$500, up to a maximum fine of \$10,000 and/or revocation of suspension of license for six (6) months, followed by one (1) year of probation. After the first offense, from a minimum fine of \$5,000 and/or three months suspension followed by two years of probation up to a maximum fine of \$10,000 and/or revocation;

(hh) 460.413(1)(z), F.S.: offering or accepting payment by assignment if it appears to eliminate requirement for insured to pay deductible – from minimum fine of \$1,000, and/or a letter of concern up to a maximum fine of \$3,000 and/or two years of probation. For a second offense, from a minimum fine of \$3,000 and/or a year of probation to a maximum fine of \$7,500 and one year of suspension followed by probation. After the second offense, up to a fine of \$10,000 and/or revocation;

(ii)(hh) 460.413(1)(aa), F.S.: failure to provide insured with copy of claim – (citation offense) from a minimum of an administrative fine of \$500 and one (1) year of probation, up to a maximum fine of \$5,000 and/or two years of probation. For a second offense, from a minimum fine of \$3,500 and/or two years of probation to a maximum fine of \$7,500 and one year of suspension followed by probation. After the second offense, up to a maximum fine of \$10,000 and/or of revocation or denial of license;

(jj)(ii) 460.413(1)(bb), F.S.: advertised fee different from that submitted to payors – from a minimum of an administrative fine of \$1,000 and up to one (1) year of probation, up to a maximum fine of \$5,000 and two years of probation. For a second offense, from a minimum fine of \$3,500 and/or six months of suspension up to a maximum fine of \$7,500 and two years of suspension. After the second offense, up to a maximum fine of \$10,000 and/or of revocation or denial of license;

(kk)(jj) 460.413(1)(cc), 456.062, F.S.: failure of advertisement to state usual fee when offers free or discount services – (citation offense) from a minimum of an administrative fine of \$500 and one (1) year of probation, up to a maximum of fine of \$5,000 and two years of probation. For a second offense, from a minimum fine of \$3,500 and/or six months of suspension up to a maximum fine of \$7,500 and two years of suspension. After the second offense, up to a maximum fine of \$10,000 and/or revocation or denial of license;

(ll)(kk) 460.413(1)(dd), F.S.: using acupuncture without certification – from a minimum of an administrative fine of \$2,500, \$500, and/or one year of probation, up to a maximum of suspension of license for two years followed by six (6) months of probation and a fine of \$10,000. After the first offense, up to a maximum fine of \$10,000 and/or revocation;

(mm)(ll) 460.413(1)(ee), F.S.: failure to report violation in the facility – from a minimum of letter of concern and/or a fine of \$500 suspension of license for three (3) months, followed by six (6) months of probation up to a maximum fine of \$2,000 and/or six months of probation. After the first offense, a minimum of six months of probation and a fine of \$2,000 to a maximum fine of \$10,000 and/or of revocation of license;

(nn) 460.4165, F.S.: from a minimum of a reprimand, up to a maximum of revocation or denial of license.

(nn) 460.413(1)(ff) or 456.072(1)(b), or 456.072(1)(cc), F.S.: violating this chapter, chapter 456, F.S., or any Board rules – from a minimum fine of \$1,000 and/or a letter of concern up to a maximum fine of \$9,000 and/or revocation. For a second offense, from a minimum fine of \$5,000 and/or two years of probation up to a maximum fine of \$10,000 and/or revocation of license. After the second offense, from a minimum fine of \$7,500 and/or six months of suspension followed by probation up to a maximum fine of \$10,000 and/or revocation;

(oo)~~(nn)~~ 456.082, F.S.: disclosure of confidential information – from a minimum of an administrative fine of \$2,000 ~~\$1,000~~ and/or six months of probation, up to a maximum fine of \$5,000 and of suspension of license for six ~~three~~ (3) months, followed by two years ~~six~~ (6) months of probation. After the first offense, a minimum fine of \$5,000 and two years of probation up to a maximum fine of \$10,000 and/or revocation;

(~~oo~~) 456.062, F.S.: from a minimum of an administrative fine of \$1,000 up to a maximum of one (1) year of probation;

(pp) 456.057(4), F.S.: timely and appropriate release of medical records – from a minimum of an administrative fine of \$1,000 ~~\$500~~, and/or a letter of concern up to a maximum fine of \$5,000 and one (1) year of probation. For a second offense, from a minimum fine of \$2,500 and/or one year of probation to a maximum fine of \$5,000 and three months of suspension followed by two years of probation. After the second offense, up to a maximum fine of \$10,000 and/or revocation;

(qq) 456.057(6) and (7), F.S.: from a minimum of an administrative fine of \$1,000, up to a maximum of suspension of license for three (3) months, followed by six (6) months of probation;

(qq) 456.072(1)(a), F.S.: misleading, deceptive, or fraudulent representations – from a minimum of six months of probation and a fine of \$10,000 per count or offense up to a maximum of revocation and a fine of \$10,000 per count or offense. After the first violation, a fine of \$10,000 per count or offense and/or a minimum of one year of suspension up to a maximum of revocation;

(rr) 456.072(1)(d), F.S.: improper usage of laser device – from a minimum fine of \$1,000 and/or one year of probation up to a maximum fine of \$10,000 and three years of suspension followed by probation. After the first offense, up to a maximum fine of \$10,000 and/or revocation;

(ss) 456.072(1)(e), F.S.: failure to comply with HIV/AIDS course requirements – from a minimum fine of \$1,000 and a letter of concern up to a maximum fine of \$7,500 and/or two years of suspension followed by two years of probation. For a second offense, from a minimum fine of \$2,500 and six months of probation up to a maximum fine of \$10,000 and/or revocation. After the second offense, up to a fine of \$10,000 and/or revocation;

(tt) 456.072(1)(r), F.S.: improper interference with investigation, inspection, or discipline – from a minimum fine of \$1,000 and/or one year of probation up to a maximum fine of \$10,000 and/or revocation. After the first offense, a minimum fine of \$2,500 up to a maximum fine of \$10,000 and/or revocation;

(uu) 456.072(1)(u), F.S.: sexual misconduct – from a minimum letter of concern and/or a PRN referral for evaluation, up to a maximum fine of \$10,000 and/or revocation;

(vv) 456.072(1)(v), F.S.: profiling and credentialing violations – from a minimum letter of concern and/or a fine of \$1,000, up to a maximum fine of \$10,000 and/or one year of suspension followed by two years of probation. After the first offense, from a minimum fine of \$2,000 up to a maximum fine of \$10,000 and/or revocation;

(ww) 456.072(1)(w), F.S.: failure to comply with 30-day notification of convictions and nolo pleas – from a minimum fine of \$1,000 and/or a letter of concern, up to a maximum fine of \$9,000 and/or one month suspension of license followed by probation. After the first offense, from a minimum fine of \$5,000 up to a maximum fine of \$10,000 and/or revocation;

(xx) 456.072(1)(z): testing positive on drug screening – from a minimum fine of \$500 and/or two years of probation and referral for a PRN evaluation, up to a maximum of suspension of license for one year, followed by up to five years of probation, and a fine of up to \$10,000. After the first offense, from a \$2,500 fine, and/or referral for a PRN evaluation and two years of probation up to a maximum fine of \$10,000 and/or revocation;

(yy) 456.072(1)(aa), F.S.: wrong patient, wrong-site, or wrong or unnecessary procedure – from a minimum fine of \$1,000 and/or a reprimand, up to a maximum fine of \$10,000 and/or six months suspension of license followed by probation. After the first offense, from a minimum fine of \$5,000 and/or a year of probation up to a maximum fine of \$10,000 and/or revocation;

(2) through (3) No change.

Specific Authority 456.072, 460.405, 460.413, 456.079 FS. Law Implemented 456.072, 460.413(4), 456.079 FS. History–New 1-10-80, Formerly 21D-16.03, Amended 1-28-87, 1-28-90, 6-24-93, Formerly 21D-16.003, Amended 10-26-93, Formerly 61F2-16.003, Amended 7-18-95, Formerly 59N-16.003, Amended 11-4-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Chiropractic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 7, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 14, 2001

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Technician RULE NO.: 64B3-5.004

PURPOSE AND EFFECT: With regard to technicians, the Board proposes to amend the histology qualifications and to set forth qualifications in the area of molecular genetics.

SUMMARY: The proposed rule changes the qualifications needed for licensure as a histology technician by requiring either examination certification in histology by the American Society of Clinical Pathologists or completion of a Board approved training program which includes a written and practical examination. The rule creates qualifications for a molecular genetic technician.

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

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

SPECIFIC AUTHORITY: 483.805(4), 483.811(2), 483.823 FS.

LAW IMPLEMENTED: 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-5.004 Technician.

(1) through (2) No change.

(3) Qualifications for Histology Technicians. For the category of histology, applicants for technician licensure in order to be licensed as a histology technician, an applicant shall have four (4) hours of Board approved HIV/AIDS continuing education, a minimum of a high school diploma or its equivalent, a high school equivalency diploma and examination certification in histology by the American Society of Clinical Pathologists, one of the following:

(a) Successfully completed a Board approved histology training program at technician level.

(b) Successfully completed an accredited program in histology at the technician level.

(c) Successfully completed a military clinical laboratory personnel training program in histology which shall consist of 1500 clock hours of study within 12 calendar months.

~~(d) Five (5) years of pertinent clinical laboratory experience in histology accrued within 10 years immediately preceding application for licensure.~~

(4) Qualifications for Molecular Genetic Technicians. To be licensed as a molecular genetic technician, an applicant shall have four hours of Board approved HIV/AIDS continuing education, a minimum of a high school diploma or high school equivalent, and be licensed as a clinical laboratory technologist or technician in any specialty area.

~~(5)(4) Qualifications for Technicians who perform High Complexity Testing. Technicians performing high complexity testing as defined in 42 C.F.R. 493.5 40 and 493.17, and who have been licensed after September 1, 1997, shall meet the minimum educational and training qualifications provided in 42 C.F.R. 493.1489 (March, 1999), incorporated herein by reference, including a minimum of an associate degree in laboratory science, medical laboratory technology, or equivalent education and training.~~

Specific Authority 483.805(4), 483.811(2), 483.823 FS. Law Implemented 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823 FS. History—New 12-6-94, Amended 7-12-95, 12-4-95, Formerly 59O-5.004, Amended 5-26-98, 9-20-98, 1-11-99, 8-31-99, 9-27-00, 12-26-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 19, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 18, 2001

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLES: Active Status Renewal Licensure Fee 64B3-9.004 Fee for Inactive Status 64B3-9.006

PURPOSE AND EFFECT: The Board proposes to raise fees and to delete an unnecessary provision.

SUMMARY: The Board proposes to raise the fees for the active status renewal licensure fee and to remove a provision that is not necessary.

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

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

SPECIFIC AUTHORITY: 456.025(4), 456.036, 483.807(1), 456.025 FS.

LAW IMPLEMENTED: 456.025(4), 456.036, 483.807, 456.025 FS.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Dentistry
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 18, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2001

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Address of Licensee
RULE NO.: 64B8-50.008

PURPOSE AND EFFECT: The proposed rule amendment is intended to clarify criteria for electronic notification of change of address.

SUMMARY: The proposed rule amendment sets forth the criteria for electronic notification by licensees to the Department, Board, or Council.

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

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

SPECIFIC AUTHORITY: 478.43(1) FS.

LAW IMPLEMENTED: 456.035 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-50.008 Address of Licensee.

Each person holding a license issued pursuant to 478.45, Florida Statutes, must maintain on file with the Council the current address at which any notice required by law may be served by the Department Agency, the Board, the Council, or its agents. Prior to changing this address, whether or not within this state, the licensee shall notify the Council either in writing or electronically of the new address at which the licensee may be served with notices or other documents. If the licensee uses electronic notification, it is the responsibility of the licensee to ensure that the electronic notification was received by the Council.

Specific Authority 478.43(1) FS. Law Implemented 456.035 FS. History—New 5-31-93, Formerly 21M-75.008, Amended 11-16-93, Formerly 61F6-75.008, 59R-50.008, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrolysis Council

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 28, 2001

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Rule Governing Licensure and Inspection
RULE NO.: 64B8-51.006

PURPOSE AND EFFECT: The proposed rule amendment is intended to require facilities to be inspected once per biennium instead of annually.

SUMMARY: The proposed rule amendment requires facilities to be inspected once per biennium.

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

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

SPECIFIC AUTHORITY: 456.037, 478.43(1),(4), 478.51(3) FS.

LAW IMPLEMENTED: 456.037(2),(3),(5), 478.49, 478.51 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-51.006 Rule Governing Licensure and Inspection of Electrology Facilities.

- (1) through (3) No change.
- (4) Inspections. The Agency shall inspect all electrology facilities in the following manner:
 - (a) All licensed facilities shall be inspected once per biennium ~~annually~~.
 - (b) No change.
 - (5) through (7) No change.

Specific Authority 456.037, 478.43(1),(4), 478.51(3) FS. Law Implemented 456.037(2),(3),(5), 478.49, 478.51 FS. History—New 11-16-93, Formerly 61F6-76.006, Amended 5-11-95, 6-26-96, Formerly 59R-51.006, Amended 12-23-97, 12-22-98, 2-17-00, 3-25-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrolysis Council

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 28, 2001

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE CHAPTER TITLE: Comprehensive Health Improvement Projects
RULE CHAPTER NO.: 64F-8

RULE TITLES: Definitions
Minimum Requirements
RULE NOS.: 64F-8.001
64F-8.002

PURPOSE AND EFFECT: The purpose of the proposed rule repeal is to eliminate rules that are redundant of Section 385.103, Florida Statutes. Moreover, the repeal of Chapter 64F-8 will eliminate administrative rule governing obsolete Comprehensive Health Improvement Projects (CHIP).

SUMMARY: The proposed rule repeal eliminates obsolete rules regarding the Comprehensive Health Improvement Projects.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The proposed rule repeal will not result in additional regulatory costs. Because the proposed rule repeal is technical in nature and does not substantively change what is required by existing statutes, there will be no significant economic impact; the overall reduction in administrative rules will, however, have a positive economic impact by streamlining the operation of government.

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: 385.103(2)(f) FS.

LAW IMPLEMENTED: 385.103 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Janet W. Baggett, Medical/Health Care Program Analyst, 4025 Esplanade Way, Bureau of Chronic Disease Prevention, Room 130T, Tallahassee, FL 32399-1744

THE FULL TEXT OF THE PROPOSED RULES IS:

64F-8.001 Definitions.

Specific Authority 385.103(2)(f) FS. Law Implemented 385.103 FS. History--New 8-31-87, Amended 4-25-96, Formerly 10D-97.003, Repealed.

64F-8.002 Minimum Requirements.

Specific Authority 385.103(2)(f) FS. Law Implemented 385.103 FS. History--New 8-31-87, Amended 4-25-96, Formerly 10D-97.003, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet W. Baggett, Medical/Health Care Program Analyst, Bureau of Chronic Disease Prevention

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Susan Allen, Program Administrator, Bureau of Chronic Disease Prevention

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 22, 2002

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Library and Information Services

RULE NO.: 1B-2.011
RULE TITLE: Library Grant Programs

NOTICE OF CHANGE

SUMMARY OF CHANGE: The proposed amendment will provide for a waiver of financial match requirements on Division grant programs. The change is an editorial correction of the date of the publication of the Notice of Rule Development. That correction is as follows:

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 26, 2001 January 18, 2002.

Notice of Rulemaking was published in Florida Administrative Weekly, Vol. 28, No. 3, dated January 18, 2002, Page 160.

DEPARTMENT OF INSURANCE

RULE NOS.: 4-157.001 through 4-157.026
RULE TITLES: Purpose, Applicability and Scope, Definitions, Out-of-State Group Long Term Care Insurance, Pre-existing Conditions, Conditions of Eligibility, Requirements for Replacement, Prior Institutionalization, Right to Return Policy - Free Look, Long Term Care Policies - Statements Required, Outline of Coverage, Nonforfeiture Protection Provision, Required Disclosure Provisions, Prohibition Against Post - Claims Underwriting, Discontinuance and Replacement

- 4-157.027 Appropriateness of Recommended Purchase
- 4-157.028 Requirements for Application Forms and Replacement Coverage
- 4-157.029 Prohibition Against Preexisting Conditions & Probationary Periods in Replacement Policies or Certificates
- 4-157.030 Reporting Requirements
- 4-157.031 Requirement to Deliver Shopper's Guide

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule(s), as noticed in Vol. 27, No. 41, October 12, 2001, of the Florida Administrative Weekly, have been withdrawn.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE CHAPTER NO.: 5E-9
 RULE CHAPTER TITLE: Licensed Pesticide Applicators and Dealers

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule published in the Florida Administrative Weekly, Pages 5998-6002, Vol. 27, No. 51 on December 21, 2001, to reflect comments received from the Joint Administrative Procedures Committee, replacing any reference to transfer of pesticides to exchange of pesticides. When adopted the proposed rule will read as follows:

5E-9.033 Pesticide Dealer Records.

(1) Licensed pesticide dealers shall maintain the following records relating to the sale or exchange of restricted use pesticides:

- (a) Date of sale;
- (b) Name and license number of licensed applicator making or authorizing the purchase;
- (c) Name of authorized purchase agent purchasing the pesticide product, if applicable;
- (d) Brand name and EPA registration number of each product sold or exchanged;
- (e) Size and number of containers of each product sold or exchanged; and
- (f) No change.

(2) The information listed in (1)(a) through (1)(e) shall be recorded immediately at the time of sale or exchange and may be incorporated into billing invoices or other business transaction records.

(3) No change.

(4) All required information shall be retained for a period of two (2) years from the date of sale or exchange in a manner that is accessible by authorized department representatives.

(5) No change.

Specific Authority 487.048(2), 570.07(23) FS. Law Implemented 487.048(2) FS. History—New 6-9-94, Amended 7-2-95, _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE NOS.:	RULE TITLES:
5L-1.001	General Requirements and Intent
5L-1.002	Definitions
5L-1.004	Production and Market Standards
5L-1.005	Shellfish Processing Plant Certification License and Fees
5L-1.006	Compliance and Penalties
5L-1.007	Container Identification, Terminal Sale Date; Prohibitions
5L-1.008	Shellfish Handling
5L-1.009	Shellfish Relaying
5L-1.010	Buildings and Facilities
5L-1.011	Equipment for Shellfish Processing
5L-1.012	Sanitary Operations
5L-1.013	Plant Operation

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 39, September 28, 2001, Florida Administrative Weekly has been withdrawn.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER NO.: 40D-2	RULE CHAPTER TITLE: Consumptive Use of Water
RULE NO.: 40D-2.091	RULE TITLE: Publications Incorporated by Reference

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to proposed Basis of Review Section 4.2.B.3.d.(2) to be incorporated into Rule 40D-2.091, as published in the Florida Administrative Weekly, in Vol. 20, No. 48, pages 8905-8953, at page 8931, on December 2, 1994, so that it reads as follows:

~~4.2.B.3.d.(2) Stressed Lakes, New Groundwater Withdrawals—Where a lake within the SWUCA is classified as stressed due to regional causes, new groundwater withdrawals to replace an existing legal surface withdrawal from the stressed lake shall be permitted even though the groundwater withdrawal may cause unacceptable adverse impacts to the stressed lake. This groundwater replacement is allowable because the impact of the groundwater withdrawal is less than the surface water withdrawal. Within the SWUCA, new groundwater withdrawals, other than for replacement of surface water withdrawals from stressed lakes, shall not be permitted which unacceptably adversely impact stressed lakes, or cause a lake to become stressed. Within the SWUCA, an~~

~~unacceptable adverse impact from a new withdrawal shall be presumed to occur if the withdrawal individually will cause 0.2 feet or greater drawdown on the water table at the lake.~~

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER NO.: 40D-2
 RULE CHAPTER TITLE: Consumptive Use of Water
 RULE NO.: 40D-2.501
 RULE TITLE: Permit Classification

NOTICE OF WITHDRAWAL

NOTICE IS HEREBY GIVEN that proposed subsection 40D-2.501(6), as published in the Florida Administrative Weekly in Vol. 20, No. 48, pages 8905-8953 at page 8908 on December 2, 1994, has been withdrawn.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER NO.: 40D-2
 RULE CHAPTER TITLE: Consumptive Use of Water
 RULE NO.: 40D-2.801
 RULE TITLE: Water-Use Caution Areas

NOTICE OF CHANGE

NOTICE IS HEREBY GIVEN that the following changes have been made to proposed rule 40D-2.801(3)(b)1., as published in the Florida Administrative Weekly in Vol. 20, No. 48, pages 8905-8953, at page 8910, on December 2, 1994, so that it reads as follows:

1. The boundary for the Southern Water Use Caution Area is as follows:

All of Manatee, Sarasota, Charlotte, Hardee, DeSoto, and Highlands Counties within the boundaries of the Southwest Florida Water Management District, and that portion of Hillsborough County within the following sections (all Townships are South; all Ranges are East):

- Township 29, Range 19: All whole or partial Sections South of State Road 60
- Township 29, Range 20: All whole or partial Sections South of State Road 60
- Township 29, Range 21: All whole or partial Sections South of State Road 60
- Township 29, Range 22: All whole or partial Sections South of State Road 60
- Township 30, Range 19: All Sections
- Township 30, Range 20: All Sections
- Township 30, Range 21: All Sections
- Township 30, Range 22: All Sections
- Township 31, Range 18: All Sections
- Township 31, Range 19: All Sections
- Township 31, Range 20: All Sections
- Township 31, Range 21: All Sections
- Township 31, Range 22: All Sections
- Township 32, Range 18: All Sections

- Township 32, Range 19: All Sections
- Township 32, Range 20: All Sections
- Township 32, Range 21: All Sections
- Township 32, Range 22: All Sections
- Township 33, Range 15: All Sections
- Township 33, Range 16: All Sections
- and that portion of Polk County within the Southwest Florida Water Management District and within the following sections:
- Township 26, Range 26: All whole or partial Sections South of Interstate 4 ~~Township 26, Range 27: All Sections~~
- Township 27, Range 23: All whole or partial Sections South of Interstate 4
- Township 27, Range 24: All whole or partial Sections South of Interstate 4
- Township 27, Range 25: All whole or partial Sections South of Interstate 4
- Township 27, Range 26: All Sections
- Township 27, Range 27: ~~All Sections~~ 25 through 36
- Township 27, Range 28: Section 31
- Township 28, Range 23: All Sections
- Township 28, Range 24: All Sections
- Township 28, Range 25: All Sections
- Township 28, Range 26: All Sections
- Township 28, Range 27: All Sections
- Township 28, Range 28: All Sections
- Township 29, Range 23: All Sections
- Township 29, Range 24: All Sections
- Township 29, Range 25: All Sections
- Township 29, Range 26: All Sections
- Township 29, Range 27: All Sections
- Township 29, Range 28: All Sections
- Township 29, Range 29: Sections 19, 30, 31
- Township 30, Range 23: All Sections
- Township 30, Range 24: All Sections
- Township 30, Range 25: All Sections
- Township 30, Range 26: All Sections
- Township 30, Range 27: All Sections
- Township 30, Range 28: All Sections
- Township 30, Range 29: Sections 5, 6, 7, 8, 18, 19, 30, 31
- Township 31, Range 23: All Sections
- Township 31, Range 24: All Sections
- Township 31, Range 25: All Sections
- Township 31, Range 26: All Sections
- Township 31, Range 27: All Sections
- Township 31, Range 28: All Sections
- Township 31, Range 29: Section 6
- Township 32, Range 23: All Sections
- Township 32, Range 24: All Sections
- Township 32, Range 25: All Sections
- Township 32, Range 26: All Sections
- Township 32, Range 27: All Sections
- Township 32, Range 28: All Sections.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE NO.: 61B-22.0062
 RULE TITLE: Transition Financial Statements; Turnover Audit

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule amendment as published in Vol. 27, No. 36, September 7, 2001, issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-4.002
 RULE TITLE: Advertising and Soliciting by Dentists

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 40, October 5, 2001, Florida Administrative Weekly has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-17.013
 RULE TITLE: Dental Practice Management Services

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 27, No. 48, November 30, 2001, issue of the Florida Administrative Weekly. The changes are in response to comments received from the staff of the Joint Administrative Procedures Committee and comments received at the January 18, 2002 public hearing. The Board determined that a substantial rewording of this rule is necessary in order to clarify the rule text.

The rule in its entirety shall now read as follows:

64B5-17.013 Proprietorship by Nondentists.

(1) No corporation, lay body, organization, or individual other than a licensed dentist or a professional corporation or limited liability company composed of dentists shall engage in the practice of dentistry through the means of engaging the services, upon a salary, commission, or other means of inducement, of any person licensed to practice dentistry in this state. The provisions of this rule are not applicable to dentists working under any of the settings described in s. 466.025, F.S.

(2) No dentist shall enter into any agreement with a nondentist which directs, controls, or interferes with the dentist's clinical judgment, or which controls the use of any

dental equipment or material while such is being used for the provision of dental services. Nor shall any dentist enter into an agreement which permits, any entity which itself is not a licensed dentist to practice dentistry, or to offer dentistry services to the public through the licensed dentist. The clinical judgment of the licensed dentist must be exercised solely for the benefit of his/her patients, and shall be free from any compromising control, influences, obligations, or loyalties.

(3) For the purposes of this rule:

(a) The term "clinical" means having a significant relationship, whether real or potential, direct or indirect, to the actual rendering or outcome of dental care, the practice of dentistry or the quality of dental care being rendered to one or more patients.

(b) The term "control" shall mean to exercise authority or dominating influence over; having the authority or ability to regulate, direct, or dominate.

(4) A licensed dentist may enter into an agreement with a nondentist to receive "Practice Management Services." The term "Practice Management Services" is defined to include consultation or other activities or services offered by someone other than a Florida licensed dentist regarding one or more of the following types of products or services:

(a) The suitability of dental office space, furnishings and equipment;

(b) Staff necessary to operate a dental practice;

(c) Regulatory compliance expertise and services;

(d) Methods to increase productivity of a dental practice;

(e) Inventory and supplies required to operate a dental practice;

(f) Information systems designed to produce financial and operational data on the dental practice;

(g) Marketing plans or advertising to increase productivity of a dental practice;

(h) Site selection, relocation, design or physical layout of a dental practice; or

(i) Financial services such as accounting and bookkeeping, monitoring and payment of accounts receivable, payment of leases and subleases, payroll or benefits administration, billing and collection for patient services, payment of federal or state income tax, personal property or intangible taxes, administration of interest expense or indebtedness incurred to finance the operation of the dental practice, or malpractice insurance expenses.

(5) For purposes of implementing the provisions of Sections 466.0285, 466.003 and subsections 466.028(1)(g) and (z), no dentist shall enter into a practice management agreement with anyone other than a dentist or group of dentists which provides or offers to provide, whether by contract or employment, with or without fee, any practice management service which attempts to govern in any way, whether directly or indirectly, the clinical sufficiency, suitability, reliability or efficacy or a particular product, service, process or activity as it

relates to the delivery of dental care. Practice management agreements between dentists and anyone other than a dentist or group of dentists shall not:

(a) Preclude or otherwise restrict, by penalty or operation, the dentist of record's ability to exercise independent professional judgment over all qualitative and quantitative aspects of the delivery of dental care;

(b) Allow anyone other than a dentist of record or the dentist of record's practice to supervise and control the selection, compensation, terms, conditions, obligations or privileges of employment or retention of clinical personnel of the practice;

(c) Limit or define the scope of services offered by the dentist of record or the dentist of record's practice;

(d) Limit the methods of payment accepted by the dentist of record or the dentist of record's practice;

(e) Require the use of patient scheduling systems, marketing plans, promotion or advertising for the dentist of record or the dentist of record's practice which, in the judgment of the dentist of record or the dentist of record's practice will have the effect of discouraging new patients from coming into the practice or discouraging patients of record from seeing the dentist or postponing future appointments or which gives scheduling preference to one individual, class or group of existing or new patients over another individual, class or group of existing or new patients;

(f) Directly or indirectly condition the payment or the amount of the management fee on the referral of patients, and in addition, the management fee shall reasonably relate to the fair market value of the services provided;

(g) Penalize the dentist of record or the dentist of record's practice for reporting perceived violations of this section to, or seeking clarification from, appropriate state or federal agencies, departments or boards.

(6) For purposes of implementing the provisions of Section 466.028(1)(h), no dentist shall enter into any agreement, or series of agreements, with anyone other than a dentist or group of dentists, which violates the parameters established in paragraphs (4) or (5) above and entering into such a contract constitutes a de facto employment of the dentist by a nondentist. Except as permitted by Chapter 542, Florida Statutes, licensed dentists are prohibited from agreeing not to compete in the provision of dental services with any entity which is not itself a licensed dentist, or which is not licensed or otherwise permitted by law to provide the services which are the subject of the agreement not to compete.

(7) The provisions of this rule are not intended to impair the validity of any contract in existence as of the effective date of this rule. Any existing contract renewed or extended after the effective date of this rule shall be subject to the provisions of this rule.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-17.014 RULE TITLE: Removal of Amalgam Fillings

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 48, November 30, 2001, Florida Administrative Weekly has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-9.014 RULE TITLE: Standards for Telemedicine Prescribing Practice

NOTICE OF ADDITIONAL PUBLIC HEARING

The Board of Medicine hereby gives notice that an additional public hearing on the above-referenced rule will be held in response to a request for a hearing following the publication of the Notice of Change in the December 14, 2001, Florida Administrative Weekly (FAW). The rule was originally published in Vol. 27, No. 39, of the September 28, 2001, FAW. The information regarding the additional public hearing will be published in a future issue of the FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Acting Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.: 64B32-5.001 RULE TITLE: Disciplinary Guidelines

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 28, No. 3, January 18, 2002, Florida Administrative Weekly has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE RULE WITHDRAWAL IS: Kaye Howerton, Board Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NO.: 65C-22.003
 RULE TITLE: Training

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 43 October 26, 2001, issue of the Florida Administrative Weekly, the Notice of Change published in Vol. 28, No. 3, January 18, 2002, and conforming paragraph 65C-22.003(7)(f), F.A.C., as set forth below.

- 65C-22.003 Training.
- (1) through (6) No change.
- (7) Director Credential
- (a) through (e) No change.

(f) Testing. For the advanced level credential only, individuals who meet the requirements for the educational exception but do not have coursework in early childhood education or administration may opt to take a competency-based test to meet the three credit hour course requirement in early childhood education/child development or the three credit hour course requirement in administration, or both. This process will require the candidate to complete a written test at a local community college with a minimum score of 70 ~~80~~ percent.

- (g) through (i) No change.

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History--New 6-1-97, Amended 7-2-98, 3-17-99, 7-26-00, 9-20-01, _____.

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.: 67-21.002
 RULE TITLES: Definitions

67-21.003
 Application and Selection Process for Loans

67-21.0035
 Applicant Administrative Appeal Process

67-21.004
 Federal Set-Aside

67-21.0045
 Determination of Method of Bond Sale

67-21.008
 Terms and Conditions of Loans

67-21.014
 Credit Underwriting Procedures

67-21.016
 Compliance Procedures

67-21.017
 Transfer of Ownership

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

Entities

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with Section 120.54(3)(d)1., Florida Statutes, published in Vol. 27, No. 50, December 14, 2001 issue of the Florida Administrative Weekly.

67-21.002 Definitions.

(3) "Address" means the address assigned by the United States Postal Service and must include address number, street name, city, state and zip code. If the address has not yet been assigned, include, at a minimum, street name and ~~or~~ closest designated intersection, city, state and zip code.

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

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

(8) "Application" means, with respect to the MMRB Program, the completed forms from the Universal Application Package, ~~its instructions, and its appendices~~ together with all exhibits submitted to Florida Housing ~~by the Applicant~~ in accordance with the provisions of this Rule Chapter in order to apply for the Program.

(10) "Application Period" means a period during which Applications shall be accepted, as posted on Florida Housing's website and with a deadline no less than thirty days from the beginning of the Application Period ~~determined from time to time by the Corporation~~.

(17) "Catchment Area" means the geographical area covered under a Local Homeless Assistance Continuum of Care Plan, as designated and revised as necessary by the State Office on Homelessness, in accordance with section 420.624, Florida Statutes.

~~(18)(17)~~ "Code" is the Internal Revenue Code of 1986, as in effect on the date of this rule chapter amended, or similar predecessor or successor provisions applicable to a Development to be financed under this rule, together with corresponding and applicable final, temporary or proposed regulations and revenue rulings issued or amended with respect thereto by the Treasury Department or Internal Revenue Service of the United States, and is adopted and incorporated herein by reference.

~~(19)(18)~~ "Commercial Fishing Worker" means a laborer who is employed on a seasonal, temporary, or permanent basis in fishing in saltwater or freshwater and who derived at least 50% of his income in the immediately preceding 12 calendar months from such employment. The term includes a person who has retired as a laborer due to age, disability, or illness. In order to be considered retired due to age, a person must be 50 years of age or older and must have been employed for a minimum of 5 years as a commercial fishing worker. In order to be considered retired due to disability or illness, a person must:

(a) Establish medically that the person is unable to be employed as a commercial fishing worker due to such disability or illness; and

(b) Establish that he or she was previously employed as a commercial fishing worker.

~~(20)(19)~~ “Commercial Fishing Worker Household” means a household of one or more persons wherein at least one member of the household is a Commercial Fishing Worker.

~~(21)(20)~~ “Contact Person” means the person, with whom Florida Housing will correspond concerning the Application and the Development. This person cannot be a third party consultant.

~~(22)(21)~~ “Corporation” or “Florida Housing” or “FHFC” means the Florida Housing Finance Corporation created pursuant to the Act.

~~(23)(22)~~ “Cost of Issuance Fee” means the fee charged by Florida Housing to the Applicant for the payment of the costs and expenses associated with the sale of Bonds and the loaning of the proceeds, including a fee for Florida Housing.

~~(24)(23)~~ “Credit Enhancement or Guarantee Instrument” means a letter of credit, third party guarantee, insurance contract or other collateral or security pledged to Florida Housing or its Trustee for a minimum of ten years by a third party Credit Enhancer or financial institution securing, insuring or guaranteeing the repayment of the mortgage loan or Bonds under Florida Housing’s Program. A Credit Enhancement or Guarantee Instrument of less than ten years must be approved by the Board prior to being accepted to secure any Bonds.

~~(25)(24)~~ “Credit Enhancer” means a financial institution, insurer or other third party which provides a Credit Enhancement or Guarantee Instrument acceptable to Florida Housing securing repayment of the Mortgage Loan or Bonds issued pursuant to Florida Housing’s Program.

~~(26)(25)~~ “Credit Underwriter” means the independent contractor ~~entity~~ under contract with Florida Housing having the responsibility for providing credit underwriting services. Such services shall include, for example, a comprehensive analysis of the Applicant, the real estate, the economics of the Development, the ability of the Applicant and the Development team to proceed, and the evidence of need for affordable housing in order to determine that the Development meets the Program requirements. The Credit Underwriter shall determine a recommended Bond amount that should be made to a Development, whether an initial loan or a refunding.

~~(27)(26)~~ “Credit Underwriting” means an in-depth analysis of post-cure period information and all documents submitted in connection with the Application to produce the Credit Underwriting Report.

~~(28)(27)~~ “Credit Underwriting Report” means a report for a particular Development that is produced by the Credit Underwriter designated by Florida Housing and includes a thorough analysis of the proposed Development and a statement as to whether a loan is recommended, and if so, the

amount recommended. The Credit Underwriter or Florida Housing may request such additional information as is necessary to properly analyze the credit risk being presented to Florida Housing and the bondholders. The Applicant shall pay the cost of such ~~C~~redit ~~U~~nderwriting in addition to any other fees payable to Florida Housing in conjunction with the Application and Program financing.

~~(29)(28)~~ “Cross-collateralization” means the pledging of the security of one Development to the obligations of another development.

~~(30)(29)~~ “Developer” means the individual, association, corporation, joint venturer or partnership identified as such in the Application. The Developer, as identified in an Application, may not change until the construction of the Development is complete.

~~(31)(30)~~ “Developer Fee” means the fee earned by the Developer. Such fee shall be limited to 18 percent of Total Development Cost excluding land and, for rehabilitation, building acquisition costs. A Developer Fee on the building acquisition cost shall be limited to 4% of the cost of the building(s) exclusive of land cost. Consulting fees, if any, must be paid out of the Developer Fee. Consulting fees include, but are not limited to, payments for Application consultants, construction management or supervision, or local government consultants. Fees for the Applicant’s and Developer’s attorney(s) which are in excess of an amount equal to the greater of \$40,000 or 0.75% of the total amount of the Bonds must also be paid out of the Developer Fee. Fees of the Applicant’s or Developer’s attorney(s) awarded in conjunction with litigation against Florida Housing with respect to a Development shall also not be included in Total Development Costs. Fees for services provided by architects, accountants, appraisers, engineers or Financial Advisors may be included as part of the Total Development Costs, except that those fees for a Financial Advisor that are in excess of \$18,000 must be paid out of the Developer Fee. In the event of extraordinary circumstances, Applicant may petition the Board for relief from the attorney fee and Financial Advisor caps. For the purpose of the HUD Risk Sharing Program, if there exists an Identity of Interest relationship as defined herein between the Applicant; or Developer and the General Contractor, the allowable fees shall in no case exceed the amount allowed for the Developer Fees pursuant to the HUD subsidy layering regulations. Florida Housing shall not authorize fees to be paid for duplicative services or duplicative overhead.

~~(32)(31)~~ “Development” means any work or improvement located or to be located in the state, including real property, buildings, and any other real and personal property, designed and intended for the primary purpose of providing decent, safe, and sanitary residential housing, whether new construction, the acquisition of existing residential housing, or the remodeling, improvement, rehabilitation, or reconstruction of existing housing, which is intended for use as multifamily rental

housing, together with such related non-housing facilities as Florida Housing determines to be necessary, convenient, or desirable. A Development shall constitute a "project" within the meaning of the Act.

~~(33)~~~~(32)~~ "Development Cost" means the total of all costs incurred in the completion of a Development excluding Developer Fee, acquisition cost of existing developments, and total land cost as shown in the Development Cost line item on the Development Cost pro forma within the Application.

~~(34)~~~~(33)~~ "Difficult Development Area" means any area designated by the Secretary of Housing and Urban Development as having high construction, land, and utility costs relative to area median gross income in accordance with Section 42(d)(5) of the Code.

~~(35)~~~~(34)~~ "Disclosure Counsel" means the Special Counsel designated by Florida Housing to be responsible for the drafting and delivery of Florida Housing's disclosure documents such as preliminary official statements, official statements, re-offering memorandums or private placement memorandums and continuing disclosure agreements. The fees of Disclosure Counsel shall be set by contract with Florida Housing and shall be paid from the Cost of Issuance Fee or from the Good Faith Deposit submitted with the Loan Commitment.

~~(36)~~~~(35)~~ "Elderly" means persons 62 years of age or older or qualified persons pursuant to the Federal Fair Housing Act and Section 760.29(4), Florida Statutes.

~~(37)~~~~(36)~~ "Elderly Housing", "Elderly Development", or "Elderly Unit" means housing or a unit being occupied or reserved for qualified persons pursuant to the Federal Fair Housing Act and Section 760.29(4), Florida Statutes, provided that such development meets the requirements for an Elderly Development as set forth in the Universal Application Package.

~~(38)~~~~(37)~~ "Family" or "Family Household" describes a household composed of one or more persons.

~~(39)~~~~(38)~~ "Farmworker" means any laborer who is employed on a seasonal, temporary or permanent basis in the planting, cultivating, harvesting, or processing of agricultural or aquacultural products and who has derived at least 50% of his/her income in the immediately preceding 12 calendar months from such employment. "Farmworker" also includes a person who has retired as a laborer due to age, disability, or illness. In order to be considered retired from farm work due to age, a person must be 50 years of age or older and must have been employed for a minimum of 5 years as a farmworker immediately preceding retirement. In order to be considered retired from farm work due to disability or illness, it must be:

(a) Medically established that the person is unable to be employed as a Farmworker due to such disability or illness; and

(b) Established that he or she had previously met the definition of Farmworker.

~~(40)~~~~(39)~~ "Farmworker Development" means a Development:

(a) Of not greater than 160 units, at least (60)% of the total residential units of which are occupied or reserved for Farmworker Households;

(b) For which independent market analysis demonstrates a local need for such housing, and;

(c) For which the Applicant has developed a detailed plan to attract, serve and keep the targeted population.

~~(41)~~~~(40)~~ "Farmworker Household" means a household of one or more persons wherein at least one member of the household is a Farmworker at time of initial occupancy.

~~(42)~~~~(41)~~ "Financial Advisor" means, with respect to an issue of Bonds, a professional who is either under contract to Florida Housing or is engaged by the Applicant who advises on matters pertinent to the issue, such as structure, timing, marketing, fairness of pricing, terms, bond ratings, cash flow, and investment matters.

~~(43)~~~~(42)~~ "Financial Beneficiary" means any Developer and its principals or the principals of the Applicant entity who receives or will receive a financial benefit of:

(a) 3% or more of Total Development Cost (including deferred fees) if Total Development Cost is \$5 million or less; or

(b) 3% of the first \$5 million and 1% of any costs over \$5 million (including deferred fees) if Total Development Cost is greater than \$5 million.

The definition does not include third party lenders, third party management agents or companies, housing credit syndicators, credit enhancers who are regulated by a state or federal agency and who do not share in the profits of the Development or building contractors whose total fees are within the limit described in Rule 67-21.002~~(48)~~~~(39)~~, F.A.C.

~~(44)~~~~(43)~~ "Florida Housing" or "FHFC" means the Florida Housing Finance Corporation as created by the Act.

~~(45)~~~~(44)~~ "Florida Keys Area" means all lands in Monroe County, except:

(a) That portion of Monroe County included within the designated exterior boundaries of the Everglades National Park and areas north of said Park;

(b) All lands more than 250 feet seaward of the mean high water line owned by local, state, or federal governments; and

(c) Federal properties.

~~(46)~~~~(45)~~ "Funding Cycle" means the period of time established by the Corporation pursuant to this Rule Chapter and concluding with the issuance of allocations or Loans to Applicants who applied during a given Application Period.

~~(47)~~~~(46)~~ "General Contractor" means an entity duly licensed in the State of Florida which to be eligible for the maximum 14% fee, must meet the following conditions:

(a) The Development superintendent must be employed by the General Contractor and the costs of that employment must be charged to the general requirements line item of the General Contractor's budget;

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

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

(d) Payment and performance bond (or approved alternate security for General Contractor's performance, such as a letter of credit or other guarantee acceptable to Florida Housing) must be issued in the name of the General Contractor by a company rated at least "A-" by AMBest & Co.;

(e) None of the General Contractor duties to manage and control the construction of the Development may be subcontracted; and

(f) Not more than 20 percent of the construction cost is sub-contracted to any one entity unless otherwise approved by the Board for a specific Development.

~~(48)~~(47) "General Contractor's Fee" means a fee inclusive of general requirements, profit and overhead. General Contractor's Fees shall be limited to 14 percent of hard costs, excluding any hard cost contingencies. For the purpose of the HUD Risk Sharing Program, if there exists an Identity of Interest as defined herein between the Applicant and the General Contractor, the allowable fees shall in no case exceed the amount allowable pursuant to the HUD subsidy layering review requirements. Additionally, fees shall be allowed to be paid only to the person or entity that actually meets the definitional requirements to be considered a General Contractor. Florida Housing shall not allow fees for duplicative services or duplicative overhead.

~~(49)~~(48) "Geographic Set-Aside" means, with respect to a MMRB Development, the amount of allocation ~~that which~~ has been designated by Florida Housing for Developments located in specific geographical regions within the State of Florida ~~pursuant to the Universal Application Package.~~

~~(50)~~(49) "Good Faith Deposit" means a total deposit equal to one percent of the Loan amount reflected in the Loan Commitment paid by the Applicant to Florida Housing at the times required by this Rule Chapter. If the Good Faith Deposit is exhausted, the Applicant shall be required to pay, within three days of notice, an additional deposit to ensure payment of the expenses associated with the processing of the Application, the sale of the Bonds, including document production and the securitization of the Loan. The Good Faith Deposit shall be remitted by certified check or wire transfer.

~~(51)~~(50) "HC" or "Housing Credit Program" means the Low-Income or Very Low-Income rental housing program administered by Florida Housing in accordance with Section 42 of the Code and Section 420.5099, Florida Statutes, under

which Florida Housing is designated the Housing Credit Agency for the State of Florida within the meaning of Section 42(h)(7)(A) of the Code, and Rule Chapter 67-48, F.A.C.

~~(52)~~(51) "Homeless" or "Homeless Household" means an individual or Family who lacks a fixed, regular, and adequate nighttime residence or an individual or Family who has a primary nighttime residence that is:

(a) A supervised publicly or privately operated shelter designed to provide temporary living accommodations, including welfare hotels, congregate shelters, and transitional housing;

(b) An institution that provides a temporary residence for individuals intended to be institutionalized; or

(c) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. The term does not refer to any individual imprisoned or otherwise detained pursuant to state or federal law.

~~(53)~~(52) "HUD" means the U.S. Department of Housing and Urban Development.

~~(54)~~(53) "HUD Risk Sharing Program" means the program authorized by Section 542(c) of the Housing and Community Development Act of 1992, which is adopted and incorporated herein by reference.

~~(55)~~(54) "Identity of Interest" means, for the purpose of the HUD Risk Sharing Program, any person or entity that has a one percent or more financial interest in the Development and in any entity providing services for a fee to the Development. Unless otherwise excluded, persons or entities that share in the net profits of the Development shall be construed as having an ownership interest to the extent that they share in Development or project revenues. The Identity of Interest definition shall not apply to the tax credit syndicator, limited partner investors, or professionals who are retained pursuant to a negotiated fee arrangement consistent with industry standards and which fee arrangement does not incorporate the payment of fees from Development operating revenues.

~~(56)~~(55) "Income Certification," "Tenant Income Certification" or "Form TIC-1" means the form, ~~as amended from time to time,~~ which is adopted and incorporated herein by reference, and which shall be used to certify the income of all tenants residing in a Set-Aside unit in a Development. A copy of such form is available on FHFC's website at www.floridahousing.org.

~~(57)~~(56) "Issuer" means the Florida Housing Finance Corporation.

~~(58)~~(57) "Land Use Restriction Agreement," "LURA" or "Regulatory Agreement" means that agreement among Florida Housing, the Bond Trustee and the Applicant which sets forth certain restrictions on the use of the Development to comply with the Code, the Act, the rules and policies of Florida Housing and any requirements of a Credit Enhancer. Such document shall be recorded prior to the Mortgage in the public

records in the county where the Development is located, unless the Board expressly agrees to subordinate the LURA to facilitate the financing.

(59) "Lead Agency" means a Local Government or Non-Profit serving as the point of contact and accountability to the State Office on Homelessness with respect to the Local Homeless Assistance Continuum of Care Plan, in accordance with section 420.624, Florida Statutes.

~~(60)(58)~~ "Loan" means the loan made by Florida Housing to the Applicant from the proceeds of the Bonds issued by Florida Housing.

~~(61)(59)~~ "Loan Agreement" means the Program Documents or Loan Documents wherein Florida Housing and the Applicant agree to the terms and conditions upon which the proceeds of the Bonds shall be loaned, and the terms and conditions for repayment of the Loan.

~~(62)(60)~~ "Loan Commitment" means the Program Documents or Loan Documents executed by Florida Housing and the Applicant after the issuance of a favorable Credit Underwriting Report that defines the conditions under which Florida Housing agrees to lend the proceeds of the Bonds to the Applicant for the purpose of financing all or a portion of a Development and is filed with Florida Housing along with full payment of the Good Faith Deposit before substantive work commences on Program Documents other than the Loan Commitment.

~~(63)(61)~~ "Local Government" means a unit of local general-purpose government as defined in Section 218.31(2), Florida Statutes.

(64) "Local Homeless Assistance Continuum of Care Plan" means a plan for developing and implementing a framework for a comprehensive and seamless array of housing and services to address the needs of homeless persons and persons at risk for homelessness, in accordance with section 420.624, Florida Statutes.

~~(65)(62)~~ "Local Public Fact Finding Hearing" means a public hearing requested by any person residing in the county or municipality in which the proposed Development is located and which is conducted by Florida Housing for the purpose of receiving public comment or input regarding the financing of a proposed Development with Bonds by Florida Housing.

~~(66)(63)~~ "Lower Income Residents" means individuals or families whose annual income does not exceed either 50 percent or 60 percent depending on the minimum Set-Aside elected of the area median income as determined by HUD with adjustments for household size. In no event shall occupants of a Development unit be considered to be Lower Income Residents if all the occupants of a unit are students as defined in Section 151(c)(4) of the Code or if the residents do not comply with the provisions of the Code defining Lower Income Residents. (See Section 142 of the Code.) If Taxable Bonds, other than Taxable Bonds issued simultaneously with Tax-Exempt Bonds, in which case the above referenced

provisions apply, or Bonds that do not require State Bond Allocation are being used to finance the Development, Lower Income ~~Residents~~ ~~Tenants~~ shall be defined as an individual or family with an Annual Household Income not in excess of 80 percent of the state or county median income, whichever median income is higher. In the event Bonds are issued on behalf of a corporation organized under Section 501(c)(3) of the Code, the Set-Aside shall not be less than that required by the 501(c)(3) documents.

~~(67)(64)~~ "Mortgage" means the instrument securing the Loan which creates a first, co-equal or acceptable subordinate lien on the Development, subject to permitted encumbrances.

~~(68)(65)~~ "Mortgage Loan" means the Loan secured by the Mortgage and evidenced by a Note or Mortgage Note.

~~(69)(66)~~ "Note" means an unilateral agreement containing an express and absolute promise to pay to Florida Housing a principal sum of money for the Loan together with interest on a specified date. The Note will provide the interest rate and will be secured by a mortgage.

~~(70)(67)~~ "Principal" means any individual acting in their individual capacity or acting as president, vice president, treasurer or secretary, member of the board of directors or the legal or beneficial owner of 10% or more of any class of stock of a corporation which is a general partner of a limited partnership Applicant or Developer; or the general partner of a limited partnership that is the general partner of a limited partnership Applicant or Developer; or is a partner in a general partnership or joint venture acting alone or as a part of another entity that is an Applicant or Developer. With respect to a limited liability company either acting alone or as a part of another entity that is an Applicant or Developer, each manager and each member is a principal. With respect to a registered limited liability partnership either acting alone or as a member of another entity that is an Applicant or Developer, each partner is a principal. With respect to a trust either acting alone or as a part of another entity that is an Applicant or Developer, any individual or entity owning 10% or more of the beneficial interest in the trust is a principal. A General Contractor, management agent, architect/engineer, attorney that participates on an arms-length fee arrangement are not considered Principals of the Applicant entity.

~~(71)(68)~~ "Private Placement" or "Limited Offerings" means the sale of Florida Housing Bonds directly or through an underwriter or placement agent to 35 or fewer initial purchasers who are not purchasing the Bonds with the intent to offer the Bonds for retail sale and who are Qualified Institutional Buyers.

~~(72)(69)~~ "Program" means Florida Housing's Multifamily Mortgage Revenue Bond (MMRB) Program.

~~(73)(70)~~ "Program Documents or Loan Documents" means the Loan Commitment, Loan Agreement, Note, Mortgage, Credit Enhancement or Guarantee Instrument, Land Use Restriction Agreement, Trust Indenture, Preliminary and

Final Official Statements, Intercreditor Agreement, Assignments, Bond Purchase Agreement, Compliance Monitoring Agreement, Mortgage Servicing Agreement and such other ordinary and customary documents necessary to issue and secure repayment of the Bonds and Mortgage sufficient to protect the interests of the Bond owners and Florida Housing.

~~(74)~~(71) “Program Report” or “Form PR-1” means the report format which is required to be completed and submitted to Florida Housing pursuant to this Rule Chapter, and is adopted and incorporated herein by reference, effective on the date of the latest amendment to this Rule Chapter. A copy of such form is available on FHFC’s website at www.floridahousing.org.

~~(75)~~(72) “Public Policy Criteria and Qualified Resident Programs” means the requirements and guidelines established by Florida Housing and set forth in Rule 67-21.0041, F.A.C., and the Universal Application Package. The programs and requirements shall be incorporated in the Loan Commitment and Program Documents. Such Public Policy Criteria and Qualified Resident Programs have been adopted for the purpose of accomplishing the programmatic goals of the Code, Florida Housing and the Act.

~~(76)~~(73) “Qualified Institutional Buyer” is sometimes called a “sophisticated investor” and specifically includes the following:

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

1. Any insurance company as defined in section 2(13) of the Securities Exchange Act, which is adopted and incorporated herein by reference;

2. Any investment company registered under the Investment Company Act or any business development company as defined in section 2(a)(43) of that Act, which is adopted and incorporated herein by reference;

3. Any Small Business Investment Company licensed by the U.S. Small Business Administration under sections 301(c) or (d) of the Small Business Investment Act of 1958, which is adopted and incorporated herein by reference;

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

5. Any employee benefit plan within the meaning of Title I of the Employee Retirement Income Security Act of 1974, which is adopted and incorporated herein by reference;

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

7. Any business development company as defined in section 202(a)(22) of the Investment Advisors Act of 1940, which is adopted and incorporated herein by reference;

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

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

(c) Any dealer registered under section 15 of the Securities Exchange Act, which is adopted and incorporated herein by reference, acting in a riskless principal transaction on behalf of a Qualified Institutional Buyer.

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

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

(f) Any bank or savings and loan defined in section 3(a)(2) or 3(a)(5)(A) of the Securities Exchange Act, which is adopted and incorporated herein by reference, or foreign bank or savings and loan or similar institution that, in aggregate with the other Qualified Institutional Buyers, owns and invests in at least \$100 million in securities of affiliates that are not affiliated with it and that has an audited net worth of at least \$25 million as demonstrated during the 16 to 18 months prior to the sale.

~~(77)~~(74) “Qualified Census Tract” means any census tract which is designated by the Secretary of Housing and Urban Development as having either 50% or more of the households at an income which is less than 60% of the area median gross income, or a poverty rate of at least 25 percent, in accordance with Section 42(d)(5)(C), of the Code.

~~(78)~~(75) “Qualified Lending Institution” means any ~~l~~ending ~~i~~nstitution designated by Florida Housing.

~~(79)~~(76) “Qualified Project Period” means the period of time, as provided in the Code, that a Development financed with Tax-exempt Bonds must comply with the Lower Income Tenant Set-Aside.

~~(80)~~ “Recap of Tenant Income Certification Information” or “Form AR-1” means a report format which is required to be completed and submitted to the Corporation pursuant to this rule chapter and is adopted and incorporated by reference.

effective on the date of the latest amendment to this rule chapter. A copy of such form is available on FHFC's website at www.floridahousing.org.

~~(81)(77)~~ "Received" as it relates to delivery of a document by a specified deadline means, unless otherwise indicated, delivery by hand, U.S. Postal Service, or other courier service, in the office of the Corporation no later than 5:00 p.m., Eastern Time, on the deadline date.

~~(82)(78)~~ "Rehabilitation Development" means a Development, the Rehabilitation Expenditures with respect to which equal or exceed 15% of the portion of the cost of acquiring such Development to be financed with Bond proceeds.

~~(83)(79)~~ "Rehabilitation Expenditures" has the meaning set forth in Section 147(d)(3) of the Code.

~~(84)~~ "Scattered Sites" means two or more parcels in the same county, contiguous to one another, sharing at least one common boundary between them, or within such reasonable proximity to each other as to appear to the public to be under the dominion and control of the Applicant.

~~(85)(80)~~ "Set-Aside" means the occupancy requirements or restrictions for Developments financed by Florida Housing. Such Set-Aside requirements shall be set forth in the Land Use Restriction Agreement and other such Program Documents as are deemed necessary by Florida Housing. The minimum Set-Aside requirements are as follows:

(a) For Taxable Bonds – 20 percent or more of the residential units in the Development shall be occupied or held available for occupancy by a Family whose Annual Household Income does not exceed 80 percent of the State or county median income, whichever median income is higher, provided, however, that if such taxable bonds are being issued in connection with Tax-exempt Bonds, the requirement of (b) below shall govern.

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

~~(86)~~ "Single Room Occupancy" or "SRO" means housing consisting of single room dwelling units that is the primary residence of its occupant or occupants. An SRO does not include facilities for students.

~~(87)(81)~~ "Special Counsel" means any attorney or law firms retained by Florida Housing, pursuant to an RFQ ~~an RFP~~, to serve as counsel to Florida Housing, including Disclosure Counsel.

~~(88)(82)~~ "State Board of Administration" or "SBA" means the State Board of Administration created by and referred to in s. 9, Article XII of the State Constitution.

~~(89)(83)~~ "State Bond Allocation" means the allocation of the State private activity bond volume limitation pursuant to Chapter 159, Part VI, Florida Statutes, administered by the Division of Bond Finance and allocated to Florida Housing for the issuance of its Tax-exempt Bonds.

~~(90)~~ "State Office on Homelessness" means the office created within the Department and Children and Family Services under section 420.622, Florida Statutes.

~~(91)(84)~~ "Student" means an individual who is considered a full-time student by the educational institution being attended or will be a full-time student at an educational institution with regular facilities and students other than correspondence school, during five months of the certification year.

~~(92)(85)~~ "Taxable Bonds" means those Bonds on which the interest earned is included in gross income of the owner for federal income tax purposes pursuant to the Code.

~~(93)(86)~~ "Tax-exempt Bonds" means those Bonds on which all or part of the interest earned is excluded from gross income of the owner for federal income tax purposes pursuant to the Code.

~~(94)~~ "Tie-Breaker Measurement Point" means a single point selected by the Applicant on the proposed Development site that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development. For Scattered Site Developments, the Applicant must select a single point on one Development site that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development.

~~(95)(87)~~ "TEFRA Hearing" means a public hearing held pursuant to the requirements of the Code and in accordance with the Tax Equity and Fiscal Responsibility Act (TEFRA), section 147(f) of the Code, at which members of the public or interested persons are provided an opportunity to present evidence or written statements or make comments regarding a requested application for Tax-exempt financing of a Development by Florida Housing.

~~(96)(88)~~ "Total Development Cost" means the sum total of all costs incurred in the construction of a Development, all of which shall be subject to the approval by the Credit Underwriter and shall be approved by Florida Housing as reasonable and necessary. Such costs may include, but not be limited to:

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

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

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

(d) Fees in connection with the planning, execution, and financing of the Development, such as those of architects, engineers, attorneys, accountants, Financial Advisors and Florida Housing. The fees for attorneys and Financial Advisors are limited pursuant to subsection 67-21.002(43)(25), F.A.C.

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

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

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

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

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

(j) The cost of other such items, including relocation costs, indemnity and surety bonds, premiums on insurance, and fees and expenses of trustees, depositories, and paying agents for Bonds, as the Corporation shall determine to be reasonable and necessary for the construction or rehabilitation of the Development.

(97)(89) “Universal Application Package” or “UA1016” means the ~~computer disks(s)~~, forms and instructions, obtained from Florida Housing at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, which shall be completed and submitted to Florida Housing in accordance with this rule chapter in order to apply for the MMRB Program. The Universal Application Package is adopted and incorporated herein by reference, effective on the date of the latest amendment to this ~~r~~Rule ~~c~~Chapter.

Universal Application Instructions.

First paragraph, page 1, has been changed to read as follows:

Applicants are encouraged to review Rule Chapters 67-21 and/or 67-48, F.A.C., and the following Instructions before completing and submitting prior to completion of this Application. Unless otherwise provided in these Instructions and the Application, capitalized terms are as defined in the rule chapters. Program requirements do not necessarily meet all non-FHFC funding or allocation requirements. Applicants are responsible for ensuring that their developments meet all applicable laws and regulations.

General Instructions.

Second paragraph, first bullet, page 1, has been deleted as follows:

- ~~a computer disk containing all completed information in the Application, except the required exhibits, using Florida Housing’s Electronic Application Template;~~

Second paragraph, second bullet, page 1, has been changed to read as follows:

- one printed version of the completed Application, including applicable exhibits and the Applicant Certification and Acknowledgement exhibit with an original signature. The Applicant must label ~~will mark~~ this printed version of the Application as the “Original Hard Copy”;

Third paragraph, page 1, has been changed to read as follows:

The Applicant must ensure that the online Application (if applicable), ~~the Application on computer disk~~, the “Original Hard Copy” and the photocopies of the Application are all identical. Florida Housing will first consider the Application submitted online (if applicable). If for any reason all or part of the information in the online Application is inaccessible, Florida Housing will ~~next consider the Application submitted on computer disk. If for any reason all or part of the information in the Application on computer disk is inaccessible, Florida Housing will then consider~~ the “Original Hard Copy” of the Application. Florida Housing will only consider the exhibits submitted as part of the “Original Hard Copy”. Notwithstanding the foregoing, if the Executive Director of Florida Housing, in his sole discretion, determines that ~~there are technical~~ substantially and adversely impact the actual or perceived efficiency, reliability, or accuracy of the ~~with the online and/or computer disk Application process that affect efficiency or accuracy,~~ then he may require Corporation staff to consider only the “Original Hard Copy” of an the Application, of a group of Applications, or of all Applications.

Fourth paragraph, page 1, has been changed to read as follows:

Applications for non-competitive HC in conjunction with tax-exempt bonds: Submit one original Application labeled “Original Hard Copy” and only one photocopy of the “Original Hard Copy”, ~~along with a computer disk~~ containing all completed information in the Application, ~~except the required exhibits,~~ using Florida Housing’s Electronic Application Template.

Fifth paragraph, page 2, has been changed to read as follows:

Florida Housing will reject any competitive Application submittal and no action will be taken to score the Application if:

- ~~no computer disk is submitted, and/or;~~
- the “Original Hard Copy” of the Application fails to contain the Applicant Certification and Acknowledgement exhibit with an original signature and the applicable exhibits, and/or;
- less than one “Original Hard Copy” and three photocopies of the completed Application, including applicable exhibits, are submitted.

Eighth paragraph, page 2, has been changed to read as follows:

Do not retype, scan, image, or alter any page in the Application Package. This will cause the Application to be rejected. ~~NOTE:~~ Additional information that is placed on the face of a page that does not obscure the printed words is NOT considered an alteration of the page. However, the additional information cannot change the meaning or intent of the page. Additional information should be presented in an asterisk or footnote format or presented as an explanatory addendum to the page.

Ninth paragraph, page 2, has been changed to read as follows:

Notwithstanding anything in this Application and all instructions in this Application Package to the contrary and except for those items listed in Rule Chapters 67-21.003 and/or 67-48.004, F.A.C., Applicants shall be provided with an opportunity to submit additional documentation and revised pages, as well as other information in accordance with the applicable said rules.

Specific Instructions.

Part II., Applicant and Development Team.

Section A.1., 1st paragraph, page 3, has been changed to read as follows:

1. Select the Program(s) applied for in this Application.

In accordance with Rule Chapters 67-21 and 67-48, F.A.C., only one Application may be submitted for each subject property.

The Application may be submitted for only ONE of the following:

- ~~Florida Housing issued MMRB~~
- ~~Florida Housing issued MMRB and SAIL~~
- Florida Housing-issued MMRB and non-competitive HC
- Florida Housing-issued MMRB, SAIL and non-competitive HC
- SAIL for Developments using Local Government-issued Tax-Exempt Bonds as a funding source
- SAIL and Competitive HC only if applying in the SAIL special set-asides (Farmworker/Commercial Fishing Worker, Elderly, or Homeless), ~~or~~ in the Florida Keys Area, or if in a county with an area median income (AMI) of \$40,000 or less *
- Competitive HC only
- SAIL only
- non-competitive HC with Local Government-issued tax-exempt bonds
- ~~Qualified 501(c)(3) Bonds~~
- * FHFC deems that only the following counties have an AMI of \$40,000 or less: Calhoun, Citrus, DeSoto, Dixie, Franklin, Gilchrist, Glades, Gulf, Hamilton, Hendry, Highlands, Holmes, Jackson, Lafayette, Levy, Madison, Marion, Okeechobee, Putnam, Suwannee, Taylor, and Washington.

Section A.1., second paragraph, page 3, has been changed to read as follows:

SAIL Applicants that have Local Government-issued Tax-Exempt Bonds as a funding source and wish to obtain non-competitive HC must submit a separate Application for the non-competitive HC. The separate Application must be submitted in accordance with the Qualified Allocation Plan and is not subject to the Application Deadline, but is subject to the Application requirements of paragraph 67-48.027(2)(m), F.A.C.

Section A.1., paragraph 3, page 3, has been changed to read as follows:

~~SAIL Applicants wishing to apply for 501(c)(3) Bonds must submit a separate Application for the 501(c)(3) Bonds. Applicants that have closed on their bonds are not eligible to apply for SAIL funding.~~

Applicants may not submit a SAIL Application if the Development which would be the subject of the SAIL Application has received a final allocation of Competitive or non-competitive HC.

Section A.2., pages 3 and 4, has been changed to read as follows:

Enter requested information for Applicant ~~Entity. The Address must be in accordance with the definition of Address in the applicable Rule.~~

If the Federal Employer Identification Number has not yet been obtained, provide a copy of the completed, submitted application for that number behind a tab labeled "Exhibit 2".

a. Applicant ~~Entity~~ must be a legally formed entity [i.e., limited partnership, corporation, limited liability company, etc.] qualified to do business in the ~~s~~State of Florida as of the Application Deadline. Except for public housing authorities, Applicant must include behind a tab labeled "Exhibit 3" a copy of the valid Certificate of Good Standing from the Florida Secretary of State and a copy of the documentation that created the Applicant ~~Entity~~ (such as the partnership or joint venture agreement, ~~;~~ or Certificate of Limited Partnership and the Affidavit of Initial Capital Contribution). If a general partnership or joint venture, provide together with a sworn statement under penalty of perjury that the agreement is a true and correct copy of the documentation that created the Applicant.

b. If applying for HC, the Applicant ~~entity~~ must be a limited partnership (including a limited liability limited partnership) or a limited liability company. It shall be the borrowing entity and/or the recipient of the Housing Credits and cannot be changed until after a Final Housing Credit Allocation of credits has been issued. Replacement of the Applicant ~~entity~~ or a material change (33.3% or more) in the ownership structure of the named Applicant ~~entity~~ prior to this time shall result in disqualification from receiving funding and

shall be deemed a material misrepresentation. Changes to the limited partner ~~entity~~ of a limited partnership will not result in disqualification.

c. If the Applicant applies as a Non-Profit entity, it must remain a Non-Profit entity. The Non-Profit entity understands and acknowledges that it is the Non-Profit entity's responsibility to contractually ensure ~~insure~~ that it substantially and materially participates in the management and operation of the Development throughout the Compliance Period and the Extended Use Period. If the Applicant is applying as a Non-Profit entity, failure to include the attorney opinion letter behind a tab labeled "Exhibit 4" and the IRS determination letter behind a tab labeled "Exhibit 5" will result in disqualification as a Non-Profit and rejection of the Application.

If the Applicant applies as a Non-Profit entity ~~applicable~~, provide the description/explanation of the role of the Non-Profit entity behind a tab labeled "Exhibit 6". Provide the names and addresses of the governing board of the Non-Profit entity behind a tab labeled "Exhibit 7". Provide the articles of incorporation demonstrating that ~~If one of the purposes of the Non-Profit entity is to foster low income housing, provide the articles of incorporation~~ behind a tab labeled "Exhibit 8".

Section A.3., page 5, has been changed to read as follows:

3. Provide the required information ~~a list of all general and limited partners, officers, directors and shareholders for the Applicant and each Developer as of the Application Deadline~~ behind a the tab labeled "Exhibit 9". This list must include warrant holders and/or option holders of the proposed Development.

Section A.4., page 5, has been changed to read as follows:

4. Enter requested information for Contact Person. See definition of "Contact Person" in the applicable Rule.

Section B, first paragraph, page 5, has been changed to read as follows:

The past performance record of the development team, which consists of Developer, Management Agent, General Contractor, Architect/Engineer, Attorney and Accountant, e.g. i.e., failure to place-in-service a development or project which received a housing credit allocation; failure to comply with previously executed loan documents; failure to comply with Program Rules; failure to comply with Section 42; and/or failure to comply with a the Land Use Restriction Agreement or an the Extended Use Agreement, will be verified during credit underwriting. Development teams with an unsatisfactory past performance record may will receive a negative recommendation from the Credit Underwriter. The past experience record of the development team, which consists of Developer, Management Agent, General Contractor, Architect/Engineer, Attorney and Accountant, will be carefully reviewed.

Section B.1., page 5, has been changed to read as follows:

1. Developer or principal(s) of Developer (Threshold)

a. Provide name of Developer

b.a. Certification – Provide the completed Developer or Principal(s) of Developer Certification Form behind a tab labeled "Exhibit 10". A separate certification should be provided for each Co-Developer.

c.b. Prior Experience Chart – The Developer or principal(s) of Developer must demonstrate experience in the completion of at least two affordable housing developments of similar magnitude by providing a prior experience chart behind a tab labeled "Exhibit 10". The chart must include that includes the following information:

Section B.2.b., page 5, has been changed to read as follows:

Prior Experience Chart – The Management Agent or principal(s) of Management Agent must demonstrate experience in the management of at least two affordable housing properties of similar magnitude for at least two years ~~of similar magnitude~~ by providing a prior experience chart behind a tab labeled "Exhibit 11". The chart must include that includes the following information:

Section B.3.b., page 6, has been changed to read as follows:

Prior Experience Chart – The General Contractor or principal(s) of General Contractor must demonstrate experience in the construction of at least two completed housing developments of similar magnitude, development category, and design type as the proposed Development by providing a prior experience chart behind a tab labeled "Exhibit 12". The chart must include that includes the following information:

Section B.7., last paragraph, page 7, has been changed to read as follows:

~~Upon notification by the Credit Underwriter, Applicant must immediately provide financial statements for each guarantor for each of the past three years. The financial statements must be prepared and certified as accurately representing the guarantors' financial condition. If audited statements are unavailable for each proposed guarantor, unaudited financial statements and federal tax returns for the past three years must be provided. These will be reviewed by the Credit Underwriter for several purposes, including determination of sufficient financial liquidity. If it is determined in credit underwriting that the proposed guarantors do not demonstrate sufficient financial liquidity, the Credit Underwriter may require additional guarantors or other additional security.~~

Part III., Development.

Section A.1., page 7, has been changed to read as follows: Provide the actual trade or marketing name, and, if applicable, ~~the d/b/a~~ a name of for the Development.

Section A.2.a., page 7, has been changed to read as follows: Provide the State Address as defined in the applicable rule.

Item A.2.b., second paragraph, page 7, has been changed to read as follows:

Geographic distribution by targeted areas (Applicants SAIL Developments applying for SAIL with or without other FHFC funding Only – Maximum 2 points). The following counties have a demonstrated need for affordable housing, but no development in these counties has ever received SAIL funds: Bay, Citrus, Leon, Nassau, Okaloosa, Okeechobee, St. Lucie and Santa Rosa. If the proposed Development is located in one of these counties, the ~~SAIL~~ Application will be awarded 2 points. The Development can be located anywhere in the county, not just in the unincorporated area.

Section A.2.d.(1)(a), page 7, has been changed to read as follows:

In order to be classified as a Development located in a Difficult Development Area (DDA), the proposed Development must be located in one of the areas found on the DDA list compiled by the United States Department of Housing and Urban Development. The current listing is available on Florida Housing's website: www.floridahousing.org. ~~No other areas will be considered DDAs for purposes of this Application.~~

Section A.2.d.(1)(b), last sentence, page 8, has been changed to read as follows:

If applicable, provide a copy of ~~a~~ the letter from the local planning officer or census bureau verifying the Development's location in the referenced QCT behind a tab labeled "Exhibit 18".

Section A.3., last sentence, page 8, has been changed to read as follows:

However, the acquisition costs and sources must still be reflected on the Development Cost pro forma.

Section A.6., page 8, has been changed to read as follows:

State the total number of units in the proposed Development. Note:

FHFC-issued MMRB Developments may not exceed ~~are limited to~~ 400 total units.

Section A.7., first sentence, page 8, has been changed to read as follows:

Provide a short narrative description of the Development which summarizes the scope of work to be performed and which further conveys any unique or unusual characteristics of the Development not provided elsewhere in the Application.

Section A.8., page 8, has been changed as follows:

Complete the chart. All units in the Development must be listed, including all manager/employee units. Number of baths per unit must indicate 1/2 baths, if applicable. ~~Floor space means the interior space that is heated and cooled.~~ Use additional sheets if necessary.

Section A.9., first sentence, page 9, has been changed to read as follows:

Indicate whether the proposed Development has been underwritten previously by any Credit Underwriter ~~acting~~ on behalf of Florida Housing Finance Corporation.

Section A.10., first sentence of the first paragraph, page 9, has been changed to read as follows:

Indicate the sStatus of the new construction or Rehabilitation/Substantial Rehabilitation work.

Section A.11., page 9, has been deleted in its entirety and a new Section A.11. has been added to read as follows:

To be eligible for tie-breaker points, the Applicant must indicate the proximity of the proposed Development to:

- Services; and
- Development Address or location coordinates identified on the FHFC Development Proximity List serving the same demographic group as the proposed Development.

To determine proximity, the Applicant must first identify a Tie-Breaker Measurement Point on the proposed Development site and provide the latitude and longitude coordinates determined in degrees and minutes truncated after three decimals. If the minutes are not stated to three decimals, Florida Housing will utilize "0" for any missing decimals. The Surveyor Certification Form and a land survey map (no larger than 11" x 17") must be provided behind a tab labeled "Exhibit 21". The map must clearly show the boundaries of the proposed Development site, the location of the latitude/longitude coordinates for the Tie-Breaker Measurement Point on the proposed Development site, and the scale of the map.

a. Proximity to services (Maximum 3.75 tie-breaker points): Utilizing Street Atlas USA, version 9.0, published by DeLorme, measure the distance from the Tie-Breaker Measurement Point to the following service(s). If an Address for the service(s) is not included on Street Atlas USA, Version 9.0, the latitude and longitude coordinates must be stated (in degrees and minutes truncated after three decimals) on the Surveyor Certification Form and provided behind a tab labeled "Exhibit 21". The latitude and longitude coordinates must be located at the main entrance used by the general public.

If an Applicant concludes upon entering an Address for a service (Grocery Store, Public School or Medical Facility) into the Street Atlas USA, Version 9, software that the software fails to identify a location that is on a service site, the Applicant may provide evidence of the inaccuracy, as applicable, at Exhibit 21 of the Universal Application Package or within a Notice of Possible Scoring Error or within a Notice of Alleged Deficiency for consideration by Florida Housing. At a minimum, the evidence must contain a certification from a Florida licensed surveyor, not related to any party of the Applicant, which states: (1) the name of the service in question; (2) that the Street Atlas USA, Version 9, software fails to identify a location that is on the service site upon entering the service's Address; and (3) the correct latitude and longitude coordinates (minutes taken to a minimum of three

decimal places) for the respective service. The surveyor's certification must be signed and dated by the surveyor under oath.

To be considered for tie-breaker points in this Application, the grocery store, public school or medical facility, and public bus stop or metro-rail stop must be in existence and available for use by the general public as of the Application Deadline.

(1) Name and Address as assigned by the United States Postal Service of the closest:

(a) Grocery Store – For purposes of tie-breaker points, a grocery store means a self-service retail market that sells food and household goods and has at least 4,500 square feet of air conditioned space.

(b) Public School – For purposes of tie-breaker points, a public school means a public elementary, middle, junior and/or high school, including a charter school, except that a charter school that is not generally available to appropriately aged children in the radius area may not be counted. This service may not be selected if the Applicant selected Elderly in the Demographic or Area Commitment section of this Application.

(c) Medical Facility – For purposes of tie-breaker points, a medical facility means a hospital, state or county health clinic or walk-in clinic (that does not require a prior appointment) that provides general medical treatment or general surgical services on a daily basis to any physically sick or injured person. This service can be selected only if the Applicant selected Elderly in the Demographic or Area Commitment section of this Application.

Applicant must provide both the name and Address as assigned by the United States Postal Service for the selected service(s).

(2) Location of the closest public bus stop or metro-rail stop. The latitude and longitude coordinates must be stated (in degrees and minutes truncated after three decimals) on the Surveyor Certification Form and provided behind a tab labeled "Exhibit 21".

b. Proximity to the closest Development Address or location coordinates identified on the FHFC Development Proximity List (Maximum 3.75 tie breaker points):

The FHFC Development Proximity List is incorporated by reference and is available on FHFC's website www.floridahousing.org.

Utilizing the location coordinates, if stated on the FHFC Development Proximity List, or if the location coordinates are not stated, using the Address on the FHFC Development Proximity List, determine the closest Development Address or location coordinates that will serve the same demographic group as the proposed Development, i.e., "Elderly", "Farmworker/Commercial Fishing Worker", "Homeless", or "Other", regardless of the funding source, as identified on the FHFC Development Proximity List. For purposes of this section, the demographic group of a proposed Development is "Other" if the Applicant did not select Elderly,

Farmworker/Commercial Fishing Worker, or Homeless in the Demographic Group or Area Commitment section of this Application.

The Applicant must state the name of the closest Development included on the FHFC Development Proximity List that serves the same demographic group as the proposed Development. If the closest Development serving the same demographic group consists of several Addresses or location coordinates, the Address or location coordinates closest to the proposed Development site must be stated. Applicants are only permitted to utilize the Address or location coordinates set forth on the FHFC Development Proximity List unless evidence is provided of an inaccuracy.

In determining the distance between a proposed Development's Tie Breaker Measurement Point and a Development listed on the FHFC Development Proximity List, it is the Applicant's responsibility to verify for the Development listed on the FHFC Development Proximity List, as applicable, that the FHFC provided location coordinates are on the Development site or that the Street Atlas USA, Version 9, software correctly identifies a location on the Development site when the Development's location coordinates or Address is entered.

If, for a Development on the FHFC Development Proximity List, an Applicant concludes that the FHFC provided location coordinates for a Development are not on the Development site, or upon entering the Development's Address or location coordinates into Street Atlas USA, Version 9, that the software fails to identify a location that is on the Development site, the Applicant may provide evidence of the inaccuracy, as applicable, at Exhibit 21 of the Universal Application Package or within a Notice of Possible Scoring Error or within a Notice of Alleged Deficiency for consideration by Florida Housing. At a minimum, the evidence must contain a certification from a Florida licensed surveyor, not related to any party of the Applicant, which states: (1) the name of the Development in question; (2) that the FHFC provided location coordinates for the Development are not on the Development site or that the Street Atlas USA, Version 9, software fails to identify a location that is on the Development site upon entering either the Development's Address or location coordinates; and (3) the correct latitude and longitude coordinates (minutes taken to a minimum of three decimal places) for the respective site. The surveyor's certification must be signed and dated by the surveyor under oath.

An Applicant may disregard any Development on the FHFC Development Proximity List that is contiguous to the proposed Development if the two Developments have the same Financial Beneficiaries.

Florida Housing may verify the above information utilizing "Street Atlas USA Version 9.0" or other relevant information available to Florida Housing for such verification. Tie-breaker points will be added together to determine the total

proximity tie-breaker points. If necessary, the total proximity tie-breaker points will be used as a tie breaker, as described in the Ranking and Selection Criteria Section of these Instructions.

The following examples are provided to demonstrate the procedure Florida Housing may use to verify the distance from a proposed Development's Tie-Breaker Measurement Point to a service.

Example 1: An Applicant has indicated that a grocery store is within one mile of the proposed Development's Tie-Breaker Measurement Point and was awarded 1.25 tie-breaker points during preliminary scoring. The Applicant provided the Surveyor Certification Form stating the location coordinates for the grocery store. Florida Housing received a Notice of Possible Scoring Error (NOPSE) that alleged that the grocery store is actually 1.05 miles from the proposed Development's Tie-Breaker Measurement Point. The NOPSE does not challenge the location coordinates for the proposed Development's Tie-Breaker Measurement Point or for the grocery store.

Florida Housing will use the Street Atlas USA, Version 9, in making its determination of whether the grocery store is within one mile or less of the proposed Development's Tie-Breaker Measurement Point. The following steps will be used:

(1) Using "Locate by Latitude/Longitude" under "Find" on the menu bar, the location coordinates for the proposed Development's Tie-Breaker Measurement Point will be entered. Once entered, the software will automatically present a map on the computer monitor's screen depicting the location coordinates by a "+" sign.

(2) The location coordinates will then be marked on the map by pressing the right button on the computer's mouse and choosing "Lat/Lon Note".

(3) The "F10" key will be pressed to display the Drawing Palette features of the software. Using the features, a circle with a radius of one mile will be drawn that has the proposed Development's Tie-Breaker Measurement Point as its center. The "Circle Properties" will be set so the line is drawn at medium width.

(4) Using "Locate by Latitude/Longitude" under "Find" on the menu bar, the location coordinates for the grocery store will be entered. Once entered, the software will automatically present a map on the computer monitor's screen depicting the location coordinates by a "+" sign.

(5) The grocery store's location coordinates will then be marked on the map by pressing the right button on the computer's mouse and choosing "Lat/Lon Note".

(6) If the grocery store's depicted location is clearly within the drawn circle, Florida Housing will conclude the grocery store is within one mile or less the proposed Development's Tie-Breaker Measurement Point and no adjustment to the Application's tie-breaker score will be made for this issue. If

the grocery store's depicted location appears to be on the line of the circle, using the cursor and the mouse, the grocery store's depicted location will be centered on the screen and using the zooming features of the software, the grocery store's depicted location will be zoomed in as far as possible. In the event the grocery store's depicted location on the computer screen appears to the human eye to be on the drawn line of the circle, it will be concluded that the grocery store is within one mile or less of the proposed Development's Tie-Breaker Measurement Point and no adjustment will be made to the Application's tie-breaker score for this issue. If the grocery store's depicted location is outside the drawn line of the circle but within 2 miles of the proposed Development's Tie-Breaker Measurement Point, the Application's tie-breaker score will be reduced from 1.25 tie-breaker points to 1 tie-breaker point. Applicants are cautioned that a depicted location may appear to be on the line of a circle when the map is not zoomed all the way in, but when the map is zoomed all the way in, the depicted location is outside the line of the circle.

Example 2: This example is the same as the one above except the Applicant provided an Address for the grocery store.

Using the Street Atlas USA, Version 9, Florida Housing will make a determination of whether or not the grocery store is within one mile of the proposed Development's Tie-Breaker Measurement Point using the following steps:

(1) Using "Locate by Latitude/Longitude" under "Find" on the menu bar, the location coordinates for the proposed Development's Tie-Breaker Measurement Point will be entered. Once entered, the software will automatically present a map on the computer monitor's screen depicting the location coordinates by a "+" sign.

(2) The location coordinates will then be marked on the map by pressing the right button on the computer's mouse and choosing "Lat/Lon Note".

(3) The "F10" key will be pressed to display the Drawing Palette features of the software. Using the features, a circle with a radius of one mile will be drawn that has the proposed Development's Tie-Breaker Measurement Point as its center. The "Circle Properties" will be set so the line is drawn at medium width.

(4) Using "Locate by Address" under "Find" on the menu bar with the options set to "very small" and "circle", the grocery store's Address will be entered and the "Search" icon depressed using the left button of the computer mouse.

(5) The software will then display the grocery store's Address as a small black dot on a map on the computer screen.

(6) If the black dot which depicts the grocery store's Address is clearly within the drawn circle, Florida Housing will conclude the grocery store is within one mile or less the proposed Development's Tie Breaker Measurement Point and no adjustment to the Application's tie-breaker score will be made for this issue. If the black dot depicting the grocery store's Address appears to be touching the line of the circle,

using the cursor and the mouse, the black dot depicting the grocery store's Address will be centered on the screen and using the zooming features of the software, the black dot depicting the grocery store's Address will be zoomed in as far as possible. In the event, the black dot depicting the grocery store's Address on the computer screen appears to the human eye to be touching the drawn line of the circle, it will be concluded that the grocery store is within one mile or less of the proposed Development's Tie-Breaker Measurement Point and no adjustment will be made to the Application's tie-breaker score for this issue. If the black dot depicting the grocery store's Address is outside the drawn line of the circle and is not touching the line of the circle but is within two miles of the proposed Development's Tie-Breaker Measurement Point, the Application's tie-breaker score will be reduced from 1.25 tie-breaker points to 1 tie-breaker point. Applicants are cautioned that a black dot depicting a location may appear to be touching the line of a circle when the map is not zoomed all the way in, but when the map is zoomed all the way in, the black dot is outside the line of the circle and is not touching the line of the circle.

The above examples do not limit Florida Housing from using other means of verification and determination.

Section B., first paragraph, page 11, has been changed to read as follows:

All required features and amenities, as well as all optional features and amenities selected by the Applicant, will be included in the Land Use Restriction Agreement(s) and/or Extended Use Agreement and must be maintained in order for the Development to remain in compliance unless the Board approves a change.

Section B.1., second paragraph, page 11, has been changed to read as follows:

Indicate whether Applicant commits to provide all required features and amenities for the proposed Development. Applicant must select "yes" to be considered for participation in any ~~P~~program.

Section B.2., first and second paragraphs, page 12, have been changed to read as follows:

All items selected must be located on the Development property. Selecting these items commits the Applicant to provide them, unless the Board approves a change. Points will be awarded as indicated for each item up to the maximum allowed for each particular section, as indicated below.

The point value for each feature and amenity selected by the Applicant in the Optional Features and Amenities section of the Application at Part II, Section B.2.a., b., c. and/or d. will be doubled if the proposed Development:

Section B.2., a new third paragraph, has been included which reads as follows:

Rehabilitation/Substantial Rehabilitation Developments will automatically receive 2 points for Energy Conservation Features and may achieve a maximum of 9 points by selecting items totaling at least 7 points.

Section C.2.a., page 12, has been changed to read as follows:

A qualified contract is one that has a term which does not expire before the last expected closing date of December 31, 2002 or that contains extensions options exercisable by the purchaser and conditioned solely upon payment of additional monies which, if exercised, would extend the term to a date not earlier than December 31, 2002; provides that the buyer's remedy for default on the part of the seller includes or is specific performance; and the buyer MUST be the Applicant unless a fully executed assignment of the qualified contract which assigns all of the buyer's rights, title and interests in the qualified contract to the Applicant, is provided.

Section C.3., third paragraph, page 13, has been changed to read as follows:

Evidence of availability of electricity must be provided behind a tab labeled "Exhibit 24". Evidence of availability of water must be provided behind a tab labeled "Exhibit 25". Evidence of availability of sewer, package treatment or septic tank must be provided behind a tab labeled "Exhibit 26". Evidence of availability of roads must be provided behind a tab labeled "Exhibit 27".

Section C.4., first sentence, page 13, has been changed to read as follows:

To demonstrate that the proposed Development site is appropriately zoned and consistent with local land use regulations regarding density and intended use or that the proposed Development site is legally non-conforming, the Applicant must provide the appropriate verification form behind a tab labeled "Exhibit 28".

Section C.5., last paragraph, page 14, has been changed to read as follows:

Note: If the Phase I ESA and/or the Phase II ESA disclosed environmental problems requiring remediation, a plan, including time frame and cost, for the remediation is required. By answering the applicable questions and executing the Phase I and/or Phase II verification(s), the environmental provider is certifying that such plan has been prepared. In addition, by executing the Applicant Certification and Acknowledgement Form ~~at Part V of this Application~~, the Applicant certifies that the plan has been prepared and the costs associated with such remediation have been included in the Development Ceost pro forma submitted in this Application.

Section D, Targeting, page 14, has been changed to read as follows:

Demographic or Area Commitment Targeting (Maximum 7 Points):

~~In accordance with the SAIL and MMRB NOFAs and the HC NOCA, allocation of funds will be prioritized based on specific targeting goals.~~

Selection of the Elderly, Farmworker/Commercial Fishing Worker, or Homeless targeting commitment will be included in the Land Use Restriction Agreement(s) and/or Extended Use Agreement and must be maintained in order for the Development to remain in compliance, unless the Board approves a change.

Applicants may select only one of the following: targeting category from Items 1 through 9 below.

Section D.1., first paragraph, page 15, has been changed to read as follows:

Florida Keys Area (MMRB, SAIL and HC Applicants may make this selection ~~select this targeting category~~) – ~~Maximum~~ 7 Points

Section D.2., page 15, has been changed to read as follows:

Rural Development (Only HC Applicants may make this selection ~~select this targeting category~~) – ~~Maximum~~ 5 Points

Applicant may make this selection ~~select this option~~ if it is anticipated that the Development will be assisted with funds from the United States U.S. Department of Agriculture RD 515 or 514/516 Program. Applicant must check the applicable box. By making this selection ~~selecting this option~~, the Applicant chooses to compete within the Rural Development Special Sset-Aaside. Applicants within this Special Sset-Aaside must provide evidence of RD financing by October 1, 2002 or the reserved funds will be distributed outside the RD Special Sset-Aaside in accordance with the QAP. Applicants without an RD funding commitment at the time of Application Deadline must submit alternative financing commitment(s) to qualify ~~for the set aside~~ during scoring. Such commitment(s) may be replaced during credit underwriting.

Section D.3., first three paragraphs, page 15, have been changed to read as follows:

Elderly (MMRB, SAIL and HC Applicants may make this selection ~~select this targeting category~~) – ~~Maximum~~ 5 Points

SAIL Applicants making this selection will compete in the SAIL ~~are eligible to receive points for selecting Elderly Targeting only if the Elderly Special Categorical Set-Aside for the Elderly Categorical Set-Aside funds was selected in this Application.~~

In order for a proposed Development to be classified as Elderly ~~for purposes of this targeting category~~, the Development must meet all of the following restrictions:

Section D.3.a. through c., page 15, have been changed to read as follows:

a. Applicant understands, acknowledges and agrees that ~~by applying under this targeting category~~, it will comply with the Federal Fair Housing Act requirements and rent at least 80% of the total units to residents that qualify as Elderly pursuant to that Act. Further, Applicant understands, acknowledges and

agrees that all such units are subject to the income restrictions committed to in the Set-Aside Commitment section Part II, Section E of this Application;

b. The Development cannot consist of more than 160 total units, unless the proposed Development is a rehabilitation of an existing elderly housing facility;

c. At least 50% of the total units must be comprised of one bedroom and no more than 15% of the total units can be larger than 2 bedroom;

Section D.3.e., page 16, has been changed to read as follows:

A minimum of one elevator per residential building must be provided for all nNew cConstruction Developments that consist of more than one story if any of the Elderly set-aside units will be located on a floor higher than the first floor.

Section D.3.f., first paragraph, page 16, has been changed to read as follows:

The Applicant must provide the following features in the specified percentages of all units in nNew cConstruction (NC) and Rehabilitation/Substantial Rehabilitation (SR) Developments. Features required in less than 100% of the units must be provided in the same units so that the designated number/ percentage of units is fully useable by handicapped or frail Elderly hHouseholds.

Section D.4., first three paragraphs and Item a., page 17, have been changed to read as follows:

Farmworker or Commercial Fishing Worker (MMRB, SAIL and HC Applicants may make this selection ~~select this targeting category~~) – ~~Maximum~~ 5 Points

SAIL Applicants making this selection will compete in the SAIL ~~are eligible to receive points for selecting Farmworker or Commercial Fishing Worker Targeting only if the Farmworker or Commercial Fishing Worker Special Categorical Set-Aside for Farmworker or Commercial Fishing Worker Categorical Set-Aside funds was selected in this Application.~~

In order for a proposed Development to be classified as Farmworker or Commercial Fishing Worker ~~for purposes of this targeting category~~, the Development must meet all of the following requirements:

a. Development cannot have more than 160 total units and Applicant must commit to target not less than 40% of the total units for Farmworker or Commercial Fishing Worker Households.

Section D.5., first three paragraphs and Items a. through c., page 17, have been changed to read as follows:

Homeless (MMRB, SAIL and HC Applicants may make this selection ~~select this targeting category~~) – ~~Maximum~~ 5 Points

SAIL Applicants making this selection will compete in the SAIL ~~are eligible to receive points for selecting Homeless Targeting only if the Homeless Special Categorical Set-Aside for the Homeless Categorical Set-Aside funds was selected in this Application.~~

In order for a proposed Development to be classified as Homeless ~~for purposes of this targeting category~~, the Development must meet the following requirements:

a. SRO Developments must commit to rent not less than target 80% of the total units ~~to for~~ Homeless Households and must have selected the SRO Construction Features and Amenities in ~~Part II, Section B.2.d.~~, of this Application; or

b. Non-SRO Developments must commit to rent not less than target 80% of the total units for Homeless Households; and

c. ~~All~~ Applicants ~~selecting Homeless Targeting~~ must provide the properly completed and executed Verification of Inclusion in Local Homeless Assistance Continuum of Care Plan by Lead Agency Form behind a tab labeled "Exhibit 31".

~~In addition, If~~ no Local Homeless Assistance Continuum of Care Plan exists for the Catchment Area in which the proposed Development is located, a needs analysis demonstrating the local need for such housing must be provided behind a tab labeled "Exhibit 31".

Section D.6., page 18, has been changed to read as follows:

Urban In-Fill Development (MMRB, SAIL and HC Applicants may make this selection ~~select this targeting category~~) – ~~Maximum~~ 5 Points

In order for a proposed Development to be classified as an Urban In-Fill Development ~~for purposes of this targeting category~~, the Applicant must provide a properly completed and executed Local Government Verification of Qualification as Urban In-Fill Development Form behind a tab labeled "Exhibit 31".

Section D.7., page 18, has been changed to read as follows:

Large Family Development (MMRB, SAIL and HC Applicants may make this selection ~~select this targeting category~~) – ~~Maximum~~ 5 Points

To be eligible to receive points ~~for purposes of this targeting category~~, the Applicant commits to accommodate large families within the set aside units by providing 30% or more of the set-aside units with three or more bedrooms.

Section D.8., page 18, has been changed to read as follows:

HOPE VI Development (MMRB, SAIL and HC Applicants may make this selection ~~select this targeting category~~) – ~~Maximum~~ 5 Points

In order for a proposed Development to be classified as a HOPE VI Development ~~for purposes of this targeting category~~, the Applicant must provide a copy of the properly executed award letter from HUD, awarding the HOPE VI revitalization funds. The letter must state the amount of the HOPE VI revitalization award and the name of the Development, and must be provided behind a tab labeled "Exhibit 31".

Section D.9., page 18, has been changed to read as follows:

Front Porch Florida Community (MMRB Applicants may not make this selection ~~select this targeting category~~) – ~~Maximum~~ 5 Points

In order for a proposed Development to be classified as located in a Front Porch Florida Community ~~for purposes of this targeting category~~, the Applicant must provide a properly completed and executed Verification of Front Porch Florida Funding Commitment Form behind a tab labeled "Exhibit 31".

Note: The telephone number for the Office of Urban Opportunity ~~Front Porch Florida~~ is (850)487-9556.

Section E., first and second paragraphs, page 19, have been changed to read as follows:

All set-aside commitments ~~made on this form~~ will be included in the Land Use Restriction Agreement(s) and/or Extended Use Agreement, and must be maintained in order for the Development to remain in compliance, unless the Board approves a change.

If there is an inconsistency between the information submitted as minimum set-aside section and the information stated in the total set-aside commitment section of this Application, the percentage(s) stated as the total set-aside commitment section ~~to set aside units beyond the minimum~~ will be considered the Applicant's set-aside commitment.

Section E.1., page 19, has been deleted in its entirety.

Section E.2., has been renumbered as Section E.1. and the second paragraph has been changed to read as follows:

HC Applicants Note: Choosing the 20% at 50% AMI or less minimum set-aside will restrict ALL set-aside units at 50% or less of the AMI pursuant to IRS regulations. Applicants may choose the 40% at 60% AMI or less minimum set-aside without committing to setting aside any of the units at the 60% AMI level. For example, an Applicant may commit to setting aside 40% at 50% AMI and this would also be considered 40% at 60% AMI or less.

Section E.1., third paragraph, second bullet, page 20, has been changed to read as follows:

For purposes of meeting threshold requirements of this Application only, "scheduled" shall mean:

The Application is one Applicant has submitted Application for both SAIL and HC; or

The Applicant includes evidence within its Application that the Development has a firm commitment, as determined by Florida Housing after scoring the Financing portion of this Application, for 50% or more of its financing from tax-exempt private activity bonds.

Section E.3., has been renumbered as Section E.2. and the first, second and third paragraphs, page 21, have been changed to read as follows:

Commitment to Serve Lower Area Median Income (~~Maximum~~ 5 Points)

Percentage chosen must be the same for all programs applied for in this Application. Where reasonably reasonable possible, Applicants should keep the unit mix consistent to each AMI level committed to.

Points will be awarded for a commitment to set-aside units beyond the minimum set-aside, with the following exceptions:

- Applications for developments that will be funded with Local Government issued tax-exempt bonds that are only requesting non-competitive HC will automatically receive 5 points; and
- Applications for Developments located in Locations B, C or D which are requesting FHFC-issued MMRB without SAIL and with/without non-competitive HC will automatically receive 5 points.

Section E.2., Location A, page 21, has been changed to read as follows:

First bullet under “Threshold requirement:”:

-Applicants requesting Competitive HC ~~out of the allocation authority (competitive credits)~~ must commit to set-aside 100% of the Development’s units at 50% AMI or less.

First and second paragraphs under “To earn 5 points:”, page 22, have been changed to read as follows:

-Applicants requesting Competitive HC housing credits ~~out of the allocation authority~~ must at a minimum commit to set-aside: all units, no units above 50% AMI, no more than 95% of the Development’s units at 50% AMI and no less than 5% of the units at 40% AMI or less.

-Applicants requesting Competitive HC housing credits ~~out of the allocation authority~~ and SAIL must at a minimum commit to set-aside: all units, no units above 50% AMI, no more than 88% of the Development’s units at 50% AMI and no less than 12% of the units at 40% AMI or less.

-Applicants requesting only MMRB or only SAIL must at a minimum commit to set-aside the threshold requirement of 50% of the Development’s units at 50% AMI or less.

-Applicants requesting MMRB and SAIL must at a minimum commit to set-aside 60% of the Development’s units at 50% AMI or less.

An Applicant may commit to deeper targeting but must at least meet the minimums stated above to be awarded the 5 points. For example, an Applicant requesting Competitive HC and SAIL that committed 85% of a Development’s units at 50% AMI or less and 15% of its units at 35% AMI or less would earn five points because it met the minimum five-point requirement. The same Applicant would not earn five points if it committed to do 90% of the Development’s units at 50% AMI or less and 10% of the units at 30% AMI.

Section E.2., Location A Summary chart, page 22, has been changed to read as follows:

Location A Summary

Program(s) applying for	Location A				
	% of units @ 30% AMI or less	% of units @ 35% AMI or less	% of units @ 40% AMI or less		% of units @ 50% AMI or less
<u>Competitive HC ONLY</u> (out of the allocation authority)	na	na	5	and	95
<u>Competitive HC</u> (out of the allocation authority) with SAIL	na	na	12	and	88
<u>SAIL ONLY</u> without <u>Competitive HC</u> , FHFC bonds or local bonds	na	na	na		50
FHFC bonds with or without <u>non-competitive HC 4% credits ONLY</u>	na	na	na		50
FHFC or local bonds with SAIL	na	na	na		60
<u>non-competitive HC ONLY</u>	na	na	na		na

Section E.2., Location B, first and second paragraphs under “To earn 5 points:”, page 23, have been changed to read as follows:

-Applicants requesting Competitive HC housing credits ~~out of the allocation authority~~ must at a minimum commit to set-aside either: 15% of the Development’s units at 30% AMI or less, 20% of the Development’s units at 35% AMI or less, 27% of the Development’s units at 40% AMI or less, or 56% of the Development’s units at 50% AMI or less.

-Applicants requesting Competitive HC housing credits ~~out of the allocation authority~~ and SAIL must at a minimum commit to set-aside either: 19% of the Development’s units at 30% AMI or less, 25% of the Development’s units at 35% AMI or less, 34% of the Development’s units at 40% AMI or less, or 72% of the Development’s units at 50% AMI or less.

-Applicants requesting only ~~MMRB or only~~ SAIL must at a minimum commit to set-aside either: 8% of the Development’s units at 30% AMI or less, 10% of the Development’s units at 35% AMI or less, 14% of the Development’s units at 40% AMI or less, or 30% of the Development’s units at 50% AMI or less.

-Applicants requesting MMRB and SAIL must at a minimum commit to set-aside either: ~~4% 44%~~ of the Development’s units at 30% AMI or less, ~~6% 44%~~ of the

Development's units at 35% AMI or less, ~~9%~~ 19% of the Development's units at 40% AMI or less, or ~~20%~~ 40% of the Development's units at 50% AMI or less.

An Applicant may commit to deeper targeting but must at least meet the minimums stated above to be awarded the 5 points. For example, an Applicant requesting Competitive HC and SAIL that committed 5% of a Development's units at 30% AMI or less and 20% of its units at 35% AMI or less would earn five points because it met the minimum five-point requirement of 25% of the units at 35% AMI or less.

Section E.2., Location B Summary chart, page 23, has been changed to read as follows:

Location B Summary

Program(s) applying for	Location B			
	% of units @ 30% AMI or less	% of units @ 35% AMI or less	% of units @ 40% AMI or less	% of units @ 50% AMI or less
<u>Competitive HC ONLY</u> (out of allocation authority)	15	20	27	56
<u>Competitive HC</u> (out of the allocation authority) with SAIL	19	25	34	72
SAIL ONLY without <u>Competitive HC</u> , FHFC bonds or local bonds	8	10	14	30
FHFC bonds with or without <u>non-competitive HC 4% credits ONLY</u>	na <u>8</u>	na <u>10</u>	na <u>14</u>	na <u>30</u>
FHFC or local bonds with SAIL	4 <u>14</u>	6 <u>14</u>	9 <u>19</u>	20 <u>40</u>
<u>non-competitive HC ONLY</u>	na	na	na	na

Section E.2., Location C, first and second paragraphs under "To earn 5 points:", page 24, have been changed to read as follows:

-Applicants requesting Competitive HC ~~housing credits out of the allocation authority~~ must at a minimum commit to set-aside either: 7% of the Development's units at 30% AMI or less, 9% of the Development's units at 35% AMI or less, 12% of the Development's units at 40% AMI or less, or 26% of the Development's units at 50% AMI or less.

-Applicants requesting Competitive HC ~~housing credits out of the allocation authority~~ and SAIL must at a minimum commit to set-aside either: 11% of the Development's units at

30% AMI or less, 15% of the Development's units at 35% AMI or less, 20% of the Development's units at 40% AMI or less, or 43% of the Development's units at 50% AMI or less.

-Applicants requesting only ~~MMRB~~ or only SAIL must at a minimum commit to set-aside the minimum percentage of units at the minimum AMI or less for the program they ~~are~~ apply for.

-Applicants requesting MMRB and SAIL must at a minimum commit to set-aside the minimum percentage of units at the minimum AMI or less for the program they ~~are~~ apply for.

An Applicant may commit to deeper targeting but must at least meet the minimums stated above to be awarded the 5 points. For example, an Applicant requesting Competitive HC and SAIL that committed 5% of a Development's units at 30% AMI or less and 10% of its units at 35% AMI or less would earn five points because it met the minimum five-point requirement of 15% of the units at 35% AMI or less.

Section E.2., Location C Summary chart, page 24, has been changed to read as follows:

Location C Summary

Program(s) applying for	Location C			
	% of units @ 30% AMI or less	% of units @ 35% AMI or less	% of units @ 40% AMI or less	% of units @ 50% AMI or less
<u>Competitive HC ONLY</u> (out of the allocation authority)	7	9	12	26
<u>Competitive HC</u> (out of the allocation authority) with SAIL	11	15	20	43
SAIL ONLY without <u>Competitive HC</u> , FHFC bonds or local bonds	na	na	na	na
FHFC bonds with or without <u>non-competitive HC 4% credits ONLY</u>	na	na	na	na
FHFC or local bonds with SAIL	na	na	na	na
<u>non-competitive HC ONLY</u>	na	na	na	na

Section E.2., Location D, first and second paragraphs under "To earn 5 points:", page 25, have been changed to read as follows::

-Applicants requesting Competitive HC ~~housing credits out of the allocation authority~~ must at a minimum commit to set-aside either: 11% of the Development's units at 30% AMI or less, 15% of the Development's units at 35% AMI or less, 20% of the Development's units at 40% AMI or less, or 43% of the Development's units at 50% AMI or less.

-Applicants requesting Competitive HC housing credits out of the allocation authority and SAIL must at a minimum commit to set-aside either: 15% of the Development's units at 30% AMI or less, 20% of the Development's units at 35% AMI or less, 27% of the Development's units at 40% AMI or less, or 56% of the Development's units at 50% AMI or less.

-Applicants requesting only ~~MMRB or only~~ SAIL must at a minimum commit to set-aside the minimum percentage of units at the minimum AMI or less for the program they apply for.

-Applicants requesting MMRB and SAIL must at a minimum commit to set-aside either: 3% ~~6%~~ of the Development's units at 30% AMI or less, 4% ~~8%~~ of the Development's units at 35% AMI or less, 5% ~~10%~~ of the Development's units at 40% AMI or less, or 11% ~~22%~~ of the Development's units at 50% AMI or less.

An Applicant may commit to deeper targeting but must at least meet the minimums stated above to be awarded the 5 points. For example, an Applicant requesting Competitive HC and SAIL that committed 5% of a Development's units at 30% AMI or less and 15% of its units at 35% AMI or less would earn five points because it met the minimum five-point requirement of 20% of the units at 35% AMI or less.

Section E.2., Location D Summary chart, page 25, has been changed to read as follows:

Location D Summary

Program(s) applying for	Location D			
	% of units @ 30% AMI or less	% of units @ 35% AMI or less	% of units @ 40% AMI or less	% of units @ 50% AMI or less
<u>Competitive HC ONLY (out of the allocation authority)</u>	11	15	20	43
<u>Competitive HC (out of the allocation authority) with SAIL</u>	15	20	27	56
SAIL ONLY without <u>Competitive HC, FHFC bonds or local bonds</u>	na	na	na	na
FHFC bonds with or without <u>non-competitive HC 4% credits ONLY</u>	na	na	na	na
FHFC or local bonds with SAIL	<u>3 6</u>	<u>4 8</u>	<u>5 10</u>	<u>11 22</u>
<u>non-competitive HC ONLY</u>	na	na	na	na

The paragraph following the Location D Summary chart has been deleted as follows:

~~To be awarded 5 points, Applicants that received local tax exempt private activity bonds and are only applying for 4% credits must meet the same requirements as an Applicant applying for MMRB only.~~

Section E.4., page 26, has been renumbered as Section E.3. and the section has been changed to read as follows:

3.4. Total Set-Aside Commitment to Set-Aside Units Beyond the Minimum (Maximum 3 Points)

All Applicants must complete the chart. Points will be awarded if the Applicant commits to set-aside 70% or more of the total units at 60% AMI or less. Percentages should be whole numbers. MMRB total set-aside percentage (excluding any portion relating to non-competitive HC) should not exceed 85%. In the event an MMRB Applicant selects higher than 85%, the total set-aside percentage will be reduced to 85%. Applicants applying for MMRB and SAIL or Competitive HC and SAIL should complete both the combined program funding column and the MMRB or Competitive HC column, as applicable. In the event the Applicant is successful in receiving the MMRB or the Competitive HC, but not the SAIL, and the Applicant is able to demonstrate an alternative funding source within the time frame outlined in the Ranking and Selection Criteria section of these instructions, the Applicant's set-aside commitment will be the percentage(s) listed in the MMRB Only or Competitive or non-competitive HC Only column, as applicable.

Section E.5., page 26, has been renumbered as Section E.4.

Section F., first and second paragraphs, page 26, have been changed to read as follows:

Applicants may select resident programs from the Qualified Resident Programs for Non-Elderly and Non-Homeless Developments section, the Qualified Resident Programs for Homeless Developments – SRO and Non-SRO section, or the Qualified Resident Programs for Elderly Developments section ~~Item 1, 2 or 3~~, up to a maximum of 6 points. Programs in the Qualified Resident Programs for All Applicants section ~~Item 4~~ may be selected, up to a maximum of 8 points.

All resident programs selected by the Applicant will be included in the Land Use Restriction Agreement(s) and/or Extended Use Agreement and must be maintained in order for the Development to remain in compliance unless the Board approves a change.

Section F.1., first paragraph, page 26, has been changed to read as follows:

To be eligible to select resident programs from this category, Applicant cannot have selected committed to Elderly Targeting or Homeless in the Demographic or Area Commitment section of Targeting in this Application.

Section F.2., first and second paragraphs, page 28, have been changed to read as follows:

To be eligible to select resident programs from this category, Applicant must have selected ~~committed to~~ Homeless in the Demographic or Area Commitment section of Targeting in this Application.

Note: All Applicants selecting the committing to Homeless demographic commitment Targeting in this Application will be required to provide a Service Coordination Program whereby the Applicant or its Management Agent must provide, at no cost to the resident, a service coordinator (at least one for every 25 residents) whose activities are aimed at assessing resident needs, planning services, linking the service system to a resident, coordinating the various system components, monitoring service delivery, and evaluating the effect of service delivery. Service Coordinators must possess at least a bachelor's degree in human services or a related field.

Section F.2.a.(2), page 29, has been changed to read as follows:

Daily Activities – Applicant or its Management Agent must provide on-site supervised, structured activities, at no cost to the resident at least 5 days per week. (3 points)

Section F.3., first paragraph, page 31, has been changed to read as follows:

To be eligible to select resident programs in this category, Applicant must have selected ~~committed to~~ Elderly in the Demographic or Area Commitment section of Targeting in this Application:

Section F.3.c., page 31, has been changed to read as follows:

Assistance with Light Housekeeping, Grocery Shopping and/or Laundry – ~~The Applicant or its Management Agent must provide weekly assistance with at least two of the following: (a) light housekeeping, and/or (b) grocery shopping, and/or (c) laundry.~~ The Applicant or its Management Agent will provide residents with a list of qualified service providers for (a) light housekeeping, and/or (b) grocery shopping, and/or (c) laundry ~~all three types of services~~ and will coordinate, at no cost to the resident, the scheduling and provision of services. (1 point)

Section F.3.f., page 32, has been deleted.

Section F.4.b., last sentence, page 32, has been changed to read as follows:

The goal here is to foster a sense of community by bringing residents together on a regularly scheduled basis by providing activities such as holiday and special occasion parties, community picnics, newsletters, children's special functions, etc. (2 points)

Section F.4.i., page 33, has been changed to read as follows:

Life Safety Training – The Applicant or its Management Agent must provide courses such as fire safety, first aide (including CPR), etc., on-site, at least twice each year, at no cost to the resident. (2 points)

Section F.4.j., page 33, has been deleted.

Section F.4.k., page 33, has been renumbered F.4.j.

Part IV., Local Government Support.

Section A. has been changed by the insertion of a new paragraph preceding the first paragraph on page 34. This paragraph has been deleted from the County Contribution List bullet on page 38.

To be eligible for 5 points, Applicants applying for Competitive HC with or without SAIL and Applicants applying for SAIL only without any tax-exempt bond financing must obtain a Local Government contribution equal to or greater than the amounts listed on the County Contribution List. All other Applicants will automatically receive 5 points without any requirement to obtain a Local Government contribution.

Section A., second to last sentence of first paragraph, page 34, has been changed to read as follows:

Local Government contributions that have not received final approval will not qualify as a Local Government contribution for purposes of this Application.

Section A., first sentence of the second paragraph, page 35, has been changed to read as follows:

The contribution may not be included on the Development Cost Pro Forma nor may it be considered part of Development ~~C~~ost for purposes of calculating HC basis or ~~D~~eveloper's fee.

Section A., first bullet, page 35, has been changed to read as follows:

- Calculate the net present value of the payments using the discount rate, the 10 year Treasury ~~note bond~~ in effect as of the date of the MMRB and SAIL Notices of Funding Availability (NOFA) and ~~or~~ HC Notice of Credit Availability (NOCA) plus 285 ~~245~~ basis points. This figure may be obtained from the Corporation prior to the Application Deadline.

Section A, second to last paragraph, page 35, has been changed to read as follows:

- Calculate the net present value of the loan payments using the discount rate, the 10 year Treasury ~~note bond~~ in effect as of the date of the MMRB and SAIL Notices of Funding Availability (NOFA) and ~~or~~ HC Notice of Credit Availability (NOCA) plus 285 ~~245~~ basis points. This figure may be obtained from the Corporation prior to the Application Deadline.

Section A, Scoring, first sentence of the first paragraph, page 36, has been changed to read as follows:

Local Government Contributions may be verified by Florida Housing Staff during the scoring and appeals process.

Section A., Scoring, second Note, page 37, has been changed to read as follows:

NOTE: For waiver of ~~impact~~ fees, attach a sheet behind the Local Government Verification of Contribution Form detailing how the amount of savings was calculated. For waivers of fees that are determined on a per unit basis ~~Where applicable~~, calculations should show for each waived fee, the amount waived per unit. Failure to attach a sheet showing these calculations ~~do so~~ will result in the contribution not being considered.

Section A, Scoring, last sentence of the third Note, page 37, has been changed to read as follows:

Failure to attach a sheet that provides this information will result in the contribution not being considered.

Section B., page 38, except the last paragraph, has been changed to read as follows:

B. Incentives (Maximum ~~4~~ 5 Points):

Points will be awarded for the following Local Government planning efforts: To be eligible to receive points, the Applicant must submit the applicable Local Government Verification of Affordable Housing Incentives Form(s), properly completed and executed. Do not provide any attachments to the verification forms.

1. ~~Affordable housing developments or properties for which the Local Government provided an expedited processing of permits. (1 point)~~ Provide the Local Government Verification of Affordable Housing Incentives – Expedited Permitting Process for Affordable Housing Form behind a tab labeled “Exhibit 36”. (1 point)

2. ~~Affordable housing developments or properties that have benefited or will benefit from any actual Local Government contributions. (1 point)~~ Provide the Local Government Verification of Affordable Housing Incentives – Contributions ~~Made~~ to Affordable Housing Properties or Developments Form behind a tab labeled “Exhibit 37”. (1 point)

3. ~~Modification of fee requirements, including reduction or waiver of fees and alternative methods of fee payment. (1 point)~~ Provide the Local Government Verification of Affordable Housing Incentives – Modification of Fee Requirements for Affordable Housing Properties or Developments Form behind the tab labeled “Exhibit 38”. (1 point)

4. ~~Ongoing formal process for consideration, before adoption, by the Local Government of the potential impact of policies, procedures, ordinances, regulations, or plan provisions upon affordable housing. (1 point)~~ Provide the Local Government Verification of Affordable Housing Incentives – Impact of Policies, Ordinances, Regulations, or Plan Provisions on Cost of Affordable Housing Properties or Developments Form behind the tab labeled “Exhibit 39”. (1 point)

~~To be eligible to receive points, the Applicant must submit the applicable Local Government Verification of Affordable Housing Incentives Form(s), properly completed and executed. Do not provide any attachments to the verification forms.~~

Part V. Financing.

Section A.1., page 40, has been changed by addition of a new third paragraph and deletion of the existing third paragraph as follows:

An Applicant requesting funding from both SAIL and Competitive HC will not be eligible for automatic Competitive HC that are to be awarded to Applicants in the SAIL Special Set-Aside unless the Applicant’s SAIL funding request amount is a minimum of 10% of Total Development Cost.

~~If a SAIL Applicant is requesting a loan in excess of 25% of total Development Cost, evidence of the Applicant’s eligibility must be provided behind a tab labeled “Exhibit 40” by the Application Deadline.~~

The “HC request cannot exceed:” chart and footnote, page 40, have been changed to read as follows:

County Group*	Maximum Request Amount if Development is not located in a DDA or OCT	Maximum Request Amount if Development is located in a DDA or OCT
LL Counties	\$1.7 Million	\$2,210,000
LS Counties	\$1.4 Million	\$1,820,000
ML Counties	\$1 Million	\$1,300,000
Florida Keys Area		The lesser of \$10,000 \$9,500 per set-aside unit or \$1,300,000
MS Counties	\$850,000	\$1,105,000
Small Counties	\$750,000	\$975,000

*County Groups are described ~~defined~~ in the Ranking and Selection Criteria, ~~Item 11~~

Section A., page 40, has been changed by the addition of a new Item 2 as follows:

2. SAIL ONLY – Indicate whether the Applicant is applying for a loan in excess of 25% of Total Development Cost. If the answer is “yes”, Applicant must indicate which of the eligibility requirements it has met that enables it to make such request and provide evidence of its eligibility behind a tab labeled “Exhibit 40”.

Section A.2., page 40, has been changed to read as follows:

~~3.2.~~ Other Corporation Funding – If applicable, Applicant must list any other FHFC funding, excluding credit enhancement financing from the Guarantee Fund or funding from the Predevelopment Loan Program (PLP), that will be used as a source of financing for this construction project. If Local Government-issued tax-exempt bond proceeds will be used as a source of financing, the source and amount of such proceeds must also be listed.

Section B., second sentence of Fee Disclosure bullet, page 41, has been changed to read as follows:

In the event the Developer fee and/or General Contractor fee are/is not disclosed on the Development Cost Pro Forma, Florida Housing will assume that these fees will be the maximum allowable and will add the maximum amount(s) to ~~T~~total Development Cost.

Section B., first paragraph of Developer Fees bullet, page 41, has been changed to read as follows:

Developer fee shall be limited to 16% of Development ~~C~~cost excluding land and building acquisition costs. A Developer fee on the building acquisition cost shall be limited to 4% of the cost of the building exclusive of land. A total Developer fee of 18% of Development ~~C~~cost, excluding land and building acquisition costs, shall be allowed if the proposed Development is qualified for Housing Credits pursuant to Rule 67-48.027, F.A.C., pertaining to Tax Exempt Bond-Financed Developments.

Section D., Tax-Exempt Bond Applicants Only, page 41, has been changed to read as follows:

Indicate the Credit Enhancer's or Bond Purchaser's name and the term and expected rating. Provide the Credit Enhancer's or Bond Purchaser's Commitment/Letter of Interest with a contact person's name, address and telephone number, credit underwriting standards and an outline of proposed terms behind a tab labeled "Exhibit 47". ~~The stated amount of the commitment or Letter of Interest shall not be less than the proposed principal amount of the Bonds (including any proposed Taxable Bonds).~~ In addition, if the Applicant will participate in the HUD Multifamily Risk Sharing Program, provide a copy of the completed and executed application, the completed Year 2002 HUD Multifamily Risk-Sharing Program Certification, and proof of payment of the requisite fee behind a tab labeled "Exhibit 47".

Section E., first bulleted item of the Firm Commitment bullet, page 42, has been changed to read as follows:

- A firm commitment must contain:
- Terms
- Interest rate
- Signature of all parties, including acceptance by the Applicant

Note: In order to be considered 'firm', Local Government financial commitments are not required to be signed by the Applicant if the Applicant provides the properly completed Local Government Verification of Contribution Form along with, where applicable, the required supporting documentation.

- a statement that states the commitment does not expire before December 31, 2002, with the exception of Local Government-issued tax-exempt bonds.

Section E., the eleventh bulleted item of the Firm Commitment bullet, page 44, has been changed to read as follows:

- If the first mortgage financing is to come from

Corporation-issued Multifamily Bonds from a past Application cycle, a copy of the loan commitment which has been executed and accepted by all parties including the Applicant must be included as an exhibit to the Application in order for financing to count as a firm commitment.

~~If the Guarantee Fund will be the source of enhancement, a copy of the Application submitted to the Guarantee Fund and proof of payment of the commitment fee must be included as an exhibit to the Application.~~

~~Applicant must include as an exhibit to the Application a copy of the Commitment or Letter of Interest for the credit enhancer(s)/bond purchaser with a contact person's name, address and telephone number, credit underwriting standards and an outline of proposed terms. The stated amount of the Commitment or Letter of Interest shall not be less than the proposed principal amount of the bonds (including any proposed taxable bonds). If the Applicant intends to apply for credit enhancement through the Florida Affordable Housing Guarantee Program using the HUD/HFA Risk Sharing Program, the Certification located within this Form must also be completed.~~

Section E., first line of Item B. of the twelfth bulleted item of the Firm Commitment bullet, page 45, has been changed to read as follows:

B. Issuance on behalf of ~~by~~ 501(c)(3) Organizations:

Section E., first sentence of the first bulleted item of Syndication/HC Equity bullet, page 45, has been changed to read as follows:

A firm commitment from a Housing Credit Syndicator is an agreement which is executed and accepted by all parties including the Applicant, is dated, and includes all terms and conditions of the agreement.

Section E., second paragraph of the third bulleted item of Syndication/HC Equity bullet, page 46, has been changed to read as follows:

Important! If not syndicating/selling the housing credits, evidence of ability to fund, as defined under Firm Commitment above, must be provided as an exhibit to the Application. Additionally, in order for the commitment to be scored firm, 35% forty percent of the total equity being provided must be paid prior to or simultaneously with the closing of the construction financing. Proceeds from a bridge loan will NOT count toward meeting this requirement.

Section E., last sentence of the second to last paragraph, page 47, has been changed to read as follows:

Further, Florida Housing expressly reserves the right to verify and confirm Local Government contributions during the scoring and appeals processes.

Specific Instructions, Part VI, Exhibits.

The entries for Exhibits 17 and 23, page 48, Exhibit 31, page 49, and Exhibit 40, page 50, have been changed to read as follows:

Exhibit No.	Application Part/Section Number	Subject	Required to Meet Threshold or Receive Points	
			All Applicants Must Provide	Applicants Must Provide Only If Applicable
17	II.B.	Guarantor(s) information chart	*	x
23	III.C.	Site Control: qualified contract and title insurance commitment, recorded deed or recorded certificate of title and title insurance policy or commitment, or long-term lease and title insurance leasehold policy	x	
31	III.D.	<u>Demographic or Area Commitment Targeting</u> : evidence of need for Elderly housing, evidence of need for Farmworker/Comm. Fishing Worker housing, Verification of Inclusion in Local Homeless Assistance Continuum of Care Plan by Lead Agency, Local Government Verification of Qualification as Urban In-Fill Development, proof of eligibility as HOPE VI Development, or Verification of Front Porch Funding Commitment.		x

37	IV.B.	Local Government Verification of Affordable Housing Incentives Contributions Made to Affordable Housing Properties or Developments	x
40	V.A.	Evidence of eligibility to request SAIL loan in excess of 25% of T total Development Cost	x

Threshold Requirements.

Item 3., page 51, has been changed to read as follows:

3. Applicant must submit one original Application labeled "Original" and three photocopies of the original Application; ~~along with a computer disk containing all completed applicable pages and forms.~~ MMRB Applicants that will participate in the HUD Risk Sharing Program must submit one additional photocopy of the original Application.

Item 11., page 51, has been deleted.

Item 12., page 51, has been renumbered Item 11.

Item 13., page 52, has been renumbered Item 12.

A new Item 13 has been added to read as follows:

13. Other items specifically designated "Threshold" in the Universal Application Package.

Ranking and Selection Criteria.

The Ranking and Selection Criteria section, pages 52 through 64, has been deleted in its entirety and a new Ranking and Selection Criteria section has been added to read as follows:

RANKING AND SELECTION CRITERIA

The following does not apply to non-competitive HC only Applications; however, non-competitive HC only Applicants must receive 50 points or more, which points will not include any tie-breaker points, to be eligible for an allocation of non-competitive HC.

1. Application Numbers

Each Application received by the Application Deadline will be assigned an Application number.

2. Lottery Numbers

Each Application that is assigned an Application number will receive a random lottery number at or prior to the issuance of final scores. Lottery numbers will be randomly assigned by running the total number of assigned Application numbers through a computer program. Florida Housing's internal auditors will verify the accuracy of the procedures for assigning lottery numbers.

3. Group A and Group B Leveraging Classifications

Each Application Received on or before the Application Deadline, including any Application that is withdrawn by the Applicant after the Application Deadline but excluding any Application withdrawn prior to the Application Deadline, will be classified into one of two groups based on leveraging: Group A or Group B. Applications will be classified in Group A or Group B as follows:

a. Applications for MMRB only and MMRB with non-competitive HC will be classified as Group A.

b. All other Applications will be initially divided into two lists. The first list will consist of Applications applying for Competitive HC with or without SAIL. The second list will consist of Applications applying for MMRB with SAIL and Applications applying for SAIL only, including SAIL only Applications that have local government tax-exempt bonds as a funding source.

c. The Applications on each list will be placed in descending order beginning with the Application on each list that has the lowest amount of total FHFC funding request per set-aside unit and ending with the Application on each list that has the highest amount of total FHFC funding request per set-aside unit. The total number of set-aside units for each Application will be computed by multiplying the total number of units within the proposed Development by the highest total set aside percentage the Applicant committed to in the Total Set-Aside Commitment section of the Application. If an Application's funding request exceeds the maximum allowed, FHFC will use the maximum funding request allowed when classifying the Applications into Groups A and B. If an Applicant, with local government tax-exempt bonds as a funding source, revises the amount of bonds stated in the Funding section of the Application, Florida Housing will use the higher of the original amount or the revised amount for purposes of Group A and Group B classifications. Total funding request will be determined by adding the following applicable funding sources, as stated in the Funding section of the Application:

(1) SAIL request amount.

(2) FHFC-issued MMRB tax-exempt bond request amount or local government-issued tax-exempt bond commitment amount, except state or local 501(c)(3) bonds. Local government tax-exempt bonds will be deemed to be FHFC funds for purposes of leveraging.

(3) Competitive HC request amount. If the Development is not located in a DDA or OCT, multiply the request amount by 7.5. If the Development is located in a DDA or OCT, multiply the request amount by 7.5 and multiply that product by .7692.

(4) Other FHFC funding. For purposes of classifying Applications in Groups A and B, Florida Housing-issued taxable bonds, local government-issued taxable bonds, non-competitive HC, Guarantee Fund credit enhancement and PLP funding will not be considered FHFC funds.

d. The total number of Applications on each list will be multiplied by 80% and each resulting figure will be rounded up to the next whole number (each resulting figure after rounding will be referred to as the "Leveraging Cut-Off"). On each list, a line will be drawn below the Application whose place on the list is equal to the Leveraging Cut Off. If any Application(s) below the line has the same total FHFC funding request per set-aside unit as the Application immediately above the line, the line will be moved to a place immediately below this Application(s). For each list, the group of Applications above the line will be classified as Group A and the group of Applications below the line will be classified as Group B.

e. All Applications classified as Group A from each list and the MMRB only and MMRB/non-competitive HC Applications will be combined into a single Group A, and all Applications classified as Group B from each list will be combined into a single Group B.

f. Group A and Group B classifications will be used for tie breakers as more fully described below in the Tie breakers section of these instructions.

4. Groups 1, 2 & 3 Total Score Classifications

Immediately following the Board's actions on informal appeals, eligible Applications will be classified in three groups based on the total score of each eligible Application: Group 1, Group 2 and Group 3. For purposes of this classification, eligible Application means an Application that satisfied all threshold requirements, regardless of the Application's total score. Group 1, Group 2 and Group 3 classifications will not be affected by any actions after this determination. Eligible Applications will be classified in Group 1, Group 2 or Group 3 as follows:

a. Eligible Applications will be listed in descending order beginning with the Application that has the highest total score and ending with the Application that has the lowest total score. Total score means the amount of points awarded to the Application, excluding any tie-breaker points.

b. The total number of eligible Applications will be multiplied by 75% and the resulting figure will be rounded up to the next whole number (such resulting figure after rounding is referred to as the "Total Score Cut-Off"). A line will be drawn below the Application whose place on the list is equal to the Total Score Cut-Off. If any Application(s) below the line has the same total score as the Application immediately above the line, the line will be moved to a place immediately below this Application(s). The group of Applications above the line will be classified as Group 1. Group 2 will consist of the eligible Applications with a total score equal to or greater than 64, but which are not included in Group 1. When the eligible Applications for Group 1 are determined, if Group 1 contains eligible Application that achieved 64 points or higher, then there will be no Group 2. Applications in Group 3 will consist of eligible Applications that are not included in Group 1 or Group 2.

c. When applying the SAUL Cycles for each Special Set-Aside and each Geographic Set-Aside and for implementation of the Competitive HC goals, Applications in Group 1 will be considered for funding first and if funds remain after funding all Group 1 Applications, the Applications in Group 2 will be considered for funding. No Applications in Group 3 will be considered for funding except as provided in the Competitive HC Goals section of these instructions.

5. Tie breakers

Tie breakers will be applied to Applications with tied scores in the following order, as necessary for making tentative funding selections:

a. Leveraging – An Application in Group A will receive preference over an Application in Group B.

b. Proximity to services and to Developments on the FHFC Development Proximity List serving the same demographic group – Preference will be given to the Application with the highest tie-breaker score in the Proximity section of the Application.

c. SAIL leveraging as a percentage of Total Development Cost – An Application not requesting SAIL funds will receive preference over an Application requesting SAIL funds. In the event of a tie in the total score between two or more Applications requesting SAIL funds, the Application requesting the lower amount of SAIL funds as a percentage of Total Development Cost as shown on the Development Cost Pro Forma will receive preference. If an Applicant revises the Total Development Cost on the Development Cost Pro Forma as provided in Rule 67-48.004 or Rule 67-21.003, F.A.C., Florida Housing will use the lesser of the original amount or the revised amount for purposes of this provision.

d. Lottery – Preference will be given to the Application with the lowest lottery number.

6. Set-Aside Unit Limitation (SAUL)

The counties are grouped based on the 2000 Florida Statistical Abstract population figures, as follows:

LL = 1.4 million or more ML = 250,001 – 500,000 SL = 50,001 – 100,000
LS = 500,001 – 1,399,999 MS = 100,001 – 250,000 SM = 20,001 – 50,000
SS = up to 20,000

<u>County Groups</u>	<u>County</u>	<u>Set-Aside Unit Limitation</u>	<u>County Groups</u>	<u>County</u>	<u>Set-Aside Unit Limitation</u>	
<u>LL</u>	<u>Broward</u>	<u>350</u>	<u>SL</u>	<u>Columbia</u>	<u>100</u>	
	<u>Miami-Dade</u>			<u>Gadsden</u>		
<u>LS</u>	<u>Duval</u>	<u>250</u>		<u>Highlands</u>		
	<u>Hillsborough</u>			<u>Nassau</u>		
	<u>Orange</u>			<u>Putnam</u>		
	<u>Palm Beach</u>			<u>Sumter</u>		
	<u>Pinellas</u>			<u>Monroe</u>		
<u>ML</u>	<u>Brevard</u>	<u>100</u>		<u>Florida Keys Area</u>		<u>180*</u>
	<u>Escambia</u>			<u>SM</u>		<u>Baker</u>
	<u>Lee</u>				<u>Bradford</u>	
	<u>Manatee</u>		<u>DeSoto</u>			
	<u>Pasco</u>		<u>Flagler</u>			
	<u>Polk</u>		<u>Hardee</u>			
	<u>Sarasota</u>		<u>Hendry</u>			
	<u>Seminole</u>		<u>Jackson</u>			
	<u>Volusia</u>		<u>Levy</u>			
	<u>MS</u>		<u>Alachua</u>		<u>100</u>	<u>Okeechobee</u>
<u>Bay</u>		<u>Suwannee</u>				
<u>Citrus</u>		<u>Wakulla</u>				
<u>Charlotte</u>		<u>Walton</u>				
<u>Clay</u>		<u>Washington</u>				
<u>Collier</u>		<u>SS</u>	<u>Calhoun</u>	<u>75</u>		
<u>Hernando</u>			<u>Dixie</u>			
<u>Indian River</u>			<u>Franklin</u>			
<u>Lake</u>			<u>Gilchrist</u>			
<u>Leon</u>			<u>Glades</u>			
<u>Marion</u>	<u>Gulf</u>					
<u>Martin</u>	<u>Hamilton</u>					
<u>Okaloosa</u>	<u>Holmes</u>					
<u>Osceola</u>	<u>Jefferson</u>					
<u>St. Johns</u>	<u>Lafayette</u>					
<u>St. Lucie</u>	<u>Liberty</u>					
<u>Santa Rosa</u>	<u>Madison</u>					
			<u>Taylor</u>			
			<u>Union</u>			

* This SAUL will apply only to Applicants that selected the Florida Keys Area in the Demographic or Area

Commitment section of the Application, and only when such Applications are being considered for funding from the Competitive HC Florida Keys Area Special Set-Aside.

a. The above chart represents the SAUL for each county. When an Application is selected for tentative funding, the total number of set-aside units committed to in that Application will be credited toward meeting the SAUL for the county in which the proposed Development is located. The total number of set-aside units will be computed by multiplying the total number of units within the proposed Development by the highest total set-aside percentage committed to within the Application.

b. A county's SAUL is met in the following circumstances:

i. If the number of set-aside units credited toward the county's SAUL is zero at the time an Application for a Development located in that county is considered for tentative funding and the Applicant committed to a total number of set-aside units that equals or exceeds the county's SAUL, then when that Application is selected for tentative funding, the county's SAUL will be met; or

ii. If the number of set-aside units credited toward the county's SAUL is not zero at the time an Application for a Development located in that county is considered for tentative funding, but the SAUL has not been met, and the next Application to be considered for tentative funding committed to a total number of set-aside units that when added to the number of set-aside units already credited toward the county's SAUL would be equal to or greater than the SAUL but the total number of set-aside units credited would not exceed 150% of the SAUL, then when that Application is selected for tentative funding, the county's SAUL will be met; or

iii. If the number of set-aside units credited toward the county's SAUL is not zero at the time an Application for a Development located in that county is considered for tentative funding, but the SAUL has not been met, and the Applicant committed to a total number of set-aside units that when added to the number of set-aside units already credited toward the county's SAUL would exceed 150% of the SAUL, then the county's SAUL will be deemed to be met without that Application being selected for tentative funding.

Examples of SAUL being met when a county has a SAUL of 100 set-aside units:

i. The number of set-aside units credited toward the county's SAUL is zero, and an Application for a Development located in that county that committed to 200 set-aside units is selected for tentative funding;

ii. There are 60 set-aside units credited toward meeting the county's SAUL and an Application for a Development located in that county that committed to 80 set-aside units is selected for tentative funding.

iii. There are 60 set-aside units credited towards meeting the county's SAUL and an Application for a Development located in that county that committed to 100 set-aside units is the next Application considered for tentative funding. The county will be deemed to have met its SAUL without that Application being selected for tentative funding.

iv. There are 60 set-aside units credited towards meeting the county's SAUL and two Applications for Developments located in that county that committed to 100 set-aside units and 60 set-aside units, respectively, are the next two highest ranked Applications to be considered for tentative funding. In this event, the county will be deemed to have met its SAUL without either Application being selected for tentative funding.

c. Subject to the provisions that no Application classified in Group 2 will be selected for tentative funding until all eligible Applications classified in Group 1 have been selected for tentative funding, no Application(s) for a Development located in a county that has met its SAUL will be selected for tentative funding until all other counties with eligible Applications being considered in a Geographic Set-Aside (large, medium or small counties with eligible Applications) or Special Set-Aside (all counties with eligible Applications regardless of county size) have met their SAULs or have had their eligible Application(s) selected for tentative funding. This is known as a SAUL Cycle. Separate SAUL Cycles will be held for each Special Set-Aside. For purposes of this provision, an eligible Application means an Application that met all threshold requirements.

d. Upon the completion of a SAUL Cycle for a Geographic or Special Set Aside, counties that have met their SAULs will then be deemed to have zero set-aside units credited towards meeting their SAULs with one exception. If a county's SAUL has been met during the selection of Applications within Special Set-Asides, the number of set-aside units credited to the county's SAUL will not be zero within its respective Geographic Set-Aside, until all counties within the Geographic Set-Aside have met their SAULs or have had all their eligible Applications selected for tentative funding (subject to the provisions regarding Group 1 and Group 2 classifications).

Example: There are three Applications within a Special Set-Aside ranked in the following order: Application A, which is classified in Group 1, committed to 75 set-aside units and is located in Leon County with a SAUL of 100. Application B, which is classified in Group 1, committed to 90 set-aside units and is located in Leon County. Application C, which is classified in Group 2, committed to 50 set-aside units and is located in Sarasota County with a SAUL of 100. Application A and B have tied scores of 72 and Application A was selected for tentative funding after application of the tie breakers. Application C has a score of 70. When Application B was considered for tentative funding, Leon County met its SAUL. Application C (Group 2) cannot be funded before Application

B (Group 1). Thus, a new SAUL Cycle will commence with Leon County being deemed to have zero set-aside units credited towards meeting its SAUL in this Special Set-Aside and Application B will be selected for tentative funding.

Example: County A has met its SAUL within the SAIL Elderly Special Set-Aside and all other counties within the SAIL Elderly Special Set-Aside have met their SAULs or have had all their eligible Applications selected for tentative funding. The highest ranked un-funded Application within the SAIL Elderly Special Set-Aside has 200 set-aside units in County A. If funds are available, this Application will be tentatively funded and the number of set-aside units credited to County A will be 200. Also, the highest ranked Application within the Medium Geographic Set-Aside is from County A. Once the selection process for choosing Applications for tentative funding moves to the Medium County Set-Geographic Aside, this Application will not be considered for tentative funding until a Medium County Geographic Set-Aside SAUL Cycle is completed because it has set-aside units in a county that has met its SAUL.

e. Any set-aside units credited towards meeting the Florida Keys Area SAUL will also be credited toward meeting the Monroe County Area SAUL. For example, when 120 set-aside units are credited toward meeting the Florida Keys Area SAUL, the 120 set-aside units are also credited towards meeting the Monroe County SAUL. As such, while the Florida Keys Area has not met its SAUL of 180, Monroe County has met its SAUL of 100. Therefore, no eligible Application(s) with units in Monroe County will be considered for tentative funding until after completion of a Small County Geographic Set-Aside SAUL Cycle.

f. Regardless of the number of times a county has met its SAUL while Applications are selected for tentative funding within the Special Set-Asides, the county will be credited as meeting its SAUL only once within its respective Geographic Set-Aside. For example, County A met its SAUL twice during the process of selecting Applications for tentative funding within the Special Set-Asides. Applications for Developments located in County A will not be considered for funding within County A's Geographic Set-Aside until all counties within the Set-Aside have met their SAULs or have had all their qualified Applications selected for tentative funding. The un-funded Applications for Developments located, in County A will not have to wait for consideration until two SAUL Cycles are completed.

g. If the number of set-aside units credited towards meeting a county's SAUL is less than the county's SAUL, those credited units will count towards meeting the county's SAUL in any Set-Aside with one exception. Upon completion of selecting Applications for tentative funding from the Special Set-Asides, the counties credited with meeting their SAULs will also be credited for meeting their SAULs within their Geographic Set-Aside but if these counties have additional

credited units in the Special Set-Asides, these additional credited units will not be credited to the counties in the Geographic Set-Asides. Example: County A met its SAUL during the selection of Applications for tentative funding within the Special Set-Asides and also was credited with an additional 75 set-aside units towards meeting the county's SAUL a second time within the Special Set-Asides. Within the respective Geographic Set-Aside, County A will be credited with meeting its SAUL once, but not with meeting its SAUL once and having 75 additional set-aside units credited towards meeting it a second time.

7. Program Provisions and Application Selection Order

a. Overall Program Provisions:

i. The Special Set-Asides are: Competitive HC Florida Keys Area Special Set-Aside, SAIL Homeless Special Set-Aside, SAIL Farmworker/Commercial Fishing Worker Special Set-Aside, SAIL Elderly Special Set-Aside, Competitive HC Front Porch Florida Community Special Set-Aside, Competitive HC RD Development Special Set-Aside, and MMRB HOPE VI Special Set-Aside.

ii. The Geographic Set-Asides are: Large, Medium and Small County Categories for SAIL and Competitive HC and Large and Medium/Small Categories for MMRB as more fully described in the Notice of Funding Availability or QAP, as applicable for each Program.

iii. Unless otherwise provided in the applicable Program rules and these instructions, any selection of an Application for tentative funding or allocation from a Special or Geographic Set-Aside or from implementation of a Competitive HC Goal is subject to the following: (1) availability of funds; (2) threshold and other eligibility requirements; (3) SAUL provisions; (4) Groups 1, 2, & 3 provisions; (5) tie-breaker provisions; and (6) overall and specific program provisions as set forth below.

iv. An Application that requested SAIL funds and also requested MMRB or Competitive HC will not be selected for tentative SAIL funding if the Application is not selected for tentative funding of the MMRB or Competitive HC as of the time that the Board takes action on informal appeals. An Application that requested SAIL funds and also requested MMRB or Competitive HC that is selected for tentative funding of MMRB or Competitive HC but is not selected for tentative funding of SAIL must, within 30 days of the date that the Board takes action on the informal appeals, submit documentation to Florida Housing and if assigned, their assigned credit underwriter, demonstrating that it is able to fill the SAIL funding gap. If such documentation is not timely submitted, the Application will be rejected and MMRB funds will be applied to the MMRB ranked list and Competitive HC will be deemed to be housing credits received on or after October 1, 2002, and applied in accordance with the Qualified Allocation Plan (QAP). The MMRB ranked list means the

MMRB Applications listed in ranked order that are not awarded tentative funding after the Board enters final orders resulting from informal appeals.

v. An Application is eligible to apply for SAIL and Competitive HC if competing in a Special Set-Aside and/or if the Development is located in a county that has an Area Median Income (AMI) of \$40,000 or less. SAIL Applications that are not selected for tentative funding in one of the SAIL Special Set-Asides are eligible to compete for funding in the Geographic Set-Asides, unless the SAIL Applicant also requested Competitive HC and the Development is located in a county with an AMI above \$40,000. However, a SAIL Application that is not selected for tentative funding in the SAIL Special Set-Asides, but is selected for tentative funding in the Geographic Set-Asides, will not automatically receive the Competitive HC or MMRB.

b. Competitive HC Provisions:

i. An Application for Competitive HC will not be selected for tentative funding if there are not enough housing credits available in the Front Porch Florida Community Special Set-Aside, RD Special Set-Aside or applicable Geographic Set-Aside to fund at least 60% of the Application's funding request amount. In the event that an Application is not selected for tentative funding for this reason, then no other lower ranked Application(s) within that Special or Geographic Set-Aside will be considered for tentative funding even though there may be enough housing credits available to fund at least 60% of another Application's request amount. Any housing credits not tentatively allocated within a Special or Geographic Set-Aside, will be distributed in accordance with the 2002 QAP. Applications that are successful in receiving a partial allocation will receive a Binding Commitment for 2003 housing credits up to an amount approved by Florida Housing.

ii. The total amount of housing credits available for the Special and Geographic Set-Asides are set forth in the QAP.

c. SAIL Provisions:

i. A SAIL Application will not be funded if there are not enough funds available in the applicable Special or Geographic Set-Aside to fund at least 60% of the Application's SAIL request amount. In the event that an Application is not funded for this reason, a lower ranked Application within the same Set-Aside will be considered for funding.

ii. SAIL funds not allocated within the Homeless Special Set-Aside will be added to the Farmworker/Commercial Fishing Worker Special Set-Aside allocation subject to a 150% limit (the total funds allocated to the Special Set-Aside cannot be more than 150% of the amount originally allocated to the Special Set-Aside). Any amount over the 150% limit will be allocated to the Family Demographic category. If the Farmworker/Commercial Fishing Worker and/or Elderly Special Set-Aside have funds unallocated, the funds will be distributed to the Family Demographic category.

iii. Tentative funds awarded to an Application in a SAIL Special Set Aside will also be credited toward the funding goals set forth in the Notice of Funding Availability for the respective Geographic Set-Aside.

d. MMRB Provisions:

i. Tentative allocations of MMRB will be awarded only if there is enough allocation to fully fund the Application funding request amount. In the event that an MMRB Application is not funded for this reason, then no other lower ranked MMRB Application(s) within the Set-Aside will be considered for tentative funding even though there may be enough MMRB allocation available to fully fund another Application funding request amount. Any allocation available after tentatively funding Applications when implementing final order(s) entered by the Board after the informal appeal(s) will be allocated in accordance with Rule Chapter 67-21, F.A.C., and will not be subject to SAUL.

ii. The initial split of allocation between the Large County Geographic Set-Aside and the Medium/Small County Geographic Set-Aside as stated in the Notice of Funding Availability will be done with the funds available after the tentative funding in the Special Set-Asides.

e. Application funding order: Applications will be considered for tentative funding in the following order:

i. Competitive HC Florida Keys Area Special Set-Aside: For the 2002 Cycle, Florida Housing will first select Competitive HC Application(s) that obtained points for being located in the Florida Keys Area. Once the Florida Keys Area SAUL is met, any remaining eligible Competitive HC Application(s) that was not selected for tentative funding in the Competitive HC Florida Keys Area Special Set-Aside will compete in the Small County Geographic Set-Aside if the Application did not also request SAIL funds. A Competitive HC Application selected for tentative funding in the Florida Keys Area Special Set-Aside that also requested SAIL funds will automatically receive SAIL funds if the Applicant's SAIL funding request amount is 10% or more of the Total Development Cost.

ii. SAIL Special Set-Asides: Florida Housing will then select Applications for tentative funding from the SAIL Special Set-Asides in the following order:

SAIL Homeless Special Set-Aside

SAIL Farmworker/Commercial Fishing Worker Special Set-Aside

SAIL Elderly Special Set-Aside

Only SAIL Applications that obtained points for being a Homeless Development, a Farmworker/Commercial Fishing Worker Development or an Elderly Development are eligible to compete in the respective SAIL Special Set-Asides. A SAIL Application selected for tentative funding in the SAIL Homeless Special Set-Aside, the SAIL Farmworker/Commercial Fishing Worker Special Set-Aside or the SAIL Elderly Special Set-Aside also requesting MMRB

will automatically receive the MMRB subject to MMRB fund availability. A SAIL Application selected for tentative funding in the SAIL Homeless Special Set-Aside or the SAIL Farmworker/Commercial Fishing Worker Special Set-Aside also requesting Competitive HC will automatically receive the Competitive HC if the Applicant's SAIL funding request amount is 10% or more of the Total Development Cost.

In the event SAIL Applications (with a SAIL funding request of 10% or more of the Total Development Cost) that also requested Competitive HC are selected for tentative funding in the SAIL Elderly Special Set-Aside, the two highest ranked of these Applications will automatically receive Competitive HC. The third ranked SAIL/Competitive HC Application (with a SAIL funding request of 10% or more of the Total Development Cost) will automatically receive the Competitive HC only if the following situation occurs: If the total amount of Competitive HC tentatively allocated to Applications in the SAIL Special Set-Asides plus the lesser of the total HC request amount(s) of the qualified HC Application(s) within the Competitive HC RD Development Special Set-Aside and \$300,000 plus the lesser of the total request amount(s) of the qualified HC Application(s) within the Competitive HC Front Porch Florida Community Special Set-Aside and \$3,000,000 plus 60% of the third ranked SAIL/Competitive HC Application's request amount equals 50% or less of the Competitive HC available for the Universal Application cycle, then the third ranked SAIL/Competitive HC Application will automatically receive the Competitive HC. However, in this event, the third ranked SAIL/Competitive HC Application will only receive a tentative allocation of Competitive HC in an amount that will not bring the total over 50% of the Competitive HC available. Any shortfall in housing credits allocated to this Application will be allocated through a binding commitment for 2003 housing credits if the Application is successful in receiving a Carryover Allocation.

(3) Competitive HC Special Set-Asides: Competitive HC Applications in the Front Porch Florida Community Special Set-Aside and the RD Development Special Set-Aside will be considered for tentative funding in the following order:

Front Porch Florida Community Special Set-Aside
RD Development Special Set-Aside

Only Applications that obtained points for being a Front Porch Florida Community Development or a RD Development may compete for funding within their respective HC Special Set-Aside. Front Porch Florida Community Developments which are selected for a tentative funding of housing credits will count towards meeting the Competitive HC Goal of funding two Urban In-Fill Developments. A Front Porch Florida Community Development which is selected for tentative funding of housing credits and which has one or more new construction High Rise buildings (7 stories or higher) in which at least 75% of the set-aside units are located will count towards meeting the goal of funding one Urban In-Fill High

Rise new construction Development. Front Porch Florida Community Development HC Application(s) and RD Development HC Applications that are not selected for a tentative housing credit allocation(s) within their respective Special Set-Asides will compete for funding in their respective Geographic Set-Aside(s). An RD 514/516 Application that is moved into a Geographic Set-Aside will count as a Farmworker Development.

(4) MMRB HOPE VI Special Set-Aside: MMRB Applications that were awarded points for the Development being a HOPE VI Development are eligible to compete within this MMRB HOPE VI Special Set-Aside. An eligible Application(s) not funded in this Special Set-Aside will compete for funding within its Geographic Set-Aside.

(5) Competitive HC Goals: The Housing Credit Program has a goal to allocate housing credits to a minimum of: one Farmworker/Commercial Fishing Worker Development (in addition to any Developments funded in the Competitive HC RD Development Special Set-Aside), two Urban In-Fill Developments, one Urban In-Fill High Rise new construction Development (7 stories or higher) in which at least 75% of the set-aside units are located), three Elderly Developments and 12% of its Allocation Authority per the Qualified Allocation Plan to Non-Profit Applicants. This goal may be achieved or partially achieved by the tentative allocation of housing credits to Competitive HC Applications during the selection of qualified Applications in the Special Set-Asides. In the event the goal is not achieved through the tentative allocation of housing credits to Applications within the Special Set-Asides, Florida Housing will attempt to achieve the goal by selecting the highest scoring qualified Application(s), applying tie-breakers where necessary, regardless of Geographic Set-Aside, where a goal has not been met, for tentative allocation of credits subject to SAUL and fund availability*, in the following order:

One Farmworker/Commercial Fishing Worker
Two Urban In-Fill Developments
One Urban In-Fill High Rise New Construction
Development
Three Elderly **
Minimum 12% Non-Profit Applicants

The last Non-Profit Applicant selected to meet the 12% Non-Profit goal will tentatively receive a full allocation of Competitive HC even though the total Non-Profit tentative allocation may exceed 12%.

* In the event that the only way to achieve a Competitive HC goal is to fund an Applicant that has a proposed Development in a county that has met its SAUL, an Application that will assist in meeting the goal that is in a county that has met its SAUL will be selected for tentative allocation of Competitive HC. The county of the Development, which was selected, will be deemed to have met its SAUL for

the purposes of selecting future Applications for tentative funding and the Development's set-aside units will be credited towards meeting the county's SAUL a second time.

For example, County A is in the Medium County Geographic Set Aside and has met its SAUL of 100 set-aside units. A Non-Profit Application with 100 set-aside units in County A is needed to be selected for tentative funding in order to meet the 12% Non-Profit goal. County A will be deemed to have met its SAUL for the first and second Medium County Geographic Set-Aside SAUL Cycle.

If the 12% Non-Profit goal still has not been met and the only Non-Profit Applicants available to meet the 12% Non-Profit goal are located within a Geographic Set-Aside where there are not enough housing credits available for such Applicants, enough housing credits will be redistributed from the other Geographic Set-Asides on a pro-rata basis to tentatively fund those Non-Profit Applicants needed to meet the 12% Non-Profit goal. Non-Profit Applications classified in Group 3 will only be chosen to meet the 12% Non-Profit goal if there are no eligible Non-Profit Applications classified in Group 1 or Group 2 available to meet the goal. The amount of 2003 housing credits stated in Binding Commitments to Non-Profit Applicants will not count towards meeting the 12% Non-Profit goal. However, Binding Commitments issued to Non-Profit Applicants for 2002 Housing Credits will count toward meeting the 12% Non-Profit goal.

** In the event the total amount of Competitive HC tentatively allocated to Applications other than Elderly in the Special-Set-Asides plus the total amount of Competitive HC tentatively allocated to the first two Elderly Developments in or not in the SAIL Special Set-Aside, and 60% of the third Elderly Development's Competitive HC request amount is greater than 50% of the Competitive housing credits available for those applying for Competitive HC using the Universal Application, then the Competitive HC Elderly Development goal will be two Elderly Developments and no special consideration will be given to funding a third Elderly Development. In the event a third Elderly Development is selected for a tentative allocation of Competitive HC to meet the Competitive HC goal, the Applicant will receive a tentative allocation of Competitive HC in an amount such that, when adding that tentative allocation amount to the total amount of Competitive HC tentatively allocated to Applications other than Elderly in the Special-Set-Asides together with the total amount of Competitive HC tentatively allocated to the first two Elderly Developments in or not in the SAIL Special Set-Aside, the total does not exceed 50% of the Competitive HC allocation available for Applicants using the Universal Application. In the event that a third Elderly Applicant is selected and receives less than its HC request amount, the Applicant will receive a binding commitment for 2003 Competitive HC if the Applicant is successful in receiving a Carryover Allocation.

(5) Small/Medium/Large Geographic Set-Asides:

a. Applications, regardless of Program(s) applied for by the Applicant, will be considered for tentative funding within each Geographic Set-Aside; i.e., Applications located in small counties (regardless of whether they are in SL, SM or SS on the SAUL chart) will be listed together in order of total score within the Small County Geographic Set-Aside.

b. Applications in the Medium County Geographic Set-Aside will be selected for tentative funding first, followed by those in the Small County Geographic Set-Aside and then followed by those in the Large County Geographic Set-Aside.

(7) Declined Invitations into Credit Underwriting: In the event Florida Housing determines that an invitation into credit underwriting has been declined, those funds attributable to the respective Applications will be allocated as follows:

(a) MMRB: Funds will be allocated to the next highest ranking unfunded MMRB Applications on MMRB ranked list until funds are exhausted. The SAUL procedure will not be applied.

(b) Competitive HC: Housing credits will be deemed to have been received by Florida Housing on or after October 1, 2002 and will be allocated in accordance with the QAP. The SAUL procedure will not be applied.

(c) SAIL: Funds will be first allocated to those Applications that received a partial tentative allocation and have been determined not to have declined an invitation into credit underwriting. Funds will be distributed to partially funded Applications in the following order: Applications from Small Counties, Applications from Medium Counties and then, Applications from Large Counties. If funds still remain, the funds will be offered to the highest ranked eligible SAIL Application. The SAUL procedure will not be applied.

(98)(90) "Urban In-Fill Development" means a Development (i) in a site or area that is targeted for in-fill housing or neighborhood revitalization by the local, county, state or federal government as evidenced by its inclusion in a HUD Empowerment/Enterprise Zone, Florida Enterprise Zone, a HUD-approved Neighborhood Revitalization Strategy, area designated under a Community Development Block Grant (CDBG) or area designated as a HOPE VI or Front Porch Florida Community or a Community Redevelopment Area as described and defined in the Florida Community Redevelopment Act of 1969, or the proposed Development is located in a Qualified Census Tract and the development of which contributes to a concerted community revitalization plan, and (ii) in a site which is located in an area that is already developed and part of an incorporated area or existing urban service area.

Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.502, 420.503, 420.507, 402.508 FS. History—New 12-3-86, Amended 2-22-89, 12-4-90, 11-23-94, 2-6-97, 1-7-98, Formerly 9I-21.002, Amended 1-26-99, 11-14-99, 2-12-01,_____.

67-21.003 Application and Selection Process for Loans.

(6) Within 15 Calendar Days of receipt of the notice set forth in paragraph (5) above, each Applicant shall be allowed to submit additional documentation, revised pages and such other information as the Applicant deems appropriate to address the issues raised pursuant to paragraphs (3) and (5) above that could result in rejection of the Application or a score less than the maximum available. Where specific pages of the Application are revised, changed or added, each new page(s) must be marked as "revised," and submitted. Failure to mark each new page(s) "revised" will result in the Corporation not considering the revisions, changes or additions to that new page. Pages of the Application that are not revised or otherwise changed may not be resubmitted, except that documents executed by third parties must be submitted in their entirety even if only a portion of the original document was revised. Where revised or additional information submitted by the Applicant creates an inconsistency with another item in that Application, the Applicant shall also be required in its submittal to make such other changes as necessary to keep the Application consistent as revised. The Applicant shall submit an original and three copies of all additional documentation and revisions. Only revisions, changes and other information Received by the deadline set forth herein will be considered. Any subsequent revision submitted prior to the deadline shall include a written request from the Applicant for withdrawal of any previously submitted revision(s). ~~Each Applicant must submit a computer disk containing all revised completed pages. Nothing on the computer disk that is not otherwise contained within the original of the revised pages will be considered.~~

(9) Following the receipt and review by the Corporation's staff of the documentation described in paragraphs (5), (6) and (7) above, the Corporation's staff shall then prepare final scores. In determining such final scores, no Application shall be rejected or receive a point reduction as a result of any issues not previously identified in the notices described in paragraphs (3), (4) and (5) above. However, inconsistencies created by the Applicant as a result of information provided pursuant to paragraph (6) above will still be justification for rejection or reduction of points as appropriate. Notwithstanding the foregoing, any deficiencies in the mandatory elements set forth in paragraph (14)(a)-(f) below can be identified at any time prior to sending the final scores to Applicants and will result in rejection of the Application, ~~and any deficiencies in the mandatory element set forth in (14)(f) below can be identified at any time prior to sending the final scores to Applicants and will result in zero tie-breaker points for the applicable Proximity to Proposed Development chart in that section.~~ The Corporation shall then transmit final scores to all Applicants.

(10) Based on the order of the ranked Applications after informal appeals and the availability of State Bond Allocation designated by the Board for multifamily housing, the Board

shall designate ~~those~~ Applications for funding and offer to be offered the opportunity to enter Credit Underwriting, and shall designate those that are below the funding line on the MMRB ranked list. Any additional 2002 allocation designated by the Board for MMRB shall be applied to the next unfunded Application(s) on the ranked list, but only to the extent said Application's request can be fully funded. Any remaining 2002 allocation designated by the Board for multifamily housing, which as of December 1, 2002 is insufficient to fully fund the next ranked Application shall be offered to the next ranked Applicant, continuing down the ranked list until sufficient to fully fund a proposed Development. After December 1, Applicants shall be permitted to downsize their allocation request by up to 15% of the original allocation request for the purpose of becoming fully funded but may not reduce the number of units or the unit sizes in the development. Any unused allocation shall, at the option of the Board, be carried over and applied to the 2003 calendar year allocation or applied to single family housing. Florida Housing The Board may, after the cure period and upon a determination that such is necessary to assure timely processing of Applicants with respect to future State Bond Allocation which may become available, invite Applicants who meet threshold up to the next five Developments on the ranked list into Credit Underwriting at their own risk beyond what is expected to be funded with the available State Bond Allocation designated by the Board for multifamily housing. Applicants shall be notified in writing of the opportunity to enter Credit Underwriting. A detailed timeline for submitting required fees and information to the Credit Underwriter shall be included. Failure to meet the deadlines established by such timeline shall result in the immediate termination of Credit Underwriting activities and the Application shall be moved to the bottom of the ranked list. Applicants electing to proceed to Credit Underwriting without designation for funding do so at their own risk, and said opportunity does not ensure that the Application will be funded. Any Applicant that which declines invitation to Credit Underwriting shall be removed from the ranked list.

(11) Applications shall be limited to one submission per subject property with the exception that of Local Government-issued Tax-Exempt Bond-Financed Developments may submit a separate Application for noncompetitive applying noncompetitively for Housing Credits. Two or more Applications with the same Financial Beneficiary for Developments that are contiguous with the property of another Application, or that are is divided by a street or easement, or if it is readily apparent from the two Applications, proximity, chain of title or other information available to the Corporation that the properties are part of a common or related scheme of development, the Applications will be considered to be submissions for the same Development site and the Corporation will reject all such Applications except the Application with the highest (worst) lottery number.

(12) If the Board determines that any Applicant or any Affiliate of an Applicant

(a) has engaged in fraudulent actions; ~~or~~

(b) has materially misrepresented information to the Corporation regarding any of its Developments, or within the current Application or in any previous ~~a~~ Applications for financing or an allocation of Housing Credits administered by the Corporation;

(c) has been convicted of fraud, theft or misappropriation of funds;

(d) has been excluded from federal or Florida procurement programs; or

(e) has been convicted of a felony.

upon a determination by the Board that such action substantially increases the likelihood that the Applicant will not be able to produce quality affordable housing, the Applicant and any of the Applicant's Affiliates will be ineligible for funding or allocation in any program administered by the Corporation for a period of up to two years, which will begin from the date the Board makes such determination. Such determination shall be either pursuant to a factual hearing before the Board at which the Applicant shall be entitled to present evidence or as a result of a finding by a court of law or recommended order of an administrative law judge.

(13) The Corporation shall reject an Application if, following the submission of the additional documentation, revised pages and other information as the Applicant deems appropriate as described in paragraph (6) above:

(a) The Development does not conform to the Application requirements specified in this rule chapter;

(b) The Applicant fails to achieve the threshold requirements as detailed in these rules, the applicable Application and Application instructions ~~the Universal Application Package;~~

(c) The Applicant fails to provide all required copies and file all applicable Application pages and exhibits ~~and the disk~~ that are provided by the Corporation and adopted under this rule chapter;

(d) An Applicant or any Principal, Affiliate or Financial Beneficiary of an Applicant or a Developer is in arrears for any financial obligation it has to the Corporation and/or any agent or assignee of the Corporation.

(14) Notwithstanding any other provision of these rules, there are certain items that must be included in the Application and cannot be revised, corrected or supplemented after the Application Deadline. Failure to submit these items in the Application at the time of the Application Deadline shall result in rejection of the Application without opportunity to submit additional information. Any attempted changes to these items will not be accepted. Those items are as follows:

(a) Name of the Applicant;

(b) Name of the Developer;

(c) Program(s) applied for;

(d) Number of units;

(e) Site for the Development;

(f) Type of Development category;

(g) Whether the Development design constitutes a High Rise;

(h) County;

(i) Demographic or Area Commitment ~~Targeted resident population or~~ targeted demographic area;

(j) Funding request ~~Requested Amount,~~ except for Taxable Bonds and as provided in subsection 67-21.003(10), F.A.C.;

(k) The total set-aside percentage of the Total ~~units~~ committed to be set-aside ~~Set-Aside Commitment;~~

~~(l) Selections made on the Proximity of Proposed Development charts in the proximity section of the Application.~~

(15) A Development will be withdrawn from funding and any outstanding commitments for funds ~~or HC~~ will be rescinded if at any time the Board determines that the Applicant's Development or Development team is no longer the Development or Development team described in the Application, and the changes made are prejudicial to the Development or to the market to be served by the Development.

(16) If an Applicant or any Principal, Affiliate or Financial Beneficiary of an Applicant or a Developer has any existing Developments participating in any Corporation programs that remain in non-compliance with the Code, this rule chapter, or applicable loan documents, and any applicable cure period granted for correcting such non-compliance has ended ~~as of;~~ ~~at~~ the time of submission of the Application or at the time of issuance of a Credit Underwriting Report, the requested allocation will, upon a determination by the Board that such non-compliance substantially increases the likelihood that such Applicant will not be able to produce quality affordable housing, be denied and the Applicant and the Affiliates of the Applicant or Developer will be prohibited from new participation in any of the Corporation's ~~p~~Programs for the subsequent cycle and continuing until such time as all of their existing Developments participating in any Corporation programs are in compliance.

(17) With respect to ~~the~~ MMRB Program Applications, when two or more Applications receive the same numerical score, the Applications will be ranked as outlined in the Universal Application Package.

(18) At no time during the Application, scoring and appeal process may Applicants or their representatives contact Board members concerning their own Development or any other Applicant's Development. At no time from the Application Deadline until after issuance of the final scores as set forth in paragraph 9 above, may Applicants or their representatives verbally contact Corporation staff concerning

their own Application or any other Applicant's Application Development. If an Applicant or its representative does contact a Board member in violation of this section, the Board shall, upon a determination that such contact was deliberate, disqualify such Applicant's Application.

(21) Florida Housing shall initiate TEFRA Hearings on the proposed Developments whose Applications were received by the Application Deadline. Neither the TEFRA Hearing, the invitation into Credit Underwriting, nor the Acknowledgment Resolution obligate Florida Housing to finance the proposed Development in any way.

Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.502, 420.507(4), (13), (14), (18), (19), (20), (21), (24), 420.508 FS. History--New 12-3-86, Amended 12-4-90, 11-23-94, 9-25-96, 1-7-98, Formerly 9I-21.003, Amended 1-26-99, 11-14-99, 2-12-01,_____.

67-21.0035 Applicant Administrative Appeal Procedures.

(2) All parties have the right to submit written arguments in response to a recommended order entered as a result of an informal administrative proceeding pursuant to section s. 120.57(2), Florida Statutes, regarding its own Application for consideration by the Board. Any written argument should be typed, double-spaced with margins no less than one inch, in either Times New Roman 14-point or Courier New 12-point font, and may not exceed five pages. Written arguments must be filed with Florida Housing Finance Corporation's Clerk at 227 N. Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, no later than 5:00 p.m. on the date contained in the recommended order. Submission by facsimile or other electronic means will not be accepted. Failure to timely file a written argument shall constitute a waiver of the right to have a written argument considered by the Board. Parties will not be permitted to make oral presentations to the Board in response to recommended orders.

(3) For those Applicants with section s. 120.57(2), Florida Statutes, appeals that have not yet had final orders entered as of the date of the ranking, the Corporation shall, if any such Applicant ultimately obtains a final order that would have put its Application in the funding range had it been entered prior to the ranking, provide the requested funding and/or allocation from the next available funding and/or allocation, whether in the current year or a subsequent year. Nothing contained herein shall affect any applicable Credit Underwriting requirements.

Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.502, 420.507(4), (13), (14), (18), (19), (20), (21), (24), 420.508 FS. History--New 11-14-99, Amended, 2-12-01,_____.

67-21.004 Federal Set-Aside Requirements.

Each Application shall designate one of the following minimum federal Set-Aside requirements that the Development shall meet commencing with the first day on which at least 10 percent of the units in the property are occupied:

(3) For Developments financed solely through the issuance of Taxable Bonds or refundings of Tax-exempt Bonds originally issued under section 103(b)(4)(A) of the Internal Revenue Code of 1954, as amended, which is adopted and incorporated herein by reference, 20 percent of the residential units in the Development shall be occupied by or reserved for occupancy by a Family whose Annual Household Income does not exceed 80 percent of the area median income limits adjusted for Family size (the 20/80 Set-Aside).

Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.502, 420.507(4), (6), (12), (13), (14), (18), (19), (21), 420.508 FS. History--New 12-3-86, Amended 2-22-89, 12-4-90, 11-23-94, 9-25-96, 2-6-97, 1-7-98, Formerly 9I-21.004, Amended 1-26-99, 11-14-99, 2-12-01,_____.

67-21.0045 Determination of Method of Bond Sale.

(5) For those transactions that Florida Housing's Financial Advisor recommends as candidates for a competitive sale, Florida Housing shall engage a structuring agent. The Applicant may, at its sole expense, engage a Financial Advisor for the transaction. Any cost to the Applicant for the Financial Advisor in excess of \$18,000 must be paid out of Developer Fee, in accordance with subsection 67-21.002(31)(30), F.A.C.

Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.507(4), (13), (19), (20), 420.508, 420.509(12) FS. History--New 1-7-98, Formerly 9I-21.0045, Amended 1-26-99, Repromulgated 11-14-99, Amended 2-12-01,_____.

67-21.008 Terms and Conditions of Loans.

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

(b) Provide for a fully amortized payment of the Mortgage Loan in full beginning on the earlier of 36 months after closing, or stabilized occupancy, or conversion to permanent financing under the loan documents by any lender on secondary financing and ending no later than the expiration of the useful life of the property, and in any event, no later than 45 years from the date of the Mortgage Loan;

(9) All Florida Housing Loans are contingent upon:

(c) The Applicant obtaining all governmental approvals for constructing and operating the Development as a multifamily housing Development affordable to Lower Income Residents.

Specific Authority 420.507(12), 420.508(3)(c) FS. Law Implemented 420.502, 420.507(4), (6), (9), (11), (21), 420.508 FS. History--New 12-3-86, Amended 12-4-90, 11-23-94, 9-25-96, 1-7-98, Formerly 9I-21.008, Amended 1-26-99, 11-14-99, 2-12-01,_____.

67-21.014 Credit Underwriting Procedures.

(2) The Credit Underwriter shall in Credit Underwriting analyze and verify all information in the Application in order to make a recommendation to the Board on the feasibility of the Development, without taking into account the willingness of a Credit Enhancer to provide Credit Enhancement.

(h) At a minimum, the Credit Underwriter shall require the following information during Credit Underwriting:

2. For Principals and Guarantors, audited financial statements or financial statements compiled or reviewed in accordance with Statement on Standards for Accounting and Review Services (SSARS) No. 1, which is adopted and incorporated herein by reference, for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. If audited financial statements or financial statements compiled or reviewed in accordance with SSARS No. 1 are not available, unaudited financial statements prepared within the last 90 days and reviewed by the Credit Underwriter in accordance with the Fannie Mae Multifamily Delegated Underwriting and Servicing (DUS) Guide, effective November 23, 1999, which is adopted and incorporated herein by reference, and the two most recent years tax returns.

3. For the General Contractor, audited financial statements or financial statements compiled or reviewed in accordance with SSARS No. 1, for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. The audited or compiled statements may be waived if a payment and performance bond equal to 100% of the total construction cost is issued in the name of the General Contractor by a company rated at least ~~lease~~ "A-" by AMBest & Co.

(j) A full or self-contained appraisal as defined by the Uniform Standards of Professional Appraisal Practice, which is adopted and incorporated herein by reference, and a separate market study shall be ordered by the Credit Underwriter from an appraiser qualified for the geographic area and product type not later than when an Application enters Credit Underwriting. The Credit Underwriter shall review the appraisals to properly evaluate the loan request in relation to the property value.

Specific Authority 420.507(12), 420.508(3)(c) FS. Law Implemented 420.507, 420.508, 420.509 FS. History—New 1-7-98, Formerly 9I-21.014, Amended 1-26-99, 11-14-99, 1-26-00, 2-12-01,_____.

67-21.016 Compliance Procedures.

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

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

(6) The Applicant shall submit Program Reports pursuant to the following: The initial Program Report shall be submitted prior to the time of Loan closing, if the Development is occupied, or by the 25th of the month following rental of the initial unit in the Development. Subsequent Program Reports shall be submitted each month and are due no later than the 25th of each month thereafter. The Program Reports shall be accompanied by the Recap of Tenant Income Certification Information, Form AR-1, the certificate of continuing program

compliance and copies of all Tenant Income Certifications executed since the last Program Report and shall be sent to Florida Housing, the Trustee and the monitoring agent.

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

- (a) Occupied by Lower-Income Residents.
- (b) Being held vacant for occupancy by Lower-Income Residents.
- (c) Occupied by other persons.

Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.507(4), (13), (14), 420.508, 420.509 FS. History—New 1-7-98, Formerly 9I-21.016, Amended 1-26-99, 11-14-99, 2-12-01,_____.

67-21.017 Transfer of Ownership.

(1) Any transfer of ownership of any Development shall be subject to compliance with the provisions of ~~this~~ Rule 67-21.017, F.A.C., provided that transfers of the limited partnership interest in the Developer to a tax credit syndicator, or the transfer of ownership to a creditor by means of foreclosure or deed in lieu of foreclosure, need not comply with this provision. The determination of whether a transfer of ownership of a Development shall be deemed to take place for purposes of this rule shall be made in accordance with the provisions of the Land Use Restriction Agreement and other Program Documents for such Development. Owners shall advise Florida Housing in writing of any change of ownership of the owner aggregating 50 percent or more of ownership interests in the owner within any six-month period.

(3) Upon demonstration of compliance with the provisions of ~~this~~ Rule 67-21.017, F.A.C., and favorable consideration by the Board to a request for transfer, Florida Housing shall assign a Credit Underwriter, Bond Counsel, Special Counsel, and other professionals as needed to effect the transfer.

Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.507, 420.508, 420.508(3)(a) FS. History—New 1-7-98, Formerly 9I-21.017, Amended 1-26-99, 11-14-99, 2-12-01,_____.

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

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

(a) An initial bond counsel fee of \$1,000 along with IRS Form 1023, which is adopted and incorporated herein by reference, and all attachments and correspondence to and from the IRS relative to 501(c)(3) status of the Applicant. A copy of IRS Form 1023 is available on the IRS website at www.irs.gov; and

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

(c) If a Development to be acquired is intended to be exempt from ad valorem taxes, evidence that it has notified all local ad valorem taxing authorities of the acquisition of the proposed Development by a 501(c)(3) entity.

(d) Specific information otherwise required to be submitted in an Application as requested by Florida Housing.

Specific Authority 420.507(12) FS. Law Implemented 420.502, 420.507(14), (24), 420.508 FS. History—New 11-14-99, Amended 2-12-01, _____.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: 67-32.006
 RULE TITLE: Terms and Conditions of Loan
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 50, December 14, 2001, issue of the Florida Administrative Weekly.

67-32.006 Terms and Conditions of Loan.

(1) The loan shall be in compliance with this rule chapter and the Act, and loan documents shall, at a minimum, contain the following terms and conditions:

(a) The loan shall be non-amortizing and shall have an interest rate of one three percent;

(b) Repayment of principal and interest shall be deferred until maturity of the note; ~~however the servicer will collect principal and interest payments along with servicing fees monthly and place them in an interest-bearing account which will provide funds to pay servicing fees and fully pay the loan at maturity.~~

(2) Unless otherwise approved by Florida Housing’s Board of Directors, the loan must close within 6 months ~~120 days~~ of the date of issuance ~~acceptance~~ of the firm EHCL loan commitment.

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.: 67-48.002
 RULE TITLES: Definitions
 67-48.004 Application and Selection
 Procedures for Developments
 67-48.006 Compliance and Reporting
 Requirements
 67-48.007 Fees
 67-48.009 SAIL General Program Procedures
 and Restrictions
 67-48.0095 Additional SAIL Application
 Ranking and Selection
 Procedures
 67-48.010 Terms and Conditions of SAIL
 Loans
 67-48.0105 Sale or Transfer of a SAIL
 Development
 67-48.012 SAIL Credit Underwriting and
 Loan Procedures

67-48.013 SAIL Construction Disbursements
 and Permanent Loan Servicing
 67-48.014 HOME General Program
 Procedures and Restrictions
 67-48.019 Eligible and Ineligible HOME
 Development Costs
 67-48.020 Terms and Conditions of Loans for
 HOME Rental Developments
 67-48.021 HOME Credit Underwriting and
 Loan Procedures
 67-48.022 HOME Disbursements Procedures
 and Loan Servicing
 67-48.023 Housing Credits General Program
 Procedures and Requirements
 67-48.026 Housing Credit Underwriting
 Procedures
 67-48.027 Tax-Exempt Bond-Financed
 Developments

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Volume 27, Number 50, December 14, 2001, issue of the Florida Administrative Weekly.

67-48.002 Definitions.

(2) “Address” means the address assigned by the United States Postal Service and must include address number, street name, city, state and zip code. If address has not yet been assigned, include, at a minimum, street name and ~~or~~ closest designated intersection, city, state and zip code.

(3) “Adjusted Income” means, with respect to a HOME Development, the gross income from wages, income from assets, regular cash or noncash contributions, and any other resources and benefits determined to be income by HUD, adjusted for family size, minus the deductions allowable under 24 CFR 5.611, which is adopted and incorporated herein by reference.

(11) “Application Period” means a period during which Applications shall be accepted as posted on Florida Housing’s website and with a deadline no less than thirty days from the beginning of the Application Period determined from time to time by the Corporation.

(20) “Code” or “IRC” means the Internal Revenue Code of 1986, as in effect on the date of this rule chapter, together with corresponding and applicable final, temporary or proposed regulations, notices, and revenue rulings issued with respect thereto by the Treasury or the Internal Revenue Service of the United States, which is adopted and incorporated herein by reference.

(26) “Consolidated Plan” means the plan prepared in accordance with HUD Regulations, 24 CFR § 91 ~~(1994)~~, which is adopted and incorporated herein by reference, and

which describes needs, resources, priorities and proposed activities to be undertaken with respect to certain HUD programs, including the HOME Program.

(33) "Development," "Project," or "Property" means any work or improvement located or to be located in the state, including real property, buildings, and any other real and personal property, designed and intended for the primary purpose of providing decent, safe, and sanitary residential housing for persons or families ~~via rental agreement executed in accordance with the Florida Residential Landlord and Tenant Act, Sections 83.40—83.682, Florida Statutes,~~ whether new construction, the acquisition of existing residential housing, or the remodeling, improvement, rehabilitation, or reconstruction of existing housing, together with such related non-housing facilities as the Corporation determines to be necessary, convenient, or desirable.

(34) "Development Cash Flow" means, with respect to SAIL Developments, actual cash flow of a SAIL Development as calculated in the statement of cash flows prepared in accordance with generally accepted accounting principles and as adjusted for items including but not limited to extraordinary fees and expenses, payments on debt subordinate to the SAIL loan and capital expenditures.

(35)(34) "Development Cost" means the total of all costs incurred in the completion of a Development excluding developer fee, acquisition cost of existing developments, and total land cost as shown in the Development Cost line item on the Development Cost pro forma within the Application.

(35) "Development Costs" means with respect to the SAIL and HOME Programs ~~the sum total of all costs incurred in the completion of a Development, all of which shall be subject to the approval by the Credit Underwriter and the Corporation as reasonable and necessary. Such costs include, for example, the following:~~

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

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

(c) ~~Any expenses relating to the issuance of tax exempt bonds or taxable bonds, if any, related to the particular Development.~~

(d) ~~Fees in connection with the planning, execution, and financing of the Development, such as those of architects, engineers, attorneys, accountants, and the Corporation.~~

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

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

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

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

(i) ~~Allowances established by the Corporation for working capital, contingency reserves, and reserves for any anticipated operating deficits during the first 2 years after completion of the Development.~~

(j) ~~The cost of such other items, including relocation costs, indemnity and surety bonds, premiums on insurance, and fees and expenses of trustees, depositories, and paying agents for the Corporation's bonds, as the Corporation shall determine to be reasonable and necessary for the construction or rehabilitation of the Development.~~

(36) "Development Expenses" means, with respect to SAIL Developments, usual and customary operating and financial costs, such as the compliance monitoring fee, the financial monitoring fee, replacement reserves, the servicing fee and the debt service reserves. As it relates to the application of Development Cash Flow described in Rule 67-48.010 (4), F.A.C., the term does not include extraordinary capital expenses, developer fees and other non-operating expenses.

(36) through (43) renumbered (37) through (44) No change.

(45)(44) "Farmworker" means any laborer who is employed on a seasonal, temporary or permanent basis in the planting, cultivating, harvesting or processing of agricultural or aquacultural products ~~in rural areas as defined by the U.S. Census Bureau~~ and who has derived at least 50% of his income in the immediately preceding 12 calendar months from such employment. "Farmworker" also includes a person who has retired as a laborer due to age, disability or illness. In order to be considered retired from farmwork due to age, a person must be 50 years of age or older and must have been employed for a minimum of 5 years as a farmworker immediately preceding retirement. In order to be considered retired from farmwork due to disability or illness, it must be:

(45) through (46) renumbered (46) through (47) No change.

(48)(47) "Final Cost Certification Application" or "Form FCCA" means, with respect to a Housing Credit Development, that Form FCCA which is adopted and incorporated herein by reference, effective on the date of the latest amendment to this rule chapter, and which shall be used by an Applicant to itemize all expenses incurred in association with construction or rehabilitation of a Housing Credit Development. Such form will be made available from the Corporation and shall be completed, executed and submitted to the Corporation, as specified in Rule 67-48.023(6)-(7), F.A.C., along with the executed Extended Use Agreement, IRS Forms 8821 for all Financial Beneficiaries, a copy of the syndication agreement disclosing the rate and all terms, the required certified public

accountant opinion letter, photographs of the completed Development, the monitoring fee, and documentation of the placed-in-service date as specified in FCCA instructions. The Final Housing Credit Allocation will not be issued until such time as all items in the preceding sentence are received and processed by the Corporation. A copy of such form is available on FHFC's website www.floridahousing.org. IRS Form 8821 is adopted and incorporated herein by reference and can be obtained from the Internal Revenue Service by calling 1-800-829-4477.

~~(50)(49)~~ "Financial Beneficiary" means any Developer and its principals and principals of the Applicant entity who receives or will ~~are to~~ receive a financial benefit of:

(a) 3% or more of Ttotal Development Cost (including deferred fees) if Ttotal Development Cost is \$5 million or less; or

(b) 3% of the first \$5 million and 1% of any costs over \$5 million (including deferred fees) if Ttotal Development Cost is greater than \$5 million.

This definition does not include third party lenders, third party management agents or companies, Housing Credit Syndicators, ~~C~~redit ~~E~~nhancers who are regulated by a state or federal agency and who do not share in the profits of the Development or building contractors whose total fees are within the limit described in Rule 67-48.002(54), F.A.C.

(50) through (55) renumbered (51) through (56) No change.

~~(57)(56)~~ "HOME" or "HOME Program" means the HOME Investment Partnerships Program administered by the Corporation pursuant to HUD Regulation 24 CFR Part 92, which is adopted and incorporated herein by reference, and Section 420.5089, Florida Statutes.

(57) through (59) renumbered (58) through (60) No change.

~~(61)(60)~~ "HOME Rental Application Package" or "HOMER1015" means the ~~computer disk~~, forms, and instructions thereto, obtained from 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 this rule chapter in order to apply for the HOME Programs. The HOME Rental Application Package is adopted and incorporated herein by reference, effective on the date of the latest amendment to this rule chapter.

HOME Rental Application Instructions.

First paragraph, page 1, has been changed to read as follows:

All Applicants are encouraged to review Rule 67-48, F.A.C., 24 CFR Part 92 (~~provided as Appendix 1~~) and the following instructions before completing prior to completion of this Application. (Unless otherwise indicated, all HUD

information referenced is available at <http://www.hud.gov/offices/cpd/affordablehousing/programs/home/index.cfm>)

Unless otherwise provided in these Instructions and the Application, capitalized terms are as defined in Rule Chapter 67-48, F.A.C. Program requirements do not necessarily meet all non-FHFC funding or allocation requirements. Applicants are responsible for ensuring that their developments meet all applicable laws and regulations.

General Instructions.

First two paragraphs, page 1, have been changed to read as follows:

~~HOME Rental is a stand alone program for 2002. It cannot be combined with any other program in the Universal Application Package Combined Cycle Program, or the Multifamily Mortgage Revenue Bond Program. The Application fee is \$100 per Application if Applicant or Applicant's general partner qualifies as a Non-Profit in accordance with Rule 67-48, F.A.C. entity and \$250 per Application for all others.~~

The following instructions must be followed by Applicants in preparing, assembling, and submitting the Application:

Third paragraph, first bullet, page 1, has been deleted as follows:

~~a computer disk containing all completed information in the Application, except the required exhibits, using Florida Housing's Electronic Application Template;~~

Third paragraph, second bullet, page 1, has been changed to read as follows:

- one printed version of the completed Application, including applicable exhibits and the Applicant Certification and Acknowledgement exhibit with an original signature. The Applicant must label ~~will mark~~ this printed version of the Application as the "Original Hard Copy";

Fourth paragraph, page 1, has been changed to read as follows:

The Applicant must ensure that the online Application (if applicable), ~~the Application on computer disk~~, the "Original Hard Copy" and the photocopies of the Application are all identical. Florida Housing will first consider the Application submitted online (if applicable). If for any reason all or part of the information in the online Application is inaccessible, Florida Housing will ~~next consider the Application submitted on computer disk. If for any reason all or part of the information in the Application on computer disk is inaccessible, Florida Housing will then~~ consider the "Original Hard Copy" of the Application. Florida Housing will only consider the exhibits submitted as part of the "Original Hard Copy". Notwithstanding the foregoing, if the Executive Director of Florida Housing, in his sole discretion, determines that ~~there are technical issues~~ substantially and adversely

impact the actual or perceived efficiency, reliability, or accuracy of with the online and/or computer disk Application process that affect efficiency or accuracy, then he may require Corporation staff to consider only the "Original Hard Copy" of an the Application, of a group of Applications, or of all Applications.

Fifth paragraph, page 1, has been changed to read as follows:

the Application if:

- ~~no computer disk is submitted, and/or;~~
- the "Original Hard Copy" of the Application fails to contain the Applicant Certification and Acknowledgement exhibit with an original signature and the applicable exhibits, and/or;
- less than one "Original Hard Copy" and three photocopies of the completed Application, including applicable exhibits, are submitted.

Eighth paragraph, page 2, has been changed to read as follows:

Do not retype, scan, image, or alter any page in the Application Package. This will cause the Application to be rejected. **NOTE:** Additional information that is placed on the face of a page that does not obscure the printed words is NOT considered an alteration of the page. However, the additional information cannot change the meaning or intent of the page. Additional information should be presented in an asterisk or footnote format or presented as an explanatory addendum to the page.

Ninth paragraph, page 2, has been changed to read as follows:

Notwithstanding anything in this Application and all instructions in this Application Package to the contrary and except for those items listed in Rule Chapter 67-48.004, F.A.C., Applicants shall be provided with an opportunity to submit additional documentation and revised pages, as well as other information in accordance with the applicable said rules.

Last paragraph, page 2, has been changed to read as follows:

IMPORTANT: Periodically throughout the Application, scoring and appeals process, all Applicants should check Florida Housing's website for updated information concerning the HOME Rental Application cycle. The website address is www.floridahousing.org.

Specific Instructions.

Part II., Applicant and Development Team.

Section A.1. and A.2., pages 3 and 4, have been changed to read as follows:

1. Enter requested information for Applicant ~~Entity~~. The Address must be in accordance with the definition of Address in the applicable Rule.

If the Federal Identification Number has not yet been obtained, provide a copy of the completed, submitted application for that number behind a tab labeled "Exhibit 2".

a. Applicant ~~Entity~~ must be a legally formed entity [i.e., limited partnership, corporation, limited liability company, etc.] qualified to do business in the ~~s~~State of Florida as of the Application Deadline. Except for public housing authorities, Applicant must include behind a tab labeled "Exhibit 3" a copy of the valid Certificate of Good Standing from the Florida Secretary of State and a copy of the documentation that created the Applicant ~~Entity~~ (such as the partnership or joint venture agreement,; or Certificate of Limited Partnership and the Affidavit of Initial Capital Contribution). If a general partnership or joint venture, provide, together with a sworn statement under penalty of perjury that the agreement is a true and correct copy of the documentation that created the Applicant.

b. If the Applicant applies as a Non-Profit entity ~~pursuant to Rules 67-48.002(—), F.A.C.~~, it must remain a Non Profit entity. The Non-Profit entity understands and acknowledges that it is the Non-Profit entity's responsibility to contractually ensure insure that it substantially and materially participates in the management and operation of the Development throughout the Compliance Period. If the Applicant is applying as a Non-Profit entity, failure to include IRS determination letter behind a tab labeled "Exhibit 4" and the attorney opinion letter behind a tab labeled "Exhibit 5" will result in disqualification as a Non-Profit and rejection of the Application.

If Applicant applies as a Non-Profit entity applicable, provide the description/explanation of the role of the Non-Profit entity behind a tab labeled "Exhibit 6". Provide the names and addresses of the governing board of the Non-Profit entity behind a tab labeled "Exhibit 7". Provide the articles of incorporation demonstrating that If one of the purposes of the Non-Profit entity is to foster low-income housing, ~~provide the articles of incorporation~~ behind a tab labeled "Exhibit 8".

c. In order to be eligible to apply under the Community Housing Development Organization (CHDO) set-aside, provide behind a tab labeled "Exhibit 9" ~~the completed CHDO checklist provided at Appendix 2 (CHDO Checklist and Information) and all required documentation~~ OR a letter from the Florida Housing Finance Corporation's HOME Program, dated not prior to 1 year preceding the Application Deadline, which designates the Applicant as a CHDO. If the Applicant has not yet been designated as a CHDO and wishes to be designated as a CHDO, a CHDO checklist is available from Florida Housing (also available at www.floridahousing.org in the HOME Rental section). All required information for designation of the Applicant as a CHDO must be provided not later that the deadline provided for submission of additional documentation, revised pages, and other such information the Applicant deems appropriate as provided in Rule Chapter 67-48.004, F.A.C. If a letter is provided, it must be dated no earlier than 1 year preceding the Application Deadline.

If ~~the~~ Applicant applies as a ~~Community Housing Development Organization (CHDO)~~ but does not provide the appropriate documentation evidencing its status as a CDHO in accordance with HUD requirements and this Application, the subject Application will not qualify to compete in the CHDO set-aside but may compete with other non-CHDO Applications.

2. Provide the required information ~~a list of all general and limited partners and the officers, directors and shareholders for each Applicant and each Developer as of the Application Deadline~~ behind a ~~the~~ tab labeled "Exhibit 10". ~~This list must include warrant holders and/or option holders of the proposed Development.~~

Section B., first paragraph, page 4, has been changed to read as follows:

The past performance record of the development team, which consists of Developer, Management Agent, General Contractor, Architect/Engineer, Attorney and Accountant, e.g. i.e., failure to place-in-service a development or project which received a housing credit allocation; failure to comply with previously executed loan documents; failure to comply with Program Rules; failure to comply with Section 42; and/or failure to comply with a the Land Use Restriction Agreement or an Extended Use Agreement, will be verified during credit underwriting. Development teams with an unsatisfactory past performance record may ~~will~~ receive a negative recommendation from the Credit Underwriter. ~~The past experience record of the development team, which consists of Developer, Management Agent, General Contractor, Architect/Engineer, Attorney and Accountant, will be carefully reviewed.~~

Section B.1, page 4, has been changed to read as follows:

a. Provide name of Developer: _____

~~b.a.~~ Certification – Provide the completed Developer or principal(s) of the Developer Certification Form behind a tab labeled "Exhibit 11". A separate certification should be provided for each Co-Developer.

~~c.b.~~ Prior Experience Chart – The Developer or principal(s) of Developer must demonstrate experience in the completion of at least two affordable housing developments of similar magnitude by providing a prior experience chart behind a tab labeled "Exhibit 11". The chart must include ~~that includes~~ the following information:

Name of Development	Location (City & State)	Construction Category (New Construction or Rehabilitation/ Substantial Rehabilitation)	Design Type: garden, townhouses, high-rise, duplex/quad., mid-rise w/elevator, single family, or other (specify type)	Number of Units
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Section B.2.b., page 5, has been changed to read as follows:

Prior Experience Chart – The Management Agent or principal(s) of Management Agent must demonstrate experience in the management of at least two affordable housing properties of similar magnitude for at least two years ~~of similar magnitude~~ by providing a prior experience chart behind a tab labeled "Exhibit 12". The chart must include ~~that includes~~ the following information:

Section B.3. b. and c., page 6, have been changed to read as follows:

b. Prior Experience Chart – The General Contractor or principal(s) of

General Contractor must demonstrate experience in the construction of at least two completed housing developments of similar magnitude, development category, and design type as the proposed Development by providing a prior experience chart behind a tab labeled "Exhibit 13". The chart must include ~~that includes~~ the following information:

Name of Development	Location (City & State)	Construction Category (New Construction or Rehabilitation/ Substantial Rehabilitation)	Design Type: garden, townhouses, high-rise, duplex/quad., mid-rise w/elevator, single family, or other (specify type)	Number of Units
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Part III., Development.

Section A.1., page 6, has been changed to read as follows:

Provide the ~~actual trade or marketing name, and if applicable, the d/b/a~~ name of the Development.

Section A.2.a., page 6, has been changed to read as follows:

Provide the State Address as defined in the applicable rule.

Section A.2.b., third sentence of second paragraph, page 6, has been changed to read as follows:

If located in Leon or Alachua County, complete c. or d. as appropriate and provide a letter from the applicable county's Director of Planning ~~or~~ Zoning or ~~c~~Chief appointed official or staff responsible for determination of planning or zoning issues verifying that the development site is outside of the incorporated boundaries of the applicable city behind a tab labeled "Exhibit 17".

Section A.3., last sentence, has been changed to read as follows:

However, the acquisition costs and sources must still be reflected on the Development Cost pro forma.

Section A.7., first sentence, page 7, has been changed to read as follows:

Provide a short narrative description of the Development which summarizes the scope of work to be performed and which further conveys any unique or unusual characteristics of the Development not provided elsewhere in the Application.

Section A.8., page 7, has been changed to read as follows:

Complete the chart. All units in the Development must be listed, including all manager/employee units. Number of baths per unit must indicate 1/2 baths, if applicable. ~~Floor space means the interior space that is heated and cooled.~~ Use additional sheets if necessary.

Section A.9., first sentence, page 7, has been changed to read as follows:

Indicate whether the proposed Development has been underwritten previously by any Credit Underwriter ~~acting~~ on behalf of Florida Housing Finance Corporation.

Section A.10, page 7, has been changed to read as follows:

Indicate the sStatus of new construction or Rehabilitation work. Refer to the definition of "HOME Development" with regard to Development eligibility in the event that development activities ~~construction~~ has started. If the Development is occupied, it must be in compliance with the HOME Program Rules at loan closing.

Section B., first paragraph, page 8, has been changed to read as follows:

All required features and amenities, as well as all optional features and amenities selected by the Applicant, will be included in the Land Use Restriction Agreement and must be maintained in order for the Development to remain in compliance unless the Board approves a change.

Section B.1., first paragraph, page 8, has been changed to read as follows:

Required Features and Amenities for All Developments - In addition to meeting all building codes, Fair Housing Act, HQS Guidelines ~~provided as Appendix 3~~, Section 504 of the Rehabilitation Act of 1973, and Americans with Disabilities Act requirements and all other federal and state building requirements, all units for the type of Development indicated must have itemized features and amenities.

Section B.2., first two paragraphs, page 8, have been changed and a new third paragraph has been added to read as follows:

All items selected must be located on the Development property. Selecting these items commits the Applicant to provide them unless the Board approves a change. Points will be awarded as indicated on each item up to the maximum allowed for each particular section as indicated below.

The point value for each feature and amenity selected by the Applicant in the Optional Features and Amenities section of the Application at Part III, Section B.2.a., b., c. and/or d. will be doubled if the proposed Development:

- consists of 50 or fewer total units, and/or
- is a ~~Farmworker~~ or SRO Development

Rehabilitation Developments will automatically receive 2 points for Energy Conservation Features and may achieve a maximum of 9 points by selecting items totaling at least 7 points.

The maximum available points remains as listed below:

a. For new construction Developments (maximum 9 points)

b. For Rehabilitation Developments (maximum 9 points)

c. For all Developments ~~e~~Except SRO (maximum 12 points)

Section C.2.a., page 9, has been changed to read as follows:

A qualified contract is one that has a term which does not expire before the last expected closing date of December 31, 2002 or that contains extensions options exercisable by the purchaser and conditioned solely upon payment of additional monies which, if exercised, would extend the term to a date not earlier than December 31, 2002; provides that the buyer's remedy for default on the part of the seller includes or is specific performance; and the buyer MUST be the Applicant unless a fully executed assignment of the qualified contract which assigns all of the buyer's rights, title and interests in the qualified contract to the Applicant, is provided.

Section C.3., third paragraph, page 10, has been changed to read as follows:

Evidence of availability of electricity must be provided behind a tab labeled "Exhibit 21". Evidence of availability of water must be provided behind a tab labeled "Exhibit 22". Evidence of availability of sewer, package treatment or septic tank must be provided behind a tab labeled "Exhibit 23". Evidence of availability of roads must be provided behind a tab labeled "Exhibit 24".

Section C.4., first sentence, page 10, has been changed to read as follows:

To demonstrate that the proposed Development site is appropriately zoned and consistent with local land use regulations regarding density and intended use or that the proposed Development site is legally non-conforming, the Applicant must provide the appropriate verification form as indicated in this section behind a tab labeled "Exhibit 25".

Section C.5., last two paragraphs, page 11, have been changed to read as follows:

Note: If the Phase I ESA and/or the Phase II ESA disclosed environmental problems requiring remediation, a plan, including time frame and cost, for the remediation is required. By answering the applicable questions and executing the Phase I and/or Phase II verification(s), the environmental provider is certifying that such plan has been prepared. In addition, by executing the Applicant Certification and Acknowledgement Form ~~at Part I of this Application~~, the Applicant certifies that the plan has been prepared and the costs associated with such remediation have been included in the Development Ceost pro forma submitted in this Application.

In addition to the environmental review requirements included in this Application, a satisfactory Environmental Review in accordance with 24 CFR Part 58 will be required of

all HOME Rental Developments prior to loan closing. For more information on this process, see HUD-CPD Notice 94-18 Appendix 4.

Section D, Targeting, page 11, has been deleted in its entirety.

Section E., Set-Aside Commitments, page 12, has been renumbered Section D.

Section D., first paragraph, page 12, has been changed to read as follows:

All set-aside commitments ~~made on this form~~ will be included in the Land Use Restriction Agreement and must be maintained in order for the development to remain in compliance unless the Board approves a change.

Section D.2., first sentence of the first paragraph, has been changed to read as follows:

Calculate the percentage of additional HOME-Assisted (set-aside) units beyond the minimum required that Applicant is committing to.

Section D.3., page 12, has been changed to read as follows:

Low HOME Rent units must be equal to or greater than 20% of the total set-aside units committed to. All remaining set-aside units will be High HOME Rent units. Calculate the number of Low HOME and High HOME rent units. Round up the number of Low HOME Rent Units to the next whole unit. (Rent level information can be found @www.floridahousing.org or at the HUD site referenced at the beginning of these instructions is provided as Appendix 5.

Section D.4., page 12, has been changed to read as follows:

If the Applicant irrevocably commits to set-aside units in the proposed Development for additional years beyond than more the minimum number required by rule, points will be awarded based on the ~~following~~ chart below: Developments with HOME loans that are coterminus with other financing are committing to providing these set-aside units for a period beyond the term of the HOME loan.

<u>Additional Years Beyond Minimum Required</u>	<u>Points</u>
5 years	2
10 years	5

Section F, Resident Programs, first five paragraphs, page 13, have been changed to read as follows:

E. F. Resident Programs (Maximum ~~12~~ 14 Points)

Applicants ~~developing Non-Elderly, non-SRO housing~~ may select resident programs from the Qualified Resident Programs for Non-SRO Developments section or the Qualified Resident Programs for SRO Developments ~~Item 4~~ up to a

maximum of ~~4~~ 6 points. Programs in the Qualified Resident Programs for All Applicants section may be selected up to a Maximum of 8 points.

~~Applicants developing Non-Elderly SRO Housing may select resident programs from Item 2 up to a maximum of 6 points.~~

~~Applicants developing Elderly housing may select resident programs from Item 3 up to a maximum of 6 points.~~

~~All Applicants may select resident programs in Item 4 up to a maximum of 8 points.~~

All resident programs selected by the Applicant will be included in the Land Use Restriction Agreement and must be maintained in order for the Development to remain in compliance unless the Board approves a change.

Section E.1., first sentence, page 13, has been changed to read as follows:

1. Qualified Resident Programs for ~~ALL Non-Elderly, Non-SRO~~ Developments (Maximum ~~4~~ 6 Points)

To be eligible to select resident programs in this category, Applicant's Development cannot be SRO housing.

Section E.1. has been changed with the addition of new g. and h. to read as follows:

g. Daily Activities – Applicant or its Management Agent must provide on-site supervised, structured activities, at no cost to the resident at least 5 days per week. (3 points)

h. Private Transportation – The Applicant or its Management Agent must make available a safe and serviceable vehicle that can transport residents to off-site locations for such things as medical appointments, public service facilities, and/or educational or social activities, at no cost to the resident. A nearby bus stop or access to programs such as “Dial-A-Ride” will not be acceptable for purposes of this program. (3 points)

Section E.2., first sentence, page 14, has been changed to read as follows:

2. Qualified Resident Programs for ~~Non-Elderly~~ SRO Developments Only (Maximum ~~4~~ 6 Points)

Section E.2., second paragraph, page 14, has been changed to read as follows:

Note: All ~~Homeless~~ SRO Developments for Homeless persons will be required to provide a Service Coordination Program whereby the Applicant or its Management Agent must provide, at no cost to the resident, a service coordinator (at least one for every 25 residents) whose activities are aimed at assessing resident needs, planning services, linking the service system to a resident, coordinating the various system components, monitoring service delivery, and evaluating the effect of service delivery. Service Coordinators must possess at least a bachelor's degree in human services or a related field.

Section E.2. has been changed with the addition of a new i. to read as follows:

i. Private Transportation – The Applicant or its Management Agent must make available a safe and serviceable vehicle that can transport residents to off-site locations for such things as medical appointments, public service facilities, and/or educational or social activities, at no cost to the resident. A nearby bus stop or access to programs such as “Dial-A-Ride” will not be acceptable for purposes of this program. (3 points)

Section E.3., page 16, has been deleted in its entirety.

Section E.4., page 17, has been renumbered Section E.3.

Section E.3.j., page 18, has been deleted and E.3.k., page 18, has been renumbered E.3.j.

Section G, Match, page 19, has been renumbered Section F.

Section F., page 19, has been changed to read as follows:

1. Insert requested HOME loan amount and calculate the state required match amount. HUD regulations 24 CFR Part 92.220 requires Florida Housing to match funds for each HOME dollar spent on a Development. Applicants who can provide the full 25 percent match requirement will receive the maximum score of 5 points. For information on eligible match sources and instructions on how to calculate match, refer to the HUD HOME regulations at 24 CFR Part 92.220 ~~provided as Appendix 4.~~ The 10-year Treasury note rate to be used for the purposes of match calculations will be the rate in effect as of the date of publication of the HOME Rental Notice of Funding Ability (NOFA).

2. Provide amounts of each source of match. For each source of match funding identified, Applicant must provide a signed statement from the source detailing the type of contribution, amount, and how it was calculated. If the amount of the contribution is determined based upon a present value calculation, include the actual present value calculation as described in 24 CFR Part 92.220 ~~provided at Appendix 4.~~ No points will be awarded for any source for which a narrative and documented evidence are not provided. This documentation must be provided behind a ~~the~~ tab labeled “Exhibit ~~28~~ 29”.

3. Points will be calculated to the nearest 2 decimal places and awarded based on the percentage of match provided. For example, if the percentage calculated in #3 is 23.25%, the total number of available points (5) will be multiplied by the percentage calculated. Therefore, 1.16 points would be awarded (23.25% x 5).

Section H, Uniform Relocation Act, page 19, has been renumbered Section G.

Sections G.1., G.2., and G.3., pages 19 through 21, have been changed to read as follows:

1. Indicate “yes” that the Development involves rehabilitation work ~~This question should be answered “Yes” if any portion of the Development will involve rehabilitation, regardless of whether or not the Development Category indicated earlier in the Application was Rehabilitation or not.~~

2.a. through e. Answer all questions as appropriate.

f.(1) & (2) List of all occupied units and tenant income certifications – The income of persons and households who are currently occupying a unit that will receive HOME assistance must be provided to determine whether they are income eligible. For all occupied units, the Applicant must provide a summary list of all residents and income certifications for those residents in occupied units that will be HOME-Assisted units. The income certification form is available at www.floridahousing.org provided at Appendix 6 (Tenant Income Certification). ~~If the existing residents and/or Development is/are currently participating in a federally subsidized program (such as Project-based Section 8, Section 8 Existing or Section 8 Voucher Programs), the residents’ current income certification forms required for that program may be used instead. Provide the~~ ~~This documentation is provided~~ in a separate notebook entitled “Relocation Documentation.” Only one copy of this documentation is required.

f.(3) Provide a brief description of how the Development will meet the HOME set-aside requirements. ~~Provide t~~ ~~This documentation is provided in the a separate notebook entitled “Relocation Documentation.”~~ Only one copy of this documentation is required.

f.(4) Cost of Relocation – Describe how ~~cover~~ the cost of relocation will be covered. Detail how the temporary and permanent relocation will be handled (permanent relocation costs are not eligible soft costs under the HOME Program). Provide the ~~This documentation is provided in the a separate notebook entitled “Relocation Documentation.”~~ Only one copy of this documentation is required.

f.(5) General Information Notice – In accordance with the Uniform Relocation Act (URA), as part of the HUD regulations, a Development applying for HOME funds must provide a notice to all tenants at Application, informing them of their rights under the URA in accordance with Chapter 2 of the HUD Handbook 1378 ~~provided at Appendix 7 (Uniform Relocation Act Information)~~. The proper manner of notice is provided ~~on in Pages 2-6 of this Handbook.~~ A copy of each General Information Notice must be provided to each tenant, not just tenants in HOME-Assisted Units. Provide a copy of each General Information Notice ~~Therefore, this information must be provided for each all occupied units in the notebook labeled “Relocation Documentation”. Each~~ ~~The notice must include proof of delivery; by either certified letter or by signed copy of the notice when hand delivered. Copies of the General Information Notice should be submitted in the above described binder labeled “Relocation Documentation”.~~ A sample of the Notice may be found at www.floridahousing.org or by contacting Florida Housing Appendix 7 (Uniform Relocation Act Information). ~~This documentation is provided in a separate notebook entitled “Relocation Documentation.”~~ Only one copy of this documentation is required.

3.a. If the Applicant owns the Development site, provide a narrative describing the acquisition ~~must be provided~~ behind a ~~the~~ tab labeled “Exhibit ~~29 30~~”. This narrative must describe how, when, and from whom the property was acquired and whether or not the property was vacant when acquired.

b. If the Applicant is a private company and is acquiring the property, the Applicant (buyer) must provide the seller with a notice that the buyer does not have the power of eminent domain to obtain the property and a determination of market value will estimate the value of the property. This must be done prior to execution of the contract and may be attached as an addendum. ~~A sample addendum is located available at www.floridahousing.org Appendix 7 (Uniform Relocation Act Information).~~ A copy of the required notice must be provided behind a ~~the~~ tab labeled “Exhibit ~~30 31~~”. A sample addendum is available at www.floridahousing.org.

c. If the Applicant is a public (government) Applicant, respond to all applicable remaining questions in this relocation section. ~~Applicant (buyer) may have eminent domain power to obtain the Development site and must determine whether the sale is voluntary or involuntary.~~

d. If the buyer has the power of eminent domain, buyer must notify the seller in writing that it has such power and the determination of market value for the property is being waived. ~~A sample notice may be found at Appendix 7 (Uniform Relocation Act Information).~~ Provide a A copy of the required notice ~~must be provided~~ behind a ~~the~~ tab labeled “Exhibit ~~30 31~~”.

e. If the Applicant is a public (government) Applicant and does not have the power of eminent domain, provide the following ~~must be provided~~: (1) Notice of Interest, (2) Determination of fair market value, (3) Appraisal of the property, and (4) written offer of just compensation which includes a statement of just value, property description, and identification of buildings. Provide a All required documentation ~~must be provided~~ behind a ~~the~~ tab labeled “Exhibit ~~31 32~~”.

Section I, Certification of Consistency with the Consolidated Plan, page 21, has been renumbered Section H.

Section H., first sentence of the first paragraph, page 21, has been changed to read as follows:

~~All applications awarded HOME funds must~~ Provide evidence behind a ~~the~~ tab labeled “Exhibit ~~32 33~~” that the proposed Development is consistent with the applicable ConPlan.

Section J, Other Federal Requirements, page 22, has been renumbered Section I.

Section I.1., first paragraph, page 22, has been changed to read as follows:

Respond to the question. Owners of a building or buildings which consist of 12 or more HOME-Assisted units which are to be constructed or rehabilitated by the same contractor under a single contract (including scattered site

Developments) must comply with the Federal Labor Standards requirements (see ~~Appendix 8~~) as identified in 24 CFR Part 92 and Rule 67-48.

Sections I.2. and I.3., pages 22 and 23, have been changed to read as follows:

2. Owners and contractors are prohibited from employing, awarding contracts, or funding any contractors or subcontractors that have been debarred, suspended, proposed for debarment or placed on ineligibility status by HUD. In addition, any owners who are debarred, suspended, proposed for debarment, or ineligible will be prohibited from participating in the HOME Program. Therefore, a the certification provided in Appendix 8 (Federal Labor Standards Provisions) must be executed by the contractor for compliance with debarment and suspension regulations. Provide that certification and provided behind a ~~the~~ tab labeled “Exhibit ~~33 34~~”. A sample of this certification may be found at www.floridahousing.org or by contacting Florida Housing’s HOME Rental Program. Failure to provide this executed certification will result in rejection of the Application.

3. Respond to the question. If the Development was built before 1978, Lead Based Paint Regulations may apply. See 24 CFR Part 35 for exemptions. When accepting HOME funding the Applicant certifies the it understands the requirements of the current lead based paint regulations ~~requirements~~ as identified in 24 CFR Part 92 and Rule 67-48.

If the Development was built before 1978, ~~Applicant must~~ provide a copy of the executed Disclosure of Information on Lead Based Paint and Lead Based Paint Hazards Form behind a ~~the~~ tab labeled “Exhibit ~~34 35~~”. This form is available from HUD or at www.floridahousing.org. See Appendix 9 (Lead Hazard Requirements) for a sample format entitled “Disclosure of Information on Lead Based Paint and Lead Based Paint Hazards” and A a copy of the brochure entitled “Protect Your Family From Lead in Your Home” which is referenced in this sample disclosure is also available from HUD or at www.floridahousing.org. Failure to provide a copy of the executed Disclosure, if applicable, will result in rejection of the Application.

Part IV. Local Government Incentives.

The Incentives section, first paragraph and Items 1 through 4, page 23, have been changed to read as follows:

Incentives (Maximum ~~4 5~~ Points):

Points will be awarded for the following Local Government planning efforts: To be eligible to receive points, the Applicant must submit the applicable Local Government Verification of Affordable Housing Incentives Form(s), properly completed and executed. Do not provide any attachments to the verification forms.

1. ~~Affordable housing developments or properties for which the Local Government provided an expedited processing of permits. (1 point)~~ Provide the Local Government

Verification of Affordable Housing Incentives – Expedited Permitting Process for Affordable Housing Form behind a tab labeled “Exhibit ~~35~~ 36”. (1 point)

~~2. Affordable housing developments or properties that have benefited or will benefit from any actual Local Government contributions. (1 point)~~ Provide the Local Government Verification of Affordable Housing Incentives – Contributions Made to Affordable Housing Properties or Developments Form behind a tab labeled “Exhibit ~~36~~ 37”. (1 point)

~~3. Modification of fee requirements, including reduction or waiver of fees and alternative methods of fee payment. (1 point)~~ Provide the Local Government Verification of Affordable Housing Incentives – Modification of Fee Requirements for Affordable Housing Properties or Developments Form behind a ~~the~~ tab labeled “Exhibit ~~37~~ 38”. (1 point)

~~4. Ongoing formal process for consideration, before adoption, by the Local Government of the potential impact of policies, procedures, ordinances, regulations, or plan provisions upon affordable housing. (1 point)~~ Provide the Local Government Verification of Affordable Housing Incentives – Impact of Policies, Ordinances, Regulations, or Plan Provisions on Cost of Affordable Housing Properties or Developments Form behind a ~~the~~ tab labeled “Exhibit ~~38~~ 39”. (1 point)

~~To be eligible to receive points, the Applicant must submit the applicable Local Government Verification of Affordable Housing Incentives Form(s), properly completed and executed. Do not provide any attachments to the verification forms.~~

Part V. Financing.

Section A., last sentence, page 24, has been changed to read as follows:

Funding request amount is subject to HUD Subsidy limits as ~~Appendix 10 (HUD Subsidy Limits)~~.

Section B., first paragraph, page 24, has been changed to read as follows:

All Applicants must complete and attach the following finance documents:

- Development Cost Pro Forma, behind a tab labeled “Exhibit ~~39~~ 40”
- Detail/Explanation Sheet, if applicable, behind a tab labeled “Exhibit ~~40~~ 41”
- Construction or Rehab Analysis, behind a tab labeled “Exhibit ~~41~~ 42”
- Permanent Analysis, behind a tab labeled “Exhibit ~~42~~ 43”
- Commitment to Defer Developer Fee, if applicable, behind a tab labeled “Exhibit ~~43~~ 44”.

Section B., Developer Fees bullet, page 25, has been changed to read as follows:

Developer fees shall be limited to 16% of Development ~~Cost excluding land and building acquisition costs~~. A Developer fee on the building acquisition cost shall be limited to ~~4%~~ 4% of the cost of the building exclusive of land.

Note: The maximum allowable Developer fee will be tested by multiplying the Development Cost by the applicable percentage (16%, ~~18%~~ or 4%). This calculation will be carried to 2 decimal places and may not be rounded.

Section C., Funding Commitment(s), last sentence, page 25, has been changed to read as follows:

Insert documentation for each source directly behind its own tab beginning with a tab labeled “Exhibit ~~44~~ 45” and continuing with sequentially numbered tabs for each exhibit.

Section C., Funding from Corporation Programs bullet, page 25, has been changed to read as follows:

For 2002, ~~HOME Rental is a stand program.~~ An Applicant may not apply for other Florida Housing Programs for funding for this Development.

Section C., first bulleted item in the Firm Commitment bullet, page 26, has been changed to read as follows:

- A firm commitment must contain:
 - terms
 - interest rate
 - signature of all parties, including acceptance by the Applicant

~~Note: In order to be scored as ‘firm’, Local Government financial commitments are not required to be signed by the Applicant if the Applicant provides the properly completed Local Government Verification of Contribution Form along with, where applicable, the required supporting documentation.~~

- a statement that states the commitment does not expire before December 31, 2002; with the exception of Local Government-issued tax exempt bonds.

Section C, the last bulleted item in the Firm Commitment bullet, page 27, has been changed to read as follows:

- ~~If the first mortgage financing is to come from Corporation-issued Multifamily Bonds from a past Application cycle, a copy of the loan commitment which has been executed and accepted by all parties must be included as an exhibit to the Application in order for financing to count as a firm commitment.~~

~~If the Guarantee Fund will be the source of enhancement, a copy of the Application submitted to the Guarantee Fund and proof of payment of the commitment fee must be included.~~

Applicant must include as an exhibit to the Application a copy of the Commitment or Letter of Interest for the credit enhancer(s)/bond purchaser with a contact person’s name, address and telephone number, credit underwriting standards and an outline of proposed terms. The stated amount of the Commitment or Letter of Interest shall not be less than the proposed principal amount of the bonds (including any proposed taxable bonds). If the first mortgage financing is to

come from non-Corporation-issued Multifamily Bonds, evidence of the following items must be included to receive a firm commitment:

If the first mortgage financing is to come from Local-Government issued private activity bonds non-Corporation-issued Multifamily Bonds, evidence of the following items must be included to receive a firm commitment:

Section C, first line of Item B. of the last bulleted item in the Firm Commitment bullet, page 28, has been changed to read as follows:

B. Issuance on behalf of by 501(c)(3) Organizations:

Section C., last bullet, Syndication/HC Equity, page 28, has been changed as follows:

Title Syndication/HC Equity has been changed to Syndication/non-competitive HC Equity.

First sentence of the first bulleted item has been changed to read as follows:

- A firm commitment from a Housing Credit Syndicator is an agreement which is executed and accepted by all parties including the Applicant, is dated, and includes all terms and conditions of the agreement.

Second paragraph of the third bulleted item has been changed to read as follows:

Important! If not syndicating/selling the housing credits, evidence of ability to fund, as defined under Firm Commitment above, must be provided as an exhibit to the Application. Additionally, in order for the commitment to be scored firm, 35% forty percent of the total equity being provided must be paid prior to or simultaneously with the closing of the construction financing. Proceeds from a bridge loan will NOT count toward meeting this requirement.

Second to last paragraph, page 29, has been changed to read as follows:

Only information contained within this application will be considered for purposes of threshold determination or appeal. However, the Applicant acknowledges that verification of ALL information contained in this Application will be obtained and any funding award preliminarily secured by the Applicant is expressly conditioned upon such verification and the successful completion of credit underwriting. ~~Further, Florida Housing expressly reserves the right to verify and confirm Local Government contributions during the scoring and appeals process.~~

Part VI. Exhibits.

The entries for Exhibits 15 and 20, page 31, Exhibits 25 and 28 through 36, page 32, and Exhibits 37 through 45, page 33, have been changed as follows:

Exhibit No.	Application Part/Section Number	Subject	Required to Meet Threshold or Receive Points	
			All Applicants Must Provide	Applicants Must Provide Only If Applicable
15 154	II.B.	Attorney Certification Form	x	
20	III.C.	Site Control: contract and title insurance commitment, deed or recorded certificate of title and title insurance policy or commitment, or lease and title insurance leasehold policy	x	
25	III.C.	Local Government Verification that Development is Consistent with Zoning and Land Use Regulations (new construction or Rehab./Sub-Rehab-) or Local Government Verification that Permits are Not Required for this Development (Rehab./ Sub-Rehab-)	x	
28	III.D.	Evidence of need for Farmworker/Comm-Fishing Worker housing/ evidence of need for housing for SRO housing		x
36 37	IV.D.	Local Government Verification of Affordable Housing Incentives Contributions Made to Affordable Housing Properties or Developments		x

~~15~~ 154 II.B. Attorney Certification Form x

20 III.C. Site Control: contract and title insurance commitment, deed or recorded certificate of title and title insurance policy or commitment, or lease and title insurance leasehold policy x

25 III.C. Local Government Verification that Development is Consistent with Zoning and Land Use Regulations (new construction or Rehab./Sub-Rehab-) or Local Government Verification that Permits are Not Required for this Development (Rehab./ Sub-Rehab-) x

28 III.D. Evidence of need for Farmworker/Comm-Fishing Worker housing/ evidence of need for housing for SRO housing x

Exhibits 29 through 36 have been renumbered Exhibits 28 through 35.

~~36~~ 37 IV.D. Local Government Verification of Affordable Housing Incentives Contributions Made to Affordable Housing Properties or Developments x

Exhibits 38 through 45 have been renumbered Exhibits 37 through 44.

Threshold Requirements.

The first sentence, page 33, and Items 3, 5, 8, 13, and 16, page 34, have been changed to read as follows, and a new Item 17 has been added to read as follows:

Requirements to meet ~~t~~Threshold include:

3. Applicant must submit one original Application labeled "Original" and three photocopies of the original Application; ~~along with a computer disk containing all completed applicable pages and forms.~~

5. The Application must be submitted by the Application Deadline and must be accompanied by the correct Application fee.

13. HOME loan request limits may not exceed the HUD Subsidy limits ~~provided as Appendix 10 (HUD Subsidy Limits).~~

16. Applicant must provide Contractor Certification regarding debarment and suspension ~~as required in III. J. 2., if applicable.~~

17. Applicant must comply with any other items specifically designated "Threshold" in the Home Rental Application Package.

Ranking and Selection Criteria.

First paragraph, page 35, has been changed to read as follows:

Each Application received by the Application Deadline will be assigned an Application number. All Applications will be scored and then ranked in order of their scores provided all threshold requirements have been met as identified in the HOME Rental Threshold Requirements. Applications eligible for the CHDOs set-aside will be funded in accordance with Rule 67-48, F.A.C. If funding remains after all eligible Applications have been funded, it may be carried over to the next year or used by the HOME Homeownership Program. Developments which have Local Government issued tax-exempt private activity bond financing as a funding source will not be considered for funding until all Developments which do not use Local-Government issued tax-exempt private-activity bonds as a funding source have been considered for funding.

Second paragraph and Items 1 through 6, page 35, have been changed to read as follows:

In the event two Applications receive tied scores, the following are the tie breakers and the order in which they will be used to break a tie:

1. An Application submitted by a CHDO Applicant will receive priority over an Application submitted by a non-CHDO Applicant.

2. An Application proposing to develop housing in serve a non-entitlement area will receive priority over an Application proposing to develop housing in serve an entitlement area.

~~3. An Application proposing to serve Farmworkers/Commercial Fishing Workers will receive priority over one not proposing to serve that population~~

3.4. The Application with the larger percentage of additional set-aside units (rounded to two decimal places) will receive priority over the Application with the lower percentage of additional set-aside units.

~~4.5. The Application with the larger percentage of match provided will receive priority over the Application providing the lesser percentage.~~

5. The Application which will use the smaller percentage of HOME Rental funds compared to the Total Development Cost will receive priority over the Application which will use a larger percentage.

6. An Application applying as a Non-Profit will receive priority over an Application applying as a for-profit. Fees.

Item 1, page 35, has been changed to read as follows:

1. Application Package Fee:

Applicants may obtain the HOME Rental Application Package as follows:

a. The Application Package is available on FHFC's website (www.floridahousing.org) without charge; or

b. A hard copy of the Application Package can be purchased from Florida Housing for a fee of \$50. Payment must be received by the Corporation prior to issuance of an Application Package.

~~Each Applicant must obtain an Application Package from the Corporation. A fee of \$80 shall be payable to the Corporation by any person requesting a copy of the Application Package, and said fee must be received by the Corporation prior to the issuance of an Application Package. Application Packages without form and exhibit tabs may be obtained for a fee of \$50.~~

Item 2, page 35, has been changed to read as follows:

2. Application Fee:

HOME Rental Applicants shall submit to the Corporation at the time of submission of the Application a non-refundable fee of:

~~(a)(1)~~ \$100 if Applicant or Applicant's general partner qualifies as a Non-Profit entity; ~~or and~~

~~(b)(2)~~ \$250 for all others.

HOME Rental Application Pages.

Part II., Applicant and Development Team

Section A.1.b., page 1, has been changed to include the following:

If answer is "Yes", Applicant must respond to b.(1) and b. (2) and item c. below.

If answer is "No", Applicant need not respond to b. (1), b.(2), and item c. below.

Section A.1.b.(2)(a), (b), (d) and (e), pages 2 through 4, has been changed to read as follows:

(2) Answer the following questions –

(a) Is the Applicant a Public Housing Authority created by ~~s~~Section 421.04, Florida Statutes?

Yes [] No []

(b) Is the Applicant or one of its general partners a Non-Profit entity ~~[pursuant to Rule 67-48.002, F.A.C.], that is an Affiliate [pursuant to Rule 67-48.002, F.A.C.]~~ of a Public Housing Authority created by ~~s~~Section 421.04, Florida Statutes?

Yes [] No []

(d) Is the Applicant or one of its general partners a 501(c)(3) or 501(c)(4) Non-Profit ~~entity~~ or is the Applicant or one of its the general partners a wholly-owned subsidiary of a 501(c)(3) or 501(c)(4) Non-Profit ~~entity~~?

Yes No

If yes, answer the following questions:

(iv) Provide the names and addresses of the members of the governing board of the Non-Profit entity. behind the tab labeled "Exhibit 7".

(v) Provide the articles of incorporation demonstrating that ~~Is one of the purposes of the Non-Profit is entity, as stated in the Articles of Incorporation,~~ to foster low-income housing?

Yes ~~If Yes, provide the articles of incorporation behind the tab labeled "Exhibit 8".~~

No ~~If No, this Application will not qualify as a Non-Profit Applicant and will be disqualified from participation in the current cycle.~~

~~e.e.~~ Is the Applicant applying under the Community Housing Development Organization (CHDO) Set-Aside?:

No

Yes-CHDO Name: _____

Provide (1) an explanation of the CHDO's role in the proposed Development and (2) completed CHDO checklist and the required documentation OR a letter from Florida Housing Finance Corporation which designates the Applicant as a CHDO behind tab labeled "Exhibit 9".

Section A.2., page 4, has been changed to read as follows:

Provide a list of general and limited partner(s) and the officers, directors and shareholders of for each Applicant and for each Developer, as of the Application Deadline, behind the tab labeled "Exhibit 10". This list must include warrant holders and/or option holders of the proposed Development.

Section B.1., page _____, has been changed to read as follows:

a. Name of Developer: _____

~~b.a.~~ Provide the executed Developer or Principal(s) of Developer Certification Form behind the tab labeled "Exhibit 11".

~~c.b.~~ Provide the Developer's Prior Experience Chart behind the tab labeled "Exhibit 11".

Part III., Development

Section A.3., second and fourth entries, page 7, has been changed to read as follows:

Development Category

Acquisition and New Construction (Acquisition plus 50% or more of the units are new construction)

Acquisition and Rehabilitation (Acquisition plus less than 50% of the units are new construction)

Section A.5., page 7, has been changed to read as follows:

Number of ~~Residential~~ bBuildings with dwelling units:

Section A.8., page 7, has been changed to read as follows:

# of Bedrooms Per Unit	# of Baths Per Unit	Floor Space (Feet ²)	# of Units Per Bedroom Type

Section B.1.c., heading, page 9, has been changed to read as follows:

c. All SRO ~~D~~developments:

Section B.2.b., page 10, has been changed with the addition of these new entries:

New Kitchen cabinets and counter top(s) (3 points)

New bathroom cabinet(s) (1 point)

New range and oven (1 point)

New refrigerator (1 point)

New plumbing fixtures in kitchen and bathroom(s) (1 point)

Section B.2.e.(2), opening line on page 11, has been changed to read as follows:

(2) Cooling – Applicant may select only one of the following two ~~three~~ items:

Sections C.1.a.(1) and (2), page 12, have been changed to read as follows:

(1) Multifamily Developments must provide a properly completed and executed Local Government Verification of Status of Site Plan Approval for Multifamily Developments Form. Provide ~~tThe verification can be found~~ behind the tab labeled "Exhibit 19".

(2) Single-Family Developments must provide a properly completed and executed Local Government Verification of Status of Plat Approval for Single-Family Developments Form. Provide t~~The verification can be found~~ behind the tab labeled "Exhibit 19".

Sections C.5.a., page 14, has been changed to read as follows:

a. Phase I ESA Assessment – Provide the properly completed and executed Verification of Environmental Safety – Phase I Site Assessment Form behind the tab labeled "Exhibit 26".

Section C.5.c., page 14, has been deleted in its entirety.

Section D., Targeting, page 14, has been deleted in its entirety.

Section E., Set-Aside Commitments, page 14, has been renumbered Section D, and Section D.1.c., page 15, has been changed to read as follows:

c. % of Total Development Cost provided by HOME Loan \$ _____%

(Divide a. by b. and round up to the next whole percentage number)

Section F., Resident Programs, page 16, has been renumbered Section E.

Section E.1., first sentence, page 16, has been changed to read as follows:

1. Qualified Resident Programs for ~~non-Elderly~~, non-SRO Developments (Maximum ~~4~~ 6 Points)

Section E.1., page 16, has been changed with the addition of new g. and h. to read as follows:

g. Daily Activities (3 points)

h. Private Transportation (3 points)

Section E.2., first two lines, page 16, have been changed to read as follows:

2. Qualified Resident Programs for ~~non-Elderly~~, SRO Developments Only (Maximum 4 Points)

X Service Coordination is required for all Homeless SRO Developments

Section E.2. has been changed with the addition of a new i. to read as follows:

i. Private Transportation (3 Points)

Section E.3., page 17, has been deleted in its entirety.

Section E.4., page 17, has been renumbered E.3. and the opening sentence has been changed to read as follows:

~~3.4.~~ Qualified Resident Programs for ALL Developments (Maximum ~~8~~ 12 Points)

Section E.3. has been changed with the addition of a new j. to read as follows:

j. Mentoring (1 point)

Section G., page 18, has been renumbered Section F. and the title has been changed to read as follows:

~~F.G. Required State Match for Development~~

Section F.2., opening sentence, page 18, has been changed to read as follows:

2. List below and provide documented evidence each source of match behind the tab labeled "Exhibit ~~28~~ 29".

Section H., page 18, has been renumbered Section G.

Section G.3., page 19, has been changed to read as follows:

3. Uniform Relocation Act (URA) Acquisition Information (New Construction and Rehabilitation Developments)

a. Does the Applicant own the Development site as documented in the site control section of this Application?

Yes – Provide a narrative regarding the acquisition behind ~~a the~~ tab labeled "Exhibit ~~29~~ 30"

No

b. Is Applicant a private company?

Yes – Provide a copy of the notice provided to the seller behind a tab labeled "Exhibit ~~30~~ 31" Skip c.-e.

No

c. Is Applicant a public (government) Applicant?

Yes.

No – Skip d.- e. below.

d. If Applicant is a public (government) Applicant, does the Applicant have eminent domain power?

Yes – Provide a copy of the required notice behind a tab labeled "Exhibit ~~30~~ 31".

No – Provide items identified in e. below.

e. If public Applicant does not have eminent domain power, provide a copy of each of the following behind a tab labeled "Exhibit ~~31~~ 32".

(a) Notice of Interest

(b) Determination of fair market value

(c) Appraisal of the property

(d) Written offer of just compensation, which includes a statement of just value, property description, and identification of buildings.

Section I., page 20, has been renumbered Section H. and reworded as follows:

Provide documentation evidencing certification of consistency with Consolidated Plan can be found directly behind a tab labeled "Exhibit ~~32~~ 33".

Section J., page 20, has been renumbered Section I.

Sections I.2, page 20 and I.3., page 21, have been changed to read as follows:

1. Debarment and Suspension

Provide the executed Contractor Certification behind a tab labeled "Exhibit ~~33~~ 34".

3. Lead Based Paint

The Applicant certifies that it understands the requirements of the current HUD lead based-paint regulations (24 CFR Part 35, 24 CFR 570.608, and 24 CFR 982.401).

Was the Development to be rehabilitated built before 1978?

Yes – Provide a copy of the executed Disclosure of Information on Lead Based Paint and Lead Based Paint Hazards Form behind a tab labeled "Exhibit ~~34~~ 35".

No

Part IV. Local Government Incentives.

Sections 1 through 4, page 21, have been changed to read as follows:

1. The Local Government provides an expedited permitting and review process for aAffordable housing developments or properties for which the local government provided an expedited processing of permits. Provide the Local Government Verification of Affordable Housing Incentives – Expedited Permitting Process for Affordable Housing Form behind ~~a the~~ tab labeled "Exhibit ~~35~~ 36".

2. The Local Government has an on-going and current process for providing contributions to aAffordable housing properties or developments or properties for which the local government provided any actual contribution(s) between the period 1/1/99 and 12/31/01. Provide the Local Government Verification of Affordable Housing Incentives – Contributions Made to Affordable Housing Properties or Developments Form behind ~~a the~~ tab labeled "Exhibit ~~36~~ 37".

~~NOTE: List of properties and/or Developments and year approved must be provided to receive the 1 point for this incentive.~~

Exhibit 37, Local Government Verification of Affordable Housing Incentives Contributions Made to Affordable Housing Properties or Developments Form, the title of the form has been changed as follows, and the top portion of the form preceding the Certification section, has been changed to read as follows:

LOCAL GOVERNMENT VERIFICATION OF
AFFORDABLE HOUSING INCENTIVES
CONTRIBUTIONS MADE TO AFFORDABLE HOUSING
PROPERTIES OR DEVELOPMENTS

Name of Applicant: _____
Name of Development: _____
Address: _____
Name of City or County Government: _____

The referenced local government has an on-going and current process for providing contributions to affordable housing properties or developments ~~between the period of 1/1/99 and 12/31/01. Below is a representative listing of properties or developments which have benefited and/or will benefit from local contributions:~~

Property or Development Name	Type of Contribution	Amount of Contribution	Year of Commitment or Award
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

~~List of properties or developments, type of contribution, amount of contribution, and year of commitment or award must be provided to receive 2 points for this incentive.~~

(61) through (62) renumbered (62) through (63) No change.

~~(64)(63)~~ “Homeless” or “Homeless Household” means an individual or Family who lacks a fixed, regular, and adequate nighttime residence or an individual or Family who has a primary nighttime residence that is:

(64) through (73) renumbered (65) through (74) No change.

~~(75)(74)~~ “HUD Regulations” means, with respect to the HOME Program, the regulations of HUD in 24 CFR § 92 (1996) issued under the authority of Title II of the National Affordable Housing Act of 1990 (Public Law 101-625, November 28, 1990), together with subsequent amendments thereto, as in effect on the date of this rule chapter.

~~(76)(75)~~ “Income Certification”, “Tenant Income Certification” or “Form TIC-1” means that Form TIC-1, which is adopted and incorporated by reference as amended from time to time, and which shall be used to certify the income of

all residents residing in a set-aside unit in a Development. A copy of such form is available on FHFC’s website www.floridahousing.org.

(76) through (77) renumbered (77) through (78) No change.

~~(79)(78)~~ “Local Government” means a unit of local general-purpose government as defined in Section 218.31 (2), Florida Statutes F.S. (2000).

(79) through (90) renumbered (80) through (91) No change.

~~(92)(91)~~ “Project,” “Property” or “Development” means any work or improvement located or to be located in the state, including real property, buildings, and any other real and personal property, designed and intended for the primary purpose of providing decent, safe, and sanitary residential housing for persons or families ~~via rental agreement executed in accordance with the Florida Residential Landlord and Tenant Act, Sections 83.40—83.682, Florida Statutes~~, whether new construction, the acquisition of existing residential housing, or the remodeling, improvement, rehabilitation, or reconstruction of existing housing, together with such related non-housing facilities as the Corporation determines to be necessary, convenient, or desirable.

~~(93)(92)~~ “Qualified Allocation Plan” or “QAP” means, with respect to the HC Program, the Qualified Allocation Plan which is adopted and incorporated herein by reference, effective on the date of the latest amendment to this rule chapter, and which was approved by the Governor of the State of Florida, pursuant to Section 42(m)(1)(B) of the Code and sets forth the selection criteria and the preferences of the Corporation for Developments which will receive Housing Credits. The QAP is available on FHFC’s website www.floridahousing.org.

Section 1.a., page 4, has been changed to read as follows:

a. Applicants that choose to compete within the RD Rural Development Set-Aside will, to the extent not fully or partially funded in such Set-Aside, also be eligible to compete within the Geographic Set-Aside within which the Development is located (in the event of competition within the Geographic Set-Aside, a ~~such~~ RD 514/516 Applicant shall be counted as a Farmworker/Commercial Fishing Worker Development).

Section 1.b., page 4, has been changed to read as follows:

b. Any Applicant partially funded under the RD Development Set-Aside shall receive a Binding Commitment to fund the balance of the amount of credits determined as needed, subject to the provisions of Section 12 hereof.

Section 2, page 5, has been changed to read as follows:

a. Applicants that choose to compete as a Florida Keys Area Development will, to the extent not fully funded as a Florida Keys Area Development, also be able to compete within the Small County Geographic Set-Aside.

~~b. No additional adjustments will be made to achieve this special targeting if the Executive Director or the Board of Directors determines, based on a negative recommendation from the Credit Underwriter, that an Florida Keys Area Development chosen for tentative funding, should not receive a credit allocation.~~

Section 5, pages 7 and 8, has been changed to read as follows:

5. FHFC will make a determination on the FHFC's working day immediately following the date FHFC's Board takes action on informal appeals ~~scoring~~ scoring which ~~RD Development 515, RD514/516~~ and Front Porch Florida Community Development Applicants will be tentatively allocated housing credits. As of this date, any returned housing credits plus the Housing Credit Allocation Authority received based on the per capita calculation plus any housing credits received from the National Pool, less any amount obligated to be allocated pursuant to existing Binding Commitments, less the amount of housing credits tentatively allocated to those Applicants in the ~~RD Rural~~ RD Development Special Set-Aside, less the amount of housing tentatively allocated to those Applicants in the Front Porch Florida Community Development Special Set-Aside and less the amount of housing credits tentatively allocated to those in the SAIL Special Set-Asides (Homeless, Farmworker/Commercial Fishing Worker, and Elderly), will be allocated pursuant to the set-asides described in Section 4 above and subject to Sections 6 and 7 below. If after final rankings, any Geographic Set-Aside category (small, medium, or large) fails to utilize its entire allocation amount, the remaining housing credits will be awarded in accordance with Section 8 of this QAP.

Section 6, pages 8 through 12, has been changed to read as follows:

6. Following Board action on informal appeals ~~scoring~~, FHFC will endeavor to allocate not less than 12% of the 2002 Allocation Authority amount (per capita allocation plus returned housing credits plus any National Pool housing credits received) as of the date of the FHFC's working day immediately following the date of the Board action on informal appeal scoring for Developments with Applicants qualified as Non-Profit pursuant to Rule 67-48.002(83)(77), F.A.C. whose Applications have met threshold requirements. FHFC is required by Section 42, IRC to allocate not less than 10% of its Allocation Authority to qualified Non-Profits. FHFC has determined that an initial allocation of 12% to qualified Non-Profits will help ensure that the 10% requirement will be met in the event that all Developments included in the initial 12% do not receive an allocation. FHFC will endeavor to accomplish this goal by following the procedures stated in the Ranking and Selection Criteria section of the Universal Application Package Instructions.

a. When a Non-Profit Applicant is to receive a Binding Commitment for credits from future Allocation Authority, FHFC shall only include the 2002 credits actually allocated, and not the amount of the Binding Commitment, to determine compliance with the 12% goal. FHFC shall include in such 12% calculation any 2002 credits allocated or ~~to shall~~ to shall be allocated pursuant to a Binding Commitment from a previous ~~the 2001~~ cycle.

b. No more than 90 percent of the Allocation Authority as of ~~4~~ October 1, 2002, ~~including to include~~ any housing credits received from the 2002 National Pool before or after this date and including any returned credits after this date, will be allocated to Applicants which do not qualify as Non-Profit Applicants.

c. If it is determined between September 30, 2002 and December 15, 2002 that less than 10% of the Allocation Authority as of ~~4~~ October 1, 2002, ~~including to include~~ any housing credits received from the 2002 National Pool before or after this date, will be tentatively allocated to Non-Profit Applicants because a Non-Profit Applicant previously considered for funding is no longer considered or because additional allocation authority is received, Non-Profit Applicants meeting threshold will, in the order of their score, be invited into credit underwriting to the extent that the request amount of the last Non-Profit Applicant invited into credit underwriting takes the amount to be tentatively allocated to Non-Profit Applicants over the higher of the amount needed to meet the 10% minimum or the total request amounts of Non-Profit Applicants no longer considered for funding. In this event, the last Non-Profit Applicant invited into credit underwriting would only receive a 2002 credit allocation for the higher of the two amounts previously stated and a Binding Commitment for the remaining amount as determined by FHFC's credit underwriter and approved by the FHFC. The provisions of this paragraph shall take precedence over the provisions of Section 12 of the QAP. Such Applicant will be exempted from the provisions of Section 12 of this QAP.

~~d. The last Non-Profit Applicant moved into the funding range in order to meet the initial 12% goal and in order to meet the minimum 10% federal requirement after October 1, 2002, will be fully funded contingent upon successful credit underwriting even though that may result in a total Non-Profit allocation in excess of 12%, or if applicable, 10%.~~

~~d.e.~~ After the 12% goal has been realized, remaining Applications from Non-Profit Applicants shall compete with all other Applications in the HC Program for remaining Allocation Authority.

Section 7, pages 12 through 17, has been changed to read as follows:

7. FHFC's goal is to have a diversified rental housing portfolio. Therefore, its targeting goal is to allocate credits, regardless of Geographic Set-Aside and to the extent such targeting goals can be met in accordance with these

procedures, to: a minimum of ~~three~~ two Elderly Developments, one Farmworker/Commercial Fishing Worker Development in addition to any USDA RD 514/516 Developments funded under the RD Rural Development ~~514/516~~ Set-Aside, one Urban In-Fill Development in which at least 75% of the set-aside units are located in one or more new construction High Rise buildings (7 stories or higher) (a "UI High Rise"), and two additional Urban In-Fill Developments. Developments will be classified as Elderly, Farmworker/Fishing Worker, and Urban In-Fill only to the extent so designated within the Universal Application Package. Developments funded within the Front Porch Florida Community Set-Aside, as stated in Section 3 above, will count toward meeting the goal of funding Urban In-Fill Developments. A Front Porch Florida Community Development in which at least 75% of the set-aside units are located in one or more new construction High Rise buildings 7 stories or higher will meet the requirement of funding at least one UI new construction High Rise. Developments which intend to qualify as a UI new construction High Rise must also designate a High Rise design within the Universal Application Package. In the event the total amount of Competitive HC tentatively allocated to Applications other than Elderly in the Special-Set-Asides and the total amount of Competitive HC tentatively allocated to the first two Elderly Developments in or not in the SAIL Special Set-Aside, plus 60% of the third Elderly Development's request amount is greater than 50% of the housing credits available for those applying for Competitive HC using the Universal Application , then the Elderly Development goal will be two Elderly Developments and no special consideration will be given to funding a third Elderly Development. In the event a third Elderly Development is picked for a tentative allocation of Competitive HC to meet the HC Competitive goal, it will only receive a tentative allocation of Competitive HC in an amount so when adding the amount to the total amount Competitive HC tentatively allocated to Applications other than Elderly in the Special-Set-Asides and the total amount of Competitive HC tentatively allocated to the first two Elderly Developments in or not in the SAIL Special Set-Aside is 50% of the housing credits available for those applying for Competitive HC using the Universal Application. Any shortfall in housing credits to the third Elderly Application will be allocated through a binding commitment for 2003 credits if the Application is successful in receiving a Carryover Allocation. No adjustments will be made to achieve the targeting goal if the Executive Director or the Board of Directors determines, based on a negative recommendation from the Credit Underwriter, that an Elderly, Farmworker/Fishing Worker, or Urban In-Fill Development chosen for tentative funding, should not receive a credit allocation.

The ~~special~~ targeting goals will be achieved in accordance with the procedures in the Universal Application Package Instructions.

Section 9, first sentence, page 22, has been changed to read as follows:

Section 9. Any Allocation Authority received on or after October 1, 2002, or such later date as the Board takes action on informal appeals ~~approves final rankings~~, including any tentatively funded Applicant withdrawing or otherwise failing to proceed, will be used, subject to the provisions of Section 6(c) hereof, (i) to fully fund any Application that has been partially funded by the method described in Section 8 above and then (ii) applied to the 2003 housing credits cycle; provided, that any such Allocation Authority received which, if after application of (ii) above would cause FHFC to be above the de minimis requirements for use of allocation necessary to participate in the national tax credit pool, shall instead be applied as provided in Section 8 above.

Section 12, page 25, has been changed to read as follows:

12. Except as otherwise set forth herein and except for Binding Commitments awarded pursuant to Rule Chapter 67-48.005(2), F.A.C., no Binding Commitment shall be awarded for an amount in excess of 40% of the Applicant's total allocation request.

A new Section 13 has been added to read as follows:

13. No adjustments will be made to achieve the Special Set-Asides and HC Competitive Goals stated in the Universal Application Package, if the Executive Director or the Board of Directors determines, based on a negative recommendation from the Credit Underwriter, that an Application chosen for tentative funding, should not receive a credit allocation with the exception of the provisions stated in Section 6.c.

A new Section 14 has been added to read as follows:

14. Housing credits will be allocated in accordance with the 2001 Qualified Allocation Plan until the 2002 Qualified Allocation Plan becomes effective.

Part I, Selection Criteria, first sentence of the first paragraph, page 27, has been changed to read as follows:

Upon receipt of a completed Universal Application Package for Housing Credits pursuant to FHFC rule requirements and notification of an open credit allocation cycle, FHFC shall score and rank the Universal Application according to the following required selection criteria and the priorities set forth in II below.

Section B, Housing Needs Characteristics, fourth bulleted item, page 29, has been changed to read as follows:

* Developments which are designed to attract and serve Farmworker/Commercial Fishing Worker families will be targeted.

Section C, Development Characteristics, first bulleted item, page 30, has been changed to read as follows:

* Developments which offer the most efficiency in development and thereby the best and most efficient use of the housing credits will be targeted in the following categories:

- Experience of Development Team

- Development Funding, Feasibility and Economic Viability
- Ability to Proceed
- ~~Construction Features and Amenities~~ ~~Design Features and Quality of Construction~~
- Leveraging
- Equity Realized from Sale of Credits
- Energy Conservation

Section E, Tenant Populations With Special Housing Needs, third bulleted item, page 33, has been changed to read as follows:

* Developments which will serve Farmworker/Commercial Fishing Worker will be targeted.

Section H, Developments Intended for Eventual Resident Ownership, last paragraph, page 34, has been changed to read as follows:

This criterion is specifically addressed in the Universal Application Package which is incorporated in FHFC rules by reference.

Part II Priorities

Section A, pages 34 and 35, has been changed to read as follows:

A. Developments which serve either Elderly, Homeless, Large Family, Farmworker/Commercial Fishing Worker, Developments financed with USDA RD 514 and/or RD 516 that reserve 100% of their units for Farmworker/Commercial Fishing Worker households, Developments financed with USDA RD 515, Developments located in the Florida Keys Area or Developments which are located in an Urban In-Fill area, including those which meet the criteria to be classified as a Front Porch Florida Community Development, will be targeted.

* This criterion is addressed in the Universal Application Package which is incorporated in FHFC rules by reference and in Sections 1, 2, 3 and 7 above.

~~B.C.~~ Developments which will serve the lowest income families will be targeted.

* This criterion is ~~specifically~~ addressed in the Universal Application Package which is incorporated by reference in FHFC rules.

~~C.D.~~ Developments which will waive the option to convert the set-aside units to market after year 14 and extend the set-aside period beyond the required 30 year period will be targeted.

* A commitment to waive the option to convert after year 14 and to set-aside units beyond the required 30 year period is awarded points on a pro-rata basis. The minimum additional set-aside period is 1 year and the maximum additional set-aside period is 20 years for a maximum total length of 50 years.

This criterion is ~~specifically~~ addressed in the Universal Application Package and is incorporated by reference in FHFC rules.

~~D.E.~~ Developments located in qualified census tracts, the development of which contributes to a concerted community revitalized plan will be targeted.

* This criterion is addressed in the Universal Application Package which is incorporated by reference in FHFC rules.

~~E.F.~~ Developments which require the least amount of housing credits to produce an affordable unit will be targeted.

* This criterion is specifically addressed Universal Application Package Instructions which is incorporated by reference in FHFC rules.

~~F.G.~~ The FHFC will initially allocate not less than 12% (as described in Section 6 of this QAP) of the state's Allocation Authority to Developments involving qualified, Non-Profit Applicants, provided they are Non-Profits organized under Chapter 617, Florida Statutes, or similar state statute if incorporated outside Florida, and as set forth in Section 42(h)(5) of the Internal Revenue Code, as amended, and Rule Chapter 67-48, Florida Administrative Code.

~~G.H.~~ The order of funding is: Florida Keys Area ~~Key~~ Developments, Developments selected for SAIL tentative funding within a SAIL Special Set-Aside (Homeless, Farmworker/Commercial Fishing Worker, Elderly), Front Porch Florida Community Developments, RD Developments, a Farmworker/Commercial Fishing Worker Development, two Urban In-Fill Developments, Urban In-Fill new construction High Rise Development, three Elderly Developments, meeting the 12% Non-Profit goal, Medium County Geographic Set-Aside Developments, Small County Geographic Set-Aside Developments, and then, Large County Geographic Developments. The goal of allocating housing credits to a Farmworker/Commercial Fishing Worker Development, two Urban In-Fill Developments, an ~~a~~ Urban In-Fill new construction High Rise Development, ~~and~~ three Elderly Developments, and 12% of the Allocation Authority to Non-Profit Applicants can be met or partial met when allocating credits to Applications within the SAIL Homeless Special Set-Aside, SAIL Farmworker/Commercial Fishing Worker Special Set-Aside, SAIL Elderly Special Set-Aside, HC RD Special Set-Aside, or HC Front Porch Florida Community Special Set-Aside.

~~H.J.~~ Provided they are consistent with the QAP, the decisions of the Board of Directors of FHFC regarding Binding Commitments or the allocation of housing credits are solely within the discretion of the Board and shall be considered final.

The title of Part III, page 39, has been changed to read as follows:

III. Application of the Plan to Bond Financed and Non-cycle Developments Section A, first paragraph, second sentence, page 39, has been changed to read as follows:

If 50% or more of a Development's financing is from tax-exempt bonds, the housing credits are issued at the federal level rather than as part of the State's allocation authority and

these Developments are not subject to the FHFC ranking and scoring process as set forth in sections I and II above; however, they must meet the minimum threshold criteria, as follows:

Section A., second paragraph, second sentence, page 39, has been changed to read as follows:

Applicants must complete the Universal Application in accordance with the Universal Application Package Instructions.

Section A, fifth paragraph, page 40, has been changed to read as follows:

These bond-financed Developments are subject to all other provisions of Chapter 67-48, Florida Administrative Code, including, but not limited to, the compliance monitoring requirements set forth in section IV of this plan below.

The title of Section B, page 40, has been changed to read as follows:

B. Non-cycle Developments:

Part IV, Compliance

Section A, page 41, has been changed to read as follows:

A. All Housing Credit Developments will be monitored by FHFC or its appointee. Detailed compliance requirements are set forth in the program rules of Chapter 67-48, Florida Administrative Code, and in 26 CFR Parts 1 and 602.

(93) through (100) renumbered (94) through (101) No change.

(102)(404) "SAIL Development" means a residential development which provides one or more housing units proposed to be constructed or substantially rehabilitated with SAIL funds for Eligible Persons. A SAIL Development which is under construction, in the process of rehabilitation or which has been completed may be considered for the SAIL Program funding only if:

(a) The pro forma submitted for the SAIL Development in other programs of the Corporation within the last year reflected SAIL funding; and

(b) Permanent financing of the costs associated with construction or rehabilitation of the SAIL Development, including tax-exempt bonds with conversion clauses, has not closed as of the Application Deadline, or if financed with Local Government-issued tax exempt bonds, the bonds did not close prior to January 1, 2000; and

(c) The Application and attached exhibits demonstrate that SAIL funds will enable the SAIL Development to provide additional amenities, or incorporate some additional features which benefit Very Low-Income persons or households. Developments that are not eligible to obtain SAIL funds are those Developments that have already received funding through the SAIL Program.

Notwithstanding the above, Developments that have extraordinary conditions such as acts of God, restrictions of any Governmental Authority, enemy action, civil disturbance,

fire, or any other act beyond the reasonable control of the Developer will need to obtain permission from the Board to process an Application through SAIL for additional funding.

(102) through (104) renumbered (103) through (105) No change.

(106)(405) "Section 8 Eligible" means one or more persons or families who have incomes which meet the income eligibility requirements of Section 8 of the United States Housing Act of 1937, which is adopted and incorporated herein by reference, as in effect on the date of this rule chapter.

(106) through (109) renumbered (107) through (110) No change.

(111)(410) "Substantial Rehabilitation" means, with respect to the SAIL Program, to bring a Development back to its original state with added improvements, where the value of such repairs or improvements (excluding the costs of acquiring or moving a structure) exceeds 40% of the appraised as is value (excluding land) of such Development before repair. For purposes of this definition, the value of the repairs or improvements means the Development Costs, exclusive of the cost of acquiring or moving the structure. To be considered "Substantial Rehabilitation," there must be at least the foundations remaining from the previous structures, suitable to support the proposed construction.

(112)(411) No change.

(113) "Tie-Breaker Measurement Point" means a single point selected by the Applicant on the proposed Development site that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development. For Scattered Site Developments the Applicant must select a single point on one Development site that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development.

(114) "Total Development Cost" means the total of all costs incurred in the completion of a Development, all of which shall be subject to the approval by the Credit Underwriter and the Corporation as reasonable and necessary. Such costs include, for example, the following:

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

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

(c) Any expenses relating to the issuance of tax-exempt bonds or taxable bonds, if any, related to the particular Development.

(d) Fees in connection with the planning, execution, and financing of the Development, such as those of architects, engineers, attorneys, accountants, Developer fee, and the Corporation.

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

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

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

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

(i) Allowances established by the Corporation for working capital, contingency reserves, and reserves for any anticipated operating deficits during the first 2 years after completion of the Development.

(j) The cost of such other items, including relocation costs, indemnity and surety bonds, premiums on insurance, and fees and expenses of trustees, depositories, and paying agents for the Corporation's bonds, as the Corporation shall determine to be reasonable and necessary for the construction or rehabilitation of the Development.

~~(115)(412)~~ No change.

~~(116)(413)~~ "Universal Application Package" or "UA1016" means the ~~computer disk~~, forms, and instructions, obtained from 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 this rule chapter in order to apply for the SAIL and/or HC Program(s). The Universal Application Package is adopted and incorporated herein by reference, effective on the date of the latest amendment to this rule chapter.

Universal Application Instructions.

First paragraph, page 1, has been changed to read as follows:

Applicants are encouraged to review Rule Chapters 67-21 and/or 67-48, F.A.C., and the following Instructions before completing and submitting prior to completion of this Application. Unless otherwise provided in these Instructions and the Application, capitalized terms are as defined in the rule chapters. Program requirements do not necessarily meet all non-FHFC funding or allocation requirements. Applicants are responsible for ensuring that their developments meet all applicable laws and regulations.

General Instructions.

Second paragraph, first bullet, page 1, has been deleted as follows:

- ~~a computer disk containing all completed information in the Application, except the required exhibits, using Florida Housing's Electronic Application Template;~~

Second paragraph, second bullet, page 1, has been changed to read as follows:

- one printed version of the completed Application, including applicable exhibits and the Applicant

Certification and Acknowledgement exhibit with an original signature. The Applicant must label ~~will mark~~ this printed version of the Application as the "Original Hard Copy";

Third paragraph, page 1, has been changed to read as follows:

The Applicant must ensure that the online Application (if applicable), ~~the Application on computer disk~~, the "Original Hard Copy" and the photocopies of the Application are all identical. Florida Housing will first consider the Application submitted online (if applicable). If for any reason all or part of the information in the online Application is inaccessible, Florida Housing will ~~next consider the Application submitted on computer disk~~. ~~If for any reason all or part of the information in the Application on computer disk is inaccessible, Florida Housing will then consider~~ the "Original Hard Copy" of the Application. Florida Housing will only consider the exhibits submitted as part of the "Original Hard Copy". Notwithstanding the foregoing, if the Executive Director of Florida Housing, in his sole discretion, determines that ~~there are technical issues~~ substantially and adversely impact the actual or perceived efficiency, reliability, or accuracy of the ~~with the online and/or computer disk Application process that affect efficiency or accuracy~~, then he may require Corporation staff to consider only the "Original Hard Copy" of ~~an the Application, of a group of Applications, or of all Applications.~~

Fourth paragraph, page 1, has been changed to read as follows:

Applications for non-competitive HC in conjunction with tax-exempt bonds: Submit one original Application labeled "Original Hard Copy" and only one photocopy of the "Original Hard Copy"; ~~along with a computer disk~~ containing all completed information in the Application, ~~except the required exhibits~~, using Florida Housing's Electronic Application Template.

Fifth paragraph, page 2, has been changed to read as follows:

Florida Housing will reject any competitive Application submittal and no action will be taken to score the Application if:

- ~~no computer disk is submitted, and/or;~~
- the "Original Hard Copy" of the Application fails to contain the Applicant Certification and Acknowledgement exhibit with an original signature and the applicable exhibits, and/or;
- less than one "Original Hard Copy" and three photocopies of the completed Application, including applicable exhibits, are submitted.

Eighth paragraph, page 2, has been changed to read as follows:

Do not retype, scan, image, or alter any page in the Application Package. This will cause the Application to be rejected. ~~NOTE:~~ Additional information that is placed on the face of a page that does not obscure the printed words is NOT considered an alteration of the page. However, the additional information cannot change the meaning or intent of the page. Additional information should be presented in an asterisk or footnote format or presented as an explanatory addendum to the page.

Ninth paragraph, page 2, has been changed to read as follows:

Notwithstanding anything in this Application and all instructions in this Application Package to the contrary and except for those items listed in Rule ~~Chapters~~ 67-21.003 and/or 67-48.004, F.A.C., Applicants shall be provided with an opportunity to submit additional documentation and revised pages, as well as other information in accordance with the applicable said rules.

Specific Instructions.

Part II., Applicant and Development Team.

Section A.1., 1st paragraph, page 3, has been changed to read as follows:

1. Select the Program(s) applied for in this Application.

In accordance with Rule Chapters 67-21 and 67-48, F.A.C., only one Application may be submitted for each subject property.

The Application may be submitted for only ONE of the following:

- ~~Florida Housing-issued MMRB-~~
- ~~Florida Housing-issued MMRB and SAIL~~
- Florida Housing-issued MMRB and non-competitive HC
- Florida Housing-issued MMRB, SAIL and non-competitive HC
- SAIL for Developments using Local Government-issued Tax-Exempt Bonds as a funding source
- SAIL and Competitive HC only if applying in the SAIL special set-asides (Farmworker/Commercial Fishing Worker, Elderly, or Homeless), ~~or~~ in the Florida Keys Area, or if in a county with an area median income (AMI) of \$40,000 or less*.
- Competitive HC only
- SAIL only
- non-competitive HC with Local Government-issued tax-exempt bonds
- ~~Qualified 501(e)(3) Bonds~~

* FHFC deems that only the following counties have an AMI of \$40,000 or less: Calhoun, Citrus, DeSoto, Dixie, Franklin, Gilchrist, Glades, Gulf, Hamilton, Hendry, Highlands, Holmes, Jackson, Lafayette, Levy, Madison, Marion, Okeechobee, Putnam, Suwannee, Taylor, and Washington.

Section A.1., second paragraph, page 3, has been changed to read as follows:

SAIL Applicants that have Local Government-issued Tax-Exempt Bonds as a funding source and wish to obtain non-competitive HC must submit a separate Application for the non-competitive HC. The separate Application must be submitted in accordance with the Qualified Allocation Plan and is not subject to the Application Deadline, but is subject to the Application requirements of paragraph 67-48.027(2)(m), F.A.C.

Section A.1., paragraph 3, page 3, has been changed to read as follows:

~~SAIL Applicants wishing to apply for 501(e)(3) Bonds must submit a separate Application for the 501(e)(3) Bonds. Applicants that have closed on their bonds are not eligible to apply for SAIL funding.~~

Applicants may not submit a SAIL Application if the Development which would be the subject of the SAIL Application has received a final allocation of Competitive or non-competitive HC.

Section A.2., pages 3 and 4, has been changed to read as follows:

Enter requested information for Applicant ~~Entity. The Address must be in accordance with the definition of Address in the applicable Rule.~~

If the Federal Employer Identification Number has not yet been obtained, provide a copy of the completed, submitted application for that number behind a tab labeled "Exhibit 2".

a. Applicant ~~Entity~~ must be a legally formed entity [i.e., limited partnership, corporation, limited liability company, etc.] qualified to do business in the ~~s~~State of Florida as of the Application Deadline. Except for public housing authorities, Applicant must include behind a tab labeled "Exhibit 3" a copy of the valid Certificate of Good Standing from the Florida Secretary of State and a copy of the documentation that created the Applicant ~~Entity~~ (such as the partnership or joint venture agreement, ~~;~~ or Certificate of Limited Partnership and the Affidavit of Initial Capital Contribution). If a general partnership or joint venture, provide together with a sworn statement under penalty of perjury that the agreement is a true and correct copy of the documentation that created the Applicant.

b. If applying for HC, the Applicant ~~entity~~ must be a limited partnership (including a limited liability limited partnership) or a limited liability company. It shall be the borrowing entity and/or the recipient of the Housing Credits and cannot be changed until after a Final Housing Credit Allocation of credits has been issued. Replacement of the Applicant ~~entity~~ or a material change (33.3% or more) in the ownership structure of the named Applicant ~~entity~~ prior to this time shall result in disqualification from receiving funding and shall be deemed a material misrepresentation. Changes to the limited partner ~~entity~~ of a limited partnership will not result in disqualification.

c. If the Applicant applies as a Non-Profit entity, it must remain a Non-Profit entity. The Non-Profit entity understands and acknowledges that it is the Non-Profit entity's responsibility to contractually ~~ensure~~ insure that it substantially and materially participates in the management and operation of the Development throughout the Compliance Period and the Extended Use Period. If the Applicant is applying as a Non-Profit entity, failure to include the attorney opinion letter behind a tab labeled "Exhibit 4" and the IRS determination letter behind a tab labeled "Exhibit 5" will result in disqualification as a Non-Profit and rejection of the Application.

If the Applicant applies as a Non-Profit entity applicable, provide the description/explanation of the role of the Non-Profit entity behind a tab labeled "Exhibit 6". Provide the names and addresses of the governing board of the Non-Profit entity behind a tab labeled "Exhibit 7". Provide the articles of incorporation demonstrating that If one of the purposes of the Non-Profit entity is to foster low income housing, ~~provide the articles of incorporation~~ behind a tab labeled "Exhibit 8".

Section A.3., page 5, has been changed to read as follows:

3. Provide the required information ~~a list of all general and limited partners, officers, directors and shareholders for the Applicant and each Developer as of the Application Deadline~~ behind a ~~the~~ tab labeled "Exhibit 9". ~~This list must include warrant holders and/or option holders of the proposed Development.~~

Section A.4., page 5, has been changed to read as follows:

4. Enter requested information for Contact Person. See definition of "Contact Person" in the applicable Rule.

Section B, first paragraph, page 5, has been changed to read as follows:

The past performance record of the development team, which consists of Developer, Management Agent, General Contractor, Architect/Engineer, Attorney and Accountant, e.g. i.e., failure to place-in-service a development or project which received a housing credit allocation; failure to comply with previously executed loan documents; failure to comply with Program Rules; failure to comply with Section 42; and/or failure to comply with a the Land Use Restriction Agreement or an the Extended Use Agreement, will be verified during credit underwriting. Development teams with an unsatisfactory past performance record may will receive a negative recommendation from the Credit Underwriter. The past experience record of the development team, which consists of Developer, Management Agent, General Contractor, Architect/Engineer, Attorney and Accountant, will be carefully reviewed.

Section B.1., page 5, has been changed to read as follows:

1. Developer or principal(s) of Developer (Threshold)

a. Provide name of Developer

~~b.a.~~ Certification – Provide the completed Developer or Principal(s) of Developer Certification Form behind a tab labeled "Exhibit 10". A separate certification should be provided for each Co-Developer.

~~c.b.~~ Prior Experience Chart – The Developer or principal(s) of Developer must demonstrate experience in the completion of at least two affordable housing developments of similar magnitude by providing a prior experience chart behind a tab labeled "Exhibit 10". The chart must include that includes the following information:

Section B.2.b., page 5, has been changed to read as follows:

Prior Experience Chart – The Management Agent or principal(s) of Management Agent must demonstrate experience in the management of at least two affordable housing properties of similar magnitude for at least two years ~~of similar magnitude~~ by providing a prior experience chart behind a tab labeled "Exhibit 11". The chart must include that includes the following information:

Section B.3.b., page 6, has been changed to read as follows:

Prior Experience Chart – The General Contractor or principal(s) of General Contractor must demonstrate experience in the construction of at least two completed housing developments of similar magnitude, development category, and design type as the proposed Development by providing a prior experience chart behind a tab labeled "Exhibit 12". The chart must include that includes the following information:

Section B.7., last paragraph, page 7, has been changed to read as follows:

~~Upon notification by the Credit Underwriter, Applicant must immediately provide financial statements for each guarantor for each of the past three years. The financial statements must be prepared and certified as accurately representing the guarantors' financial condition. If audited statements are unavailable for each proposed guarantor, unaudited financial statements and federal tax returns for the past three years must be provided. These will be reviewed by the Credit Underwriter for several purposes, including determination of sufficient financial liquidity. If it is determined in credit underwriting that the proposed guarantors do not demonstrate sufficient financial liquidity, the Credit Underwriter may require additional guarantors or other additional security.~~

Part III., Development.

Section A.1., page 7, has been changed to read as follows:

~~Provide the actual trade or marketing name, and, if applicable, the d/b/a name of for the Development.~~

Section A.2.a., page 7, has been changed to read as follows:

Provide the State Address as defined in the applicable rule.

Item A.2.b., second paragraph, page 7, has been changed to read as follows:

Geographic distribution by targeted areas (Applicants applying for SAIL with or without other FHFC funding SAIL Developments Only – Maximum 2 points). The following counties have a demonstrated need for affordable housing, but no development in these counties has ever received SAIL funds: Bay, Citrus, Leon, Nassau, Okaloosa, Okeechobee, St. Lucie and Santa Rosa. If the proposed Development is located in one of these counties, the ~~SAIL~~ Application will be awarded 2 points. The Development can be located anywhere in the county, not just in the unincorporated area.

Section A.2.d.(1)(a), page 7, has been changed to read as follows:

In order to be classified as a Development located in a Difficult Development Area (DDA), the proposed Development must be located in one of the areas found on the DDA list compiled by the United States Department of Housing and Urban Development. The current listing is available on Florida Housing’s website: www.floridahousing.org. ~~No other areas will be considered DDAs for purposes of this Application.~~

Section A.2.d.(1)(b), last sentence, page 8, has been changed to read as follows:

If applicable, provide a copy of ~~a~~ the letter from the local planning officer or census bureau verifying the Development’s location in the referenced QCT behind a tab labeled “Exhibit 18”.

Section A.3., last sentence, page 8, has been changed to read as follows:

However, the acquisition costs and sources must still be reflected on the Development Cost pro forma.

Section A.6., page 8, has been changed to read as follows:

State the total number of units in the proposed Development. Note:

FHFC-issued MMRB Developments may not exceed ~~are limited to~~ 400 total units.

Section A.7., first sentence, page 8, has been changed to read as follows:

Provide a short narrative description of the Development which summarizes the scope of work to be performed and which further conveys any unique or unusual characteristics of the Development not provided elsewhere in the Application.

Section A.8., page 8, has been changed as follows:

Complete the chart. All units in the Development must be listed, including all manager/employee units. Number of baths per unit must indicate 1/2 baths, if applicable. ~~Floor space means the interior space that is heated and cooled.~~ Use additional sheets if necessary.

Section A.9., first sentence, page 9, has been changed to read as follows:

Indicate whether the proposed Development has been underwritten previously by any Credit Underwriter ~~acting~~ on behalf of Florida Housing Finance Corporation.

Section A.10., first sentence of the first paragraph, page 9, has been changed to read as follows:

Indicate the sStatus of the new construction or Rehabilitation/Substantial Rehabilitation work.

Section A.11., page 9, has been deleted in its entirety and a new Section A.11. has been added to read as follows:

To be eligible for tie-breaker points, the Applicant must indicate the proximity of the proposed Development to:

- services; and
- Development Address or location coordinates identified on the FHFC Development Proximity List serving the same demographic group as the proposed Development.

To determine proximity, the Applicant must first identify a Tie-Breaker Measurement Point on the proposed Development site and provide the latitude and longitude coordinates determined in degrees and minutes truncated after three decimals. If the minutes are not stated to three decimals, Florida Housing will utilize “0” for any missing decimals. The Surveyor Certification Form and a land survey map (no larger than 11” x 17”) must be provided behind a tab labeled “Exhibit 21”. The map must clearly show the boundaries of the proposed Development site, the location of the latitude/longitude coordinates for the Tie-Breaker Measurement Point on the proposed Development site, and the scale of the map.

a. Proximity to services (Maximum 3.75 tie-breaker points):

Utilizing Street Atlas USA, version 9.0, published by DeLorme, measure the distance from the Tie-Breaker Measurement Point to the following service(s). If an Address for the service(s) is not included on Street Atlas USA, Version 9.0, the latitude and longitude coordinates must be stated (in degrees and minutes truncated after three decimals) on the Surveyor Certification Form and provided behind a tab labeled “Exhibit 21”. The latitude and longitude coordinates must be located at the main entrance used by the general public.

If an Applicant concludes upon entering an Address for a service (Grocery Store, Public School or Medical Facility) into the Street Atlas USA, Version 9, software that the software fails to identify a location that is on a service site, the Applicant may provide evidence of the inaccuracy, as applicable, at Exhibit 21 of the Universal Application Package or within a Notice of Possible Scoring Error or within a Notice of Alleged Deficiency for consideration by Florida Housing. At a minimum, the evidence must contain a certification from a Florida licensed surveyor, not related to any party of the Applicant, which states: (1) the name of the service in question; (2) that the Street Atlas USA, Version 9, software fails to identify a location that is on the service site upon entering the service’s Address; and (3) the correct latitude and longitude coordinates (minutes taken to a minimum of three

decimal places) for the respective service. The surveyor's certification must be signed and dated by the surveyor under oath.

To be considered for tie-breaker points in this Application, the grocery store, public school or medical facility, and public bus stop or metro-rail stop must be in existence and available for use by the general public as of the Application Deadline.

(1) Name and Address as assigned by the United States Postal Service of the closest:

(a) Grocery Store – For purposes of tie-breaker points, a grocery store means a self-service retail market that sells food and household goods and has at least 4,500 square feet of air conditioned space.

(b) Public School – For purposes of tie-breaker points, a public school means a public elementary, middle, junior and/or high school, including a charter school, except that a charter school that is not generally available to appropriately aged children in the radius area may not be counted. This service may not be selected if the Applicant selected Elderly in the Demographic or Area Commitment section of this Application.

(c) Medical Facility – For purposes of tie-breaker points, a medical facility means a hospital, state or county health clinic or walk-in clinic (that does not require a prior appointment) that provides general medical treatment or general surgical services on a daily basis to any physically sick or injured person. This service can be selected only if the Applicant selected Elderly in the Demographic or Area Commitment section of this Application.

Applicant must provide both the name and Address as assigned by the United States Postal Service for the selected service(s).

(2) Location of the closest public bus stop or metro-rail stop. The latitude and longitude coordinates must be stated (in degrees and minutes truncated after three decimals) on the Surveyor Certification Form and provided behind a tab labeled "Exhibit 21".

b. Proximity to the closest Development Address or location coordinates identified on the FHFC Development Proximity List (Maximum 3.75 tie breaker points):

The FHFC Development Proximity List is incorporated by reference and is available on FHFC's website www.floridahousing.org.

Utilizing the location coordinates, if stated on the FHFC Development Proximity List, or if the location coordinates are not stated, using the Address on the FHFC Development Proximity List, determine the closest Development Address or location coordinates that will serve the same demographic group as the proposed Development, i.e., "Elderly", "Farmworker/Commercial Fishing Worker", "Homeless", or "Other", regardless of the funding source, as identified on the FHFC Development Proximity List. For purposes of this section, the demographic group of a proposed Development is "Other" if the Applicant did not select Elderly,

Farmworker/Commercial Fishing Worker, or Homeless in the Demographic Group or Area Commitment section of this Application.

The Applicant must state the name of the closest Development included on the FHFC Development Proximity List that serves the same demographic group as the proposed Development. If the closest Development serving the same demographic group consists of several Addresses or location coordinates, the Address or location coordinates closest to the proposed Development site must be stated. Applicants are only permitted to utilize the Address or location coordinates set forth on the FHFC Development Proximity List unless evidence is provided of an inaccuracy.

In determining the distance between a proposed Development's Tie Breaker Measurement Point and a Development listed on the FHFC Development Proximity List, it is the Applicant's responsibility to verify for the Development listed on the FHFC Development Proximity List, as applicable, that the FHFC provided location coordinates are on the Development site or that the Street Atlas USA, Version 9, software correctly identifies a location on the Development site when the Development's location coordinates or Address is entered.

If, for a Development on the FHFC Development Proximity List, an Applicant concludes that the FHFC provided location coordinates for a Development are not on the Development site, or upon entering the Development's Address or location coordinates into Street Atlas USA, Version 9, that the software fails to identify a location that is on the Development site, the Applicant may provide evidence of the inaccuracy, as applicable, at Exhibit 21 of the Universal Application Package or within a Notice of Possible Scoring Error or within a Notice of Alleged Deficiency for consideration by Florida Housing. At a minimum, the evidence must contain a certification from a Florida licensed surveyor, not related to any party of the Applicant, which states: (1) the name of the Development in question; (2) that the FHFC provided location coordinates for the Development are not on the Development site or that the Street Atlas USA, Version 9, software fails to identify a location that is on the Development site upon entering either the Development's Address or location coordinates; and (3) the correct latitude and longitude coordinates (minutes taken to a minimum of three decimal places) for the respective site. The surveyor's certification must be signed and dated by the surveyor under oath.

An Applicant may disregard any Development on the FHFC Development Proximity List that is contiguous to the proposed Development if the two Developments have the same Financial Beneficiaries.

Florida Housing may verify the above information utilizing "Street Atlas USA Version 9.0" or other relevant information available to Florida Housing for such verification. Tie-breaker points will be added together to determine the total

proximity tie-breaker points. If necessary, the total proximity tie-breaker points will be used as a tie breaker, as described in the Ranking and Selection Criteria Section of these Instructions.

The following examples are provided to demonstrate the procedure Florida Housing may use to verify the distance from a proposed Development's Tie-Breaker Measurement Point to a service.

Example 1: An Applicant has indicated that a grocery store is within one mile of the proposed Development's Tie-Breaker Measurement Point and was awarded 1.25 tie-breaker points during preliminary scoring. The Applicant provided the Surveyor Certification Form stating the location coordinates for the grocery store. Florida Housing received a Notice of Possible Scoring Error (NOPSE) that alleged that the grocery store is actually 1.05 miles from the proposed Development's Tie-Breaker Measurement Point. The NOPSE does not challenge the location coordinates for the proposed Development's Tie-Breaker Measurement Point or for the grocery store.

Florida Housing will use the Street Atlas USA, Version 9, in making its determination of whether the grocery store is within one mile or less of the proposed Development's Tie-Breaker Measurement Point. The following steps will be used:

(1) Using "Locate by Latitude/Longitude" under "Find" on the menu bar, the location coordinates for the proposed Development's Tie-Breaker Measurement Point will be entered. Once entered, the software will automatically present a map on the computer monitor's screen depicting the location coordinates by a "+" sign.

(2) The location coordinates will then be marked on the map by pressing the right button on the computer's mouse and choosing "Lat/Lon Note".

(3) The "F10" key will be pressed to display the Drawing Palette features of the software. Using the features, a circle with a radius of one mile will be drawn that has the proposed Development's Tie-Breaker Measurement Point as its center. The "Circle Properties" will be set so the line is drawn at medium width.

(4) Using "Locate by Latitude/Longitude" under "Find" on the menu bar, the location coordinates for the grocery store will be entered. Once entered, the software will automatically present a map on the computer monitor's screen depicting the location coordinates by a "+" sign.

(5) The grocery store's location coordinates will then be marked on the map by pressing the right button on the computer's mouse and choosing "Lat/Lon Note".

(6) If the grocery store's depicted location is clearly within the drawn circle, Florida Housing will conclude the grocery store is within one mile or less the proposed Development's Tie-Breaker Measurement Point and no adjustment to the Application's tie-breaker score will be made for this issue. If

the grocery store's depicted location appears to be on the line of the circle, using the cursor and the mouse, the grocery store's depicted location will be centered on the screen and using the zooming features of the software, the grocery store's depicted location will be zoomed in as far as possible. In the event the grocery store's depicted location on the computer screen appears to the human eye to be on the drawn line of the circle, it will be concluded that the grocery store is within one mile or less of the proposed Development's Tie-Breaker Measurement Point and no adjustment will be made to the Application's tie-breaker score for this issue. If the grocery store's depicted location is outside the drawn line of the circle but within 2 miles of the proposed Development's Tie-Breaker Measurement Point, the Application's tie-breaker score will be reduced from 1.25 tie-breaker points to 1 tie-breaker point. Applicants are cautioned that a depicted location may appear to be on the line of a circle when the map is not zoomed all the way in, but when the map is zoomed all the way in, the depicted location is outside the line of the circle.

Example 2: This example is the same as the one above except the Applicant provided an Address for the grocery store.

Using the Street Atlas USA, Version 9, Florida Housing will make a determination of whether or not the grocery store is within one mile of the proposed Development's Tie-Breaker Measurement Point using the following steps:

(1) Using "Locate by Latitude/Longitude" under "Find" on the menu bar, the location coordinates for the proposed Development's Tie-Breaker Measurement Point will be entered. Once entered, the software will automatically present a map on the computer monitor's screen depicting the location coordinates by a "+" sign.

(2) The location coordinates will then be marked on the map by pressing the right button on the computer's mouse and choosing "Lat/Lon Note".

(3) The "F10" key will be pressed to display the Drawing Palette features of the software. Using the features, a circle with a radius of one mile will be drawn that has the proposed Development's Tie-Breaker Measurement Point as its center. The "Circle Properties" will be set so the line is drawn at medium width.

(4) Using "Locate by Address" under "Find" on the menu bar with the options set to "very small" and "circle", the grocery store's Address will be entered and the "Search" icon depressed using the left button of the computer mouse.

(5) The software will then display the grocery store's Address as a small black dot on a map on the computer screen.

(6) If the black dot which depicts the grocery store's Address is clearly within the drawn circle, Florida Housing will conclude the grocery store is within one mile or less the proposed Development's Tie Breaker Measurement Point and no adjustment to the Application's tie-breaker score will be made for this issue. If the black dot depicting the grocery store's Address appears to be touching the line of the circle,

using the cursor and the mouse, the black dot depicting the grocery store's Address will be centered on the screen and using the zooming features of the software, the black dot depicting the grocery store's Address will be zoomed in as far as possible. In the event, the black dot depicting the grocery store's Address on the computer screen appears to the human eye to be touching the drawn line of the circle, it will be concluded that the grocery store is within one mile or less of the proposed Development's Tie-Breaker Measurement Point and no adjustment will be made to the Application's tie-breaker score for this issue. If the black dot depicting the grocery store's Address is outside the drawn line of the circle and is not touching the line of the circle but is within two miles of the proposed Development's Tie-Breaker Measurement Point, the Application's tie-breaker score will be reduced from 1.25 tie-breaker points to 1 tie-breaker point. Applicants are cautioned that a black dot depicting a location may appear to be touching the line of a circle when the map is not zoomed all the way in, but when the map is zoomed all the way in, the black dot is outside the line of the circle and is not touching the line of the circle.

The above examples do not limit Florida Housing from using other means of verification and determination.

Section B., first paragraph, page 11, has been changed to read as follows:

All required features and amenities, as well as all optional features and amenities selected by the Applicant, will be included in the Land Use Restriction Agreement(s) and/or Extended Use Agreement and must be maintained in order for the Development to remain in compliance unless the Board approves a change.

Section B.1., second paragraph, page 11, has been changed to read as follows:

Indicate whether Applicant commits to provide all required features and amenities for the proposed Development. Applicant must select "yes" to be considered for participation in any ~~P~~program.

Section B.2., first and second paragraphs, page 12, have been changed to read as follows:

All items selected must be located on the Development property. Selecting these items commits the Applicant to provide them, unless the Board approves a change. Points will be awarded as indicated for each item up to the maximum allowed for each particular section, as indicated below.

The point value for each feature and amenity selected by the Applicant in the Optional Features and Amenities section of the Application at Part II, Section B.2.a., b., c. and/or d. will be doubled if the proposed Development:

Section B.2., a new third paragraph, as been included which reads as follows:

Rehabilitation/Substantial Rehabilitation Developments will automatically receive 2 points for Energy Conservation Features and may achieve a maximum of 9 points by selecting items totaling at least 7 points.

Section C.2.a., page 12, has been changed to read as follows:

A qualified contract is one that has a term which does not expire before the last expected closing date of December 31, 2002 or that contains extensions options exercisable by the purchaser and conditioned solely upon payment of additional monies which, if exercised, would extend the term to a date not earlier than December 31, 2002; provides that the buyer's remedy for default on the part of the seller includes or is specific performance; and the buyer MUST be the Applicant unless a fully executed assignment of the qualified contract which assigns all of the buyer's rights, title and interests in the qualified contract to the Applicant, is provided.

Section C.3., third paragraph, page 13, has been changed to read as follows:

Evidence of availability of electricity must be provided behind a tab labeled "Exhibit 24". Evidence of availability of water must be provided behind a tab labeled "Exhibit 25". Evidence of availability of sewer, package treatment or septic tank must be provided behind a tab labeled "Exhibit 26". Evidence of availability of roads must be provided behind a tab labeled "Exhibit 27".

Section C.4., first sentence, page 13, has been changed to read as follows:

To demonstrate that the proposed Development site is appropriately zoned and consistent with local land use regulations regarding density and intended use or that the proposed Development site is legally non-conforming, the Applicant must provide the appropriate verification form behind a tab labeled "Exhibit 28".

Section C.5., last paragraph, page 14, has been changed to read as follows:

Note: If the Phase I ESA and/or the Phase II ESA disclosed environmental problems requiring remediation, a plan, including time frame and cost, for the remediation is required. By answering the applicable questions and executing the Phase I and/or Phase II verification(s), the environmental provider is certifying that such plan has been prepared. In addition, by executing the Applicant Certification and Acknowledgement Form ~~at Part V of this Application~~, the Applicant certifies that the plan has been prepared and the costs associated with such remediation have been included in the Development Ceost pro forma submitted in this Application.

Section D, Targeting, page 14, has been changed to read as follows:

Demographic or Area Commitment Targeting (Maximum 7 Points):

~~In accordance with the SAIL and MMRB NOFAs and the HC NOCA, allocation of funds will be prioritized based on specific targeting goals.~~

Selection of the Elderly, Farmworker/Commercial Fishing Worker, or Homeless ~~targeting~~ commitment will be included in the Land Use Restriction Agreement(s) and/or Extended Use Agreement and must be maintained in order for the Development to remain in compliance, unless the Board approves a change.

Applicants may select only one of the following: targeting category from Items 1 through 9 below.

Section D.1., first paragraph, page 15, has been changed to read as follows:

Florida Keys Area (MMRB, SAIL and HC Applicants may make this selection ~~select this targeting category~~) – ~~Maximum~~ 7 Points

Section D.2., page 15, has been changed to read as follows:

Rural Development (Only HC Applicants may make this selection ~~select this targeting category~~) – ~~Maximum~~ 5 Points

Applicant may make this selection ~~select this option~~ if it is anticipated that the Development will be assisted with funds from the United States U.S. Department of Agriculture RD 515 or 514/516 Program. Applicant must check the applicable box. By making this selection ~~selecting this option~~, the Applicant chooses to compete within the Rural Development Special Sset-Aaside. Applicants within this Special Sset-Aaside must provide evidence of RD financing by October 1, 2002 or the reserved funds will be distributed outside the RD Special Sset-Aaside in accordance with the QAP. Applicants without an RD funding commitment at the time of Application Deadline must submit alternative financing commitment(s) to qualify ~~for the set aside~~ during scoring. Such commitment(s) may be replaced during credit underwriting.

Section D.3., first three paragraphs, page 15, have been changed to read as follows:

Elderly (MMRB, SAIL and HC Applicants may make this selection ~~select this targeting category~~) – ~~Maximum~~ 5 Points

SAIL Applicants making this selection will compete in the SAIL ~~are eligible to receive points for selecting Elderly Targeting only if the Elderly Special Categorical Set-Aside for the Elderly Categorical Set-Aside funds was selected in this Application.~~

In order for a proposed Development to be classified as Elderly ~~for purposes of this targeting category~~, the Development must meet all of the following restrictions:

Section D.3.a. through c., page 15, have been changed to read as follows:

a. Applicant understands, acknowledges and agrees that ~~by applying under this targeting category~~, it will comply with the Federal Fair Housing Act requirements and rent at least 80% of the total units to residents that qualify as Elderly pursuant to that Act. Further, Applicant understands, acknowledges and

agrees that all such units are subject to the income restrictions committed to in the Set-Aside Commitment section Part II, Section E of this Application;

b. The Development cannot consist of more than 160 total units, unless the proposed Development is a rehabilitation of an existing elderly housing facility;

c. At least 50% of the total units must be comprised of one bedroom and no more than 15% of the total units can be larger than 2 bedroom;

Section D.3.e., page 16, has been changed to read as follows:

A minimum of one elevator per residential building must be provided for all nNew cConstruction Developments that consist of more than one story if any of the Elderly set-aside units will be located on a floor higher than the first floor.

Section D.3.f., first paragraph, page 16, has been changed to read as follows:

The Applicant must provide the following features in the specified percentages of all units in nNew cConstruction (NC) and Rehabilitation/Substantial Rehabilitation (SR) Developments. Features required in less than 100% of the units must be provided in the same units so that the designated number/ percentage of units is fully useable by handicapped or frail Elderly hHouseholds.

Section D.4., first three paragraphs and Item a., page 17, have been changed to read as follows:

Farmworker or Commercial Fishing Worker (MMRB, SAIL and HC Applicants may make this selection ~~select this targeting category~~) – ~~Maximum~~ 5 Points

SAIL Applicants making this selection will compete in the SAIL ~~are eligible to receive points for selecting Farmworker or Commercial Fishing Worker Targeting only if the Farmworker or Commercial Fishing Worker Special Categorical Set-Aside for Farmworker or Commercial Fishing Worker Categorical Set-Aside funds was selected in this Application.~~

In order for a proposed Development to be classified as Farmworker or Commercial Fishing Worker ~~for purposes of this targeting category~~, the Development must meet all of the following requirements:

a. Development cannot have more than 160 total units and Applicant must commit to target not less than 40% of the total units for Farmworker or Commercial Fishing Worker Households.

Section D.5., first three paragraphs and Items a. through c., page 17, have been changed to read as follows:

Homeless (MMRB, SAIL and HC Applicants may make this selection ~~select this targeting category~~) – ~~Maximum~~ 5 Points

SAIL Applicants making this selection will compete in the SAIL ~~are eligible to receive points for selecting Homeless Targeting only if the Homeless Special Categorical Set-Aside for the Homeless Categorical Set-Aside funds was selected in this Application.~~

In order for a proposed Development to be classified as Homeless ~~for purposes of this targeting category~~, the Development must meet the following requirements:

a. SRO Developments must commit to rent not less than target 80% of the total units ~~to for~~ Homeless Households and must have selected the SRO Construction Features and Amenities in ~~Part II, Section B.2.d., of this Application; or~~

b. Non-SRO Developments must commit to rent not less than target 80% of the total units for Homeless Households; and

c. ~~All Applicants selecting Homeless Targeting~~ must provide the properly completed and executed Verification of Inclusion in Local Homeless Assistance Continuum of Care Plan by Lead Agency Form behind a tab labeled "Exhibit 31".

~~In addition, If~~ no Local Homeless Assistance Continuum of Care Plan exists for the Catchment Area in which the proposed Development is located, a needs analysis demonstrating the local need for such housing must be provided behind a tab labeled "Exhibit 31".

Section D.6., page 18, has been changed to read as follows:

Urban In-Fill Development (MMRB, SAIL and HC Applicants may make this selection ~~select this targeting category~~) – ~~Maximum~~ 5 Points

In order for a proposed Development to be classified as an Urban In-Fill Development ~~for purposes of this targeting category~~, the Applicant must provide a properly completed and executed Local Government Verification of Qualification as Urban In-Fill Development Form behind a tab labeled "Exhibit 31".

Section D.7., page 18, has been changed to read as follows:

Large Family Development (MMRB, SAIL and HC Applicants may make this selection ~~select this targeting category~~) – ~~Maximum~~ 5 Points

To be eligible to receive points ~~for purposes of this targeting category~~, the Applicant commits to accommodate large families within the set aside units by providing 30% or more of the set-aside units with three or more bedrooms.

Section D.8., page 18, has been changed to read as follows:

HOPE VI Development (MMRB, SAIL and HC Applicants may make this selection ~~select this targeting category~~) – ~~Maximum~~ 5 Points

In order for a proposed Development to be classified as a HOPE VI Development ~~for purposes of this targeting category~~, the Applicant must provide a copy of the properly executed award letter from HUD, awarding the HOPE VI revitalization funds. The letter must state the amount of the HOPE VI revitalization award and the name of the Development, and must be provided behind a tab labeled "Exhibit 31".

Section D.9., page 18, has been changed to read as follows:

Front Porch Florida Community (MMRB Applicants may not make this selection ~~select this targeting category~~) – ~~Maximum~~ 5 Points

In order for a proposed Development to be classified as located in a Front Porch Florida Community ~~for purposes of this targeting category~~, the Applicant must provide a properly completed and executed Verification of Front Porch Florida Funding Commitment Form behind a tab labeled "Exhibit 31".

Note: The telephone number for the Office of Urban Opportunity Front Porch Florida is (850)487-9556.

Section E., first and second paragraphs, page 19, have been changed to read as follows:

All set-aside commitments ~~made on this form~~ will be included in the Land Use Restriction Agreement(s) and/or Extended Use Agreement, and must be maintained in order for the Development to remain in compliance, unless the Board approves a change.

If there is an inconsistency between the information submitted as minimum set-aside section and the information stated in the total set-aside commitment section of this Application, the percentage(s) stated as the total set-aside commitment section ~~to set aside units beyond the minimum~~ will be considered the Applicant's set-aside commitment.

Section E.1., page 19, has been deleted in its entirety.

Section E.2., has been renumbered as Section E.1. and the second paragraph has been changed to read as follows:

HC Applicants Note: Choosing the 20% at 50% AMI or less minimum set-aside will restrict ALL set-aside units at 50% or less of the AMI pursuant to IRS regulations. Applicants may choose the 40% at 60% AMI or less minimum set-aside without committing to setting aside any of the units at the 60% AMI level. For example, an Applicant may commit to setting aside 40% at 50% AMI and this would also be considered 40% at 60% AMI or less.

Section E.1., third paragraph, second bullet, page 20, has been changed to read as follows:

For purposes of meeting threshold requirements of this Application only, "scheduled" shall mean:

The Application is one Applicant has submitted Application for both SAIL and HC; or

The Applicant includes evidence within its Application that the Development has a firm commitment, as determined by Florida Housing after scoring the Financing portion of this Application, for 50% or more of its financing from tax-exempt private activity bonds.

Section E.3., has been renumbered as Section E.2. and the first, second and third paragraphs, page 21, have been changed to read as follows:

Commitment to Serve Lower Area Median Income (~~Maximum~~ 5 Points)

Percentage chosen must be the same for all programs applied for in this Application. Where reasonably reasonable possible, Applicants should keep the unit mix consistent to each AMI level committed to.

Points will be awarded for a commitment to set-aside units beyond the minimum set-aside, with the following exceptions:

- Applications for developments that will be funded with Local Government issued tax-exempt bonds that are only requesting non-competitive HC will automatically receive 5 points; and
- Applications for Developments located in Locations B, C or D which are requesting FHFC-issued MMRB without SAIL and with/without non-competitive HC will automatically receive 5 points.

Section E.2., Location A, page 21, has been changed to read as follows:

First bullet under “Threshold requirement:”:

~~-Applicants requesting Competitive HC out of the allocation authority (competitive credits) must commit to set-aside 100% of the Development’s units at 50% AMI or less.~~

First and second paragraphs under “To earn 5 points:”, page 22, have been changed to read as follows:

~~-Applicants requesting Competitive HC housing credits out of the allocation authority must at a minimum commit to set-aside: all units, no units above 50% AMI, no more than 95% of the Development’s units at 50% AMI and no less than 5% of the units at 40% AMI or less.~~

~~-Applicants requesting Competitive HC housing credits out of the allocation authority and SAIL must at a minimum commit to set-aside: all units, no units above 50% AMI, no more than 88% of the Development’s units at 50% AMI and no less than 12% of the units at 40% AMI or less.~~

~~-Applicants requesting only MMRB or only SAIL must at a minimum commit to set-aside the threshold requirement of 50% of the Development’s units at 50% AMI or less.~~

~~-Applicants requesting MMRB and SAIL must at a minimum commit to set-aside 60% of the Development’s units at 50% AMI or less.~~

An Applicant may commit to deeper targeting but must at least meet the minimums stated above to be awarded the 5 points. For example, an Applicant requesting Competitive HC and SAIL that committed 85% of a Development’s units at 50% AMI or less and 15% of its units at 35% AMI or less would earn five points because it met the minimum five-point requirement. The same Applicant would not earn five points if it committed to do 90% of the Development’s units at 50% AMI or less and 10% of the units at 30% AMI.

Section E.2., Location A Summary chart, page 22, has been changed to read as follows:

Location A Summary

Program(s) applying for	Location A				
	% of units @ 30% AMI or less	% of units @ 35% AMI or less	% of units @ 40% AMI or less		% of units @ 50% AMI or less
Competitive HC ONLY (out of the allocation authority)	na	na	5	and	95
Competitive HC (out of the allocation authority) with SAIL	na	na	12	and	88
SAIL ONLY without Competitive HC, FHFC bonds or local bonds	na	na	na		50
FHFC bonds with or without non-competitive HC 4% credits ONLY	na	na	na		50
FHFC or local bonds with SAIL	na	na	na		60
non-competitive HC ONLY	na	na	na		na

Section E.2., Location B, first and second paragraphs under “To earn 5 points:”, page 23, have been changed to read as follows:

~~-Applicants requesting Competitive HC housing credits out of the allocation authority must at a minimum commit to set-aside either: 15% of the Development’s units at 30% AMI or less, 20% of the Development’s units at 35% AMI or less, 27% of the Development’s units at 40% AMI or less, or 56% of the Development’s units at 50% AMI or less.~~

~~-Applicants requesting Competitive HC housing credits out of the allocation authority and SAIL must at a minimum commit to set-aside either: 19% of the Development’s units at 30% AMI or less, 25% of the Development’s units at 35% AMI or less, 34% of the Development’s units at 40% AMI or less, or 72% of the Development’s units at 50% AMI or less.~~

~~-Applicants requesting only MMRB or only SAIL must at a minimum commit to set-aside either: 8% of the Development’s units at 30% AMI or less, 10% of the Development’s units at 35% AMI or less, 14% of the Development’s units at 40% AMI or less, or 30% of the Development’s units at 50% AMI or less.~~

~~-Applicants requesting MMRB and SAIL must at a minimum commit to set-aside either: 4% 11% of the Development’s units at 30% AMI or less, 6% 14% of the Development’s units at 35% AMI or less, 9% 19% of the Development’s units at 40% AMI or less, or 20% 40% of the Development’s units at 50% AMI or less.~~

An Applicant may commit to deeper targeting but must at least meet the minimums stated above to be awarded the 5 points. For example, an Applicant requesting Competitive HC and SAIL that committed 5% of a Development’s units at 30%

AMI or less and 20% of its units at 35% AMI or less would earn five points because it met the minimum five-point requirement of 25% of the units at 35% AMI or less.

Section E.2., Location B Summary chart, page 23, has been changed to read as follows:

Location B Summary

Program(s) applying for	Location B			
	% of units @ 30% AMI or less	% of units @ 35% AMI or less	% of units @ 40% AMI or less	% of units @ 50% AMI or less
Competitive HC ONLY (out of allocation authority)	15	20	27	56
Competitive HC (out of the allocation authority) with SAIL	19	25	34	72
SAIL ONLY without Competitive HC, FHFC bonds or local bonds	8	10	14	30
FHFC bonds with or without non-competitive HC 4% credits ONLY	na 8	na 10	na 14	na 30
FHFC or local bonds with SAIL	4 11	6 14	9 19	20 40
non-competitive HC ONLY	na	na	na	

Section E.2., Location C, first and second paragraphs under “To earn 5 points:”, page 24, have been changed to read as follows:

-Applicants requesting Competitive HC housing credits ~~out of the allocation authority~~ must at a minimum commit to set-aside either: 7% of the Development’s units at 30% AMI or less, 9% of the Development’s units at 35% AMI or less, 12% of the Development’s units at 40% AMI or less, or 26% of the Development’s units at 50% AMI or less.

-Applicants requesting Competitive HC housing credits ~~out of the allocation authority~~ and SAIL must at a minimum commit to set-aside either: 11% of the Development’s units at 30% AMI or less, 15% of the Development’s units at 35% AMI or less, 20% of the Development’s units at 40% AMI or less, or 43% of the Development’s units at 50% AMI or less.

-Applicants requesting only ~~MMRB or only~~ SAIL must at a minimum commit to set-aside the minimum percentage of units at the minimum AMI or less for the program they apply for.

-Applicants requesting MMRB and SAIL must at a minimum commit to set-aside the minimum percentage of units at the minimum AMI or less for the program they apply for.

An Applicant may commit to deeper targeting but must at least meet the minimums stated above to be awarded the 5 points. For example, an Applicant requesting Competitive HC and SAIL that committed 5% of a Development’s units at 30% AMI or less and 10% of its units at 35% AMI or less would earn five points because it met the minimum five-point requirement of 15% of the units at 35% AMI or less.

Section E.2., Location C Summary chart, page 24, has been changed to read as follows:

Location C Summary

Program(s) applying for	Location C			
	% of units @ 30% AMI or less	% of units @ 35% AMI or less	% of units @ 40% AMI or less	% of units @ 50% AMI or less
Competitive HC ONLY (out of the allocation authority)	7	9	12	26
Competitive HC (out of the allocation authority) with SAIL	11	15	20	43
SAIL ONLY without Competitive HC, FHFC bonds or local bonds	na	na	na	na
FHFC bonds with or without non-competitive HC 4% credits ONLY	na	na	na	na
FHFC or local bonds with SAIL	na	na	na	na
non-competitive HC ONLY	na	na	na	na

Section E.2., Location D, first and second paragraphs under “To earn 5 points:”, page 25, have been changed to read as follows::

-Applicants requesting Competitive HC housing credits ~~out of the allocation authority~~ must at a minimum commit to set-aside either: 11% of the Development’s units at 30% AMI or less, 15% of the Development’s units at 35% AMI or less, 20% of the Development’s units at 40% AMI or less, or 43% of the Development’s units at 50% AMI or less.

-Applicants requesting Competitive HC housing credits ~~out of the allocation authority~~ and SAIL must at a minimum commit to set-aside either: 15% of the Development’s units at 30% AMI or less, 20% of the Development’s units at 35% AMI or less, 27% of the Development’s units at 40% AMI or less, or 56% of the Development’s units at 50% AMI or less.

-Applicants requesting only ~~MMRB or only~~ SAIL must at a minimum commit to set-aside the minimum percentage of units at the minimum AMI or less for the program they apply for.

-Applicants requesting MMRB and SAIL must at a minimum commit to set-aside either: 3% ~~6%~~ of the Development’s units at 30% AMI or less, 4% ~~8%~~ of the Development’s units at 35% AMI or less, 5% ~~10%~~ of the Development’s units at 40% AMI or less, or 11% ~~22%~~ of the Development’s units at 50% AMI or less.

An Applicant may commit to deeper targeting but must at least meet the minimums stated above to be awarded the 5 points. For example, an Applicant requesting Competitive HC and SAIL that committed 5% of a Development’s units at 30%

AMI or less and 15% of its units at 35% AMI or less would earn five points because it met the minimum five-point requirement of 20% of the units at 35% AMI or less.

Section E.2., Location D Summary chart, page 25, has been changed to read as follows:

Location D Summary

Program(s) applying for	Location D			
	% of units @ 30% AMI or less	% of units @ 35% AMI or less	% of units @ 40% AMI or less	% of units @ 50% AMI or less
Competitive HC ONLY (out of the allocation authority)	11	15	20	43
Competitive HC (out of the allocation authority) with SAIL	15	20	27	56
SAIL ONLY without Competitive HC, FHFC bonds or local bonds	na	na	na	na
FHFC bonds with or without non-competitive HC 4% credits ONLY	na	na	na	na
FHFC or local bonds with SAIL	36	48	54	1122
non-competitive HC ONLY	na	na	na	na

The paragraph following the Location D Summary chart has been deleted as follows:

~~To be awarded 5 points, Applicants that received local tax exempt private activity bonds and are only applying for 4% credits must meet the same requirements as an Applicant applying for MMRB only.~~

Section E.4., page 26, has been renumbered as Section E.3. and the section has been changed to read as follows:

3.4. Total Set-Aside Commitment to Set-Aside Units Beyond the Minimum

(Maximum 3 Points)

All Applicants must complete the chart. Points will be awarded if the Applicant commits to set-aside 70% or more of the total units at 60% AMI or less. Percentages should be whole numbers. MMRB total set-aside percentage (excluding any portion relating to non-competitive HC) should not exceed 85%. In the event an MMRB Applicant selects higher than 85%, the total set-aside percentage will be reduced to 85%. Applicants applying for MMRB and SAIL or Competitive HC and SAIL should complete both the combined program funding column and the MMRB or Competitive HC column, as applicable. In the event the Applicant is successful in receiving the MMRB or the Competitive HC, but not the SAIL, and the Applicant is able to demonstrate an alternative funding source within the time frame outlined in the Ranking and Selection Criteria section of these instructions, the Applicant's set-aside commitment will be the percentage(s) listed in the MMRB Only or Competitive or non-competitive HC Only column, as applicable.

Section E.5., page 26, has been renumbered as Section E.4.

Section F., first and second paragraphs, page 26, have been changed to read as follows:

Applicants may select resident programs from the Qualified Resident Programs for Non-Elderly and Non-Homeless Developments section, the Qualified Resident Programs for Homeless Developments – SRO and Non-SRO section, or the Qualified Resident Programs for Elderly Developments section Item 1, 2 or 3, up to a maximum of 6 points. Programs in the Qualified Resident Programs for All Applicants section ~~Item 4~~ may be selected, up to a maximum of 8 points.

All resident programs selected by the Applicant will be included in the Land Use Restriction Agreement(s) and/or Extended Use Agreement and must be maintained in order for the Development to remain in compliance unless the Board approves a change.

Section F.1., first paragraph, page 26, has been changed to read as follows:

To be eligible to select resident programs from this category, Applicant cannot have selected committed to Elderly Targeting or Homeless in the Demographic or Area Commitment section of Targeting in this Application.

Section F.2., first and second paragraphs, page 28, have been changed to read as follows:

To be eligible to select resident programs from this category, Applicant must have selected committed to Homeless in the Demographic or Area Commitment section of Targeting in this Application.

Note: All Applicants selecting the committing to Homeless demographic commitment Targeting in this Application will be required to provide a Service Coordination Program whereby the Applicant or its Management Agent must provide, at no cost to the resident, a service coordinator (at least one for every 25 residents) whose activities are aimed at assessing resident needs, planning services, linking the service system to a resident, coordinating the various system components, monitoring service delivery, and evaluating the effect of service delivery. Service Coordinators must possess at least a bachelor's degree in human services or a related field.

Section F.2.a.(2), page 29, has been changed to read as follows:

Daily Activities – Applicant or its Management Agent must provide on-site supervised, structured activities, at no cost to the resident at least 5 days per week. (3 points)

Section F.3., first paragraph, page 31, has been changed to read as follows:

To be eligible to select resident programs in this category, Applicant must have selected committed to Elderly in the Demographic or Area Commitment section of Targeting in this Application:

Section F.3.c., page 31, has been changed to read as follows:

Assistance with Light Housekeeping, Grocery Shopping and/or Laundry – ~~The Applicant or its Management Agent must provide weekly assistance with at least two of the following: (a) light housekeeping, and/or (b) grocery shopping, and/or (c) laundry.~~ The Applicant or its Management Agent will provide residents with a list of qualified service providers for (a) light housekeeping, and/or (b) grocery shopping, and/or (c) laundry ~~all three types of services~~ and will coordinate, at no cost to the resident, the scheduling and provision of services. (1 point)

Section F.3.f., page 32, has been deleted.

Section F.4.b., last sentence, page 32, has been changed to read as follows:

The goal here is to foster a sense of community by bringing residents together on a regularly scheduled basis by providing activities such as holiday and special occasion parties, community picnics, newsletters, children's special functions, etc. (2 points)

Section F.4.i., page 33, has been changed to read as follows:

Life Safety Training – The Applicant or its Management Agent must provide courses such as fire safety, first aide (including CPR), etc., on-site, at least twice each year, at no cost to the resident. (2 points)

Section F.4.j., page 33, has been deleted.

Section F.4.k., page 33, has been renumbered F.4.j.

Part IV., Local Government Support.

Section A. has been changed by the insertion of a new paragraph preceding the first paragraph on page 34. This paragraph has been deleted from the County Contribution List bullet on page 38.

To be eligible for 5 points, Applicants applying for Competitive HC with or without SAIL and Applicants applying for SAIL only without any tax-exempt bond financing must obtain a Local Government contribution equal to or greater than the amounts listed on the County Contribution List. All other Applicants will automatically receive 5 points without any requirement to obtain a Local Government contribution.

Section A., second to last sentence of first paragraph, page 34, has been changed to read as follows:

Local Government contributions that have not received final approval will not qualify as a Local Government contribution for purposes of this Application.

Section A., first sentence of the second paragraph, page 35, has been changed to read as follows:

The contribution may not be included on the Development Cost Pro Forma nor may it be considered part of Development Cost for purposes of calculating HC basis or Developer's fee.

Section A., first bullet, page 35, has been changed to read as follows:

- Calculate the net present value of the payments using the discount rate, the 10 year Treasury note bond in effect as of the date of the MMRB and SAIL Notices of Funding Availability (NOFA) and ~~or~~ HC Notice of Credit Availability (NOCA) plus 285 ~~245~~ basis points. This figure may be obtained from the Corporation prior to the Application Deadline.

Section A, second to last paragraph, page 35, has been changed to read as follows:

- Calculate the net present value of the loan payments using the discount rate, the 10 year Treasury note bond in effect as of the date of the MMRB and SAIL Notices of Funding Availability (NOFA) and ~~or~~ HC Notice of Credit Availability (NOCA) plus 285 ~~245~~ basis points. This figure may be obtained from the Corporation prior to the Application Deadline.

Section A, Scoring, first sentence of the first paragraph, page 36, has been changed to read as follows:

Local Government Contributions may be verified by Florida Housing Staff during the scoring and appeals process.

Section A., Scoring, second Note, page 37, has been changed to read as follows:

NOTE: For waiver of ~~impact~~ fees, attach a sheet behind the Local Government Verification of Contribution Form detailing how the amount of savings was calculated.

For waivers of fees that are determined on a per unit basis ~~Where applicable~~, calculations should show for each waived fee, the amount waived per unit. Failure to attach a sheet showing these calculations ~~do so~~ will result in the contribution not being considered.

Section A, Scoring, last sentence of the third Note, page 37, has been changed to read as follows:

Failure to attach a sheet that provides this information will result in the contribution not being considered.

Section B., page 38, except the last paragraph, has been changed to read as follows:

B. Incentives (Maximum ~~4~~ 5 Points):

Points will be awarded for the following Local Government planning efforts: To be eligible to receive points, the Applicant must submit the applicable Local Government Verification of Affordable Housing Incentives Form(s), properly completed and executed. Do not provide any attachments to the verification forms.

1. ~~Affordable housing developments or properties for which the Local Government provided an expedited processing of permits. (1 point)~~ Provide the Local Government Verification of Affordable Housing Incentives – Expedited Permitting Process for Affordable Housing Form behind a tab labeled “Exhibit 36”. (1 point)

2. ~~Affordable housing developments or properties that have benefited or will benefit from any actual Local Government contributions. (1 point)~~ Provide the Local Government Verification of Affordable Housing Incentives –

Contributions Made to Affordable Housing Properties or Developments Form behind a tab labeled "Exhibit 37". (1 point)

~~3. Modification of fee requirements, including reduction or waiver of fees and alternative methods of fee payment. (1 point) Provide the Local Government Verification of Affordable Housing Incentives – Modification of Fee Requirements for Affordable Housing Properties or Developments Form behind the tab labeled "Exhibit 38". (1 point)~~

~~4. Ongoing formal process for consideration, before adoption, by the Local Government of the potential impact of policies, procedures, ordinances, regulations, or plan provisions upon affordable housing. (1 point) Provide the Local Government Verification of Affordable Housing Incentives – Impact of Policies, Ordinances, Regulations, or Plan Provisions on Cost of Affordable Housing Properties or Developments Form behind the tab labeled "Exhibit 39". (1 point)~~

~~To be eligible to receive points, the Applicant must submit the applicable Local Government Verification of Affordable Housing Incentives Form(s), properly completed and executed. Do not provide any attachments to the verification forms.~~

Part V. Financing.

Section A.1., page 40, has been changed by addition of a new third paragraph and deletion of the existing third paragraph as follows:

An Applicant requesting funding from both SAIL and Competitive HC will not be eligible for automatic Competitive HC that are to be awarded to Applicants in the SAIL Special Set-Aside unless the Applicant's SAIL funding request amount is a minimum of 10% of Total Development Cost.

~~If a SAIL Applicant is requesting a loan in excess of 25% of total Development Cost, evidence of the Applicant's eligibility must be provided behind a tab labeled "Exhibit 40" by the Application Deadline.~~

The "HC request cannot exceed:" chart and footnote, page 40, have been changed to read as follows:

County Group*	Maximum Request Amount if Development is not located in a DDA or QCT	Maximum Request Amount if Development is located in a DDA or QCT
LL Counties	\$1.7 Million	\$2,210,000
LS Counties	\$1.4 Million	\$1,820,000
ML Counties	\$1 Million	\$1,300,000
Florida Keys Area		The lesser of \$10,000 \$9,500 per set-aside unit or \$1,300,000
MS Counties	\$850,000	\$1,105,000
Small Counties	\$750,000	\$975,000

*County Groups are ~~described~~ defined in the Ranking and Selection Criteria, ~~Item 11~~

Section A., page 40, has been changed by the addition of a new Item 2 as follows:

2. SAIL ONLY – Indicate whether the Applicant is applying for a loan in excess of 25% of Total Development Cost. If the answer is "yes", Applicant must indicate which of the eligibility requirements it has met that enables it to make such request and provide evidence of its eligibility behind a tab labeled "Exhibit 40".

Section A.2., page 40, has been changed to read as follows:

~~3.2. Other Corporation Funding – If applicable, Applicant must list any other FHFC funding, excluding credit enhancement financing from the Guarantee Fund or funding from the Predevelopment Loan Program (PLP), that will be used as a source of financing for this construction project. If Local Government-issued tax-exempt bond proceeds will be used as a source of financing, the source and amount of such proceeds must also be listed.~~

Section B., second sentence of Fee Disclosure bullet, page 41, has been changed to read as follows:

In the event the Developer fee and/or General Contractor fee are/is not disclosed on the Development Cost Pro Forma, Florida Housing will assume that these fees will be the maximum allowable and will add the maximum amount(s) to Ttotal Development Cost.

Section B., first paragraph of Developer Fees bullet, page 41, has been changed to read as follows:

Developer fee shall be limited to 16% of Development Ccost excluding land and building acquisition costs. A Developer fee on the building acquisition cost shall be limited to 4% of the cost of the building exclusive of land. A total Developer fee of 18% of Development Ccost, excluding land and building acquisition costs, shall be allowed if the proposed Development is qualified for Housing Credits pursuant to Rule 67-48.027, F.A.C., pertaining to Tax Exempt Bond-Financed Developments.

Section D., Tax-Exempt Bond Applicants Only, page 41, has been changed to read as follows:

Indicate the Credit Enhancer's or Bond Purchaser's name and the term and expected rating. Provide the Credit Enhancer's or Bond Purchaser's Commitment/Letter of Interest with a contact person's name, address and telephone number, credit underwriting standards and an outline of proposed terms behind a tab labeled "Exhibit 47". The stated amount of the commitment or Letter of Interest shall not be less than the proposed principal amount of the Bonds (including any proposed Taxable Bonds). In addition, if the Applicant will participate in the HUD Multifamily Risk Sharing Program, provide a copy of the completed and

~~executed application, the completed Year 2002 HUD Multifamily Risk-Sharing Program Certification, and proof of payment of the requisite fee behind a tab labeled "Exhibit 47".~~

Section E., first bulleted item of the Firm Commitment bullet, page 42, has been changed to read as follows:

- A firm commitment must contain:
- Terms
- Interest rate
- Signature of all parties, including acceptance by the Applicant

Note: In order to be considered 'firm', Local Government financial commitments are not required to be signed by the Applicant if the Applicant provides the properly completed Local Government Verification of Contribution Form along with, where applicable, the required supporting documentation.

- A statement that states the commitment does not expire before December 31, 2002, with the exception of Local Government-issued tax-exempt bonds.

Section E., the eleventh bulleted item of the Firm Commitment bullet, page 44, has been changed to read as follows:

- If the first mortgage financing is to come from Corporation-issued Multifamily Bonds from a past Application cycle, a copy of the loan commitment which has been executed and accepted by all parties including the Applicant must be included as an exhibit to the Application in order for financing to count as a firm commitment.

~~If the Guarantee Fund will be the source of enhancement, a copy of the Application submitted to the Guarantee Fund and proof of payment of the commitment fee must be included as an exhibit to the Application.~~

~~Applicant must include as an exhibit to the Application a copy of the Commitment or Letter of Interest for the credit enhancer(s)/bond purchaser with a contact person's name, address and telephone number, credit underwriting standards~~

~~and an outline of proposed terms. The stated amount of the Commitment or Letter of Interest shall not be less than the proposed principal amount of the bonds (including any proposed taxable bonds). If the Applicant intends to apply for credit enhancement through the Florida Affordable Housing Guarantee Program using the HUD/HFA Risk Sharing Program, the Certification located within this Form must also be completed.~~

Section E., first line of Item B. of the twelfth bulleted item of the Firm Commitment bullet, page 45, has been changed to read as follows:

B. Issuance on behalf of ~~by~~ 501(c)(3) Organizations:

Section E., first sentence of the first bulleted item of Syndication/HC Equity bullet, page 45, has been changed to read as follows:

A firm commitment from a Housing Credit Syndicator is an agreement which is executed and accepted by all parties including the Applicant, is dated, and includes all terms and conditions of the agreement.

Section E., second paragraph of the third bulleted item of Syndication/HC Equity bullet, page 46, has been changed to read as follows:

Important! If not syndicating/selling the housing credits, evidence of ability to fund, as defined under Firm Commitment above, must be provided as an exhibit to the Application. Additionally, in order for the commitment to be scored firm, 35% ~~forty percent~~ of the total equity being provided must be paid prior to or simultaneously with the closing of the construction financing. Proceeds from a bridge loan will NOT count toward meeting this requirement.

Section E., last sentence of the second to last paragraph, page 47, has been changed to read as follows:

Further, Florida Housing expressly reserves the right to verify and confirm Local Government contributions during the scoring and appeals processes.

Specific Instructions, Part VI, Exhibits.

The entries for Exhibits 17 and 23, page 48, Exhibit 31, page 49, and Exhibit 40, page 50, have been changed to read as follows:

Exhibit No.	Application Part/Section Number	Subject	Required to Meet Threshold or Receive Points	
			All Applicants Must Provide	Applicants Must Provide Only If Applicable
17	II.B.	Guarantor(s) information chart	*	x
23	III.C.	Site Control: qualified contract and title insurance commitment, recorded deed or recorded certificate of title and title insurance policy or commitment, or long-term lease and title insurance leasehold policy	x	
31	III.D.	<u>Demographic or Area Commitment Targeting</u> : evidence of need for Elderly housing, evidence of need for Farmworker/Comm. Fishing Worker housing, Verification of Inclusion in Local Homeless Assistance Continuum of Care Plan by Lead Agency, Local Government Verification of Qualification as Urban In-Fill Development, proof of eligibility as HOPE VI Development, or Verification of Front Porch Funding Commitment.		x

37	IV.B.	Local Government Verification of Affordable Housing Incentives Contributions Made to Affordable Housing Properties or Developments	x
40	V.A.	Evidence of eligibility to request SAIL loan in excess of 25% of T total Development Cost	x

Threshold Requirements.

Item 3., page 51, has been changed to read as follows:

3. Applicant must submit one original Application labeled "Original" and three photocopies of the original Application; ~~along with a computer disk containing all completed applicable pages and forms.~~ MMRB Applicants that will participate in the HUD Risk Sharing Program must submit one additional photocopy of the original Application.

Item 11., page 51, has been deleted.

Item 12., page 51, has been renumbered Item 11.

Item 13., page 52, has been renumbered Item 12.

A new Item 13 has been added to read as follows:

13. Other items specifically designated "Threshold" in the Universal Application Package.

Ranking and Selection Criteria.

The Ranking and Selection Criteria section, pages 52 through 64, has been deleted in its entirety and a new Ranking and Selection Criteria section has been added to read as follows:

RANKING AND SELECTION CRITERIA

The following does not apply to non-competitive HC only Applications; however, non-competitive HC only Applicants must receive 50 points or more, which points will not include any tie-breaker points, to be eligible for an allocation of non-competitive HC.

1. Application Numbers

Each Application received by the Application Deadline will be assigned an Application number.

2. Lottery Numbers

Each Application that is assigned an Application number will receive a random lottery number at or prior to the issuance of final scores. Lottery numbers will be randomly assigned by running the total number of assigned Application numbers through a computer program. Florida Housing's internal auditors will verify the accuracy of the procedures for assigning lottery numbers.

3. Group A and Group B Leveraging Classifications

Each Application Received on or before the Application Deadline, including any Application that is withdrawn by the Applicant after the Application Deadline but excluding any

Application withdrawn prior to the Application Deadline, will be classified into one of two groups based on leveraging: Group A or Group B. Applications will be classified in Group A or Group B as follows:

a. Applications for MMRB only and MMRB with non-competitive HC will be classified as Group A.

b. All other Applications will be initially divided into two lists. The first list will consist of Applications applying for Competitive HC with or without SAIL. The second list will consist of Applications applying for MMRB with SAIL and Applications applying for SAIL only, including SAIL only Applications that have local government tax-exempt bonds as a funding source.

c. The Applications on each list will be placed in descending order beginning with the Application on each list that has the lowest amount of total FHFC funding request per set-aside unit and ending with the Application on each list that has the highest amount of total FHFC funding request per set-aside unit. The total number of set-aside units for each Application will be computed by multiplying the total number of units within the proposed Development by the highest total set aside percentage the Applicant committed to in the Total Set-Aside Commitment section of the Application. If an Application's funding request exceeds the maximum allowed, FHFC will use the maximum funding request allowed when classifying the Applications into Groups A and B. If an Applicant, with local government tax-exempt bonds as a funding source, revises the amount of bonds stated in the Funding section of the Application, Florida Housing will use the higher of the original amount or the revised amount for purposes of Group A and Group B classifications. Total funding request will be determined by adding the following applicable funding sources, as stated in the Funding section of the Application:

(1) SAIL request amount.

(2) FHFC-issued MMRB tax-exempt bond request amount or local government-issued tax-exempt bond commitment amount, except state or local 501(c)(3) bonds. Local government tax-exempt bonds will be deemed to be FHFC funds for purposes of leveraging.

(3) Competitive HC request amount. If the Development is not located in a DDA or OCT, multiply the request amount by 7.5. If the Development is located in a DDA or OCT, multiply the request amount by 7.5 and multiply that product by .7692.

(4) Other FHFC funding. For purposes of classifying Applications in Groups A and B, Florida Housing-issued taxable bonds, local government-issued taxable bonds, non-competitive HC, Guarantee Fund credit enhancement and PLP funding will not be considered FHFC funds.

d. The total number of Applications on each list will be multiplied by 80% and each resulting figure will be rounded up to the next whole number (each resulting figure after rounding will be referred to as the "Leveraging Cut-Off"). On each list, a

line will be drawn below the Application whose place on the list is equal to the Leveraging Cut Off. If any Application(s) below the line has the same total FHFC funding request per set-aside unit as the Application immediately above the line, the line will be moved to a place immediately below this Application(s). For each list, the group of Applications above the line will be classified as Group A and the group of Applications below the line will be classified as Group B.

e. All Applications classified as Group A from each list and the MMRB only and MMRB/non-competitive HC Applications will be combined into a single Group A, and all Applications classified as Group B from each list will be combined into a single Group B.

f. Group A and Group B classifications will be used for tie breakers as more fully described below in the Tie breakers section of these instructions.

4. Groups 1, 2 & 3 Total Score Classifications Immediately following the Board's actions on informal appeals, eligible Applications will be classified in three groups based on the total score of each eligible Application: Group 1, Group 2 and Group 3. For purposes of this classification, eligible Application means an Application that satisfied all threshold requirements, regardless of the Application's total score. Group 1, Group 2 and Group 3 classifications will not be affected by any actions after this determination. Eligible Applications will be classified in Group 1, Group 2 or Group 3 as follows:

a. Eligible Applications will be listed in descending order beginning with the Application that has the highest total score and ending with the Application that has the lowest total score. Total score means the amount of points awarded to the Application, excluding any tie-breaker points.

b. The total number of eligible Applications will be multiplied by 75% and the resulting figure will be rounded up to the next whole number (such resulting figure after rounding is referred to as the "Total Score Cut-Off"). A line will be drawn below the Application whose place on the list is equal to the Total Score Cut-Off. If any Application(s) below the line has the same total score as the Application immediately above the line, the line will be moved to a place immediately below this Application(s). The group of Applications above the line will be classified as Group 1. Group 2 will consist of the eligible Applications with a total score equal to or greater than 64, but which are not included in Group 1. When the eligible Applications for Group 1 are determined, if Group 1 contains eligible Application that achieved 64 points or higher, then there will be no Group 2. Applications in Group 3 will consist of eligible Applications that are not included in Group 1 or Group 2.

c. When applying the SAUL Cycles for each Special Set-Aside and each Geographic Set-Aside and for implementation of the Competitive HC goals, Applications in Group 1 will be considered for funding first and if funds

remain after funding all Group 1 Applications, the Applications in Group 2 will be considered for funding. No Applications in Group 3 will be considered for funding except as provided in the Competitive HC Goals section of these instructions.

5. Tie breakers

Tie breakers will be applied to Applications with tied scores in the following order, as necessary for making tentative funding selections:

a. Leveraging – An Application in Group A will receive preference over an Application in Group B.

b. Proximity to services and to Developments on the FHFC Development Proximity List serving the same demographic group – Preference will be given to the Application with the highest tie-breaker score in the Proximity section of the Application.

c. SAIL leveraging as a percentage of Total Development Cost – An Application not requesting SAIL funds will receive preference over an Application requesting SAIL funds. In the event of a tie in the total score between two or more Applications requesting SAIL funds, the Application requesting the lower amount of SAIL funds as a percentage of Total Development Cost as shown on the Development Cost Pro Forma will receive preference. If an Applicant revises the Total Development Cost on the Development Cost Pro Forma as provided in Rule Chapter 67-48.004 or Rule Chapter 67-21.003, F.A.C., Florida Housing will use the lesser of the original amount or the revised amount for purposes of this provision.

d. Lottery – Preference will be given to the Application with the lowest lottery number.

6. Set-Aside Unit Limitation (SAUL)

The counties are grouped based on the 2000 Florida Statistical Abstract population figures, as follows:

LL = 1.4 million or more
LS = 500,001 – 1,399,999

ML – 250,001 – 500,000
MS = 100,001 – 250,000

SL = 50,001 – 100,000
SM = 20,001 – 50,000
SS = up to 20,000

<u>County Groups</u>	<u>County</u>	<u>Set-Aside Unit Limitation</u>
<u>LL</u>	<u>Broward</u>	<u>350</u>
	<u>Miami-Dade</u>	
<u>LS</u>	<u>Duval</u>	<u>250</u>
	<u>Hillsborough</u>	
	<u>Orange</u>	
	<u>Palm Beach</u>	
	<u>Pinellas</u>	
<u>ML</u>	<u>Brevard</u>	<u>100</u>
	<u>Escambia</u>	
	<u>Lee</u>	
	<u>Manatee</u>	
	<u>Pasco</u>	
	<u>Polk</u>	
	<u>Sarasota</u>	
	<u>Seminole</u>	
<u>MS</u>	<u>Volusia</u>	<u>100</u>
	<u>Alachua</u>	
	<u>Bay</u>	
	<u>Citrus</u>	
	<u>Charlotte</u>	
	<u>Clay</u>	
	<u>Collier</u>	
	<u>Hernando</u>	
	<u>Indian River</u>	
	<u>Lake</u>	
	<u>Leon</u>	
	<u>Marion</u>	
	<u>Martin</u>	
	<u>Okaloosa</u>	
	<u>Osceola</u>	
<u>St. Johns</u>		
<u>St. Lucie</u>		
<u>Santa Rosa</u>		

<u>County Groups</u>	<u>County</u>	<u>Set-Aside Unit Limitation</u>
<u>SL</u>	<u>Columbia</u>	<u>100</u>
	<u>Gadsden</u>	
	<u>Highlands</u>	
	<u>Nassau</u>	
	<u>Putnam</u>	
	<u>Sumter</u>	
	<u>Monroe</u>	
	<u>Florida Keys Area</u>	<u>180*</u>
<u>SM</u>	<u>Baker</u>	<u>100</u>
	<u>Bradford</u>	
	<u>DeSoto</u>	
	<u>Flagler</u>	
	<u>Hardee</u>	
	<u>Hendry</u>	
	<u>Jackson</u>	
	<u>Levy</u>	
	<u>Okeechobee</u>	
	<u>Suwannee</u>	
	<u>Wakulla</u>	
<u>Walton</u>		
<u>Washington</u>		
<u>SS</u>	<u>Calhoun</u>	<u>75</u>
	<u>Dixie</u>	
	<u>Franklin</u>	
	<u>Gilchrist</u>	
	<u>Glades</u>	
	<u>Gulf</u>	
	<u>Hamilton</u>	
	<u>Holmes</u>	
	<u>Jefferson</u>	
	<u>Lafayette</u>	
	<u>Liberty</u>	
	<u>Madison</u>	
	<u>Taylor</u>	
	<u>Union</u>	

* This SAUL will apply only to Applicants that selected the Florida Keys Area in the Demographic or Area Commitment section of the Application, and only when such Applications are being considered for funding from the Competitive HC Florida Keys Area Special Set-Aside.

a. The above chart represents the SAUL for each county. When an Application is selected for tentative funding, the total number of set-aside units committed to in that Application will be credited toward meeting the SAUL for the county in which the proposed Development is located. The total number of set-aside units will be computed by multiplying the total number of units within the proposed Development by the highest total set-aside percentage committed to within the Application.

b. A county's SAUL is met in the following circumstances:

i. If the number of set-aside units credited toward the county's SAUL is zero at the time an Application for a Development located in that county is considered for tentative funding and the Applicant committed to a total number of set-aside units that equals or exceeds the county's SAUL, then when that Application is selected for tentative funding, the county's SAUL will be met; or

ii. If the number of set-aside units credited toward the county's SAUL is not zero at the time an Application for a Development located in that county is considered for tentative funding, but the SAUL has not been met, and the next Application to be considered for tentative funding committed to a total number of set-aside units that when added to the number of set-aside units already credited toward the county's SAUL would be equal to or greater than the SAUL but the total number of set-aside units credited would not exceed 150% of the SAUL, then when that Application is selected for tentative funding, the county's SAUL will be met; or

iii. If the number of set-aside units credited toward the county's SAUL is not zero at the time an Application for a Development located in that county is considered for tentative funding, but the SAUL has not been met, and the Applicant committed to a total number of set-aside units that when added to the number of set-aside units already credited toward the county's SAUL would exceed 150% of the SAUL, then the county's SAUL will be deemed to be met without that Application being selected for tentative funding.

Examples of SAUL being met when a county has a SAUL of 100 set-aside units:

i. The number of set-aside units credited toward the county's SAUL is zero, and an Application for a Development located in that county that committed to 200 set-aside units is selected for tentative funding;

ii. There are 60 set-aside units credited toward meeting the county's SAUL and an Application for a Development located in that county that committed to 80 set-aside units is selected for tentative funding.

iii. There are 60 set-aside units credited towards meeting the county's SAUL and an Application for a Development located in that county that committed to 100 set-aside units is the next Application considered for tentative funding. The county will be deemed to have met its SAUL without that Application being selected for tentative funding.

iv. There are 60 set-aside units credited towards meeting the county's SAUL and two Applications for Developments located in that county that committed to 100 set-aside units and 60 set-aside units, respectively, are the next two highest ranked Applications to be considered for tentative funding. In this event, the county will be deemed to have met its SAUL without either Application being selected for tentative funding.

c. Subject to the provisions that no Application classified in Group 2 will be selected for tentative funding until all eligible Applications classified in Group 1 have been selected for tentative funding, no Application(s) for a Development located in a county that has met its SAUL will be selected for tentative funding until all other counties with eligible Applications being considered in a Geographic Set-Aside (large, medium or small counties with eligible Applications) or Special Set-Aside (all counties with eligible Applications regardless of county size) have met their SAULs or have had their eligible Application(s) selected for tentative funding. This is known as a SAUL Cycle. Separate SAUL Cycles will be held for each Special Set-Aside. For purposes of this provision, an eligible Application means an Application that met all threshold requirements.

d. Upon the completion of a SAUL Cycle for a Geographic or Special Set Aside, counties that have met their SAULs will then be deemed to have zero set-aside units credited towards meeting their SAULs with one exception. If a county's SAUL has been met during the selection of Applications within Special Set-Asides, the number of set-aside units credited to the county's SAUL will not be zero within its respective Geographic Set-Aside, until all counties within the Geographic Set-Aside have met their SAULs or have had all their eligible Applications selected for tentative funding (subject to the provisions regarding Group 1 and Group 2 classifications).

Example: There are three Applications within a Special Set-Aside ranked in the following order: Application A, which is classified in Group 1, committed to 75 set-aside units and is located in Leon County with a SAUL of 100. Application B, which is classified in Group 1, committed to 90 set-aside units and is located in Leon County. Application C, which is classified in Group 2, committed to 50 set-aside units and is located in Sarasota County with a SAUL of 100. Application A and B have tied scores of 72 and Application A was selected for tentative funding after application of the tie breakers. Application C has a score of 70. When Application B was considered for tentative funding, Leon County met its SAUL. Application C (Group 2) cannot be funded before Application

B (Group 1). Thus, a new SAUL Cycle will commence with Leon County being deemed to have zero set-aside units credited towards meeting its SAUL in this Special Set-Aside and Application B will be selected for tentative funding.

Example: County A has met its SAUL within the SAIL Elderly Special Set-Aside and all other counties within the SAIL Elderly Special Set-Aside have met their SAULs or have had all their eligible Applications selected for tentative funding. The highest ranked un-funded Application within the SAIL Elderly Special Set-Aside has 200 set-aside units in County A. If funds are available, this Application will be tentatively funded and the number of set-aside units credited to County A will be 200. Also, the highest ranked Application within the Medium Geographic Set-Aside is from County A. Once the selection process for choosing Applications for tentative funding moves to the Medium County Set-Geographic Aside, this Application will not be considered for tentative funding until a Medium County Geographic Set-Aside SAUL Cycle is completed because it has set-aside units in a county that has met its SAUL.

e. Any set-aside units credited towards meeting the Florida Keys Area SAUL will also be credited toward meeting the Monroe County Area SAUL. For example, when 120 set-aside units are credited toward meeting the Florida Keys Area SAUL, the 120 set-aside units are also credited towards meeting the Monroe County SAUL. As such, while the Florida Keys Area has not met its SAUL of 180, Monroe County has met its SAUL of 100. Therefore, no eligible Application(s) with units in Monroe County will be considered for tentative funding until after completion of a Small County Geographic Set-Aside SAUL Cycle.

f. Regardless of the number of times a county has met its SAUL while Applications are selected for tentative funding within the Special Set-Asides, the county will be credited as meeting its SAUL only once within its respective Geographic Set-Aside. For example, County A met its SAUL twice during the process of selecting Applications for tentative funding within the Special Set-Asides. Applications for Developments location in County A will not be considered for funding within County A's Geographic Set-Aside until all counties within the Set-Aside have met their SAULs or have had all their qualified Applications selected for tentative funding. The un-funded Applications for Developments located, in County A will not have to wait for consideration until two SAUL Cycles are completed.

g. If the number of set-aside units credited towards meeting a county's SAUL is less than the county's SAUL, those credited units will count towards meeting the county's SAUL in any Set-Aside with one exception. Upon completion of selecting Applications for tentative funding from the Special Set-Asides, the counties credited with meeting their SAULs will also be credited for meeting their SAULs within their Geographic Set-Aside but if these counties have additional

credited units in the Special Set-Asides, these additional credited units will not be credited to the counties in the Geographic Set-Asides. Example: County A met its SAUL during the selection of Applications for tentative funding within the Special Set-Asides and also was credited with an additional 75 set-aside units towards meeting the county's SAUL a second time within the Special Set-Asides. Within the respective Geographic Set-Aside, County A will be credited with meeting its SAUL once, but not with meeting its SAUL once and having 75 additional set-aside units credited towards meeting it a second time.

7. Program Provisions and Application Selection Order

a. Overall Program Provisions:

i. The Special Set-Asides are: Competitive HC Florida Keys Area Special Set-Aside, SAIL Homeless Special Set-Aside, SAIL Farmworker/Commercial Fishing Worker Special Set-Aside, SAIL Elderly Special Set-Aside, Competitive HC Front Porch Florida Community Special Set-Aside, Competitive HC RD Development Special Set-Aside, and MMRB HOPE VI Special Set-Aside.

ii. The Geographic Set-Asides are: Large, Medium and Small County Categories for SAIL and Competitive HC and Large and Medium/Small Categories for MMRB as more fully described in the Notice of Funding Availability or QAP, as applicable for each Program.

iii. Unless otherwise provided in the applicable Program rules and these instructions, any selection of an Application for tentative funding or allocation from a Special or Geographic Set-Aside or from implementation of a Competitive HC Goal is subject to the following: (1) availability of funds; (2) threshold and other eligibility requirements; (3) SAUL provisions; (4) Groups 1, 2, & 3 provisions; (5) tie-breaker provisions; and (6) overall and specific program provisions as set forth below.

iv. An Application that requested SAIL funds and also requested MMRB or Competitive HC will not be selected for tentative SAIL funding if the Application is not selected for tentative funding of the MMRB or Competitive HC as of the time that the Board takes action on informal appeals. An Application that requested SAIL funds and also requested MMRB or Competitive HC that is selected for tentative funding of MMRB or Competitive HC but is not selected for tentative funding of SAIL must, within 30 days of the date that the Board takes action on the informal appeals, submit documentation to Florida Housing and if assigned, their assigned credit underwriter, demonstrating that it is able to fill the SAIL funding gap. If such documentation is not timely submitted, the Application will be rejected and MMRB funds will be applied to the MMRB ranked list and Competitive HC will be deemed to be housing credits received on or after October 1, 2002, and applied in accordance with the Qualified Allocation Plan (QAP). The MMRB ranked list means the

MMRB Applications listed in ranked order that are not awarded tentative funding after the Board enters final orders resulting from informal appeals.

v. An Application is eligible to apply for SAIL and Competitive HC if competing in a Special Set-Aside and/or if the Development is located in a county that has an Area Median Income (AMI) of \$40,000 or less. SAIL Applications that are not selected for tentative funding in one of the SAIL Special Set-Asides are eligible to compete for funding in the Geographic Set-Asides, unless the SAIL Applicant also requested Competitive HC and the Development is located in a county with an AMI above \$40,000. However, a SAIL Application that is not selected for tentative funding in the SAIL Special Set-Asides, but is selected for tentative funding in the Geographic Set-Asides, will not automatically receive the Competitive HC or MMRB.

b. Competitive HC Provisions:

i. An Application for Competitive HC will not be selected for tentative funding if there are not enough housing credits available in the Front Porch Florida Community Special Set-Aside, RD Special Set-Aside or applicable Geographic Set-Aside to fund at least 60% of the Application's funding request amount. In the event that an Application is not selected for tentative funding for this reason, then no other lower ranked Application(s) within that Special or Geographic Set-Aside will be considered for tentative funding even though there may be enough housing credits available to fund at least 60% of another Application's request amount. Any housing credits not tentatively allocated within a Special or Geographic Set-Aside, will be distributed in accordance with the 2002 QAP. Applications that are successful in receiving a partial allocation will receive a Binding Commitment for 2003 housing credits up to an amount approved by Florida Housing.

ii. The total amount of housing credits available for the Special and Geographic Set-Asides are set forth in the QAP.

c. SAIL Provisions:

i. A SAIL Application will not be funded if there are not enough funds available in the applicable Special or Geographic Set-Aside to fund at least 60% of the Application's SAIL request amount. In the event that an Application is not funded for this reason, a lower ranked Application within the same Set-Aside will be considered for funding.

ii. SAIL funds not allocated within the Homeless Special Set-Aside will be added to the Farmworker/Commercial Fishing Worker Special Set-Aside allocation subject to a 150% limit (the total funds allocated to the Special Set-Aside cannot be more than 150% of the amount originally allocated to the Special Set-Aside). Any amount over the 150% limit will be allocated to the Family Demographic category. If the Farmworker/Commercial Fishing Worker and/or Elderly Special Set-Aside have funds unallocated, the funds will be distributed to the Family Demographic category.

iii. Tentative funds awarded to an Application in a SAIL Special Set Aside will also be credited toward the funding goals set forth in the Notice of Funding Availability for the respective Geographic Set-Aside.

d. MMRB Provisions:

i. Tentative allocations of MMRB will be awarded only if there is enough allocation to fully fund the Application funding request amount. In the event that an MMRB Application is not funded for this reason, then no other lower ranked MMRB Application(s) within the Set-Aside will be considered for tentative funding even though there may be enough MMRB allocation available to fully fund another Application funding request amount. Any allocation available after tentatively funding Applications when implementing final order(s) entered by the Board after the informal appeal(s) will be allocated in accordance with Rule Chapter 67-21, F.A.C., and will not be subject to SAUL.

ii. The initial split of allocation between the Large County Geographic Set-Aside and the Medium/Small County Geographic Set-Aside as stated in the Notice of Funding Availability will be done with the funds available after the tentative funding in the Special Set-Asides.

e. Application funding order: Applications will be considered for tentative funding in the following order:

i. Competitive HC Florida Keys Area Special Set-Aside: For the 2002 Cycle, Florida Housing will first select Competitive HC Application(s) that obtained points for being located in the Florida Keys Area. Once the Florida Keys Area SAUL is met, any remaining eligible Competitive HC Application(s) that was not selected for tentative funding in the Competitive HC Florida Keys Area Special Set-Aside will compete in the Small County Geographic Set-Aside if the Application did not also request SAIL funds. A Competitive HC Application selected for tentative funding in the Florida Keys Area Special Set-Aside that also requested SAIL funds will automatically receive SAIL funds if the Applicant's SAIL funding request amount is 10% or more of the Total Development Cost.

ii. SAIL Special Set-Asides: Florida Housing will then select Applications for tentative funding from the SAIL Special Set-Asides in the following order:

SAIL Homeless Special Set-Aside

SAIL Farmworker/Commercial Fishing Worker Special Set-Aside

SAIL Elderly Special Set-Aside

Only SAIL Applications that obtained points for being a Homeless Development, a Farmworker/Commercial Fishing Worker Development or an Elderly Development are eligible to compete in the respective SAIL Special Set-Asides. A SAIL Application selected for tentative funding in the SAIL Homeless Special Set-Aside, the SAIL Farmworker/Commercial Fishing Worker Special Set-Aside or the SAIL Elderly Special Set-Aside also requesting MMRB

will automatically receive the MMRB subject to MMRB fund availability. A SAIL Application selected for tentative funding in the SAIL Homeless Special Set-Aside or the SAIL Farmworker/Commercial Fishing Worker Special Set-Aside also requesting Competitive HC will automatically receive the Competitive HC if the Applicant's SAIL funding request amount is 10% or more of the Total Development Cost.

In the event SAIL Applications (with a SAIL funding request of 10% or more of the Total Development Cost) that also requested Competitive HC are selected for tentative funding in the SAIL Elderly Special Set-Aside, the two highest ranked of these Applications will automatically receive Competitive HC. The third ranked SAIL/Competitive HC Application (with a SAIL funding request of 10% or more of the Total Development Cost) will automatically receive the Competitive HC only if the following situation occurs: If the total amount of Competitive HC tentatively allocated to Applications in the SAIL Special Set-Asides plus the lesser of the total HC request amount(s) of the qualified HC Application(s) within the Competitive HC RD Development Special Set-Aside and \$300,000 plus the lesser of the total request amount(s) of the qualified HC Application(s) within the Competitive HC Front Porch Florida Community Special Set-Aside and \$3,000,000 plus 60% of the third ranked SAIL/Competitive HC Application's request amount equals 50% or less of the Competitive HC available for the Universal Application cycle, then the third ranked SAIL/Competitive HC Application will automatically receive the Competitive HC. However, in this event, the third ranked SAIL/Competitive HC Application will only receive a tentative allocation of Competitive HC in an amount that will not bring the total over 50% of the Competitive HC available. Any shortfall in housing credits allocated to this Application will be allocated through a binding commitment for 2003 housing credits if the Application is successful in receiving a Carryover Allocation.

(3) Competitive HC Special Set-Asides: Competitive HC Applications in the Front Porch Florida Community Special Set-Aside and the RD Development Special Set-Aside will be considered for tentative funding in the following order: Front Porch Florida Community Special Set-Aside RD Development Special Set-Aside.

Only Applications that obtained points for being a Front Porch Florida Community Development or a RD Development may compete for funding within their respective HC Special Set-Aside. Front Porch Florida Community Developments which are selected for a tentative funding of housing credits will count towards meeting the Competitive HC Goal of funding two Urban In-Fill Developments. A Front Porch Florida Community Development which is selected for tentative funding of housing credits and which has one or more new construction High Rise buildings (7 stories or higher) in which at least 75% of the set-aside units are located will count towards meeting the goal of funding one Urban In-Fill High

Rise new construction Development. Front Porch Florida Community Development HC Application(s) and RD Development HC Applications that are not selected for a tentative housing credit allocation(s) within their respective Special Set-Asides will compete for funding in their respective Geographic Set-Aside(s). An RD 514/516 Application that is moved into a Geographic Set-Aside will count as a Farmworker Development.

(4) MMRB HOPE VI Special Set-Aside: MMRB Applications that were awarded points for the Development being a HOPE VI Development are eligible to compete within this MMRB HOPE VI Special Set-Aside. An eligible Application(s) not funded in this Special Set-Aside will compete for funding within its Geographic Set-Aside.

(5) Competitive HC Goals: The Housing Credit Program has a goal to allocate housing credits to a minimum of: one Farmworker/ Commercial Fishing Worker Development (in addition to any Developments funded in the Competitive HC RD Development Special Set-Aside), two Urban In-Fill Developments, one Urban In-Fill High Rise new construction Development (7 stories or higher) in which at least 75% of the set-aside units are located), three Elderly Developments and 12% of its Allocation Authority per the Qualified Allocation Plan to Non-Profit Applicants. This goal may be achieved or partially achieved by the tentative allocation of housing credits to Competitive HC Applications during the selection of qualified Applications in the Special Set-Asides. In the event the goal is not achieved through the tentative allocation of housing credits to Applications within the Special Set-Asides, Florida Housing will attempt to achieve the goal by selecting the highest scoring qualified Application(s), applying tie-breakers where necessary, regardless of Geographic Set-Aside, where a goal has not been met, for tentative allocation of credits subject to SAUL and fund availability*, in the following order:

One Farmworker/Commercial Fishing Worker

Two Urban In-Fill Developments

One Urban In-Fill High Rise New Construction Development Three Elderly **

Minimum 12% Non-Profit Applicants

The last Non-Profit Applicant selected to meet the 12% Non-Profit goal will tentatively receive a full allocation of Competitive HC even though the total Non-Profit tentative allocation may exceed 12%.

* In the event that the only way to achieve a Competitive HC goal is to fund an Applicant that has a proposed Development in a county that has met its SAUL, an Application that will assist in meeting the goal that is in a county that has met its SAUL will be selected for tentative allocation of Competitive HC. The county of the Development, which was selected, will be deemed to have met its SAUL for

the purposes of selecting future Applications for tentative funding and the Development's set-aside units will be credited towards meeting the county's SAUL a second time.

For example, County A is in the Medium County Geographic Set Aside and has met its SAUL of 100 set-aside units. A Non-Profit Application with 100 set-aside units in County A is needed to be selected for tentative funding in order to meet the 12% Non-Profit goal. County A will be deemed to have met its SAUL for the first and second Medium County Geographic Set-Aside SAUL Cycle.

If the 12% Non-Profit goal still has not been met and the only Non-Profit Applicants available to meet the 12% Non-Profit goal are located within a Geographic Set-Aside where there are not enough housing credits available for such Applicants, enough housing credits will be redistributed from the other Geographic Set-Asides on a pro-rata basis to tentatively fund those Non-Profit Applicants needed to meet the 12% Non-Profit goal. Non-Profit Applications classified in Group 3 will only be chosen to meet the 12% Non-Profit goal if there are no eligible Non-Profit Applications classified in Group 1 or Group 2 available to meet the goal. The amount of 2003 housing credits stated in Binding Commitments to Non-Profit Applicants will not count towards meeting the 12% Non-Profit goal. However, Binding Commitments issued to Non-Profit Applicants for 2002 Housing Credits will count toward meeting the 12% Non-Profit goal.

** In the event the total amount of Competitive HC tentatively allocated to Applications other than Elderly in the Special-Set-Asides plus the total amount of Competitive HC tentatively allocated to the first two Elderly Developments in or not in the SAIL Special Set-Aside, and 60% of the third Elderly Development's Competitive HC request amount is greater than 50% of the Competitive housing credits available for those applying for Competitive HC using the Universal Application, then the Competitive HC Elderly Development goal will be two Elderly Developments and no special consideration will be given to funding a third Elderly Development. In the event a third Elderly Development is selected for a tentative allocation of Competitive HC to meet the Competitive HC goal, the Applicant will receive a tentative allocation of Competitive HC in an amount such that, when adding that tentative allocation amount to the total amount of Competitive HC tentatively allocated to Applications other than Elderly in the Special-Set-Asides together with the total amount of Competitive HC tentatively allocated to the first two Elderly Developments in or not in the SAIL Special Set-Aside, the total does not exceed 50% of the Competitive HC allocation available for Applicants using the Universal Application. In the event that a third Elderly Applicant is selected and receives less than its HC request amount, the Applicant will receive a binding commitment for 2003 Competitive HC if the Applicant is successful in receiving a Carryover Allocation.

(5) Small/Medium/Large Geographic Set-Asides:

a. Applications, regardless of Program(s) applied for by the Applicant, will be considered for tentative funding within each Geographic Set-Aside; i.e., Applications located in small counties (regardless of whether they are in SL, SM or SS on the SAUL chart) will be listed together in order of total score within the Small County Geographic Set-Aside.

b. Applications in the Medium County Geographic Set-Aside will be selected for tentative funding first, followed by those in the Small County Geographic Set-Aside and then followed by those in the Large County Geographic Set-Aside.

(7) Declined Invitations into Credit Underwriting: In the event Florida Housing determines that an invitation into credit underwriting has been declined, those funds attributable to the respective Applications will be allocated as follows:

(a) MMRB: Funds will be allocated to the next highest ranking unfunded MMRB Applications on MMRB ranked list until funds are exhausted. The SAUL procedure will not be applied.

(b) Competitive HC: Housing credits will be deemed to have been received by Florida Housing on or after October 1, 2002 and will be allocated in accordance with the QAP. The SAUL procedure will not be applied.

(c) SAIL: Funds will be first allocated to those Applications that received a partial tentative allocation and have been determined not to have declined an invitation into credit underwriting. Funds will be distributed to partially funded Applications in the following order: Applications from Small Counties, Applications from Medium Counties and then, Applications from Large Counties. If funds still remain, the funds will be offered to the highest ranked eligible SAIL Application. The SAUL procedure will not be applied.

Fees.

Item 1.b., page 64, has been changed to read as follows:

1. Application Package Fee:

Applicants may obtain the Universal Application Package as follows:

b. A ~~hard copy and disk version~~ of the Application Package ~~and Application Instructions~~ can be purchased from Florida Housing for a fee of \$50.00. Payment ~~for the Application~~ must be received by the Corporation prior to the issuance of an Application Package.

Item 2., a., page 64, has been changed to read as follows:

a. \$1000 per Application if Applicant or Applicant's general partner qualifies as a Non-Profit entity; ~~or and~~

Item 3., first sentence of the first paragraph, page 65, has been changed to read as follows:

The following fees are not the fees that will be charged, but are listed ~~below herein~~ for estimation purposes of completing your pro-forma in the Application.

Item 4., first two sentences, page 65, have been changed to read as follows:

With respect to the HC Program, each Applicant to which ~~whom~~ a Preliminary Allocation, Binding Commitment, or Preliminary Determination is granted shall submit to the Corporation a non-refundable administrative fee in the amount of 8% of the first annual Housing Credit Allocation amount to be received. However, such fee shall be 5% for Applicants that qualify or whose general partner qualifies as a Non-Profit entity pursuant to Rule 67-48.002(83), F.A.C., HUD Regulations, Section 42(h)(5)(c), subsection 501(c)(3) or 501(c)(4) of the Code and organized under Chapter 617, Florida Statutes, if a Florida Corporation, or organized under similar state law if organized in a jurisdiction other than Florida.

Item 5, first sentence, page 65, has been changed to read as follows:

With respect to the SAIL Program, each Applicant to which ~~whom~~ a firm commitment is granted shall submit to the Corporation a non-refundable commitment fee of 1% of the SAIL loan amount upon acceptance of the firm commitment.

Item 6, first sentence, page 66, has been changed to read as follows:

The following fees are not the fees that will be charged, but are listed below herein for estimation purposes of completing your pro-forma in the Application.

Item 7, first sentence, page 67, has been changed to read as follows:

The following fees are not the fees that will be charged, but are listed below herein for estimation purposes of completing your pro-forma in the Application.

Item 8, first sentence, page 67, has been changed to read as follows:

The following fees are not the fees that will be charged, but are listed below herein for estimation purposes of completing your pro-forma in the Application.

New Items 10 and 11 have been added to read as follows:

10. Construction Inspection Fees:

The following fees are not the fees that will be charged, but are listed below for estimation purposes of completing your pro-forma in the Application. The actual fees will be determined based upon a contract for services between Florida Housing Finance Corporation and the Credit Underwriter(s) to commence in 2002:

On-site construction inspection – \$125 per hour, not to exceed \$1,300 per inspection.

11. Additional MMRB Fees:

MMRB Applicants will also be charged additional fees as specified in Rule Chapter 67-21, F.A.C.

Item 10, page 68, has been changed to read as follows:

~~12.40.~~ Development Cost Pro Forma:

All of the fees set forth above with respect to the SAIL Program are part of Development Cost and can be included in the Development Ceast pro forma and paid with SAIL loan

proceeds. Failure to pay any fee shall cause the firm loan commitment under any Program to be terminated or shall constitute a default on the respective loan documents.

Universal Application Pages.

Part II., Applicant and Development Team

Section A.1., page 1, has been changed to read as follows:

Florida Housing Program(s) applied for in this Application:

Multifamily Bonds (MMRB) SAIL

Housing Credits (HC) Housing Credits (HC)

(~~Non-Competitive 4% with~~ (Competitive 4% and/or 9%)

Tax-Exempt Bonds) ~~Qualified 501(c)(3) Bonds~~

Section A.2.a., page 1, has been changed to read as follows:

Is Applicant a legally formed entity qualified to do business in the state of Florida as of the Application Deadline?

Section A.2.c., third sentence, page 2, has been changed to read as follows:

If answer is “No”, skip Non-Profit status questions and proceed to question 3 below.

Questions at Section A.2.c.(2)(a), (b) and (d), page 2, have been changed to read as follows:

(a) Is the Applicant a Public Housing Authority created by section § 421.04, Florida Statutes?

(b) Is the Applicant or one of its general partners a Non-Profit entity that is an Affiliate of a Public Housing Authority created by section § 421.04, Florida Statutes?

(d) Is the Applicant or one of its general partners a 501(c)(3) or 501(c)(4) Non-Profit entity or is the Applicant or one of its ~~the~~ general partners a wholly-owned subsidiary of a 501(c)(3) or 501(c)(4) Non-Profit entity?

Yes No

If yes, answer the following questions.

(iv) Provide the names and addresses of the members of the governing board of the Non-Profit entity behind a tab labeled “Exhibit 7”.

(v) Provide the articles of incorporation demonstrating that Is one of the purposes of the Non-Profit entity, as stated in the Articles of Incorporation, is to foster low-income housing behind a tab labeled “Exhibit 8”. ?

Yes If Yes, provide the articles of incorporation behind a tab labeled “Exhibit 8”.

No If No, the Applicant will not qualify as a Non-Profit Applicant and this Application will be disqualified from participation in the current cycle.

Section A.3., page 4, has been changed to read as follows:

Provide a list of general and limited partner(s) and the officers, directors and shareholders of each ~~for the Applicant~~ and for each Developer, as of the Application Deadline, behind a tab labeled “Exhibit 9”. This list must include warrant holders and/or option holders of the proposed Development.

Section B.1., page 4, has been changed to read as follows:

1. Developer or principal(s) of Developer

a. Name of Developer: _____

~~b.a.~~ Provide the executed Developer or Principal(s) of Developer Certification Form behind a tab labeled "Exhibit 10".

~~c.b.~~ Provide the Developer's Prior Experience Chart behind a tab labeled "Exhibit 10".

Part III, Development

Section A.2.d.(1)(b), last paragraph, page 7, has been changed to read as follows:

Provide a copy of ~~a the~~ letter from the local planning office or census bureau which verifies that this Development is located in the referenced QCT behind a tab labeled "Exhibit 18".

Section A.3., page 8, has been changed to read as follows:

Development Category

New Construction (where 50% or more of the units are new construction)

Acquisition (MMRB Only)

Rehabilitation/Substantial Rehabilitation (where less than 50% of the units are new construction)

Acquisition and Rehabilitation/Substantial Rehabilitation

Section A.5., page 8, has been changed to read as follows:

Number of Buildings with Dwelling Units Residential Buildings: _____

Section A.8., page 9, has been changed to read as follows:

# of Bedrooms Per Unit	# of Baths Per Unit	Floor Space (Feet ²)	# of Units Per Bedroom Type

Section A.11., page 10, has been changed by the addition of a new a. to read as follows:

a. Provide the Surveyor Certification Form and map, including all required information, behind a tab labeled "Exhibit 21".

Section A.11., page 10, has been changed by renumbering former a. as b. and the opening paragraphs of (2) and (3) have been changed to read as follows:

~~b.a.~~ Proximity to Services (Maximum 3.75 Tie-Breaker Points):

(2) If the proposed Development will serve is targeted for any demographic group population other than Elderly, i.e., the Applicant selected any Demographic or Area Commitment in this Application other than Elderly, will it be located within 5 miles of a public school?

(3) If the proposed Development will serve the is targeted for Elderly, i.e., the Applicant selected Elderly in the Demographic or Area Commitment section of this Application, will it be located within 5 miles of a medical facility?

Section A.11.(4), page 11, has been changed with the addition of the following sentence:

Latitude and longitude must be stated on the Surveyor Certification Form.

Section A.11.b., page 12, has been deleted.

Section A.11.c., page 12, has been changed to read as follows:

c. Proximity to closest Development Address or location coordinates identified on the FHFC Development Proximity List (Maximum 3.75 Tie-Breaker Points):

Is the closest Development included Are there any Development(s) on the FHFC Development Proximity List, which serves, serving the same demographic targeted resident group as the proposed Development, which are located within 2.5 miles of the proposed Development?

Yes (check only ONE applicable distance)

No

Proximity of Proposed Development to Developments on the FHFC Development Proximity List which serve the same demographic group targeted population	Proximity Tie-Breaker Points
<input type="checkbox"/> > 0 and ≤ .5 mile	0
<input type="checkbox"/> > .5 and ≤ 1.0 miles	.75
<input type="checkbox"/> > 1.0 and ≤ 1.5 miles	1.50
<input type="checkbox"/> > 1.5 and ≤ 2.0 miles	2.25
<input type="checkbox"/> > 2.0 miles and ≤ 2.5 miles	3.00
<input type="checkbox"/> > 2.5 miles	3.75

~~Name of Closest Development Address or location coordinates~~ included on the FHFC Development Proximity List: _____

Name of the closest Development: _____

Section B.2.b., page 14, has been changed with the addition of these new entries:

New kitchen cabinets and counter top(s) (3 points)

New Bathroom cabinet(s), excluding medicine cabinet (1 point)

New range and oven (1 point)

New refrigerator (1 point)

New plumbing fixtures in kitchen and bathroom(s) (1 point)

Section B.2.e.(2), opening line on page 15, has been changed to read as follows:

(2) Cooling – Applicant may select only one of the following ~~two~~ three items:

Section B.2.e.(4), third choice on page 16, has been changed to read as follows:

Insulation of R-19 with radiant barrier on top floor only ~~(1 point)~~ (2 points)

Section D., page 18, title of the section has been changed to read as follows:

D. Demographic or Area Commitment Targeting

Section D.2., page 18, has been changed to read as follows:

2. Rural Development (HC Applicants Only)

RD 515 RD 514/516

Section D.8., page 19, has been changed to read as follows:

8. HOPE VI Development – Provide evidence of Applicant’s eligibility to make this selection ~~select this target category~~ behind a tab labeled “Exhibit 31.”

Section E., page 19, has been changed to read as follows:

~~1. All SAIL Applicants must select one of the following and indicate the percentage of set-aside units:~~

- ~~_____ % Family~~
- ~~_____ % Elderly~~
- ~~_____ % Farmworker or Commercial Fishing Worker~~
- ~~_____ % Homeless~~

1.2. Minimum Set-Aside Chosen:

Applicants must select one of the following:

20% of units at 50% Area Median Income (AMI) or lower

40% of units at 60% Area Median Income (AMI) or lower

Deep rent skewing option as defined in Section 42, IRC, as amended

~~20% of units at or below 80% of state or county median income, whichever is higher, and with family size adjustment.~~

2.3. Commitment to Serve Lower AMI:

If Applicant commits to set-aside units beyond the minimum set-aside selected ~~chosen~~ above, indicate the lowest AMI level and the percentage of total units that will be set-aside at that level.

- _____ % of total units at 30% AMI or less
- _____ % of total units at 40% AMI or less
- _____ % of total units at 35% AMI or less
- _____ % of total units at 50% AMI or less

3.4. Total Set-Aside Commitment to Set-Aside Units Beyond the Minimum:

Percentage of Set-Aside Units			At or Below this AMI Level
Commitment for MMRB Application Percentage of Units Set-Aside	Commitment for SAIL Only, SAIL and MMRB, or SAIL and Competitive HC Percentage of Units Set-Aside	Commitment for Competitive HC or non-competitive HC Percentage of Units Set-Aside	
			30%
			35%
			40%
			50%
			60%
Total Set-Aside Percentage	%	%	%

4.5. Affordability Period:

Applicant irrevocably commits to set-aside units in the proposed Development for a total of _____ years.

Section F.3.c. and f., page 22, have been changed to read as follows:

c. Assistance with Light Housekeeping, Grocery Shopping and/or Laundry (1 point)

f. Service Coordination (4 points)

Section F.4.j. and k., page 23, have been changed to read as follows:

~~j. Residence for Youth Services Provider (2 points)~~

~~k. Mentoring (1 point)~~

Part IV. Local Government Support

Section B., page 24, has been changed to read as follows:

1. The Local Government provides an expedited permitting and review process for affordable housing. Affordable housing developments or properties for which the local government has provided an expedited processing of permits. Provide the Local Government Verification of Affordable Housing Incentives – Expedited Permitting Process for Affordable Housing Form behind a tab labeled “Exhibit 36”.

2. The Local Government has an on-going and current process for providing contributions to affordable housing properties or developments. Affordable housing developments or properties that have benefited or will benefit from any actual local government contributions. Provide the Local Government Verification of Affordable Housing Incentives – Contributions ~~Made~~ to Affordable Housing Properties or Developments Form behind a tab labeled “Exhibit 37”.

3. The Local Government currently makes available to affordable housing properties or developments the modification of fee requirements, including reduction or

~~waiver of fees and alternative methods of fee payment. Modification of fee requirements, including reduction or waiver of fees and alternative methods of fee payment.~~ Provide the Local Government Verification of Affordable Housing Incentives – Modification of Fee Requirements for Affordable Housing Properties or Developments Form behind a tab labeled “Exhibit 38”.

~~[] 4. The Local Government currently has a process, established by ordinance, resolution, plan, or policy, that requires consideration of the impact of proposed policies, ordinances, regulations, or plan provisions on the cost of affordable housing prior to adoption of such policies, ordinances, regulations, or plan provisions. Ongoing formal process for consideration, before adoption, by the local government of the potential impact of policies, procedures, ordinances, regulations, or plan provisions upon affordable housing.~~ Provide the Local Government Verification of Affordable Housing Incentives – Impact of Policies, Ordinances, Regulations, or Plan Provisions on Cost of Affordable Housing Properties or Developments Form behind a tab labeled “Exhibit 39”.

Part V. Financing.

A new Section A.2. has been added to read as follows and Section 2, page 25, has been renumbered Section 3.

2. SAIL ONLY – Is Applicant applying for a loan in excess of 25% of Total Development Cost? [] Yes [] No

If “Yes”, indicate below the eligibility requirement that has been satisfied to enable the Applicant to make such request:

[] a. Non-Profit and public Sponsors which are able to secure grants, donations of land, or contributions from other sources collectively totaling at least 10% of Total Development Cost; or

[] b. Sponsors that maintain an 80% occupancy of residents qualifying as Farmworkers as defined in 420.503(18), F.S., over the life of the loan.

Part VI. Exhibits.

Exhibit 21, Surveyor Certification Form, confirmation chart and License Number entry have been changed to read as follows:

SURVEYOR CERTIFICATION

The undersigned Florida licensed surveyor confirms the following:

	Latitude		Longitude	
<u>State the Tie-Breaker Measurement Point. Tie-Breaker Measure Point means a single point selected by the Applicant on the proposed Development site that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development. Location of the point selected by the Applicant on the proposed Development Site</u>	Degrees	Minutes (truncated after 3 2 decimals)	Degrees	Minutes (truncated after 3 2 decimals)
<u>Location of closest public bus stop or metro-rail stop</u>	Degrees	Minutes (truncated after 3 decimals)	Degrees	Minutes (truncated after 3 decimals)
A land survey map (no larger than 11” x 17”) must be provided which clearly shows the following information:				
1. Boundaries of the proposed Development site;				
2. Location of the <u>Tie-Breaker Measurement Point</u> latitude/longitude coordinates, as stated above, within the boundaries of the proposed Development site; and				
3. The scale of the map.				
<u>If an Address for the service(s) is not included on Street Atlas USA, Version 9.0, state the name and latitude/longitude coordinates of the closest service(s) on the chart below. Determination of the location coordinates should be made at the main entrance used by the general public.</u>				
	Latitude		Longitude	
<u>Name of grocery store</u>	Degrees	Minutes (truncated after 3 decimals)	Degrees	Minutes (truncated after 3 decimals)
<u>Name of public school</u>	Degrees	Minutes (truncated after 3 decimals)	Degrees	Minutes (truncated after 3 decimals)
<u>Name of medical facility</u>	Degrees	Minutes (truncated after 3 decimals)	Degrees	Minutes (truncated after 3 decimals)

If Florida Housing discovers that there are any false statements made in this certification, Florida Housing will forward a copy to the State of Florida Department of Business and Professional Regulation for investigation.

CERTIFICATION

Under penalties of perjury, I declare ~~certify~~ that the foregoing ~~statement information~~ is true and correct.

_____ Signature	_____ Date	_____ Name of Surveyor
_____ Print or Type Name	_____ Address	
_____ Print or Type Title		
_____ Florida License Number	_____ Telephone Number (including area code)	

This certification may not be signed by the Applicant, by any related parties of the Applicant, or by any Principals or Financial Beneficiaries of the Applicant. If the certification is inappropriately signed, the Application will not receive proximity tie-breaker points ~~fail threshold~~. If this certification contains corrections or 'white-out', or if it is scanned, imaged, altered, or retyped, the Application will fail to meet threshold and will be rejected. The certification may be photocopied.

Exhibit 21

Exhibit 22, Local Government Verification of Status of Site Plan Approval for Multifamily Developments Form, has been changed by addition of new Item 3., renumbering of Item 3. as Item 4., and the second to last paragraph has been changed to read as follows:

3. [] The above-referenced Development is new construction or rehabilitation with new construction and requires site plan approval for the new construction work. However, this jurisdiction does not provide preliminary/conceptual site plan approval or other similar process prior to issuing final site plan approval. The preliminary or conceptual site plan has been reviewed by _____ on _____.

(Legally Authorized Body*) (Date)

~~4.3~~ [] The above-referenced Development is rehabilitation without any new construction and does not require additional site plan approval or similar process.

This certification must be signed by the applicable City's or County's Director of Planning and Zoning, chief appointed official (staff) responsible for determination of issues related to comprehensive planning and zoning, City Manager, or County

Manager/Administrator/Coordinator. Signatures from local elected officials are not acceptable, nor are other signatories. If this certification is applicable to this Development and it is inappropriately signed the Application will fail threshold.

Exhibit 22, Local Government Verification of Status of Plat Approval for Single-Family Developments Form, the second to last paragraph has been changed to read as follows:

This certification must be signed by the applicable City's or County's Director of Planning and Zoning, chief appointed official ~~or (staff)~~ responsible for determination of issues related to comprehensive planning and zoning, City Manager, or County Manager/Administrator/Coordinator. Signatures from local elected officials are not acceptable, nor are other signatories. If this certification is applicable to this Development and it is inappropriately signed the Application will fail threshold.

Exhibit 32, Local Government Verification of Contribution – Grant Form, title of form and second to last paragraph have been changed to read as follows:

LOCAL GOVERNMENT VERIFICATION OF CONTRIBUTION GRANT

~~(HOPE VI FUNDS WILL NOT BE CONSIDERED)~~

This certification must be signed by the Mayor, City Manager, County Manager ~~Manager~~/Administrator/Coordinator, Chairperson of the City Council/Commission or Chairperson of the Board of County Commissioners. If the contribution is from a Land Authority organized pursuant to Chapter 380.0663, Florida Statutes, this certification must be signed by the Chair of the Land Authority. One of the authorized persons named above may sign this form for certification of state, federal or Local Government funds initially obtained by or derived from a Local Government that is directly administered by an intermediary such as a housing finance authority, a community reinvestment corporation, or a state-certified Community Housing Development Organization (CHDO). Other signatories are not acceptable. The Applicant will not receive credit for this contribution if the certification is improperly signed.

Exhibit 33, Local Government Verification of Contribution – Fee Waiver Form, second to last paragraph has been changed to read as follows:

This certification must be signed by the Mayor, City Manager, _____ County _____ Manager ~~Manager~~/Administrator/Coordinator, Chairperson of the City Council/Commission or Chairperson of the Board of County Commissioners. Other signatories are not acceptable. The Applicant will not receive credit for this contribution if the certification is improperly signed.

Exhibit 34, Local Government Verification of Contribution – Loan Form, title of form and second to last paragraph have been changed to read as follows:

LOCAL GOVERNMENT VERIFICATION OF CONTRIBUTION LOAN (HOPE VI FUNDS AND TAX EXEMPT BOND PROCEEDS WILL NOT BE CONSIDERED)

This certification must be signed by the Mayor, City Manager, County Manager, Manager/Administrator/Coordinator, Chairperson of the City Council/Commission or Chairperson of the Board of County Commissioners. If the contribution is from a Land Authority organized pursuant to Chapter 380.0663, Florida Statutes, this certification must be signed by the Chair of the Land Authority. One of the authorized persons named above may sign this form for certification of state, federal or Local Government funds initially obtained by or derived from a Local Government that is directly administered by an intermediary such as a housing finance authority, a community reinvestment corporation, or a state-certified Community Housing Development Organization (CHDO). Other signatories are not acceptable. The Applicant will not receive credit for this contribution if the certification is improperly signed.

Exhibit 35, Local Government Verification of Contribution – Fee Deferral Form, second to last paragraph has been changed to read as follows:

This certification must be signed by the Mayor, City Manager, County Manager, Manager/Administrator/Coordinator, Chairperson of the City Council/Commission or Chairperson of the Board of County Commissioners. If the contribution is from a Land Authority organized pursuant to Chapter 380.0663, Florida Statutes, this certification must be signed by the Chair of the Land Authority. Other signatories are not acceptable. The Applicant will not receive credit for this contribution if the certification is improperly signed.

Exhibit 36, Local Government Verification of Affordable Housing Incentives Expedited Permitting Process for Affordable Housing Form, the top portion of the form preceding the Certification section, has been changed to read as follows:

LOCAL GOVERNMENT VERIFICATION OF AFFORDABLE HOUSING INCENTIVES EXPEDITED PERMITTING PROCESS FOR AFFORDABLE HOUSING

Name of Applicant: Name of Development: Address: Name of City or County Government: Name of Jurisdiction that will issue building permits: The City/County of currently administers an expedited permitting and review process for affordable housing enacted by, adopted. (Ordinance, Resolution Number or citation of policy) (date)

Below is a representative listing of properties or developments which have benefited from this process:

Table with 2 columns: Property or Development Name*, Year Approved**. Includes several blank rows for data entry.

*Note: The Development for which this Application is being submitted may be included on the above list.

**Note: To receive the 1 point for this incentive, properties or developments listed here must have been approved subsequent to the enactment of the incentive.

NOTE: List of properties and/or Developments and year approved must be provided to receive the 1 point for this incentive.

Exhibit 37, Local Government Verification of Affordable Housing Incentives Contributions Made to Affordable Housing Properties or Developments Form, the title of the form has been changed as follows, and the top portion of the form preceding the Certification section, has been changed to read as follows:

LOCAL GOVERNMENT VERIFICATION OF AFFORDABLE HOUSING INCENTIVES CONTRIBUTIONS MADE TO AFFORDABLE HOUSING PROPERTIES OR DEVELOPMENTS

Name of Applicant: Name of Development: Address: Name of City or County Government:

The referenced local government has an on-going and current process for providing contributions to affordable housing properties or developments. Below is a representative listing of properties or developments which have benefited and/or will benefit from local contributions:

Table with 4 columns: Property or Development Name, Type of Contribution, Amount of Contribution, Year of Commitment or Award. Includes several blank rows for data entry.

List of properties or developments, type of contribution, amount of contribution, and year of commitment or award must be provided to receive the 1 point for this incentive.

Exhibit 41, Development Cost Pro Forma, the following changes have been made:

Notes: (1) For HC these fees must be included but may be included as an eligible cost only at the Applicant's discretion. Applicant should rely on the advice of a tax professional. (See Fees section in Universal Application Package threshold pages for amount of fees.)

B. ~~DEVELOPMENT DEVL.~~ COST

(A1.2+A2+A3)

(114) through (115) renumbered (117) through (118) No change.

67-48.004 Application and Selection Procedures for Developments.

(6) Within 15 Calendar Days of receipt of the notice set forth in paragraph (5) above, each Applicant shall be allowed to submit additional documentation, revised pages and such other information as the Applicant deems appropriate to address the issues raised pursuant to paragraphs (3) and (5) above that could result in rejection of the Application or a score less than the maximum available. Where specific pages of the Application are revised, changed or added, each new page(s) must be marked as "revised," and submitted. Failure to mark each new page(s) "revised" will result in the Corporation not considering the revisions, changes or additions to that new page. Pages of the Application that are not revised or otherwise changed may not be resubmitted, except that documents executed by third parties must be submitted in their entirety even if only a portion of the original document was revised. Where revised or additional information submitted by the Applicant creates an inconsistency with another item in that Application, the Applicant shall also be required in its submittal to make such other changes as necessary to keep the Application consistent as revised. The Applicant shall submit an original and three copies of all additional documentation and revisions. Only revisions, changes and other information Received by the deadline set forth herein will be considered. Any subsequent revision submitted prior to the deadline shall include a written request from the Applicant for withdrawal of any previously submitted revision(s). ~~Each Applicant must submit a computer disk containing all revised completed pages. Nothing on the computer disk that is not otherwise contained within the original of the revised pages will be considered.~~

(9) Following the receipt and review by the Corporation's Staff of the documentation described in paragraphs (5), (6) and (7) above, the Corporation's Staff shall then prepare final scores. In determining such final scores, no Application shall be rejected or receive a point reduction as a result of any issues not previously identified in the notices described in paragraphs (3), (4) and (5) above. However, inconsistencies created by the Applicant as a result of information provided pursuant to paragraph (6) above will still be justification for rejection or reduction of points, as appropriate. Notwithstanding the foregoing, any deficiencies in the mandatory elements set forth in paragraph (14)~~(a)-(n)~~ below can be identified at any time prior to sending the final scores to Applicants and will result in rejection of the Application, ~~and any deficiencies in the mandatory element set forth in (14)(o) below can be identified at any time prior to sending the final scores to Applicants and~~

~~will result in zero tie-breaker points for the applicable Proximity to Proposed Development chart in that section. The Corporation shall then transmit final scores to all Applicants.~~

(11) Applications shall be limited to one submission per subject property with the exception that Local Government-issued Tax-Exempt Bond-Financed Developments may submit a separate Application for non-competitive ~~applying noncompetitively for~~ Housing Credits. Two or more Applications with the same Financial Beneficiary for Developments that are contiguous with the property of another Application, or that are is divided by a street or easement, or if it is readily apparent from the two Applications, proximity, chain of title, or other information available to the Corporation that the properties are part of a common or related scheme of development, the Applications will be considered to be submissions for the same Development site and the Corporation will reject all such Applications except the Application with the highest (worst) lottery number.

(12) If the Board determines that any Applicant or any Affiliate of an Applicant:

~~(a) Has is determined by the Corporation to have engaged in fraudulent actions; or~~

~~(b) Has to have deliberately and~~ materially misrepresented information to the Corporation regarding any of its Developments, or within the current Application or in any previous ~~a~~ Applications for financing or an allocation of Housing Credits administered by the Corporation;

~~(c) Has been convicted of fraud, theft or misappropriation of funds;~~

~~(d) Has been excluded from federal or Florida procurement programs; or~~

~~(e) Has been convicted of a felony upon a determination by the Board that such action substantially increases the likelihood that the Applicant will not be able to produce quality affordable housing,~~ the Applicant and any of the Applicant's Affiliates will be ineligible for funding or allocation in any program administered by the Corporation for a period of up to two years, which will begin from the date the Board makes such determination. Such determination shall be either pursuant to a factual hearing before the Board at which the Applicant shall be entitled to present evidence or as a result of a finding by a court of law or recommended order of an administrative law judge.

(13) The Corporation shall reject an Application if, following the submission of the additional documentation, revised pages and other information as the Applicant deems appropriate as described in paragraph (6) above:

(c) The Applicant fails to provide all required copies and file all applicable Application pages and exhibits ~~and the disk~~ which are provided by the Corporation and adopted under this rule chapter;

(14) Notwithstanding any other provision of these rules, there are certain items that must be included in the Application and cannot be revised, corrected or supplemented after the Application Deadline. Failure to submit these items in the Application at the time of the Application Deadline shall result in rejection of the Application without opportunity to submit additional information. Any attempted changes to these items will not be accepted. Those items are as follows:

(i) ~~Demographic or Area Commitment Targeted resident population or targeted demographic area;~~

(k) The total set-aside percentage of the Total Set-Aside Commitment units committed to be set-aside unless, with regard to the HOME Program, the change results from the revision allowed under (m) (n) below;

~~(l) Categorical set-aside for the SAIL Program;~~

~~(1)(n) CHDO election for the HOME Program;~~

(m)(n) Funding Request (except for Taxable Bonds) Requested amount; notwithstanding the foregoing, requested amounts exceeding the Corporation and Program funding limits can be reduced by the Applicant to reflect the maximum request amount allowed (and no other changes to this amount will be allowed);

~~(o) Selections made on the Proximity of Proposed Development charts in the proximity section of the Application.~~

(16) If an Applicant or any Principal, Affiliate or Financial Beneficiary of an Applicant or a Developer has any existing Developments participating in any Corporation programs that remain in non-compliance with the Code, this rule chapter, or applicable loan documents, and any applicable cure period granted for correcting such non-compliance has ended, as of ~~at~~ the time of submission of the Application or at the time of issuance of a credit underwriting report, the requested allocation will, upon a determination by the Board that such non-compliance substantially increases the likelihood that such Applicant will not be able to produce quality affordable housing, be denied and the Applicant and the Affiliates of the Applicant or Developer will be prohibited from new participation in any of the Programs for the subsequent cycle and continuing until such time as all of their existing Developments participating in any Corporation programs are in compliance.

67-48.006 Compliance and Reporting Requirements.

(1) Any duly authorized representative of the Corporation shall be permitted at any time during normal business hours to inspect and monitor the construction or rehabilitation of a Development. Any duly authorized representative of the Corporation or the Treasury shall be permitted at any time during normal business hours to inspect and monitor Development and resident records and facilities. All resident records shall be maintained by the owner of the Development within 50 miles of the Development site.

(2) On-site inspections for HC Developments:

(a) An authorized representative of the Corporation will, at the Applicant's expense, conduct four on-site construction inspections during the construction or rehabilitation of a Competitive HC Development. Any required re-inspection due to a finding of non-compliance will be at the Applicant's expense.

(b) An authorized representative of the Corporation will, at the Applicant's expense, conduct a minimum of one on-site construction inspection of a Non-Competitive HC Development which has not received any other Florida Housing financing. Any required re-inspection due to a finding of non-compliance will be at the Applicant's expense.

~~(3)(2)~~ The Corporation or its representative shall conduct on-site Development inspections at a minimum of every three years, with a typical frequency of annual reviews least annually.

~~(4)(3)~~ No change.

~~(5)(4)~~ The Corporation will document approval of the management company to the owner of the Development after successful completion of items ~~(4)(3)~~(a)-(d).

~~(6)(5)~~ No change.

~~(7)(6)~~ The Applicant shall submit Program Reports pursuant to the following:

(a) The initial HC Program Report shall be submitted upon request of the compliance monitor or Florida Housing prior to the initial management review and physical inspection, but no later than 120 within 10 days following the leasing of any unit end of the calendar quarter during which the issuance of the Final Housing Credit Allocation was made. Subsequent Program Reports shall be submitted each year of the Housing Credit Compliance Period and shall be due no later than the on one of the following dates assigned by the Corporation: January 10, April 10, July 10 or October 10. The Program Reports shall be accompanied by:

(b) The initial HOME Program Report shall be submitted prior to the time of loan closing, if occupied, or if not occupied at loan closing upon request of the compliance monitor or Florida Housing prior to the initial management review and physical inspection, but no later than 120 within 10 days following the end of the calendar quarter during which leasing of any unit HOME-Assisted Units occurred. Subsequent Program Reports shall be submitted annually on the one of the following due dates assigned by the Corporation: January 10, April 10, July 10 or October 10. The Program Reports shall be accompanied by:

(c) The initial SAIL Program Report shall be submitted prior to the time of loan closing, if the Development is occupied, or by the 25th of the month following rental of the initial unit in the Development. Subsequent Program Reports shall be submitted each month and are due no later than the 25th of each month thereafter. The Program Reports shall be accompanied by Recap of Tenant Income Certification

Information Form AR-1 and copies of all Tenant Income Certifications executed since the last Program Report (to be sent to the monitoring agent).

~~(8)~~(7) HC Developments will submit copies of each building's completed IRS Low-Income Housing Credit Allocation Certification Form 8609, Rev. 1-2000, and Schedule A, Annual Statement, Form 8609, Rev. 1-2000, for the first year housing credits are claimed to the Compliance Section of Florida Housing Finance Corporation. These forms are adopted and incorporated herein by reference and are due at the same time they are filed with the Internal Revenue Service. Form 8609 and Schedule A (Form 8609) can be obtained from the Internal Revenue Service by calling 1-800-829-4477. Additionally, correspondence shall accompany these forms which indicates what the first month of the first taxable year in which the Housing Credits were claimed and the fiscal operating year for the property is.

~~(9)~~(8) No change.

67-48.007 Fees.

(9) Construction inspection fees.

(9) through (10) renumbered (10) through (11) No change.

All of the fees set forth above with respect to the SAIL Program are part of Development Cost and can be included in the Development Cost pro forma and paid with SAIL loan proceeds. Failure to pay any fee shall cause the firm loan commitment under any Program to be terminated or shall constitute a default on the respective loan documents.

67-48.009 SAIL General Program Procedures and Restrictions.

(1) No change.

(2) Loans shall be in an amount not to exceed 25% of the Total Development Cost except as described in (3) below, or the minimum amount required to make the Development economically feasible, whichever is less, as determined by the Credit Underwriter.

(3) The following types of Sponsors are eligible to apply for loans in excess of 25% of Total Development Cost pursuant to Section 420.507(22), Florida Statutes:

(a) Non-Profit and public Sponsors which are able to secure grants, donations of land, or contributions from other sources collectively totaling at least 10% of Total Development Cost; or

(b) Sponsors that maintain an 80% occupancy of residents qualifying as Farmworkers as defined in 420.503(18), Florida Statutes F.S., over the life of the loan.

(6) Developer fee shall be limited to 16% of Development Cost ~~excluding land and building acquisition costs.~~ A Developer fee on the building acquisition cost shall be limited to 4% of the cost of the building exclusive of land. A total Developer fee of 18% of Development Cost, ~~excluding land and building acquisition costs,~~ shall be allowed if the proposed

Development is qualified for Housing Credits pursuant to Rule 67-48.027, F.A.C., pertaining to Tax-Exempt Bond-Financed Developments.

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

67-48.0095 Additional SAIL Application Ranking and Selection Procedures.

~~(3) The Corporation shall, within each demographic category, rank Applications in order of total points assigned, with the highest point total being ranked first.~~

~~(3)~~(4) The Corporation shall ~~then~~ assign, in order of ranking, tentative loan amounts to the Applications in each demographic and geographic category, up to the total amount available. However, the Corporation shall make adjustments to ensure that minimum ~~and maximum~~ funding distribution levels by geographic category are met, as required by Section 420.5087(1), Florida Statutes, and further described in the SAIL Notice of Funding Availability.

~~(4)~~(5) In the event that the 10% of program funds required to be allocated to counties with a population of 100,000 or less remains unallocated at the conclusion of a successive three-year cycle, the unallocated funds shall be carried forward and shall be added to the funds reserved for counties with a population of 100,000 or less for the next successive three-year period.

~~(5)~~(6) After the six-month period referenced in Rule 67-48.0095(1), F.A.C., has expired, the Corporation shall allocate SAIL funds to Applicants meeting threshold requirements, without regard to demographic category.

~~(6)~~(7) Based upon fund availability, the Corporation shall select Applications ~~notify Applicants of selection~~ for participation in the SAIL Program in accordance with the instructions included in the Universal Application Package ~~rank order within each set aside category, as clarified in (4) above. When the amount of an Applicant's loan request exceeds the remaining funds available, the Corporation shall offer the Applicant a tentative loan amount equal to the remaining funds only if there is enough allocation to fund at least 60% of the requested amount. Rejection of such 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 in the category are either committed in this category or combined with available funds from other categories and offered to the next highest scorer in any category or, with Board approval, the available funds will be retained for use in the next Funding Cycle.~~

~~(7)~~(8) Selection for SAIL Program participation is contingent upon fund availability after determination of final loan amounts and the appeals process as set forth in Rule 67-48.005, F.A.C.

67-48.010 Terms and Conditions of SAIL Loans.

(3) The loans shall be non-amortizing and shall have interest rates as follows:

(a) 1% simple interest per annum on loans to Developments that maintain an 80% occupancy of residents qualifying as Farmworkers over the life of the loan ~~Developments that are unable to pay will be required to show cause and may seek relief for deferral from the Board;~~

(b) 3% simple interest per annum for Family and Elderly loans ~~Developments that are unable to pay will be required to show cause and may seek relief for deferral from the Board;~~

(c) 3% simple interest per annum on loans to Homeless and SRO; ~~Developments that are unable to pay will be required to show cause and may seek relief for deferral from the Board.~~

(d) Payment on the loans shall be based upon the actual Development Cash Flow. Interest may be deferred as set forth in Rule 67-48.010(6), F.A.C., (a)-(c) above, without constituting a default on the loan.

(4) The loans described in Rule 67-48.010(3)(a), and (b), and (c), F.A.C., above shall be repaid from all Development Cash Flow, and if the SAIL loan is not a first mortgage loan, each year, subject to the provisions of paragraph (6) below, Development Cash Flow shall be applied to pay the following items in order of priority: The first interest payment on the loan shall be paid to the Corporation 24 months from the date of the notice of commencement and annually thereafter.

(a) First mortgage fees and debt service;

(b) Development Expenses on the SAIL loan, including up to 20% of total Developer fees per year;

(c) Interest payment on SAIL loan balance equal to 1% as stated in (3)(a) above and equal to 3% as stated in (3)(b) and (c) above over the life of the SAIL loan;

(d) Interest payment deferred from previous years;

(e) Mandatory payment on subordinate mortgages;

(f) 12% Return on Equity to Applicant;

(g) Any other unpaid SAIL interest deferred from the current and previous years;

(h) Any unpaid Return on Equity deferred from previous years; and

(i) Remaining monies to be equally divided between the Applicant and the Corporation with the Corporation receiving no more than the stated interest rate on the SAIL loan. After the full SAIL loan interest has been paid, the Applicant shall retain all remaining monies, unless the Applicant chooses to prepay a portion of the loan balance.

(5) If the SAIL loan is secured by a first mortgage lien, each year, subject to the provisions of paragraph (6) below, Development Cash Flow shall be applied to pay the following items in order of priority:

(a) First mortgage fees and interest payment on SAIL loan balance equal to 1% as stated in (3)(a) above and equal to 3% as stated in (3)(b) above over the life of the SAIL loan;

(b) Development Expenses on the SAIL loan, including up to 20% of total Developer fees per year;

(c) Any other unpaid SAIL interest deferred from the current and previous years;

(d) Mandatory payment on subordinate mortgages;

(e) 12% Return on Equity to Applicant;

(f) Any unpaid Return on Equity deferred from previous years; and

(g) Remaining monies to be equally divided between the Applicant and the Corporation with the Corporation receiving no more than the stated interest rate on the SAIL loan. After the full SAIL loan interest has been paid, the Applicant shall retain all remaining monies, unless the Applicant chooses to prepay a portion of the loan balance.

(6)~~(5)~~ The determination of Development Cash Flow, determination of payment priorities, and payment of interest on SAIL loans shall occur annually. Any payments of accrued and unpaid interest due annually on SAIL loans shall be deferred to the extent that Development Cash Flow is insufficient to make said payments pursuant to the payment priority schedule established in this rule chapter. If Development Cash Flow is under-reported and such report causes a deferral of SAIL interest, such under-reporting shall constitute an event of default on the SAIL loan. A penalty of 5% of any required payment shall be assessed.

(a) By May 31 of each year of the SAIL loan term, (The Applicant shall provide the Corporation with audited financial statements and a certification detailing the information needed to determine the annual payment to be made within 5 months of the Applicant's fiscal year end. However, this certification requirement will be waived until May 31 following the calendar year within which the first unit is occupied. The certification shall require submission of audited financial statements and the SAIL annual reporting form, Cash Flow Reporting Form SR-1, Rev. 1/98, which is incorporated by reference. Form SR-1 can be obtained from the assigned servicer. The audited financial statements are to be prepared in accordance with generally accepted accounting principles for the 12 months ended December 31 with the Applicant's fiscal year end and shall include:

1. Comparative Balance Sheet with prior year and current year balances;
2. Statement of revenue and expenses ~~which;~~
3. Statement of changes in fund balances or equity;
4. Statement of cash flows; and
5. Notes.

The financial statements referenced above should also be accompanied by a certification of the Applicant as to the accuracy of such financial statements. The Applicant shall furnish to the Corporation or its servicer, unaudited statements, certified by the Applicant's principal financial or accounting officer, covering such financial matters as the Corporation or its servicer may reasonably request, including without

limitation, monthly statements with respect to the Development. A late fee of \$500 will be assessed by the Corporation for failure to submit the required audited financial statements and certification by May 31 of each year of the SAIL loan term within 5 months of the Applicant's fiscal year end. Failure to submit the required audited financial statements and certification by the due date May 31 of each year of the SAIL loan term shall constitute an event of default on the SAIL loan.

(b) The Corporation servicer shall issue a billing for interest due on the SAIL loan for the immediately preceding calendar year by July 31 of each calendar year of the SAIL loan.

(c) The Applicant shall remit the interest due to the Corporation servicer no later than August 31 of each year of the SAIL loan term. The first payment of SAIL interest will be due no later than August 31 following the calendar year within which the first unit is occupied. The first payment of interest shall include all base interest for the period which begins accruing on the date of the first Draw and ends on December 31 of the calendar year during which the first unit is occupied.

(6) through (10) renumbered (7) through (11) No change.

(12)(14) The Corporation shall require adequate insurance to be maintained on the Development as determined by the first mortgage lender or the Corporation's servicer, but which shall, in any case, include fire, hazard and other insurance sufficient to meet the standards established in Part V, Section 106 of the Fannie Mae DUS Guide, effective September 28, 1999, which is adopted and incorporated herein by reference.

(13)(12) The SAIL loan shall be for a period of not more than 15 years to include the construction/stabilization period. However, if both a SAIL loan and federal housing credits are to be used to assist a Development, the Corporation may set the SAIL loan term for a period commensurate with the investment requirements associated with the Housing Credit syndication. The loan term may also exceed 15 years as required by the Federal National Mortgage Association whenever it is participating in the financing of the Development, or if otherwise approved by the Board.

(14)(13) No change.

(15)(14) After accepting a preliminary commitment Board approval of the final credit underwriting report, the Applicant shall not refinance, increase the principal amount, or alter any terms or conditions of any mortgage superior or inferior to the SAIL mortgage without prior approval of the Corporation's Board of Directors.

(a) The Board shall approve requests for mortgage loan refinancing only if Development Cash Flow is improved, the Development's economic viability is maintained, the security interest of the Corporation is not adversely affected, and the Credit Underwriter provides a positive recommendation.

(b) The Board shall deny requests to increase the amount of any superior mortgage, unless the criteria outlined in Rule 67-48.010(15)(14)(a), F.A.C., are met, the original combined loan to value ratio for the superior mortgage and the SAIL mortgage is maintained or improved, and a proportionate amount of the increase in the superior mortgage is used to reduce the outstanding SAIL loan balance. To calculate the proportionate amount of the increase in the superior mortgage which must be paid toward the reduction of the SAIL loan balance, the following calculation shall be used: divide the amount of the original SAIL mortgage by the combined amount of the original SAIL mortgage and the original superior mortgage; then multiply the quotient by the amount of the increase in the superior mortgage after deducting refinancing costs. For example, if the amount of the original SAIL mortgage is \$2,000,000, the original superior mortgage is \$4,000,000, the proposed new superior mortgage is \$5,000,000, and refinancing costs are \$200,000, then the amount of the increase in the superior mortgage after deducting refinancing costs would be \$800,000, and the proportionate amount of the increase in the superior mortgage which must be paid toward the reduction of the SAIL loan balance would be \$266,667.

(c) The Board shall deny requests for mortgage loan refinancing which require extension of the SAIL loan term or otherwise adversely affect the security interest of the Corporation unless the criteria outlined in Rule 67-48.010(15)(14)(a), F.A.C., are met, the Credit Underwriter recommends that the approval of such a request is crucial to the economic survival of the Development or unless the Board determines that public policy will be better served by the extension as a result of the Applicant agreeing to further extend the Compliance Period or provide additional amenities or resident programs suitable for the resident population. Further, the Board shall limit any approved extension to a minimum term which makes the Development feasible and which does not exceed an industry standard term.

(16)(15) All SAIL loans shall be in conformance with applicable federal and state statutes, including the Fair Housing Act as implemented by 24 CFR 100, which is adopted and incorporated herein by reference, and Titles II and III of the Americans with Disabilities Act of 1990 as implemented by 28 CFR 35, which is adopted and incorporated herein by reference. The Corporation shall allow units dedicated to occupancy by the Elderly in a Development designed for occupancy by elderly households pursuant to authorization by HUD under the Fair Housing Amendments of 1988 as implemented by 24 CFR 100.

(16) through (17) renumbered (17) through (18) No change.

(19)(18) Applicants shall annually certify that the household gross income, adjusted for family size, of each household occupying a unit set aside for Very Low-Income

persons or households meets income requirements specified in Section 142(d)(3)(B) of the Code, which is adopted and incorporated herein by reference. Should the annual recertification of such households result in noncompliance with income occupancy requirements, the next available unit must be rented to a household qualifying under the provisions of Section 420.5087(2), Florida Statutes, in order to ensure continuing compliance of the Development.

(19) through (20) renumbered (20) through (21) No change.

~~(22)(21)~~ If, after a four-month rent-up period commencing after issuance of the last certificate of occupancy on the units, an Applicant is unable to meet the agreed-upon demographic commitment ~~Categorical Set-Aside~~ for Elderly, Homeless, Farmworker or Commercial Fishing Worker, the Applicant may request to rent such units to Very Low-Income persons or households without demographic ~~category~~ restriction.

~~(23)(22)~~ No change.

~~(24)~~ Failure to provide the Corporation and its servicer with the SAIL available Cash Flow Statement detailing the information needed to determine the annual payment to be made pursuant to this rule chapter shall constitute a default on the SAIL loan.

67-48.0105 Sale, Refinancing or Transfer of a SAIL Development.

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

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

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

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

(2) If the SAIL loan is not assumed since the buyer does not meet the criteria for assumption of the SAIL loan, the SAIL loan (principal and any outstanding interest) shall be repaid from the proceeds of the sale in the following order of priority:

(g) If there will be insufficient funds available from the proposed sale of the Development to satisfy (2)(a)-(f) above, the SAIL loan shall not be satisfied until the Corporation has received:

1. An appraisal prepared by an appraiser selected by the Corporation or the Credit Underwriter indicating that the purchase price for the Development is reasonable and consistent with existing market conditions;

2. A certification from the Applicant 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 Development Cash Flow reported to the Corporation during the term of the SAIL loan was true and accurate;

~~(3) Any sale, refinancing or transfer of a SAIL Development shall be subject to a favorable recommendation from the Credit Underwriter and approval by the Corporation's Board.~~

67-48.012 SAIL Credit Underwriting and Loan Procedures.

(2) The Credit Underwriter shall verify all information in the Application, including information relative to the Applicant, Developer, Syndicator, General Contractor and other members of the Development team.

(g) The minimum combined debt service coverage shall be 1.10 and the maximum debt service coverage shall be 1.50, including the SAIL mortgage and all other superior mortgages. In extenuating circumstances, such as when the Development has deep or short term subsidy, the debt service coverage may exceed 1.50 if the Credit Underwriter's favorable recommendation is supported by the projected cash flow analysis. Developments receiving first mortgage funding from the United States ~~U.S.~~ Department of Agriculture Rural Development (RD) are not required to meet the debt service coverage standards if RD is providing rental assistance and has acknowledged that rents will be set at an amount sufficient to pay all operating expenses, replacement reserve requirements and debt service on the SAIL and all superior mortgages.

(i) The underwriters may request additional information but at a minimum the following will be required during the underwriting process:

1. For ~~Credit~~ ~~Enhancers~~, audited financial statements for their most recent fiscal year ended, if published; otherwise the previous year's audited statements will be provided until the current statements are published or credit underwriting is complete. The audited statements may be waived if the credit enhancer is rated at least "A-" by Moody's, Standard and Poor's or Fitch.

2. For Principals and ~~g~~Guarantors, audited financial statements or financial statements compiled or reviewed in accordance with Statement on Standards for Accounting and Review Services (SSARS) No. 1, which is adopted and incorporated herein by reference, for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. If audited financial statements or financial statements compiled or reviewed in accordance with Statement on Standards for Accounting and Review Services (SSARS) No. 1 are not available, unaudited financial statements prepared within the last 90 days and reviewed by the credit underwriter in accordance with the Fannie Mae Multifamily

Delegated Underwriting and Servicing (DUS) Guide, effective November 23, 1999, which is adopted and incorporated herein by reference, and the two most recent year's tax returns.

4. For the Applicant and ~~g~~General ~~p~~Partner, audited financial statements or financial statements compiled or reviewed in accordance with SSARS No. 1, for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. If the entities are newly formed (less than 18 months in existence as of the date that credit underwriting information is requested), a copy of any and all tax returns with related supporting notes and schedules.

(j) The Credit Underwriter shall consider the following when determining the need for construction completion guarantees:

1. Liquidity of the guarantor.
2. Developer and General Contractor's history in successfully completing Developments of similar nature.
3. Problems encountered previously with Developer or contractor.
4. Exposure of Corporation funds compared to Ttotal Development Costs.

At a minimum, the Credit Underwriter shall require a personal guarantee for completion of construction from the principal individual or the corporate general partner of the borrowing entity. In addition, a letter of credit or payment and performance bond will be required if the Credit Underwriter determines after evaluation of 1.-4. above that additional surety is needed. However, a completion guarantee will not be required if SAIL funds are not drawn until construction is complete, as evidenced by final certificates of occupancy.

(k) The Credit Underwriter shall require an operating deficit guarantee, to be released upon achievement of 1.10 debt service coverage for a minimum of six consecutive months for the combined permanent first mortgage and SAIL loan. Developments receiving United States U.S. Department of Agriculture Rural Development funds are not required to meet the debt service coverage standards for release of operating deficit guarantee.

(l) Contingency reserves which total no more than 5% of hard and soft costs for new construction and no more than 15% of hard and soft costs for Substantial Rehabilitation may be included within the Ttotal Development Cost for Application and underwriting purposes. Contingency reserves shall not be paid from SAIL funds.

~~(p) If audited financial statements are unavailable from the Applicant, the Credit Underwriter shall request federal tax returns and unaudited or internally prepared financial statements for the past two years.~~

(3) Any changes in a firm commitment from any other source of the funding shall be consistent with the underwriting assumptions made in connection with the SAIL loan. All items required by the Credit Underwriter must be provided to the Credit Underwriter within 35 Calendar Days of notification

from the Credit Underwriter. The Applicant will have an additional 25 Calendar Days to submit the appraisal, survey and final plans to the Credit Underwriter. The Credit Underwriter shall advise the Corporation in writing of all items not received by the specified deadlines. Unless an extension is approved by ~~obtained from~~ the Corporation's Board, failure to submit the required credit underwriting information or fees by the specified deadlines shall result in withdrawal of the preliminary commitment and the funds will be made available to the next eligible Applicant.

67-48.013 SAIL Construction Disbursements and Permanent Loan Servicing.

(1) SAIL loan proceeds shall be disbursed during the construction phase in an amount per Draw which does not exceed the ratio of the SAIL loan to the Ttotal Development Cost, unless approved by the Credit Underwriter.

67-48.014 HOME General Program Procedures and Restrictions.

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

(2) The Corporation shall utilize at least 15% of the HOME allocation for CHDOs pursuant to the HUD Regulations, to be divided between the multifamily and single family cycles as approved by the Board of Directors. In the event of CHDO Applications in excess of 15% of the HOME allocation designated for multifamily, such Applications shall be funded up to a cumulative maximum of 25%, including partial funding of any such Application. Partial funding will be offered to an Applicant only in the event that partial funding constitutes at least 60% of the Applicant's requested HOME funding. Any remaining unfunded or partially funded portion ~~of such~~ CHDO Application(s) shall remain eligible to compete for non-CHDO designated funding. In order to apply under the CHDO set-aside, the CHDO must have at least 51% ownership interest in the Development held by the General Partner entity and meet all other CHDO requirements as defined by HUD in 24 CFR 92.

(6) A Development qualifies as affordable housing and for HOME funds if, with respect to income and occupancy:

(g) The minimum percentage of HOME-Assisted Units within a Development must be at least equal to the percentage (ratio) calculated by dividing the HOME loan amount by the Ttotal Development Cost. This percentage will be utilized to determine the minimum number of HOME-Assisted Units required within a Development. HOME-Assisted Units must be identified at the time of Application. For purposes of meeting affordable housing requirements for a Development, the HOME-Assisted Units counted may be changed over the Compliance Period, so long as the total number of HOME-Assisted Units remains the same, and the substituted units are, at a minimum, comparable in terms of size, features, and number of bedrooms to the original HOME-Assisted Units.

(8) Any single contract for the development (rehabilitation or new construction) of affordable housing with 12 or more HOME-Assisted Units under the HOME Program must contain a provision requiring that not less than the wages prevailing in the locality, as predetermined by the United States Secretary of Labor pursuant to the Davis-Bacon Act, 40 U.S.C. § 276a-265-a-5 (1994), which is adopted and incorporated herein by reference, 24 CFR § 92.354, 24 CFR Part 70 (volunteers), which is adopted and incorporated herein by reference, and 40 U.S.C. 276c, which is adopted and incorporated herein by reference, will be paid to all laborers and mechanics employed for the construction or rehabilitation of the Development, and such contracts must also be subject to the overtime provisions of the Contract Work Hours and Safety Standards Act, 40 U.S.C. § 327-333~~2~~ (1994), which is adopted and incorporated herein by reference, the Copeland Act (Anti-Kickback Act), 40 U.S.C. § 276c (1994), which is adopted and incorporated herein by reference, and the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et seq.), which is adopted and incorporated herein by reference.

(9) All HOME Developments must conform to the following federal requirements:

(a) Equal Opportunity and Fair Housing as enumerated in 24 CFR § 92.202 and 92.250, Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), which is adopted and incorporated herein by reference, Fair Housing Act (42 U.S.C. 3601-3620), which is adopted and incorporated herein by reference, Age Discrimination Act of 1975, as amended (42 U.S.C. 6101), which is adopted and incorporated herein by reference, Executive Order 11063 (amended by Executive Order 12259), which is adopted and incorporated herein by reference, and 24 CFR 5.105(a), which is adopted and incorporated herein by reference.

(b) Affirmative Marketing as enumerated in 24 CFR § 92.351.

(c) Environmental Review as enumerated in 24 CFR § 92.352, 24 CFR Part 58, which is adopted and incorporated herein by reference, and National Environmental Policy Act of 1969, which is adopted and incorporated herein by reference.

(d) Displacement, Relocation, and Acquisition as enumerated in 24 CFR § 92.353, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4201-4655), which is adopted and incorporated herein by reference, 49 CFR Part 24, which is adopted and incorporated herein by reference, 24 CFR Part 42 (Subpart B), which is adopted and incorporated herein by reference, and Section 104(d) "Barney Frank Amendments," which is adopted and incorporated herein by reference.

(e) Lead-based Paint as enumerated in 24 CFR § 92.355, and 24 CFR Part 35, which is adopted and incorporated herein by reference.

(f) Conflict of Interest as enumerated in 24 CFR § 92.356, 24 CFR 85.36 and 24 CFR 84.42, which are adopted and incorporated herein by reference.

(g) Debarment and Suspension as enumerated in 24 CFR Part 5, which is adopted and incorporated herein by reference.

(h) Flood Insurance as enumerated in Section 202 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4106), which is adopted and incorporated herein by reference.

(i) Handicapped Accessibility as enumerated in Section 504 of the Rehabilitation Act of 1973 (implemented in 24 CFR Part 8) and 24 CFR § 100.205, which are adopted and incorporated herein by reference.

(j) Americans with Disabilities Act as enumerated in 42 U.S.C. 12131; 47 U.S.C. 155, 201, 218, and 225, which are adopted and incorporated herein by reference.

(k) Equal Opportunity Employment as enumerated in Executive Order 11246 (implemented in 41 CFR Part 60), which is adopted and incorporated herein by reference.

(l) Economic Opportunity as implemented in 24 CFR Part 135, which is adopted and incorporated herein by reference.

(m) Minority/Women Employment as enumerated in 24 CFR § 85.36(e), and Executive Orders 11625, 12432, and 12138, which are adopted and incorporated herein by reference.

(n) Site and Neighborhood Standards as enumerated in 24 CFR 893.6(b), which is adopted and incorporated herein by reference.

67-48.019 Eligible and Ineligible HOME Development Costs.

(1) HOME funds may be used to pay for the following eligible costs as enumerated in the HUD Regulations:

(c) Soft costs as they relate to the identified HOME-Assisted Units. The costs must be reasonable, as determined by the Corporation and the Credit Underwriter, and associated with the financing, development, or both. These costs may include:

3. Developer fee shall be limited to 16% of Development Cost ~~excluding land and building acquisition costs~~. A Developer fee on the building acquisition cost shall be limited to 4% of the cost of the building exclusive of land.

8. The General Contractor's fee shall be limited to a maximum of 14% of the actual total construction cost.

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

All HOME Rental Development loans shall be in compliance with the Act, the HUD Regulations and, at a minimum, contain the following terms and conditions:

(1) The HOME loan may be in a first, second, or subordinated lien position. The term of the loan shall be for a minimum period of 15 years for Rehabilitation Developments and 20 years for new construction Developments. The term of

the HOME loan may be extended to coterminate with the first mortgage term upon the recommendation of the Credit Underwriter and approval by the Corporation.

(5) The accumulation of all Development financing, including the HOME loan and all existing debt within a Development, may not exceed the Total Development Cost, as determined and certified by the Credit Underwriter.

(9) The Corporation shall require adequate insurance to be maintained on the Development as determined by the first mortgage lender or the Corporation's servicer, but which shall, in any case, include fire, hazard and other insurance sufficient to meet the standards established in Section 101.17 of the Federal National Mortgage Association Multifamily Conventional Selling Eligibility Requirements for rental properties, which is adopted and incorporated herein by reference.

67-48.021 HOME Credit Underwriting and Loan Procedures.

(2) Based upon availability of funds, the Corporation shall issue a preliminary commitment notifying each Applicant of selection for participation in the HOME Program in the order of each Applicant's ranking within each set-aside category. When an Applicant's tentative loan amount exceeds the remaining fund availability, the Corporation shall offer the Applicant a tentative 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 for the set-aside category are committed.

(a) The preliminary commitment letter shall be subject to a positive recommendation by the Corporation's 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 § 92.352 (1994).

(b) All items required by the Credit Underwriter must be provided to the Credit Underwriter within 35 Calendar Days of notification from the Credit Underwriter. The Applicant will have an additional 25 Calendar Days to submit the appraisal, survey and final plans to the Credit Underwriter. Unless an extension is approved by ~~obtained from~~ the Corporation's Board, failure to submit the required credit underwriting information by the specified deadlines shall result in withdrawal of the preliminary commitment and the funds will be made available to the next eligible Applicant. The Corporation shall select the Credit Underwriter for each Development.

(d) The underwriters may request additional information but at a minimum the following will be required during the underwriting process:

1. For ~~C~~redit ~~E~~nhancers, audited financial statements for their most recent fiscal year ended, if published; otherwise the previous year's audited statements will be provided until the current statements are published or credit underwriting is

complete. The audited statements may be waived if the credit enhancer is rated at least "A-" by Moody's, Standard and Poor's or Fitch.

2. For Principals and ~~g~~uarantors, audited financial statements or financial statements compiled or reviewed in accordance with Statement on Standards for Accounting and Review Services (SSARS) No. 1, which is adopted and incorporated herein by reference, for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. If audited financial statements or financial statements compiled or reviewed in accordance with Statement on Standards for Accounting and Review Services (SSARS) No. 1 are not available, unaudited financial statements prepared within the last 90 days and reviewed by the credit underwriter in accordance with the Fannie Mae Multifamily Delegated Underwriting and Servicing (DUS) Guide, effective November 23, 1999, which is adopted and incorporated herein by reference, and the two most recent year's tax returns.

4. For the Applicant and ~~g~~eneral ~~p~~artner, audited financial statements or financial statements compiled or reviewed in accordance with SSARS No. 1, for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. If the entities are newly formed (less than 18 months in existence as of the date that credit underwriting information is requested), a copy of any and all tax returns with related supporting notes and schedules.

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

1. Minimum debt service coverage of 1.10 and maximum debt service coverage of 1.50 for the HOME loan and all other superior mortgages. In extenuating circumstances such as when the Development has deep or short term subsidy, the debt service coverage may exceed 1.50 if the Credit Underwriter's favorable recommendation is supported by the projected cash flow analysis. Developments receiving first mortgage funding from the United States U.S. Department of Agriculture Rural Development (RD) are not required to meet the debt service coverage standards if RD is providing rental assistance and has acknowledged that rents will be set at an amount sufficient to pay all operating expenses, replacement reserve requirements and debt service on the HOME and all superior mortgages.

~~3. Require audited financial statements and, if unavailable from the Applicant or Affiliates, the Credit Underwriter shall request federal tax returns and unaudited or internally prepared financial statements for the past two years.~~

~~3.4.~~ No change.

~~4.5.~~ The Credit Underwriter shall consider the following when determining the need for construction completion guarantees:

a. Liquidity of the guarantor.

b. Developer and General Contractor's history in successfully completing Developments of similar nature.

c. Problems encountered previously with Developer.

d. Problems encountered previously with contractor.

e. Exposure of Corporation funds compared to ~~T~~total Development Costs. At a minimum, the Credit Underwriter shall require a personal guarantee for completion of construction from the principal individual or the corporate general partner of the borrowing entity.

~~5.6.~~ No change.

~~6.7.~~ Contingency reserves which total no more than 5% of hard and soft costs for new construction and no more than 15% of hard and soft costs for Rehabilitation may be included within the ~~T~~total Development Cost for Application and underwriting purposes. Contingency reserves shall not be paid from HOME funds.

~~7.8.~~ No change.

67-48.022 HOME Disbursements Procedures and Loan Servicing.

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

~~(4) The Applicant or any of its Financial Beneficiaries are in financial arrears to the Corporation for any other Development funded by Corporation programs.~~

(9) If 100% of the loan proceeds have not been expended within six months prior to the HUD deadline pursuant to 24 CFR § 92.500 (1996, as amended), the funds shall be recaptured and reallocated to any eligible HOME Development on any Corporation waiting list or eligible HOME Developments, as selected by the Board.

67-48.023 Housing Credits General Program Procedures and Requirements.

(4) The Development shall provide safe, sanitary and decent residential rental housing and shall be developed, constructed and operated in accordance with the commitments made and the facilities and services described in the Application at the time of submission to the Corporation. Applications will not be considered approved to receive an allocation of Housing Credits until Florida Housing issues a Preliminary Allocation/Preliminary Determination to the Applicant and all contingencies of such documents are satisfied. Allocations are further contingent on the Applicant complying with its Application commitments, Chapter 67-48, F.A.C., and Section 42 of the Code, IRC.

(5) All of the dwelling units within a Development shall be rented or available for rent on a continuous basis to members of the general public. The owner of the Development shall not give preference to any particular class or group in renting the dwelling units in the Development, except to the extent that dwelling units are required to be rented to Eligible Persons. All Developments must comply with the Fair Housing Act as implemented by 24 CFR 100, Section 504 of the Rehabilitation Act of 1973 and Titles II and III of the

Americans with Disabilities Act of 1990 as implemented by 28 CFR 35, which are adopted and incorporated herein by reference.

67-48.026 Housing Credit Underwriting Procedures.

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

(c) Developer fee shall be limited to 16% of Development Cost ~~excluding land and building acquisition cost~~. A Developer fee on the building acquisition cost shall be limited to 4% of the cost of the building exclusive of land. A total Developer fee of 18% of Development Cost, ~~excluding land and building acquisition costs~~, shall be allowed if the proposed Development is qualified for Housing Credits pursuant to Rule 67-48.027, F.A.C., pertaining to Tax-Exempt Bond-Financed Developments.

(f) All contracts for hard or soft Development ~~C~~osts must be itemized for each cost component.

~~(k) The underwriters may request additional information but at a minimum the following will be required during the underwriting process:~~

~~1. For Credit Enhancers, audited financial statements for their most recent fiscal year ended, if published; otherwise the previous year's audited statements will be provided until the current statements are published or credit underwriting is complete.~~

~~2. For Principals and Guarantors, audited financial statements or financial statements compiled or reviewed in accordance with Statement on Standards for Accounting and Review Services (SSARS) No. 1, for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. If audited financial statements or financial statements compiled or reviewed in accordance with Statement on Standards for Accounting and Review Services (SSARS) are not available, unaudited financial statements prepared within the last 90 days and reviewed by the credit underwriter in accordance with the Fannie Mae Multifamily Delegated Underwriting and Servicing (DUS) Guide, effective November 23, 1999, and the two most recent year's tax returns.~~

~~3. For the General Contractor, audited financial statements or financial statements compiled or reviewed in accordance with SSARS No. 1, for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. The audited or compiled statements may be waived if a payment and performance bond equal to 100% of the total construction cost is issued in the name of the General Contractor by a company rated at least "A" by AMBest & Co.~~

~~4. For the Applicant and General Partner, audited financial statements or financial statements compiled or reviewed in accordance with SSARS No. 1, for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. If the entities are newly formed (less than 18~~

months in existence as of the date that credit underwriting information is requested), a copy of any and all tax returns with related supporting notes and schedules.

(k)(4) The Corporation's assigned Credit Underwriter shall order, at the Applicant's sole expense, a pre-construction analysis for all new construction or a physical needs assessment for Rehabilitation and shall conduct a review of all of the Development's costs.

(l)(4) Contingency reserves which total no more than 5% of hard and soft costs for new construction and no more than 15% of hard and soft costs for Rehabilitation may be included within the Total Development Cost for Application and underwriting purposes.

(m)(4) The proposed Development must demonstrate, based on current rates, that it can meet 1.10 debt service coverage (DSC) requirements with all first and second mortgages. Developments receiving first mortgage funding from the United States U.S. Department of Agriculture Rural Development (RD) are not required to meet the debt service coverage standards if RD is providing rental assistance and has acknowledged that rents will be set at an amount sufficient to pay all operating expenses, replacement reserve requirements and debt service on the first and second mortgages.

(n)(4) If the Credit Underwriter is to recommend an allocation out of the annual Allocation Authority, the recommendation will be the lesser of (1) the qualified basis calculation result, (2) the gap calculation result, or (3) the Applicant's request amount. In the event the Credit Underwriter is making a recommendation for 4% Housing Credits in reference to a Development funded with tax-exempt bonds, the recommendation will be the lesser of the qualified basis calculation result or the gap calculation result.

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

(10) If the Credit Underwriter recommends that Housing Credits be allocated to the Development, the Executive Director shall determine the credit amount, if any, necessary to make the Development financially feasible and viable throughout the Housing Credit Extended Use Period and shall issue a Preliminary Allocation Certificate or a Preliminary Determination of Housing Credits in the case of Tax-Exempt Bond-Financed Developments. If the Credit Underwriter recommends that no credits be allocated to the Development and the Executive Director accepts the recommendation, the Applicant shall be notified that no Housing Credits will be allocated to the Development for the current cycle. No Preliminary Allocation Certificate shall be issued on a RD (formerly FmHA) Development which competed for Housing Credits within the RD set-aside and has not received an Obligation of Funding (RD or FmHA Form 1944-51) by October 1st of the year the Applicant is invited into credit

underwriting. The Obligation of Funding (RD or FmHA Form 1944-51) is adopted and incorporated herein by reference and a copy of the form obligation for funding can be obtained from the United States U.S. Department of Agriculture, P.O. Box 147010, Gainesville, FL 32614-7010. All contingencies required in the Preliminary Allocation shall be met or satisfied by the Applicant within 45 Calendar Days from the date of issuance or as otherwise indicated on the Certificate unless an extension of this deadline is requested in writing by the Applicant and is granted by the Corporation in writing for good cause.

67-48.027 Tax-Exempt Bond-Financed Developments.

(2) Tax-Exempt Bond-Financed Developments, as defined in Section 42(h)(4)(B) of the Code, seeking to obtain Housing Credits from the Treasury receiving the bonds from Florida Housing prior to calendar year 2000 or receiving bonds from another source other than Florida Housing, and not competing for Housing Credits under the State of Florida Allocation Authority shall:

(m) After bonds are issued to the Development, make Application to the Corporation as required in Rules 67-48.004 and 67-48.026, F.A.C. Applicant shall submit its Application completed in accordance with the Universal Application Package instructions for receipt by the Corporation no later than July 1 of the year the Development is placed in service; and

(n) No change.

Section IV Emergency Rules

DEPARTMENT OF THE LOTTERY

RULE TITLE:	RULE NO.:
Instant Game Number 423, Play FLA USA™	53ER02-3

SUMMARY OF THE RULE: This emergency rule relates to the Instant Game Number 423, "Play FLA USA™" for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, number and size of prizes in the game; and vacation prize package information.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER02-3 Instant Game Number 423, Play FLA USA™.
(1) Name of Game. Instant Game Number 423, "Play FLA USA™."

(2) Price. Play FLA USA™ tickets sell for \$2.00 per ticket.

(3) Play FLA USA™ lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number (VIRN) under the latex area on the ticket. To be a valid winning Play FLA USA™ lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any Play FLA USA™ lottery ticket, or as to the prize amount, the VIRN number under the latex shall prevail over the bar code.

(4) The “YOUR NUMBERS” play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(5) The “WINNING NUMBERS” play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(6) The prize symbols and prize symbol captions are as follows:

INSERT SYMBOLS

(7) The legends are as follows:

INSERT SYMBOLS

(8) Determination of Prize Winners.

(a) A ticket having a number in the “YOUR NUMBERS” play area that matches any number in the “WINNING NUMBERS” play area shall entitle the claimant to the corresponding prize shown for that number. The prizes are: TICKET, \$1.00, \$2.00, \$3.00, \$5.00, \$10.00, \$20.00, \$250, \$500, \$5,000, \$10,000, SHIP (Carnival Cruise Lines® Vacation Prize Package), DOLPHIN (Miami Seaquarium® Dolphin Adventure Vacation Prize Package), ACTION (Universal Orlando®/SeaWorld® Orlando Vacation Prize Package), ROCKET (Kennedy Space Center Vacation Prize

Package), and BEACH (Emerald Coast Vacation Prize Package). Further details on vacation prize packages are set forth in subsection (13) below.

(b) A claimant who is entitled to a prize of a “TICKET” shall be entitled to a prize of a \$2.00 instant ticket or any combination of instant and on-line tickets that totals \$2.00, except as follows. A person who submits by mail a Play FLA USA™ lottery ticket which entitles the claimant to a prize of a \$2.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(9) Number and Size of Prizes. The estimated odds of winning, value, and number of prizes in Instant Game Number 423 are as follows:

<u>GAME PLAY</u> <u>TICKET</u>	<u>WIN</u> <u>\$2 TICKET</u>	<u>ODDS OF</u> <u>1 IN</u>	<u>NUMBER OF</u> <u>WINNERS IN</u> <u>56 POOLS OF</u> <u>180,000 TICKETS</u> <u>PER POOL</u>
\$2	\$2	7.50	1,344,000
\$1 + (\$2 x 2)	\$5	21.43	470,400
\$5	\$5	37.50	268,800
\$1 x 10	\$10	37.50	268,800
\$10	\$10	50.00	201,600
\$2 x 10	\$20	50.00	201,600
\$20	\$20	300.00	33,600
\$3 x 10	\$30	300.00	33,600
\$5 x 10	\$50	498.61	20,216
\$10 x 5	\$50	1,440.00	7,000
\$10 x 10	\$100	1,440.00	7,000
\$20 x 5	\$100	18,000.00	560
\$250 x 2	\$500	18,000.00	560
\$500	\$500	504,000.00	20
Ship Symbol	Carnival Cruise	504,000.00	20
Dolphin Symbol	Miami Seaquarium	504,000.00	20
Action Symbol	Universal/ SeaWorld	504,000.00	20
Rocket Symbol	Kennedy Space Center	1,008,000.00	10
Beach Symbol	Emerald Coast Vacation	1,008,000.00	10
\$5,000 x 2	\$10,000	5,040,000.00	2
\$10,000	\$10,000	5,040,000.00	2

(10) The estimated overall odds of winning some prize in Instant Game Number 423 are 1 in 3.53

(11) For reorders of Instant Game Number 423 the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) Procedures for Claiming a Vacation Prize Package. A player who has won a vacation prize package in accordance with the instant play features of Instant Game Number 423

described in paragraph (8)(a) above, shall claim his or her prize as follows. The claimant should complete the information section on the back of a winning Play FLA USA™ ticket. The claimant must file a claim with a Lottery office and complete a Winner Claim Form DOL 173-2, Revised 2/01, or DOL 173-S, Revised 2/01 in accordance with the instructions on the form. The forms are incorporated herein by reference and may be obtained from any Lottery retailer or Lottery office. The claimant shall either mail his or her claim to the Florida Lottery, Winner Validation, 250 Marriott Drive, Tallahassee, Florida 32399-9939, or submit it to any Lottery office. The risk of loss or late delivery of a claim submitted by mail remains with the player. Prizes must be claimed within sixty days after the official end of the Play FLA USA™ instant lottery game. Prior to the receipt of a vacation prize package, the claimant must also complete an Acceptance and Release Form DOL-456. Acceptance and Release Form DOL-456, Effective 1/02 is incorporated herein by reference and may be obtained from any Lottery office. Upon the Lottery's receipt of the claimant's executed Acceptance and Release Form, arrangements will be made with the claimant to award the vacation prize package.

(13) Vacation Prize Packages.

(a) Carnival Cruise Lines Vacation Prize Package.

1. A Carnival Cruise Lines Vacation Prize Package shall consist of a seven-night cruise for two persons. Cruises will embark from Port Canaveral (aboard the Carnival Pride_{SM}), the Port of Tampa (aboard the Sensation® or Inspiration®), or the Port of Miami (aboard the Paradise_{SM} (smoke-free), Carnival Triumph®, or Carnival Victory_{SM}) and will include: ocean-view stateroom (category 6A), non-commission fare (port charges), and government fees and taxes. A Carnival Cruise Lines Vacation Prize Package does not include air and ground transportation, incidentals, gratuities, telephone calls, or other personal expenses incurred during the vacation.

2. Winners will be responsible for making vacation prize package reservations directly with Carnival Cruise Lines. Reservations must be made at least thirty days prior to travel, and travel must be completed by March 31, 2003. Winners may select any cruise departure date, subject to availability, excluding June 15 to August 15, and major holiday periods (Easter, Memorial Day, Labor Day, Thanksgiving, Christmas and New Year's). Winners may upgrade at their additional cost to cruise during the above-mentioned blackout periods. Winner and guest must be 18 years of age or older unless accompanied by a parent or legal guardian who is at least 25 years of age. After a reservation is confirmed, the winner may cancel or change sailing dates if the cancellation occurs up to fifteen days prior to departure. A \$25 per guest service fee may be assessed for the cancellation and re-booking procedure. If cancellation occurs within fifteen days prior to departure, Carnival Cruise Lines will provide the winners a comparable future cruise on a space-available basis with confirmation

given at Carnival Cruise Lines' discretion. If a winner is unable to use the Carnival Cruise Lines Vacation Prize Package during the time frame detailed above, the winner will forfeit the vacation prize package; however, the value of the vacation prize package will remain taxable income to the winner. A winner may transfer a Carnival Cruise Lines vacation prize package one time with a notarized letter from the winner identifying the certificate number and the name of the new recipient; however, the value of the vacation prize package will remain taxable income to the winner. Carnival Cruise Lines must receive the notarized letter at least thirty days prior to the planned departure date. Recipient and guest must be 21 years of age or older to use a transferred vacation prize package. A cruise certificate cannot be transferred if the original winner has already secured reservations. The winner will be responsible for payment of any service fees assessed as a result of a transfer, cancellation or re-booking of cruise reservations. Carnival Cruise Lines Vacation Prize Packages are not redeemable for cash.

(b) Miami Seaquarium Dolphin Adventure Vacation Prize Package.

1. A Miami Seaquarium Dolphin Adventure Vacation Prize Package is for four people and shall consist of hotel accommodations at the Sonesta Beach Resort, Key Biscayne (a maximum of two rooms for two nights), including breakfast for two days at the Resort; two days' admission to Miami Seaquarium; one "Swim with the dolphins" session; one set of three digital photographs of each person during the "Swim with the dolphins" session; a behind-the-scenes tour of the Miami Seaquarium's animal attractions; lunch at the Miami Seaquarium each day of the two-day visit; and four \$25 gift certificates to the Miami Seaquarium Gift Shop. A Miami Seaquarium Dolphin Adventure Vacation Prize Package does not include travel expenses to or from the vacation prize package destination, meals, other than the breakfast and lunch described above, incidentals, tips, telephone calls, or other personal expenses incurred during the vacation.

2. Winners will be responsible for making vacation prize package reservations directly with Miami Seaquarium a minimum of thirty days prior to the winner's travel. Reservations must be made by December 31, 2002, and travel must be completed by March 31, 2003. Some restrictions, including blackout dates, may apply. Contact Miami Seaquarium at (305)365-2501 for details on all restrictions. Hotel accommodations are subject to availability. If a winner is unable to use the Miami Seaquarium Dolphin Adventure Vacation Prize Package during the time frame detailed above, the winner will forfeit the vacation prize package; however, the value of the vacation prize package will remain taxable income to the winner. A Miami Seaquarium Dolphin Adventure Vacation Prize Package may be transferred to another person only in its entirety; however, the value of the vacation prize package will remain taxable income to the winner. All

cancellations must be made at least 72 hours prior to arrival date. A winner must be 18 years of age or older unless accompanied by a parent or legal guardian who is at least 21 years of age. Miami Seaquarium Dolphin Adventure Vacation Prize Packages are not redeemable for cash.

(c) Universal Orlando/SeaWorld Orlando Vacation Prize Package.

1. A Universal Orlando/SeaWorld Orlando Vacation Prize Package for up to four people shall consist of three nights' hotel accommodations in two rooms at the Hard Rock Hotel® (double occupancy, room and room tax charges only); non-exclusive VIP Tour, including admission, to Islands of Adventure_{SM}; non-exclusive VIP Tour, including admission, to Universal Studios®; four CityWalk party passes and a movie; three Universal Orlando parking passes; \$100 (total) Universal Orlando Scrip to be used at Universal Orlando; Universal Orlando merchandise packages for four persons; SeaWorld Adventure Park Florida ("SeaWorld") admission passes; VIP behind-the-scenes tour of SeaWorld; one parking pass at SeaWorld; and \$50 (total) Shamu Fun Money to spend at SeaWorld. A Universal Orlando/SeaWorld Orlando Vacation Prize Package does not include travel expenses to or from the vacation prize package destination, meals, incidentals, tips, telephone calls, or other personal expenses incurred during the vacation.

2. Winners will be responsible for making vacation prize package reservations directly with Universal Orlando a minimum of thirty days prior to winner's travel, and travel must be completed by December 20, 2002. Winners and their guests must travel at the same time. Blackout dates and other travel restrictions, such as hotel accommodations being subject to availability, may apply to vacation prize package. Contact Universal Orlando at (407)363-8447 for details on all restrictions. If a winner is unable to use the Universal Orlando/SeaWorld Orlando Vacation Prize Package during the time frame detailed above, the winner will forfeit the vacation prize package; however, the value of the vacation prize package will remain taxable income to the winner. Universal Orlando/SeaWorld Orlando Vacation Prize Packages cannot be transferred to another person nor can there be a substitution for any of the package elements. Winners must be 18 years of age or older unless accompanied by a parent or legal guardian who is at least 21 years of age. Universal Orlando/SeaWorld Orlando Vacation Prize Packages are not redeemable for cash.

(d) Kennedy Space Center Vacation Prize Package.

1. A Kennedy Space Center Vacation Prize Package for four people shall consist of three nights' beachfront hotel accommodations (room and sales and local taxes only) at Inn at Cocoa Beach (based on availability) or equivalent; private dinner with an astronaut, prepared by the Kennedy Space Center Visitor Complex ("KSCVC") Executive Chef; season passes to KSCVC; shuttle launch viewing, depending upon shuttle launch schedule (launch transportation tickets are considered used when winner and guests board the bus to

launch viewing site, regardless of launch outcome); private, escorted behind-the-scenes tour of KSCVC; four complimentary photos from the Kodak Shooting Stars Booth; four autographed books from Apollo Astronaut Gene Cernan; \$1,000 (total) shopping spree in the World's Largest Space Shop; and \$100 (total) Gift Certificate to Ron Jon Surf Shop. A Kennedy Space Center Vacation Prize Package does not include travel expenses to or from the vacation prize package destination, meals, other than the private dinner described above, incidentals, tips, telephone calls, or other personal expenses incurred during the vacation.

2. Winners will be responsible for making vacation prize package reservations directly with KSCVC a minimum of thirty days prior to travel, but no later than December 31, 2002, and travel must be completed no later than March 31, 2003. Reservation booking is subject to availability. Some restrictions may apply. Contact the Kennedy Space Center Visitor Complex at (321)449-4261 for details on all restrictions. If a winner is unable to use a Kennedy Space Center Vacation Prize Package during the time frame detailed above, the winner will forfeit the vacation prize package; however, the value of the vacation prize package will remain taxable income to the winner. A Kennedy Space Center Vacation Prize Package may be transferred to another person only in its entirety; however, the value of the vacation prize package will remain taxable income to the winner. All cancellations must be made at least seven days prior to arrival date. A winner may reschedule the reservations to use the vacation prize package only one time, except as follows. If the winner needs to reschedule the vacation prize package reservations in order to accommodate a launch schedule, the winner may do so as many times as necessary. Winners must be 18 years of age or older unless accompanied by a parent or legal guardian who is at least 21 years of age. Kennedy Space Center Vacation Prize Packages are not redeemable for cash.

(e) Emerald Coast Vacation Prize Package.

1. An Emerald Coast Vacation Prize Package for four people shall consist of seven-day/six-night gulf view condominium accommodations (room and sales and local taxes only) provided by Abbott Resorts and located in Destin, Fort Walton Beach, or Okaloosa Island, depending on space availability at the time of prize fulfillment; \$200 per person airfare allowance; car rental for one week, not to exceed \$250; seven \$20 gift certificates and seven \$30 gift certificates for local restaurants; one round of golf, including a golf cart, for four persons at the Regatta Bay Country Club in Destin; Dolphin Encounter for four persons at The Gulfarium on Okaloosa Island; one day-sailing ticket and one evening-sailing ticket per person; one deep-sea fishing trip; and jet-skiing and para-sailing. An Emerald Coast Vacation Prize Package does not include travel expenses and meals, other than those detailed above, incidentals, tips, telephone calls, or other personal expenses incurred during the vacation.

2. Winners will be responsible for making vacation prize package reservations directly with The Zimmerman Agency, Inc., a minimum of thirty days prior to travel, but no later than December 31, 2002, and travel must be completed no later than March 31, 2003. Condominium accommodations are subject to availability. Availability is limited during the following 2002 peak travel periods: March 24-April 5, May 19-June 1, June 30-July 6, and August 31-September 7. Some restrictions apply. Contact The Zimmerman Agency, Inc., at (850)668-2222, extension 303, for details on all restrictions. If a winner is unable to use the Emerald Coast Vacation Prize Package during the time frame detailed above, the winner will forfeit the vacation package; however, the value of the vacation package will remain taxable income to the winner. Winners must be 18 years of age or older unless accompanied by a parent or legal guardian who is at least 21 years of age. Emerald Coast Vacation Prize Packages are not redeemable for cash and cannot be transferred. All cancellations must be made at least 72 hours prior to arrival date. The winner will be responsible for any additional charges resulting from the cancellation.

(14) General Details and Restrictions Applicable to All Vacation Prize Packages.

(a) The Florida Lottery will pay federal income tax withholding for the value of the vacation prize package. Any additional federal, state, and/or local taxes or other fees are the responsibility of the winner.

(b) A winner's right to a vacation prize package is not assignable.

(c) Persons prohibited by Section 24.116, Florida Statutes, from purchasing a Florida Lottery ticket are not eligible to win.

(d) Cash will not be awarded in lieu of vacation prize packages, except as provided in paragraph (14)(e) below.

(e) The Florida Lottery reserves the right, if necessary, due to unforeseen circumstances beyond the control of the Lottery, to award a cash prize in lieu of a vacation prize package or an element of a vacation prize package. In the event cash prizes are awarded, the cash prize amount shall be as follows:

1. If a cash prize is awarded in lieu of the entire vacation prize package, the cash prize will be equivalent to the fair market value of the vacation prize package elements plus applicable federal withholding tax as further described in subparagraphs (14)(e) 3., 4., 5., 6., and 7., below. Applicable federal withholding tax shall be deducted from the cash prize at the time it is awarded and the winner will be compared to the State Owed Debt system. If the winner is identified as owing an outstanding debt to a state agency or child support collected through a court or spousal support or alimony as provided in subsection 24.115(4), Florida Statutes, an amount sufficient to cover the debt, up to the total fair market value of the vacation prize package elements, excluding federal withholding tax, will be transferred to the state agency owed the debt. Any monies remaining after federal tax withholding and after collection of the debt will be paid to the claimant.

2. If, after a vacation prize package is awarded to a winner, one or more of the elements described in subparagraphs (14)(e)3., 4., 5., 6., and 7., become unavailable to the winner through no fault of his or her own, the Lottery will award a cash prize in an amount equivalent to the fair market value of the unavailable element or elements of the vacation prize package.

3. The approximate fair market value of each element in a Carnival Cruise Lines Vacation Prize Package is as follows:

a. Carnival Cruise package – \$2,250.

b. Applicable federal withholding tax – the amount of federal withholding taxes paid by the Lottery on element a., above.

4. The approximate fair market value of each element in a Miami Seaquarium Dolphin Adventure Vacation Prize Package is as follows:

a. Hotel accommodations – \$1,150.

b. Two days admission to Seaquarium – \$195.

c. "Swim with the dolphins" session – \$560.

d. Set of three digital photos for each person during the "Swim with the dolphins" session – \$132.

e. Behind-the-scenes tour of Miami Seaquarium's animal attractions – \$500.

f. Lunch at Miami Seaquarium each day of the two-day vacation – \$120.

g. Four \$25 Gift Certificates to Seaquarium Gift Shop – \$100.

h. Breakfast for two days at the hotel – \$160.

i. Applicable federal withholding tax – the amount of federal withholding taxes paid by the Lottery on the total value of elements a. through h., above.

5. The approximate fair market value of each element in a Universal Orlando/SeaWorld Orlando Vacation Prize Package is as follows:

a. Hotel accommodations – \$681.

b. Non-exclusive VIP Tour of, and admission to, Islands of Adventure – \$520.

c. Non-exclusive VIP Tour of, and admission to, Universal Studios – \$520.

d. Four CityWalk party passes and a movie – \$47.80.

e. Three Universal Orlando parking passes – \$18.

f. \$100 Universal Orlando Scrip – \$100.

g. Universal Orlando merchandise packages for four persons – \$135.

h. SeaWorld Adventure Park Florida admission passes – \$203.32.

i. VIP behind-the-scenes tour – \$220.

j. One SeaWorld parking pass – \$7.

k. \$50.00 Shamu Fun Money – \$50.

l. Applicable federal withholding tax – the amount of federal withholding taxes paid by the Lottery on the total value of elements a. through k., above.

6. The approximate fair market value of each element in a Kennedy Space Center Vacation Prize Package is as follows:

- a. Hotel accommodations – \$750.
- b. Private dinner with an astronaut – \$2,700.
- c. Season passes to KSCVC – \$176.
- d. Shuttle launch viewing – \$60.
- e. Private, escorted behind-the-scenes tour of KSCVC – \$200.
- f. Four complimentary photos – \$64.
- g. Four autographed books – \$50.
- h. \$1,000 shopping spree – \$1,000.
- i. \$100 gift certificate – \$100.
- j. Applicable federal withholding tax – the amount of federal withholding taxes paid by the Lottery on the total value of elements a. through i., above.

7. The approximate fair market value of each element in an Emerald Coast Vacation Prize Package is as follows:

- a. Condominium accommodations – \$3,000.
- b. \$200 per person airfare allowance – \$800.
- c. Car rental for one week – \$250.
- d. Seven \$20 gift certificates and seven \$30 gift certificates for local restaurants – \$350.
- e. Round of golf – \$300.
- f. Dolphin Encounter at The Gulfarium – \$1,200.
- g. One day-sailing ticket and one evening-sailing ticket per person – \$400.
- h. Deep sea fishing trip – \$600.
- i. Jet skiing and para-sailing – \$400.
- j. Applicable federal withholding tax – the amount of federal withholding taxes paid by the Lottery on the total value of elements a. through i., above.

(f) All prizes are subject to the provisions of Chapter 24, Florida Statutes, and rules promulgated thereunder. By purchasing a Play FLA USA™ lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(g) Payment of prizes for Play FLA USA™ lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(15) Special Discount Offer. Non-winning Play FLA USA™ tickets may be used for discounts on goods and services at certain hotels, restaurants, businesses and attractions in Florida. A complete listing of the Special Discount Offer participants may be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011, or is available on the Florida Lottery’s website at www.flalottery.com. Discount offers are subject to availability.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History–New 1-18-02.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: January 18, 2002

DEPARTMENT OF THE LOTTERY

RULE TITLE: Play FLA USA™ Retailer Double Commission Promotion
RULE NO.: 53ER02-4

SUMMARY OF THE RULE: The Play FLA USA Retailer Double Commission Promotion will commence on January 22, 2002, and continue through the official end of game date for Instant Game Number 423, Play FLA USA. The Florida Lottery will award all retailers an additional 5% sales commission, in addition to their regular 5% sales commission on books of Play FLA USA lottery tickets they settle.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER02-4 Play FLA USA™ Retailer Double Commission Promotion.

(1) Commencing January 22, 2002, and continuing through the official end of game date for Instant Game Number 423, Play FLA USA, the Florida Lottery will conduct a Play FLA USA Retailer Double Commission Promotion for all retailers. Notwithstanding the provisions set forth in Emergency Rule 53ER01-67, Florida Administrative Code, Retailer Compensation, during the promotion period, a retailer will receive an additional 5% sales commission, in addition to its regular 5% sales commission, for a total sales commission of 10% (“Double Commission”) on the retail value of each book (full or partial) of Instant Game Number 423, Play FLA USA lottery tickets it settles. Free instant tickets issued as a prize shall be included in the retail value of a settled book.

(2) Double Commissions are subject to availability of funds appropriated for retailer incentives.

Specific Authority 24.105(9)(i), 24.109(1) FS. Law Implemented 24.105(9)(i), 24.112(1) FS. History–New 1-18-02.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: January 18, 2002

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE TITLE: Continuing Education Requirement
RULE NO.: 64B1ER02-1 (64B1-7.0015)

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC, HEALTH, SAFETY OR WELFARE: The Board of Acupuncture (Board) has authority to prescribe by rule continuing education requirements, not to exceed 30 hours biennially, as a condition for renewal of a license. The Board's current rule requirements for continuing education does not address the renewal requirements for licensees who obtained an initial license in the current biennium. Said licensees are unable to obtain the continuing education required for the biennium and could not renew their license and would have to cease practicing thus depriving their patients of health care. This situation would result in harm to the public, which can be avoided by the emergency rule.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The Board is in the process of adopting a rule that addresses the continuing education requirements for initial licensees but cannot file the rule for adoption in time to eliminate the current renewal situation. The Board's Notice of Rule Development has been published in the Florida Administrative Weekly.

SUMMARY OF THE RULE: The Board has determined that it is necessary to file this emergency rule to allow initial licensee to renew their license this renewal period without meeting the continuing education requirements for licensees who were licensed in the previous biennium so that the initial licensees may continue to provide health care services to their patients.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Karen Eaton, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE EMERGENCY RULE IS:

64B1ER02-1 (64B1-7.0015) Continuing Education Requirement.

(1) through (3) No change.

(4) Notwithstanding the provisions of Rule 64B1-7.0015, Florida Administrative Code, the continuing education requirements shall not apply to a licensee within the biennium in which the license was initially awarded, but shall apply to such licensee in each biennium thereafter.

Specific Authority 456.033, 456.036, 457.104, 457.107, 457.108 FS. Law Implemented 456.033, 456.036, 457.107, 457.108 FS. History—New 5-24-87, Formerly 21AA-7.001, 61F1-7.001, Amended 10-25-95, 1-16-97, Formerly 59M-7.001, Amended 10-15-97, 4-25-00, 1-18-02.

THIS RULE SHALL TAKE EFFECT IMMEDIATELY UPON FILING WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: January 18, 2002

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2002-03 DAO-ROW), dated January 10, 2002 to the Florida Department of Transportation. The petition for waiver was received by the SFWMD on October 12, 2001. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 27, No. 45 on November 9, 2001. No public comment was received. This Order provides a waiver for the proposed construction of the I-75/Golden Gate Parkway Interchange with Ramps "B-1", "B-2" and "C" crossing the I-75 Canal, Sections 29 and 30, Township 49 South, Range 26 East, Collier County. Specifically, the Order grants a waiver from paragraph 40E-6.221(2)(j), F.A.C., and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), F.A.C., which governs the minimum horizontal clearance and vertical of pile-supported crossings within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) these facilities do not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule is necessary to prevent Florida Department of Transportation from suffering a substantial hardship.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, telephone number (561)682-6299, or by e-mail jsluth@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2002-04 DAO-ROW), dated January 10, 2002 to Les Ditchek. The petition for waiver was received by the SFWMD on October 29, 2001. Notice of receipt of the Petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 27, No. 46 on November 16, 2001. No public comment was received. This Order provides a waiver for the proposed installation of a fence enclosure encroaching 20 feet onto the north right of way of C-14 at the rear of 6972 N.W. 1st Street, Section 35, Township 48 South, Range 41 East, Broward County. Specifically, the Order grants a waiver from subsections 40E-6.011(4),(5) and (6), F.A.C.

and paragraph 40E-6.221(2)(j), F.A.C., and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), F.A.C., which governs the placement of permanent and/or semi-permanent above-ground encroachments within 40 feet of the top of canal bank within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) these facilities do not interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule is necessary to prevent Les Ditchek from suffering a violation of the "principles of fairness".

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, Telephone (561)682-6299 or e-mail jsluth@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2002-05 DAO-ROW), dated January 10, 2002 to the City of Lauderhill. The petition for waiver was received by the SFWMD on November 6, 2001. Notice of receipt of the Petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 27, No. 47 on November 21, 2001. No public comment was received. This Order provides a waiver for the proposed installation of a decorative fence within the north and south rights of way of C-13, approximately 45' southwesterly of Inverry Boulevard Bridge, Section 22, Township 49 South, Range 41 East, Broward County. Specifically, the Order grants a waiver from paragraph 40E-6.221(2)(j), F.A.C., and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), F.A.C., which governs the placement of above-ground permanent and semi-permanent facilities within the District's designated equipment staging areas at quadrants of bridge and pile-supported crossings within Works or Lands of the District. The Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) these facilities do not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule is necessary to prevent the City of Lauderhill from suffering a substantial hardship.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, Telephone (561)682-6299 or e-mail jsluth@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2002-06 DAO-ROW), dated January 10, 2002, to the Florida Department of Transportation. The petition for waiver was received by the SFWMD on October 30, 2001. Notice of receipt of the Petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 27, No. 47 on November 21, 2001. No public comment was received. This Order provides a waiver for placement of a signalization mast arm pole at the SE bridge quadrant of the State Road 997, Krome Avenue Bridge, crossing C-4, Sections 1 and 6, Township 54 South, Range 38 and 39 East, Miami-Dade County. Specifically, the Order grants a waiver from subsections 40E-6.011(4), (5) and (6), F.A.C., and paragraph 40E-6.221(2)(j), F.A.C., and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), F.A.C., which governs the placement of permanent and semi-permanent above-ground facilities within 40' of the top of the canal bank and within the District's designated 100' long equipment staging areas at all bridge and pile-support crossings within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) these facilities do not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule is necessary to prevent Florida Department of Transportation from suffering a substantial hardship.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, Telephone (561)682-6299 or e-mail jsluth@sfwmd.gov.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Building Code Administrators and Inspectors Board hereby gives notice that it has received a petition filed on January 14, 2002, by Nitin H. Dave, seeking a waiver from paragraph 61G19-6.008(1)(d), F.A.C., with regard to qualifications to sit for the licensure examination. Comments on the petition should be filed with the Building Code Administrators and Inspectors Board, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750, within 14 days of publication of this notice. The Board will consider

the petition at its next meeting to be held on March 7-8, 2002, Signature Grand Hotel, 6900 State Road 84, Davie, Florida 33317.

For a copy of the petition, contact Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, at above address.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DEP received on January 7, 2002, a petition from ATOFINA Petrochemicals, Incorporated for a waiver pursuant to subsection 376.3071(12)(k)5., F.S., of certain record keeping requirements under subsection 376.3071(12)(e), F.S.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEP received on January 7, 2002, a petition from ATOFINA Petrochemicals, Incorporated for a waiver pursuant to subsection 376.3071(12)(k)5., F.S., of certain record keeping requirements under subsection 376.3071(12)(e), F.S.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection has taken action to grant a petition received from Superior Special Services, Inc., Tallahassee, Florida, requesting a variance from the 99 percent reclamation rate for mercury requirement under subsection 62-737.860(4), Florida Administrative Code.

For a copy of the final order write or call: Charles Goddard, Department of Environmental Protection, Waste Management Section, Northwest District, 160 Governmental Center, Pensacola, Florida 32501; telephone (850)595-8360, Extension 1247.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver or Variance filed on behalf of Beth L. Roach, M.D. The Board considered the Petition at meeting held on October 6, 2001, in Miami, Florida. The Board's Order, filed on November 29, 2001, grants the petition for waiver or variance finding that the underlying purpose of the statute, as implemented by Rule 64B8-5.001, F.A.C., has been met and that the Petitioner has demonstrated a substantial hardship.

A copy of the Board's Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver or Variance filed by Saurinkumar P. Shah, M.D. The Board considered the Petition at meeting held on October 6, 2001, in Miami, Florida. The Board's Order, filed on November 29, 2001, grants the petition for waiver or variance finding that the underlying purpose of the statute, as implemented by Rule 64B8-5.001, F.A.C., has been met and that the Petitioner has demonstrated a substantial hardship.

A copy of the Board's Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver or Variance filed by Enrique Tuesta, M.D. The Board considered the Petition at meeting held on October 6, 2001, in Miami, Florida. The Board's Order, filed on November 29, 2001, denies the petition for waiver or variance on the grounds that the petition did not meet statutory and rule requirements.

A copy of the Board's Order may be obtained by contacting the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

The Board of Psychology hereby gives notice that it has received a petition filed on January 10, 2002, by Christine C. Higgins, Psy.D., seeking a waiver from Rules 64B19-12.007 and 64B19-12.0085, F.A.C., with regard to the payment of licensure fees.

Comments on the petition should be filed with Board of Psychology, MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, within 14 days of publication of this notice. The Board will consider the petition at its next meeting currently scheduled to be held on March 22-23, in Miami, Florida.

For a copy of the petition, contact: Kaye Howerton, Executive Director, Board of Psychology, at above address.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN that the Department of Children and Family Services has issued a Final Order partially granting a Petition for Waiver of Chapter 65C-15, Florida Administrative Code. The Petition was received by the Agency Clerk on October 3, 2001, by Ounce of Prevention Fund of Florida, and assigned Case Nos. 01-004W, 01-006W and 01-007W. The Final Order was issued on January 9, 2002.

A copy of the Final Order may be obtained by writing: Office of the Agency Clerk, Department of Children and Family Services, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that on January 17, 2002, Florida Housing Finance Corporation (“Florida Housing”) received a Petition for Variance From or Waiver of subsection 67-44.009(7), Florida Administrative Code, from Three Rivers Housing Foundation (the “Petition”), seeking a variance of the Rule which provides that the maximum construction period shall be for a period of three (3) years.

A copy of the Petition can be obtained from: Sheila A. Freaney, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice.

To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Section VI

Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Friends of the Knott House**, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, February 12, 2002, 4:00 p.m. – 5:00 p.m.

PLACE: The Knott House Museum, 301 East Park Avenue, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the Board of Directors to conduct business and discuss past action taken.

A copy of the agenda may be obtained by writing: Karin B. Stanford, Bureau of Historical Museums, Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250 or calling (850)245-6393.

Should any person wish to appeal any decision made with respect to the above-mentioned meeting, he or she may need to ensure verbatim recording of the proceedings in order to provide a record of judicial review.

Pursuant to Section 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

The **Friends of Historic Properties and Museums**, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 13, 2002, 1:00 p.m. – 3:00 p.m.

PLACE: Room 307, Third Floor, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE DISCUSSED: First general meeting of the Board of Directors to conduct business, including ratification of the Corporate Resolution, Adoption of the Bylaws, and Selection of the Officers.

A copy of the agenda may be obtained by writing: Karin B. Stanford, Bureau of Historical Museums, Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250 or calling (850)245-6393.

Should any person wish to appeal any decision made with respect to the above-mentioned meeting, he or she may need to ensure verbatim recording of the proceedings in order to provide a record of judicial review.

Pursuant to Section 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

DEPARTMENT OF LEGAL AFFAIRS

The Legislative Advocacy Committee of the Florida **Commission on the Status of Women** will hold a telephone conference on:

DATE AND TIME: Friday, February 8, 2002, 11:00 a.m. – 1:00 p.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

The Legislative Advocacy Committee of the Florida **Commission on the Status of Women** will hold a telephone conference on:

DATE AND TIME: Friday, February 15, 2002, 11:00 a.m. – 1:00 p.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

The Legislative Advocacy Committee of the Florida **Commission on the Status of Women** will hold a telephone conference on:

DATE AND TIME: February 22, 2002, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

DEPARTMENT OF BANKING AND FINANCE

The **Florida Financial Management Information Board** (FMIB) announces the following public meeting to which all persons are invited.

DATE AND TIME: February 12, 2002, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, Capitol Building, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of issues relating to the Florida Financial Management Information System.

A copy of the agenda may be obtained by contacting: Martin Young, Department of Banking and Finance, Division of Accounting and Auditing, FFMIS Design and Coordination Staff, Room 434E, Fletcher Building, 101 East Gaines Street, Tallahassee, FL 32399-0350, (850)410-9415, Fax (850)410-9934, e-mail: myoung@mail.dbf.state.fl.us.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces a meeting of the Viticulture Advisory Council.

DATE AND TIME: February 26, 2002, 9:00 a.m.

PLACE: Collins Building, Conference Room, 2051 East Dirac Drive, Innovation Park, Tallahassee, Florida 32310-3760

GENERAL SUBJECT MATTER TO BE CONSIDERED: Welcome Guests; Committee reports; Quarterly report on trust fund collections; Progress report on increased acreage program; Report on Viticulture Trust Fund Collections; Election of Officers.

A copy of the agenda can be obtained by contacting: George Demetree, Room 423, Mayo Building, 407 South Calhoun Street, Tallahassee, FL 32399-0800, (850)488-4131.

If special accommodations are needed to attend this meeting, because of a disability, please contact George Demetree, as soon as possible.

The **Friends of Florida State Forests** announces a meeting to which all interested persons are invited.

DATE AND TIME: February 15, 2002, 8:00 a.m. – 12:00 Noon

PLACE: Florida Center For Wildfire and Forest Resources Management Training, 24059 Childs Road, Brooksville, FL 34601

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the business of the Corporation.

A copy of the agenda can be obtained by contacting: Harriett L. Abrams, FFSF Coordinator, 3125 Conner Blvd., Tallahassee, Florida 32399-1650, (850)414-0869.

If special accommodations are needed to attend this meeting because of a disability, please contact Harriett Abrams as soon as possible.

DEPARTMENT OF EDUCATION

The Florida **Department of Education**, State Advisory Committee for the Education of Exceptional Students announces a public meeting to which all interested persons are invited.

DATES AND TIMES: Thursday, February 7, 2002, 10:30 a.m. – 4:30 p.m.; Friday, February 8, 2002, 8:30 a.m. – 12:30 p.m.; The Executive Committee, Thursday, February 7, 2002, 8:30 a.m. – 10:00 a.m.

PLACE: Radisson Hotel, 415 North Monroe Street, Tallahassee, Florida, (850)224-6000

GENERAL SUBJECT MATTER TO BE CONSIDERED: Exceptional student education update and scheduled meeting of the State Advisory Committee, which is required under the Individuals with Disabilities Education Act (20 U.S.C. Chapter 33, as amended by Pub. L. 105-17) for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the State.

A copy of the agenda may be obtained by writing: State Advisory Committee, Bureau of Instructional Support and Community Services, Florida Department of Education, 614 Turlington Building, Tallahassee, Florida 32399-0400 or by calling the Bureau, (850)488-1570 or Suncom 278-1570.

Any person requiring special accommodations to participate in this meeting is asked to advise the Bureau at least 48 hours in advance by calling the number indicated above.

The **Gulf Coast Community College**, District Board of Trustees will hold its monthly meeting as follows. Contact person for the meeting is Dr. Robert L. McSpadden, President.

DATE AND TIME: February 14, 2002, 10:00 a.m. (CDT)

PLACE: Gardner Seminar Room

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Regular monthly meeting.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Florida Building Commission** announces the following meetings to which all persons are invited. The meeting will be held at:

PLACE: Rosen Plaza Hotel, 9700 International Drive, Orlando, Florida, 1(800)366-9700

MEETING: Roofing subcommittee of Building Structural Technical Advisory Committee with University of Florida Training Program

DATE AND TIME: February 11, 2002, 8:00 a.m.

MEETING: Building Structural Technical Advisory Committee

DATE AND TIME: February 11, 2002, 9:00 a.m.

MEETING: Pool and Spa subcommittee of Plumbing Technical Advisory Committee with University of Florida Training Program

DATE AND TIME: February 11, 2002, 9:00 a.m.

MEETING: Plumbing Technical Advisory Committee

DATE AND TIME: February 11, 2002, 10:00 a.m.

MEETING: University of Florida Building Code Training Program, Quality Management Task Force

DATE AND TIME: February 11, 2002, 10:00 a.m.

MEETING: Education Ad Hoc Committee

DATE AND TIME: February 11, 2002, 11:00 a.m.

MEETING: Accessibility Technical Advisory Committee

DATE AND TIME: February 11, 2002, 2:00 p.m.

MEETING: Product Approval Ad Hoc Committee

DATE AND TIME: February 11, 2002, 3:00 p.m.

MEETING: Accessibility Advisory Council

DATE AND TIME: February 11, 2002, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider the following accessibility waiver applications: Mater Academy East, 450 N. W. 4th Street, Miami, Florida; Palmetto Beach Community Association Child Care Center, 2818 Corinne Street, Tampa, Florida; McFarlain Cassidy Law Firm Renovation, 305 South Gadsden Street, Tallahassee, Florida; Wavecrest Computing, 2006 Vernon Place, Melbourne, Florida; The Learning School 2, 4111 N. W. 22nd Avenue, Miami, Florida; Cape Cement and Supply, Inc., 1011 S. E. 12th Avenue, Cape Coral, Florida; Judy Johnson, 38420 Fifth Avenue, Zephyrhills, Florida.

MEETING: Meeting of the Florida Building Commission

DATE AND TIME: February 12, 2002, 8:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and take necessary actions on the January 2002 Commission meeting minutes, and the February 2002 Commission agenda; facilitated Workshop on the Commission's 2002 Work Plan; Consideration of Accessibility

Waiver Applications (Mater Academy East, 450 N. W. 4th Street, Miami, Florida; Palmetto Beach Community Association Child Care Center, 2818 Corinne Street, Tampa, Florida; McFarlain Cassidy Law Firm Renovation, 305 South Gadsden Street, Tallahassee, Florida; Wavecrest Computing, 2006 Vernon Place, Melbourne, Florida; The Learning School 2, 4111 N. W. 22nd Avenue, Miami, Florida; Cape Cement and Supply, Inc., 1011 S. E. 12th Avenue, Cape Coral, Florida; Judy Johnson, 38420 Fifth Avenue, Zephyrhills, Florida); Product Approval Ad Hoc Committee Report and Recommendations; Review/Approval draft Notice of Proposed Change to Proposed Product Approval Rule; Education Ad Hoc Committee Report and Recommendations; Accessibility Technical Advisory Committee Report and Recommendations; Building/Structural Technical Advisory Committee Report and Recommendations; Plumbing Technical Advisory Committee Report and Recommendations; Legal Staff Reports/Discussions/Recommendations/Approval; Consideration of Petitions for Declaratory Statements (DCA02-DEC-002 – unisex toilet rooms; DCA01-DEC-252 – toilets in guard houses; DCA01-DEC-248 – window retrofits; DCA02-DEC-022 – termite baiting system; DCA02-DEC-024 – restroom venting; and DCA02-DEC-023 – swimming pool perimeter.); Receive public comment; and Review Committee Assignments and Issue for March's Commission Meeting.

A copy of the Committee and Commission meeting agendas may be obtained by sending a request in writing: Betty Stevens, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Fax (850)414-8436 or from the website at www.floridabuilding.org.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at these meetings because of a disability or physical impairment should contact Ms. Kathryn Willis, Department of Community Affairs, (850)487-1824, at least ten days before the meetings. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF LAW ENFORCEMENT

The **Division of Criminal Justice Standards and Training** announces a public meeting for a Probable Cause Determination to which all persons are invited to attend.

DATE AND TIME: Tuesday, March 5, 2002, 1:00 p.m. – Open

PLACE: Florida Department of Law Enforcement Headquarters, 2331 Phillips Road, Tallahassee, Florida 32308
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To determine if probable cause exists to proceed with possible disciplinary action.

A copy of the Probable Cause Case agenda can be obtained by calling: Brenda S. Presnell, (850)410-8648, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Bureau of Standards, Post Office Box 1489, Tallahassee, Florida 32302-1489.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Donna Hunt, (850)410-8615, at least 2 weeks prior to the meeting.

DEPARTMENT OF CITRUS

The **Department of Citrus** announces a public meeting of the Citrus Harvesting Research Advisory Council to which all persons are invited.

DATE AND TIME: Tuesday, February 12, 2002, 10:00 a.m.
 PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will have its monthly meeting to update on scorecard issues, update on abscission registration chemicals, update on harvesting labor and other business that might come before the council for consideration.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson at the above address or by telephone, (863)499-2510.

The **Department of Citrus** announces a public meeting of the Harvesting Sub-committee to which all persons are invited.

DATE AND TIME: Tuesday, February 12, 2002, 1:30 p.m.
 PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The sub-committee will meet for the purposes of planning a harvesting think tank to discuss current and future harvesting programs and other business that might come before the sub-committee for consideration.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson at the above address or by telephone, (863)499-2510.

The **Department of Citrus** announces a public meeting of the Committee for the Florida Growers' Symbol to which all persons are invited.

DATE AND TIME: Tuesday, February 19, 2002, 1:00 p.m.
 PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will address modifying the Department's Symbol Program and other business that might come before the committee for consideration. Department also notices this committee may continue its business February 20, 2002, after the monthly Florida Citrus Commission meeting.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson at the above address or by telephone, (863)499-2510.

The **Department of Citrus** announces a public meeting of the Florida Citrus Commission to which all persons are invited.

DATE AND TIME: February 20, 2002, 9:00 a.m. The Commission will convene for the purposes of standing committee meetings and for the regular monthly meeting of the Florida Citrus Commission.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will address issues pertaining to budget revisions, contracts, advertising programs, budget items, rulemaking, balance scorecards, licensing, modifying the Department's symbol program and other matters that are addressed during monthly meetings of the Commission.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson at the above address or by telephone, (863)499-2510.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 27, 2002, 9:00 a.m.
 PLACE: Florida Parole Commission, Bldg. C, Third Floor, 2601 Blairstone Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made. Chapter 80-150, Laws of Florida (1980).

A copy of the agenda may be obtained by writing: Florida Parole Commission, Building C, 2601 Blairstone Road, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice, (850)488-3417.

PUBLIC SERVICE COMMISSION

NOTICE OF RESCHEDULING – The Florida **Public Service Commission** announces the rescheduling of the starting time for the workshop to be held on February 7, 2002.

DATE AND TIME: February 7, 2002, 8:30 a.m.

PLACE: The Betty Easley Conference Center, Commission Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the workshop is to discuss potential revisions to Rule 25-22.082, Florida Administrative Code, Selection of Generating Capacity.

The Florida **Public Service Commission** announces a staff workshop to which all persons are invited.

UNDOCKETED – REVIEW CRITERIA FOR TEN YEAR SITE PLANS

DATE AND TIME: Thursday, February 14, 2002, 9:30 a.m. – 5:00 p.m.

PLACE: The Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, Florida 32399-0862

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the review procedures and criteria relating to the annual Ten Year Site Plans filed by affected electric utilities.

A copy of the agenda for this workshop is attached. Additional copies may be obtained by writing: Director, Division of the Commission Clerk and Administrative Services, Gerald L. Gunter Building, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

NOTICE OF RESCHEDULING – The Florida **Public Service Commission** announces the rescheduling of a prehearing from February 8, 2002 in Docket No. 010949-EI – Request for rate increase by Gulf Power Company.

DATE AND TIME: February 15, 2002, 9:30 a.m.

PLACE: The Betty Easley Conference Center, Commission Hearing Room 152, 4075 Esplanade Way, Tallahassee, Florida

NOTICE IS HEREBY GIVEN that the Florida **Public Service Commission** will conduct a Workshop in Docket Nos. 960786B-TL and 981834-TP on:

DATE AND TIME: February 18, 2002, 9:30 a.m. (EST)

PLACE: The Betty Easley Conference Center, Room 148, 4075 Esplanade Way Tallahassee, FL 32399.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this workshop is to allow alternative local exchange companies (ALECs) to comment on their commercial experiences regarding BellSouth's operations support systems (OSS) in the local market in BellSouth Telecommunications, Inc.'s territory in Florida. BellSouth will have the opportunity to respond to those comments at the workshop. ALECs intending to present comments regarding their experiences at this workshop shall provide pertinent information regarding the matters to be addressed at the workshop to BellSouth by February 4, 2002. ALECs are encouraged to organize their presentations by OSS function (preordering, ordering, provisioning, maintenance and repairs) and to specifically identify each OSS involved. All participants must file an outline of their presentation, the approximate amount of time for the presentation, and the presenter's name with the Commission's Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, by February 8, 2002.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

For additional information, please contact: Beth Keating, Office of General Counsel, at the above address or telephone (850)413-6212.

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: February 19, 2002, 9:30 a.m.

PLACE: The Betty Easley Conference Center, Commission Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy (\$1.00 per copy, Rule 25-22.002, F.A.C.), by contacting:

Division of the Commission Clerk and Administrative Services, (850)413-6770 or writing Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870. The agenda and recommendations are also accessible on the PSC Homepage, at <http://www.floridapsc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will 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.

Any person requiring some accommodation at this conference because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces its Internal Affairs Meeting for February 19, 2002, to which all interested persons are invited.

DATE AND TIME: February 19, 2002, Immediately following the Commission Conference which commences at 9:30 a.m. in Commission Hearing Room 148.

PLACE: The Betty Easley Conference Center, Conference Room 140, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the meeting. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

****THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.****

The Florida **Public Service Commission** announces a customer service hearings in the following docket, to which all interested persons are invited.

Docket No. 010743-TL – Petition for review of proposed numbering plan relief for the 407/321 area codes by Neustar, Inc., as North American Numbering Plan Administrator (NANPA), on behalf of Florida telecommunications industry.

DATE AND TIME: February, 20, 2002, 12:00 Noon

PLACE: Orlando City Council Chambers, City Hall, 2nd Floor, Orlando, Florida

DATE AND TIME: February, 20, 2002, 6:00 p.m.

PLACE: Brevard County School Board, Board Room, 2700 Judge Fran Jamieson Way, Viera (Melbourne), Florida

This hearing will begin as scheduled and will continue until all witnesses have been heard. If no witnesses are present, the hearing may be adjourned. All persons desiring to present testimony are urged to appear at the beginning of the hearing.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit members of the public to give testimony regarding the petition for review of proposed numbering plan relief for the 407/321 area codes by Neustar, Inc., as North American Numbering Plan Administrator (NANPA), on behalf of Florida telecommunications industry. All witnesses shall be subject to cross-examination at the conclusion of their testimony.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 990649B-TP – Investigation into pricing of unbundled network elements (Sprint/Verizon track).

DATE AND TIME: February 20, 2002, 1:30 p.m.

PLACE: The Betty Easley Conference Center, Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

Any person requiring some accommodation at this prehearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the prehearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces a staff rule development workshop to be held on Rule Nos. 25-6.044, Continuity of Service and 25-6.0455, Annual Distribution Service Reliability Report, F.A.C., Docket No. 011351-EI, at the following time and place.

DATE AND TIME: February 21, 2002, 10:00 a.m.

PLACE: The Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, FL 32399-0862

The Notice of Proposed Rule Development and the preliminary text of the rule was published in the August 24, 2001, Florida Administrative Weekly, Vol. 27, No. 34.

A copy of the agenda and the revised rule text may be obtained after February 1, 2002, from: Jim Bremen, Division of Economic Regulation, Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6664.

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the workshop. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771.

REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces the following meeting to which all persons are invited.

MEETING: North Central Florida Local Emergency Planning Committee

DATE AND TIME: February 15, 2002, 10:00 a.m.

PLACE: GoldKist Poultry, 19740 U.S. 90 West, near the Suwannee River, Live Oak, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the North Central Florida Local Emergency Planning Committee.

Any persons deciding to appeal any decision of the Committee with respect to any matter considered at the meeting may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by contacting: Charles F. Justice, Executive Director, North Central Florida Regional Planning Council, Suite A, 2009 N. W. 67th Place, Gainesville, FL 32653.

Persons with disabilities who need assistance may contact us, (352)955-2200, at least two business days in advance to make appropriate arrangements.

The **Withlacoochee Regional Planning Council** announces a public meeting of its Board of Directors to which all persons are invited.

DATE AND TIME: Thursday, February 21, 2002, 7:00 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 Southwest 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Council.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Planning Council, 1241 Southwest 10th Street, Ocala, FL 34474-2798.

Affected persons are advised that it may be necessary for them to ensure that a verbatim record of the meeting is made, including the testimony and evidence upon which the appeal is to be based.

The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: February 15, 2002, 9:30 a.m.

PLACE: The Ramada Inn, 1200 South Federal Highway, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the monthly meeting of the Council.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, Suite 300, 301 E. Ocean Boulevard, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (561)221-4060, at least 48 hours before the meeting.

The **Treasure Coast Regional Planning Council** announces a meeting of the Council's Comprehensive Economic Development Strategy Committee to which all persons are invited:

DATE AND TIME: March 14, 2002, 2:00 p.m. – 4:00 p.m.

PLACE: Treasure Coast Regional Planning Council, Suite 300, 301 E. Ocean Boulevard, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Treasure Coast Regional Planning Council Comprehensive Economic Development Strategy Committee.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, Suite 300, 301 E. Ocean Boulevard, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will

need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (561)221-4060, at least 48 hours before the meeting.

The **Treasure Coast Regional Planning Council** announces a meeting of Council's Local Emergency Planning Committee to which all persons are invited:

DATE AND TIME: March 28, 2002, 10:00 a.m.

PLACE: Treasure Coast Regional Planning Council, Suite 300, 301 E. Ocean Boulevard, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Treasure Coast Regional Planning Council Local Emergency Planning Committee.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, Suite 300, 301 E. Ocean Boulevard, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (561)221-4060, at least 48 hours before the meeting.

REGIONAL TRANSPORTATION AUTHORITIES

The **Hillsborough Area Regional Transit Authority** (HART) announces the following public meetings of the Governing Board of the Authority to which all persons are invited:

PUBLIC HEARING

DATE AND TIME: February 4, 2002, 8:30 a.m.

PLACE: County Center, Planning Commission Board Room, 18th Floor, 601 East Kennedy Boulevard, Tampa, FL 33602

PURPOSE: Regularly Scheduled Board Meeting.

AGENDA/GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Call to order
2. Approval of Minutes
3. Introductions, Recognition and Awards
4. Consumer Advisory Committee Report
5. Public Comment on Action Items
6. Consent Action Items
7. Other Action Items

8. Chairman's Report
9. Reports from HART Representatives
10. HART Committee Reports
11. Other Board Member's Report
12. Executive Director's Report
13. Employee Comment
14. General Public Comment
15. Discussion and Presentations
16. Monthly Information Reports
17. Other Information Items
18. Other Business

A copy of the detailed agenda may be obtained by contacting: Mary Staples, Administrative Assistant II, Hillsborough Area Regional Transit Authority, Suite 900, 201 E. Kennedy Boulevard, Tampa, FL 33602, (813)223-6831, Ext.2111.

Section 286.0105, Florida Statutes, states that if a person decided to appeal any decision made by a board, agency or commission with respect to any matter considered at a meeting or hearing, he will need a record of the proceedings, and that for such purpose, 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 to be based.

In accordance with the Americans with Disabilities Act of 1990, persons needing a special accommodation at this meeting because of a disability or physical impairment should contact Alvin Orgeron, (813)623-5835, at least 48 hours before the meeting. If the caller is hearing impaired, contact the Authority, (813)626-9158 (TTD).

METROPOLITAN PLANNING ORGANIZATIONS

The **Metropolitan Planning Organization for the Orlando Urban Area** announces the following public meetings of its Governing Board and Executive Committee to which all persons are invited:

DATE AND TIME: Wednesday, February 13, 2002, 9:00 a.m. and 11:00 a.m., respectively

PLACE: Metroplan Orlando, Suite 355, 315 East Robinson Street, Orlando, FL 32801

PURPOSE: Regularly Scheduled Meetings.

AGENDA/GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Call to Order
2. Chairman's Announcements
3. Executive Director's Announcements
4. Consent Items
5. Action Items
6. Other Business
7. Executive Director's Report
8. Board Workshop

A detailed copy of the agenda may also be obtained by contacting: Ms Lewis-Whittington, (407)481-5672, Ext. 314 or by written request to Metroplan Orlando, Suite 355, 315 East Robinson Street, Orlando, FL 32801.

Section 286.0105, Florida Statutes, states that if a person decides to appeal any decision made by a board, agency or commission with respect to any matter considered at a meeting or hearing, he will need a record of the proceedings, and that, for such purpose, 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 to be based.

In accordance with the Americans with Disabilities Act of 1990, persons needing a special accommodation at this meeting because of a disability or physical impairment should contact Metroplan Orlando, (407)481-5672, at least 48 hours before the meeting.

WATER MANAGEMENT DISTRICTS

The **Suwannee River Water Management District** announces the following public meeting to which all interested persons are invited.

DATE AND TIME: February 5, 2002, 9:30 a.m.

PLACE: Chiefland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board tour of anticipated Manatee Springs Conservation Easement Property.

Information regarding this tour may be obtained by writing: SRWMD, 9225 CR 49, Live Oak, FL 32060.

The Suwannee River Water Management District does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the District's functions, including one's access to, participation, employment or treatment in its programs or activities. Anyone requiring reasonable accommodations as provided for in the Americans with Disabilities Act should contact Gwendolyn Lord, Administrative Assistant, (386)362-1001 or 1(800)226-1066 (Florida only), Fax (386)362-1056.

The **Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.

DATE AND TIME: February 12, 2002, 9:00 a.m.

PLACE: Fiddler's Restaurant, 1306 Southeast Riverside Drive, Steinhatchee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting – to consider District business and conduct public hearings on regulatory and land acquisition matters.

DATE AND TIME: February 12, 2002, following Board Meeting

PLACE: Steinhatchee Falls, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Fieldtrip.

A copy of the agenda(s) may be obtained by writing: SRWMD, 9225 CR 49, Live Oak, Florida 32060.

If any person decides to appeal any decision with respect to any matter considered at the above cited meeting, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance in order to participate in this meeting may contact Lisa Cheshire, (386)362-1001 or 1(800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

NOTICE OF CHANGE – The **Suwannee River Water Management District** announces a change in date and place for the public hearing scheduled for January 8, 2002, 9:00 a.m.
DATE AND TIME: February 12, 2002, 9:00 a.m.

PLACE: Steinhatchee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public hearing in accordance with Section 373.59, F.S., concerning the proposed acquisition of the Plum Creek/Manatee Springs Addition, 17,600 acres +/-, Levy County, Florida with funds from the Florida Forever Trust Fund.

A copy of the agenda(s) may be obtained by writing: SRWMD, 9225 CR 49, Live Oak, Florida 32060.

If any person decides to appeal any decision with respect to any matter considered at the above cited meeting, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

The Suwannee River Water Management District does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the District's functions including one's access to, participation, employment or treatment in its programs or activities. Anyone requiring reasonable accommodation as provided for in the Americans With Disabilities Act should contact Lisa M. Cheshire, Administrative Assistant, (386)362-1001 or 1(800)226-1066 (Florida only), Fax (386)362-1056.

The **St. Johns River Water Management District** announces the following Projects and Land Committee meeting and tour:

DATE AND TIME: Friday, February 8, 2002, 10:00 a.m.

PLACE: Daytona Beach Community College, Room 402L, Building 100, 1200 W. International Speedway Boulevard, Daytona Beach, Florida 32114

GENERAL SUBJECT MATTER TO BE CONSIDERED: Projects and Land Committee meeting. Land tour immediately following business meeting and lunch.

A copy of the agenda can be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, FL 32178-1429 or by calling Sonia Kuecker, BRSIV/Water Resources, (904)312-2330.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Mrs. Linda Lorenzen, (904)329-4262. If you are hearing or speech impaired, please contact the agency by calling (904)329-4450 (TDD).

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Thursday, February 7, 2002, 8:30 a.m.

PLACE: Miccosukee Gaming and Resort, 500 S. W. 177th Avenue, Miami, Florida 33194

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Water Resources Advisory Commission Meeting.

A copy of the agenda may be obtained at the District Website seven (7) prior to the meeting at <http://www.sfwmd.gov/gover/wrac/agendas.html> or by writing: South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance of the meeting to make appropriate arrangements.

Those who desire more information, please contact Julio Fanjul, (561)682-2769 or Paula Moree, (561)682-6447, Governing Board Operations Division, District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33406.

The **South Florida Water Management District** announces a public meeting which may be conducted by means of or in conjunction with communications technology, to which all interested parties are invited:

DATE AND TIME: February 13, 2002, 9:00 a.m.

PLACE: District Headquarters, Auditorium, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:

- A. Regular Governing Board Workshop/Meeting to discuss and consider District business including regulatory and non-regulatory matters.
- B. Conduct meeting of the Human Resources Committee.

All of part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members. In the event of emergency conditions due to an imminent tropical storm or hurricane, this meeting may be conducted by teleconference in order to take action on items listed on the Thursday, February 14, 2002, meeting agenda, including regulatory and non-regulatory items.

NOTE: Due to extensive demolition and construction at the main complex for the next 12 months, parking will be severely impacted. Additional parking for the public will be available at the National Guard Armory just east of the main complex, or at Lake Lytel Park, located west of the main complex.

DATE AND TIME: February 13, 2002, time to be determined

PLACE: To be determined

GENERAL SUBJECT MATTER TO BE CONSIDERED: Possible off-site dinner with Governing Board members after workshop/meeting. No discussion of Governing Board's business or activities shall occur between or among board members at this dinner site.

DATE AND TIME: February 14, 2002, 8:30 a.m.

PLACE: District Headquarters, Auditorium, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board meeting for consideration of regulatory and non-regulatory matters, including public meetings.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680 or may be acquired via the SFWMD, Website at <http://www.sfwmd.gov/agenda.html>.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Paula Moree, District Deputy Clerk, (561)682-6447, at least two business days in advance to make appropriate arrangements.

Those who desire more information may contact Paula Moree, District Deputy Clerk, 3301 Gun Club Road, West Palm Beach, Florida 33416-4680.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: February 8, 2002, 9:30 a.m.

PLACE: Miccosukee Gaming and Resort, 500 S. W. 177th Avenue, Miami, FL 33194

DATES AND TIME: February 10, 11, 2002, 9:30 a.m.

PLACE: SFWMD, Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission Sub-Committee Meeting on Programmatic Regulations.

A copy of the agenda may be obtained at the (1) District Website <http://www.sfwmd.gov/agenda.html> or (2) by writing: South Florida Water Management District, Mail Stop 2130, Post Office Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Paula Moree, (561)682-6447 or Julio Fanjul, (561)682-2769, District Headquarters, Mail Stop Code 6115, 3301 Gun Club Road, West Palm Beach, FL 33406.

SFWMD Form No. 1075

The **South Florida Water Management District** announces a public meeting which may be conducted by means of or in conjunction with communications media technology, specifically by telephonic conference to which all interested parties are invited:

DATE AND TIME: February 20, 2002, 10:00 a.m. – 12:00 Noon

PLACE: South Florida Water Management District, Headquarters, Room 3B, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Budget and Finance Advisory Commission meeting to discuss SFWMD Budget and finance-related matters.

A copy of the agenda may be obtained by writing: South Florida Water Management District, Mail Stop 6260, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who desire more information or wishing to submit written or physical evidence may contact Marcie Daniel, District Headquarters, Budget Department, 3301 Gun Club Road, West Palm Beach, Florida 33406, (561)682-6469.

The **South Florida Water Management District** and the U.S. ARMY CORPS OF ENGINEERS announces a public meeting to which all interested persons are invited:

DATE AND TIME: February 20, 2002, 1:30 p.m. – 4:30 p.m.

PLACE: Main Auditorium, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is to discuss the revised Master Program Implementation Schedule for the Comprehensive Everglades Restoration Plan (CERP).

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, MS 3220, West Palm Beach, Florida 33416-4680 or at the CERP Website <http://www.evergladesplan.org/pm/mpis.shtml>.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

For more information, contact Juan H. Diaz-Carreras, SFWMD, Staff Planner, (561)682-6781 or Mike Ornella, USACE, Senior Project Manager, (904)232-1600.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: February 21, 2002, 8:30 a.m.

PLACE: KOA Campground of Lake Okeechobee Resort, 4276 S. Hwy. 441, Okeechobee, FL 34974

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission Lake Okeechobee Workshop.

A copy of the agenda may be obtained at the District Website seven (7) prior to the meeting at <http://www.sfwmd.gov/gover/wrac/agendas.html> or by writing: South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Paula Moree, Deputy District Clerk, (561)682-6447, at least two business days in advance of the meeting to make appropriate arrangements.

Those who desire more information, please contact Julio Fanjul, (561)682-2769 or Paula Moree, (561)682-6447, Governing Board Operations Division, District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33406.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: February 22, 2002, 9:00 a.m. – 4:00 p.m.

PLACE: Crowne Plaza Hotel, 1601 Belvedere Road, Salon 3, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Budget/Planning Retreat.

A copy of the agenda may be obtained at the (1) District Website <http://www.sfwmd.gov/agenda.html> or (2) by writing: South Florida Water Management District, Mail Stop 2130, Post Office Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Stanford Ford, (561)682-2798, District Headquarters, 3301 Gun Club Road, Mail Stop Code 6115, West Palm Beach, FL 33406.

REGIONAL UTILITY AUTHORITIES

NOTICE OF RESCHEDULING – The **Withlacoochee Regional Water Supply Authority** announces that because of a meeting conflict the Authority has rescheduled its regular February 2002 meeting from February 20, 2002 to February 27, 2002. This is a public meeting to which all persons are invited:

DATE AND TIME: Wednesday, February 27, 2002, 4:30 p.m.

PLACE: Ocala City Hall, City Council Chambers, 2nd Floor, 151 Southeast Osceola Avenue, Ocala, FL 34471

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct regular business of the Authority.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Water Supply Authority, P. O. Drawer 190, Tallahassee, FL 32302.

Although these board meetings are normally recorded, affected persons are advised that it may be necessary for them to make their own arrangements if a verbatim record of the meeting is needed, including testimony and evidence upon which any appeal is to be based.

SPACEPORT FLORIDA AUTHORITY

The **Florida Space Research Institute, Inc.** (FSRI) Board of Directors announces the following meeting and invites all interested parties to attend.

DATE AND TIME: February 19, 2002, 9:00 a.m. – 4:00 p.m.

PLACE: Florida Solar Energy Center, 1679 Clearlake Road, Cocoa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting will be to discuss the status of FSRI programs.

Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact the Florida Space Research Institute, Inc. at least seven days prior to the meeting.

Please note that if any person decides to appeal any decision made by the Board of Directors with respect to any matter considered at the above cited meeting or hearing, they will need a record of the proceedings, and for such purpose, they may need to secure a verbatim record of the proceedings, which record includes the testimony and evidence upon which the appeal is to be based.

For agendas or additional information on this meeting, contact: Melissa Glover, (321)452-2653, Ext. 201.

The **Florida Commercial Space Financing Corporation** (FCSFC) announces a Board of Directors meeting and teleconference to which the public is invited.

DATE AND TIME: February 11, 2002, 10:00 a.m. – 12:00 Noon

PLACE: Department of Transportation, Executive Conference Room, 605 Suwannee Street, Tallahassee, Florida 32399. The number to call for dial-in participation is 1(800)939-8909, participant code #665956.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors will meet to review general board business, ratification of agreements, financings, guarantees, budgets, procedures, and to consider other proposed matters related to the business of the Corporation.

For more information, contact Ms. Judy Blanchard, (321)267-2877.

To obtain a copy of the agenda write: The Florida Commercial Space Financing Corporation, Florida/NASA Business Incubation Center, Suite 129, 1311 N. Highway U.S. 1, Titusville, FL 32796.

Any person requiring special accommodations at this meeting because of disability or physical impairment should contact the Florida Commercial Space Financing Corporation.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceeding, which record includes the testimony and evidence upon which the appeal is to be based.

DEPARTMENT OF ELDER AFFAIRS

The **Department of Elder Affairs** announces a public meeting to which all persons are invited:

ADVISORY COUNCIL

DATE AND TIME: March 6, 2002, 10:00 a.m. – 2:00 p.m.

PLACE: Holiday Inn Capital View East, 1355 Apalachee Parkway, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the business of the DOEA Advisory Council.

A copy of the agenda may be attained by contacting: Liz Jameson, (850)414-2152, after February 15, 2002.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a public meeting of the task force for the regular Disproportionate Share Program to which all persons are invited.

DATE AND TIME: February 8, 2002, 9:00 a.m.

PLACE: Conference Call: (850)921-2470 or Suncom 291-2470

PURPOSE: In accordance with Senate Bill 2000, General Appropriations Act for FY 2001-02, Specific Appropriation 232, The Medicaid Disproportionate Share Task Force created in Specific Appropriation 196 of the FY 2000-01 General Appropriations Act, has been authorized to continue to convene in FY 2001-02 for the purpose of monitoring the implementation of enhanced Medicaid funding through the Special Medicaid Payment program. The task force will review the federal status of the upper payment limit funding option and recommend how this option may be further used to promote local primary care networks to uninsured citizens in the state, to increase the accessibility of trauma centers to Floridians and to ensure the financial viability of the state's graduate medical education programs and other health care policies determined by the task force to be state health care priorities.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda has not been set.

Contact Edwin Stephens, (850)413-8067 or Suncom 294-8067, with any questions or to obtain an agenda when it is set.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Notice is hereby given by the **Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes**, of a workshop to be conducted to discuss any registration or compliance issues related to timeshare plans pursuant to Chapter 721, Florida Statutes, and related rules. Case-specific issues pending before the Division will not be discussed.

DATE AND TIME: June 19, 2002, 1:00 p.m. – 3:00 p.m.

PLACE: Conference Rooms A and B, Zora Neale Hurston Building, South Tower, 400 W. Robinson Street, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The workshops will address filing and compliance issues raised by the public. The Division may raise procedural issues and will attempt to answer questions posed. Participants are encouraged to write, fax, call or email Dan Hogan or Laura Glenn with advance notice of any topics of interest. Topics suggested in surveys from previous workshops will be addressed; however, advance notice of topics is not required.

AGENCY CONTACT PERSONS: Laura Glenn, Chief, Bureau of Standards and Registration, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1033, (850)487-9832, Fax: (850)921-5448, email: laura.glenn@dbpr.state.fl.us. Dan Hogan, Investigation Supervisor, Division of Florida Land Sales, Condominiums and Mobile Homes, Suite N-509, 400 W. Robinson Street, Orlando, Florida 32801, (407)317-7226, Fax: (407)317-7230, e-mail: dan.hogan@dbpr.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the workshop by contacting Sharon A. Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

The **Construction Industry Licensing Board** will hold the following meetings to which all interested parties are invited.

DATES AND TIMES: Wednesday, February 13, 2002, 3:00 p.m.; Thursday, February 14, 2002, 8:00 a.m.; Friday, February 15, 2002, 8:00 a.m.

PLACE: Conference Rooms, South Tower, Hurston Building, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee, Disciplinary Actions and General Session meetings of the Board.

Any person who decides to appeal any decision made by the board with respect to any matter considered at these meetings 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 to be based.

Additional information and a final agenda may be obtained by writing: Construction Industry Licensing Board, 1940 North Monroe Avenue, Tallahassee, Florida 32399-0754.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Stacey Merchant, (850)921-6983, at least seven calendar days prior to the meeting. Hearing or speech impaired please use Florida Relay 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Board of Accountancy**, Committee on Continuing Professional Education announces the following public meeting to which all persons are invited:

DATE AND TIME: Tuesday, February 26, 2002, 9:00 a.m.

PLACE: Via Conference Call

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review reporting forms and requests for course approval.

If you wish to participate in this meeting or receive a copy of the agenda, please contact: Kim Thompson, Board of Accountancy, Suite A, 240 Northwest 76th Drive, Gainesville, FL 32607, (352)333-2500, as soon as possible.

The **Board of Accountancy** announces the following public meeting to which all person are invited:

INDEPENDENCE TASK FORCE

DATE AND TIME: Friday, February 22, 2002, 9:00 a.m.

PLACE: Hilton Airport, 2225 Lois Avenue, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Independence Task Force meeting to discuss possible changes to Section 61H-21.001, F.A.C., Independence. This is a public meeting.

A copy of the Board agenda may be obtained by writing: Martha P. Willis, Division Director, Division of Certified Public Accounting, Suite A, 240 N. W. 76th Drive, Gainesville, Florida 32607.

If a person decides to appeal any decision made by the Board with respect to any matter considered at these meetings, 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.

Pursuant to the provisions of the Americans with Disabilities Act any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the

workshop/hearing/meeting by contacting Martha Willis, (352)333-2500. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8711.

The **Board of Accountancy** announces the following public meeting to which all person are invited:

DATE AND TIME: Friday, March 8, 2002, 10:00 a.m. (Eastern Time)

PLACE: Via Conference Call

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss CPA Examination applications, applications for Licensure, Firm applications, information relating to Continuing Education and disciplinary action.

A copy of the Board agenda may be obtained by writing: Martha P. Willis, Division Director, Division of Certified Public Accounting, Suite A, 240 N. W. 76th Drive, Gainesville, Florida 32607.

If a person decides to appeal any decision made by the Board with respect to any matter considered at these meetings, 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.

Pursuant to the provisions of the Americans with Disabilities Act any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting Martha Willis, (352)333-2500. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8711.

The **Board of Accountancy** announces the following public meetings to which all person are invited:

DATES AND TIMES: Thursday, April 18, 2002, 8:30 a.m., Probable Cause; Friday, April 19, 2002, 9:00 a.m., Meeting of the Board

PLACE: Marriott, 1001 North Westshore Blvd., Tampa Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The probable cause panel will meet to conduct hearings on disciplinary matters. These meetings are closed to the public, however, there may be cases where probable cause was previously found which are to be reconsidered. The Board will meet to consider enforcement proceedings including consideration of investigating officer's reports and other general business. This is a public meeting.

A copy of any probable cause materials which are open to the public and a copy of the Board agenda may be obtained by writing: Martha P. Willis, Division Director, Division of Certified Public Accounting, Suite A, 240 N. W. 76th Drive, Gainesville, Florida 32607.

NOTE: Portions of the Probable Cause Panel meeting may be closed to the public. If a person decides to appeal any decision made by the Board with respect to any matter considered at these meetings, he may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Pursuant to the provisions of the Americans with Disabilities Act any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting Martha Willis, (352)333-2500. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8711.

The Probable Cause Panel of the **Florida Real Estate Commission** announces a meeting to which all interested persons are invited.

DATE AND TIME: February 19, 2002, 1:30 p.m. or the soonest thereafter

PLACE: Suite 301, North Tower, 400 West Robinson Street, Orlando, Florida

Portions of the probable cause proceedings are not open to the public.

Any person who desires a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)245-0800 (between the hours of 9:00 a.m. – 4:00 p.m.), at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Division using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Real Estate Commission** (FREC) announces a meeting to which all persons are invited.

DATE AND TIME: February 20, 2002, 8:30 a.m.

PLACE: Division of Real Estate, Commission Meeting Room 301, North Tower, 400 West Robinson Street, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of Commission – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., rule development workshops, Florida Administrative Code 61J2 rule amendments, budget discussions, escrow disbursement requests, Recovery Fund Claims, education issues, petitions for declaratory statement and disciplinary actions.

If a person decides to appeal a decision made by the Commission, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required. Probable Cause Panel(s) may also meet during this session. Portions of the Probable Cause are not open to the public.

A copy of the agenda may be obtained by writing: Deputy Clerk, Florida Real Estate Commission, Administration Office, P. O. Box 1900, Orlando, Florida 32802-1900.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation, (407)245-0800, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection** announces a public workshop on proposed amendments to Chapter 62-531, Water Well Contractors, to which all persons are invited.

DATE AND TIME: February 21, 2002, 5:30 p.m. (Central Standard Time)

PLACE: Chipola Junior College, Conference Center Room 123, 3158 College Street, Marianna, Florida

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public workshop to which all persons are invited.

DATE AND TIME: Wednesday, February 20, 2002, 6:00 p.m. (EST)

PLACE: Blake Library, 2351 Southeast Monterey Boulevard, Stuart, Florida 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: To present the proposed land management plans for Seabranche Preserve State Park and St. Lucie Inlet Preserve State Park to the public.

A copy of the agenda may be obtained by writing: Florida Department of Environmental Protection, Division of Recreation and Parks, Office of Park Planning, 3900 Commonwealth Boulevard, Mail Station #525, Tallahassee, Florida 32399-3000.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by calling John Griner, Park Manager, St. Lucie Inlet Preserve State Park, (561)744-7603. If you are hearing or speech impaired, please contact the agency by calling 1(800)342-1335.

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public workshop to which all persons are invited.

DATE AND TIME: Wednesday, February 20, 2002, 7:00 p.m. (EST)

PLACE: St. Lucie County Civic Center, Room 101, 2300 Virginia Avenue, Ft. Pierce, Florida 34950

GENERAL SUBJECT MATTER TO BE CONSIDERED: To present the proposed land management plans for Avalon State Park and Ft. Pierce Inlet State Park to the public.

A copy of the agenda may be obtained by writing: Florida Department of Environmental Protection, Division of Recreation and Parks, Office of Park Planning, 3900 Commonwealth Boulevard, Mail Station #525, Tallahassee, Florida 32399-3000.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by calling Perry Smith, Park Manager, Ft. Pierce Inlet State Park, (561)468-4007. If you are hearing or speech impaired, please contact the agency by calling 1(800)342-1335.

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a DEP Advisory Group Meeting to which all persons are invited.

DATE AND TIME: Thursday, February 21, 2002, 9:00 a.m. (EST)

PLACE: Florida Park Service, District 5 Office, 13798 Southeast Federal Highway, Hobe Sound, Florida 33455

GENERAL SUBJECT MATTER TO BE CONSIDERED: To present and review the proposed land management plans for Seabranh Preserve State Park and St. Lucie Inlet Preserve State Park with the Park Advisory Group.

A copy of the agenda may be obtained by writing: Florida Department of Environmental Protection, Division of Recreation and Parks, Office of Park Planning, 3900 Commonwealth Boulevard, Mail Station #525, Tallahassee, Florida 32399-3000.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by calling John Griner, Park Manager, St. Lucie Inlet Preserve State Park, (561)744-7603. If you are hearing or speech impaired, please contact the agency by calling 1(800)342-1335.

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a DEP Advisory Group Meeting to which all persons are invited.

DATE AND TIME: Thursday, February 21, 2002, 9:00 a.m. (EST)

PLACE: St. Lucie County Civic Center, Meeting Room B, 2300 Virginia Avenue, Ft. Pierce, Florida 34950

GENERAL SUBJECT MATTER TO BE CONSIDERED: To present and review the proposed land management plans for Avalon State Park and Ft. Pierce Inlet Preserve State Park with the park Advisory Group.

A copy of the agenda may be obtained by writing: Florida Department of Environmental Protection, Division of Recreation and Parks, Office of Park Planning, 3900 Commonwealth Boulevard, Mail Station #525, Tallahassee, Florida 32399-3000.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by calling John Griner, Park Manager, St. Lucie Inlet Preserve State Park, (561)744-7603. If you are hearing or speech impaired, please contact the agency by calling 1(800)342-1335.

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public workshop to which all persons are invited.

DATE AND TIME: Thursday, February 21, 2002, 7:00 p.m. (EST)

PLACE: Port St. Lucie Parks and Recreation Community Center, 2195 Southeast Airoso Boulevard, Port St. Lucie, Florida 34952

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive comments from the public regarding management and land uses for Savannas Preserve State Park before the development of a new management plan for the park.

A copy of the agenda may be obtained by writing: Florida Department of Environmental Protection, Division of Recreation and Parks, Office of Park Planning, 3900 Commonwealth Boulevard, Mail Station #525, Tallahassee, Florida 32399-3000.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by calling Dan Griffin, Park Manager, Savannas Preserve State Park, (561)340-7530. If you are hearing or speech impaired, please contact the agency by calling 1(800)342-1335.

DEPARTMENT OF HEALTH

The Florida **Diabetes Control Program** announces a meeting of the Governor's Appointed Diabetes Advisory Council.

DATE AND TIME: February 6, 2002, 9:00 a.m. – 1:00 p.m.

PLACE: The Hyatt Orlando Airport Hotel, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Business Meeting.

A copy of the agenda can be obtained by calling: Bonnie Gaughan-Bailey, (850)245-4367.

The Florida **Diabetes Control Program** announces a meeting of the Diabetes Implementation Workgroup.

DATE AND TIME: February 6, 2002, 2:00 p.m. – 4:00 p.m.

PLACE: The Hyatt Orlando Airport Hotel, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Quarterly Business Meeting.

A copy of the agenda can be obtained by calling: Bonnie Gaughan-Bailey, (850)245-4367.

The Florida Probable Cause Panel of the **Board of Osteopathic Medicine** announces a meeting:

DATE AND TIME: Friday, February 15, 2002 at 9:00 a.m. or soon thereafter

PLACE: Embassy Suites, 1100 Southeast 17th Street, Ft. Lauderdale, FL 33316, (954)527-2700

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review those cases on which a determination of existence of probable cause has already been made.

A copy of the PUBLIC portion of the agenda may be obtained by writing: Kathy Gatzloff, Senior Attorney, Agency for Health Care Administration, General Counsel, Palmer Building, P. O. Box 14229, Tallahassee, FL 32317-4229.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Practitioner Regulation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Practitioner Regulation Section may be contacted at Post Office Box 14229, Tallahassee, FL 32317-4229, (850)414-8126, 1(800)955-8771 (TDD) or 1(800)955-8770 via Florida Relay Service.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15 announces the following public meeting to which all persons are invited:

EXECUTIVE COMMITTEE

DATES AND TIME: February 6, 13, 20, 27, 2002, 8:30 a.m.

PLACE: Department of Children and Family Services, Room 327D, 337 North 4th Street, Fort Pierce, FL 34950

For more information, please contact: Betty Robinson, CBC Liaison, Room 327, 337 North 4th Street, Fort Pierce, Florida 34950, (561)467-4174

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact, Pearlie Clark, ADA Coordinator, (561)467-4184, at least five days prior to the

meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15 announces the following public meeting to which all persons are invited:

FOSTER CARE SUB-COMMITTEE

DATES AND TIME: February 13, 27, 2002, 10:00 a.m.

PLACE: Benton Regional Service Center, Room 316, 337 North 4th Street, Fort Pierce, FL

For more information, please contact: Betty Robinson, CBC Liaison, Room 327, 337 North 4th Street, Fort Pierce, Florida 34950, (561)467-4174

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact, Pearlie Clark, ADA Coordinator, (561)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15 announces the following public meeting to which all persons are invited:

ITN/OUTCOMES SUB-COMMITTEE

DATES AND TIME: February 13, 27, 2002, 3:00 p.m.

PLACE: Benton Regional Service Center, Room 316, 337 North 4th Street, Fort Pierce, FL

For more information, please contact: Betty Robinson, CBC Liaison, Room 327, 337 North 4th Street, Fort Pierce, Florida 34950, (561)467-4174.

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact, Pearlie Clark, ADA Coordinator, (561)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15 announces the following public meeting to which all persons are invited:

MENTAL HEALTH SUB-COMMITTEE

DATE AND TIME: February 18, 2002, 9:30 a.m.

PLACE: Benton Regional Service Center, Room 104, 337 North 4th Street, Fort Pierce, FL

For more information, please contact: Betty Robinson, CBC Liaison, Room 327, 337 North 4th Street, Fort Pierce, Florida 34950, (561)467-4174.

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact, Pearlie Clark, ADA Coordinator, (561)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Advocacy Committee**, District 15 announces a public meeting to which all persons are invited.

DATE AND TIME: February 19, 2002, 9:30 a.m.

PLACE: Benton Regional Service Center, Room 104, 337 North 4th Street, Fort Pierce, FL 34950

A copy of the agenda may be obtained by contacting: Ellen Higinbotham, FLAC Liaison, (561)467-3042.

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact, Pearlie Clark, ADA Coordinator, (561)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15 announces the following public meeting to which all persons are invited:

ALLIANCE MEETING

DATE AND TIME: February 22, 2002, 8:30 a.m.

PLACE: Workforce Development Board, 9350 South U.S. 1, Port St. Lucie, FL

For more information, please contact: Betty Robinson, CBC Liaison, Room 327, 337 North 4th Street, Fort Pierce, Florida 34950, (561)467-4174

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact, Pearlie Clark, ADA Coordinator, (561)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Department of Children and Family Services** announces a meeting of the Marion County Children's Alliance Steering Committee to which all persons are invited.

DATE AND TIME: Wednesday, February 6, 2002, 12:00 Noon

PLACE: Marion County Sheriff's Office, 692 Northwest 30th Avenue, Ocala, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, Section 20.19(6), F.S.

A copy of the agenda may be obtained by writing: Mona Terry, Box 80-O, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL 34785. Persons needing special accommodations to participate in this proceeding should contact the agency no later than five working days prior to the meeting, (352)330-2177.

The Florida **Department of Children and Family Services** announces a meeting of the Hernando County Community Alliance to which all persons are invited.

DATE AND TIME: Wednesday, February 13, 2002, 9:00 a.m.

PLACE: Youth and Family Alternatives, 18377 Clinton Blvd., Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, Section 20.19(6), F.S.

A copy of the agenda may be obtained by writing: Mona Terry, Box 80-O, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL 34785. Persons needing special accommodations to participate in this proceeding should contact the agency no later than five working days prior to the meeting, (352)330-2177.

The Florida **Department of Children and Family Services** announces a meeting of the Hernando County Community Alliance Steering Committee to which all persons are invited.

DATE AND TIME: Thursday, February 13, 2002, 10:30 a.m.

PLACE: Hernando County Schools Support Complex, 919 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, Section 20.19(6), F.S.

A copy of the agenda may be obtained by writing: Mona Terry, Box 80-O, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL 34785. Persons needing special accommodations to participate in this proceeding should contact the agency no later than five working days prior to the meeting, (352)330-2177.

The Florida **Department of Children and Family Services** announces a meeting of the Citrus County Shared Services Alliance Steering Committee to which all persons are invited.

DATE AND TIME: Thursday, February 28, 2002, 10:00 a.m.

PLACE: Citrus County School Board Office, 1007 W. Main Street, Inverness, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, Section 20.19(6), F.S.

A copy of the agenda may be obtained by writing: Mona Terry, Box 80-O, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL 34785.

Persons needing special accommodations to participate in this proceeding should contact the agency no later than five working days prior to the meeting, (352)330-2177.

The **Department of Children and Family Services**, District Ten in conjunction with the community will conduct the following meetings during the month of February:

The Department of Children and Family Services, Family Care Council announces a public meeting to which you are invited to attend:

DATE AND TIME: February 8, 2002, 10:00 a.m. (February 15 meeting is cancelled)

PLACE: Department of Children and Family Services, Room 104-B, 201 W. Broward Blvd., Ft. Lauderdale, Florida 33301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Developmental Disabilities related issues.

The Department of Children and Family Services, ADM Standing Committee announces a public meeting to which you are invited to attend:

DATE AND TIME: February 11, 2002, 3:00 p.m.

PLACE: Broward Regional Health Planning Council, Conference Room 115, 915 Middle River Drive, Ft. Lauderdale, Florida 33301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Alcohol, Drug Abuse and Mental Health related issues.

A copy of the agenda may be obtained by writing: Scott Silverman, Management Review Specialist, Regional Office, Suite 200, 201 W. Broward Blvd., Ft. Lauderdale, FL 33301.

Anyone requiring a special accommodation to participate in this meeting is requested to advise District Administration (Scott Silverman), at least 5 working days before the meeting, (954)759-5446 or (954)467-4509 (TDD).

The **Council on Homelessness** announces their meeting to which all persons are invited.

DATE AND TIME: Monday, February 11, 2001, 9:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council will discuss the Governor's FY 2003 Budget for Homelessness and Committee chairpersons will report on their first meetings. The Office on Homelessness will also update the Council on Federal Legislation, as well as the status of the coalition staffing contracts, Emergency Financial Assistance for Housing program, and grant application workshops.

A copy of the agenda may be obtained by contacting: Tom Pierce, State Office on Homelessness, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)922-9850, Tom_Pierce@dcf.state.fl.us.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to attend this meeting in order to request any needed special assistance should contact the office at least 48 hours in advance of the meeting.

The Florida **Department of Children and Family Services** announces the Suncoast Region Manatee County Community Alliance meeting will be held:

DATE AND TIME: Monday, February 11, 2002, 11:45 a.m.

PLACE: Anna Maria Oyster Bar Restaurant, 6906 14th Street, West, Bradenton, Florida.

The public is welcome to attend. Contact person is: Tom Hannon, (941)741-3682.

The Florida **Department of Children and Family Services**, District 4 announces public meetings to which all persons are invited:

WHAT: Nassau County Community Alliance

DATE AND TIME: February 25, 2002, 2:00 p.m. – 4:00 p.m.

PLACE: Children and Families Education Center, 479 Felmore Road, Yulee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Community Plan for Human Services System of Care; Community Participation.

WHAT: Nassau County Community Alliance Outcome Committee: Provider Subcommittee

DATE AND TIME: February 4, 2002, 9:00 a.m.

PLACE: Peck Center, Suite 205, 516 S. 10th Street, Fernandina Beach, FL

DATE AND TIME: February 25, 2002, 1:00 p.m.

PLACE: 479 Felmore Road, Yulee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Provider survey for community plan.

WHAT: Nassau County Community Alliance Outcome Committee: Community Subcommittee

DATE AND TIME: February 25, 2002, 1:00 p.m.

PLACE: 479 Felmore Road, Yulee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Community input for priority outcome indicators.

WHAT: Nassau County Community Alliance Outcome Committee: Existing Data Subcommittee

DATE AND TIME: February 4, 2002, 9:00 a.m.

PLACE: 1024 Isle of Palms Lane, Fernandina Beach, FL. Call: (904)723-2032 prior to attendance

GENERAL SUBJECT MATTER TO BE CONSIDERED: Data Collection for priority outcome indicators.

DATE AND TIME: February 25, 2002, 1:00 p.m.

PLACE: 479 Felmore Road, Yulee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Data on existing service array and priorities.

WHAT: Children and Families' Community Alliance of Northeast Florida – St. Johns County members

DATE AND TIME: February 21, 2002, 2:45 p.m.

PLACE: Conference Room C, Suite 100, 955 Route 1, St. Augustine, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: County efforts and resources to address Alliance priorities.

WHAT: Children and Families Community Alliance of Northeast Florida – Task Force for Foster Care

DATE AND TIME: February 5, 2002, 3:00 p.m.

PLACE: Jacksonville Children's Commission Office, 421 W. Church Street, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quality Foster Care and Permanency Services.

WHAT: Children and Families Community Alliance of Northeast Florida – Executive Committee

DATE AND TIME: February 20, 2002, 12:00 Noon

PLACE: Room 375, 5920 Arlington Expressway, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Needs of the Alliance.

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces the following Review Committee meeting to which all persons are invited to attend:

DATE AND TIME: Friday, February 8, 2002, 1:00 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the evaluation of responses submitted for Florida Housing Finance Corporation's Request for Proposals #2001/10 for Rehabilitation of Farmworker Housing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Laurie Camp, Human Resources Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five (5) calendar days prior to the meeting. If you are hearing impaired, please contact Florida Housing Finance Corporation using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by Florida Housing Finance Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings be made, which record shall include the testimony and evidence upon which the appeal is to be based.

FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida **Fish and Wildlife Conservation Commission** announces a meeting of the Marine Turtle Grants Committee to which all persons are invited:

DATE AND TIME: Friday, March 1, 2002, 9:00 a.m. – 5:00 p.m.

PLACE: Betty Easley Center, Room 182, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss applications for Marine Turtle Grants and to recommend specific applications for funding.

A copy of the agenda and a list of the applications to be considered can be obtained by writing: Tim Woody, Bureau of Protected Species Management, 620 South Meridian Street, OES-BPS, Tallahassee, FL 32399, phone (850)922-4330, Fax (850)921-6988 or e-mail: woodyt@gfc.state.fl.us. A copy of the application list also may be viewed on the FWC's Website at: <http://floridaconservation.org/psm/turtles/turtle.htm>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least seven (7) days before the workshop by contacting Tim Woody, (850)922-4330. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 or (850)488-9542, within the Tallahassee area.

ENTERPRISE FLORIDA

The **Enterprise Florida, Inc.** announces a public meeting to which all persons are invited:

MEETING: Enterprise Florida, Inc. – Competitiveness Working Group Meeting

DATE AND TIME: Tuesday, February 5, 2002, 2:30 p.m. – 4:30 p.m.

PLACE: DoubleTree Hotel, 101 South Adams Street, Tallahassee, Florida 32301, (850)224-5000

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Rochelle Turner, (305)569-2682, least seven (7) days prior to the activity.

Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Enterprise Florida, Inc.** announces a public meeting to which all persons are invited:

MEETING: Enterprise Florida Inc. – Team Florida: Business Assistance Task Force Steering Committee Meeting

DATE AND TIME: Tuesday, February 5, 2002, 4:30 p.m. – 5:30 p.m.

PLACE: DoubleTree Hotel, 101 South Adams Street, Tallahassee, Florida 32301, (850)224-5000

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Rochelle Turner, (305)569-2682, at least seven (7) days prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Enterprise Florida**, Inc. announces a public meeting to which all persons are invited:

MEETING: Enterprise Florida Partner Council Meeting

DATE AND TIME: Wednesday, February 6, 2002, 8:00 a.m. – 12:00 Noon

PLACE: DoubleTree Hotel, 101 South Adams Street, Tallahassee, Florida 32301, (850)224-5000

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Rochelle Turner, (305)569-2682, at least seven (7) days prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Enterprise Florida**, Inc. announces a public meeting to which all persons are invited:

MEETING: Enterprise Florida, Inc. – Audit and Finance Committee

DATE AND TIME: Wednesday, February 6, 2002, 11:00 a.m. – 12:00 Noon

PLACE: DoubleTree Hotel, 101 South Adams Street, Tallahassee, Florida 32301, (850)224-5000

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Rochelle Turner, (305)569-2682, at least seven (7) days prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Enterprise Florida**, Inc. announces a public meeting to which all persons are invited:

MEETING: Enterprise Florida, Inc. – Nomination and Compensation Committee

DATE AND TIME: Wednesday, February 6, 2002, 12:00 Noon – 1:00 p.m.

PLACE: DoubleTree Hotel, 101 South Adams Street, Tallahassee, Florida 32301, (850)224-5000

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Rochelle Turner, (305)569-2682, at least seven (7) days prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Enterprise Florida**, Inc. announces a public meeting to which all persons are invited:

MEETING: Enterprise Florida, Inc. – Strategic Planning Committee

DATE AND TIME: Wednesday, February 6, 2002, 12:00 Noon – 1:30 p.m.

PLACE: DoubleTree Hotel, 101 South Adams Street, Tallahassee, Florida 32301, (850)224-5000

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Rochelle Turner, (305)569-2682, at least seven (7) days prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Enterprise Florida**, Inc. announces a public meeting to which all persons are invited:

MEETING: Enterprise Florida, Inc. – Florida International Business Council

DATE AND TIME: Wednesday, February 6, 2002, 12:00 Noon – 1:30 p.m.

PLACE: DoubleTree Hotel, 101 South Adams Street, Tallahassee, Florida 32301, (850)224-5000

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Rochelle Turner, (305)569-2682, at least seven (7) days prior to the activity. Persons who are

hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Enterprise Florida, Inc.** announces a public meeting to which all persons are invited:

MEETING: Enterprise Florida Inc. – Florida TEC Leadership Council Meeting

DATE AND TIME: Wednesday, February 6, 2002, 1:30 p.m. – 4:30 p.m.

PLACE: DoubleTree Hotel, 101 South Adams Street, Tallahassee, Florida 32301, (850)224-5000

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Rochelle Turner, (305)569-2682, at least seven (7) days prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Enterprise Florida, Inc.** announces a public meeting to which all persons are invited:

MEETING: Enterprise Florida, Inc. – Legislative Committee

DATE AND TIME: Wednesday, February 6, 2002, 4:00 p.m. – 5:15 p.m.

PLACE: DoubleTree Hotel, 101 South Adams Street, Tallahassee, Florida 32301, (850)224-5000

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Rochelle Turner, (305)569-2682, at least seven (7) days prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Enterprise Florida, Inc.** announces a public meeting to which all persons are invited:

MEETING: Enterprise Florida, Inc. – Board Member Dinner

DATE AND TIME: Wednesday, February 6, 2002, 7:00 p.m. – 9:00 p.m.

PLACE: Governor’s Club, 202 1/2 South Adams Street, Tallahassee, Florida, (850)224-0650

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Rochelle Turner, (305)569-2682, at least seven (7) days prior to the activity. Persons who are

hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Enterprise Florida, Inc.** announces a public meeting to which all persons are invited:

MEETING: Enterprise Florida, Inc. – Rural Working Group Meeting

DATE AND TIME: Thursday, February 7, 2002, 8:00 a.m. – 12:00 Noon

PLACE: DoubleTree Hotel, 101 South Adams Street, Tallahassee, Florida 32301, (850)224-5000

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Rochelle Turner, (305)569-2682, at least seven (7) days prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Enterprise Florida, Inc.** announces a public meeting to which all persons are invited:

MEETING: Enterprise Florida, Inc. – Board of Directors Meeting

DATE AND TIME: Thursday, February 7, 2002, 8:30 a.m. – 12:00 Noon

PLACE: DoubleTree Hotel, 101 South Adams Street, Tallahassee, Florida 32301, (850)224-5000

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Rochelle Turner, (305)569-2682, at least seven (7) days prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Enterprise Florida, Inc.** announces a public meeting to which all persons are invited:

MEETINGS: Enterprise Florida Small Business Council
Urban Core and Minority Subcommittee
Rural Subcommittee

DATE AND TIME: Tuesday, February 19, 2002, 8:00 a.m. – 4:00 p.m.

PLACE: Embassy Suites Hotel, 191 E. Pine Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Council and Subcommittee Meetings.

If an accommodation is needed for a disability or physical impairment, please contact Mary Delamar, (407)316-4617, at least one (1) day prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

FLORIDA MEDICAL MALPRACTICE JOINT UNDERWRITING ASSOCIATION

The **Florida Medical Malpractice Joint Underwriting Association** announces a Claims and Underwriting Committee meeting to which all persons are invited.

DATE AND TIME: February 5, 2002, 4:00 p.m.

PLACE: Omni Colonnade Hotel, Coral Gables, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will receive and consider reports from the Association's General Counsel, General Manager, Servicing Carrier and such other business properly brought before the Committee.

A copy of the agenda may be obtained two weeks prior to the meeting by writing: FMMJUA, Suite 201, 1836 Hermitage Blvd., Tallahassee, FL 32308.

The **Florida Medical Malpractice Joint Underwriting Association** announces a Board of Governors meeting to which all persons are invited.

DATE AND TIME: February 6, 2002, 9:00 a.m.

PLACE: Omni Colonnade Hotel, Coral Gables, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will receive and consider quarterly reports from the Association's Investment Counsel, General Counsel, Servicing Carrier, Claims Committee, General Manager, and such other business properly brought before the Board.

A copy of the agenda may be obtained two weeks prior to the meeting by writing: FMMJUA, Suite 201, 1836 Hermitage Blvd., Tallahassee, FL 32308.

FLORIDA TELECOMMUNICATION RELAY

The **Florida Telecommunications Relay, Inc.** announces a regular meeting of the Board of Directors.

DATE AND TIME: Monday, February 11, 2002, 1:30 p.m.

PLACE: 1311A Paul Russell Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Board of Directors.

A copy of the agenda may be obtained by writing: Mr. James Forstall, Executive Director, Suite 101B, 1311B Paul Russell Road, Tallahassee, FL 32301-4860 or phoning (850)656-1414. The meeting is subject to cancellation for lack of a quorum or unavailability of an interpreter.

CRIMINAL JUSTICE INSTITUTE

The Region XII, **Training Council and Assessment Center**, Board of Directors announces a public meeting to which all interested persons are invited:

DATE AND TIME: Thursday, February 14, 2002, 10:00 a.m.

PLACE: Palm Beach Community College, Criminal Justice Room 101, 4200 Congress Avenue, Lake Worth, FL 33461

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda will include but is not limited to: F.D.L.E./C.J.S.T.C. updates; Palm Beach Community College/Criminal Justice Institute Assessment Center update; Region XII Budget Approval and any other business.

A copy of the agenda may be obtained by contacting: Sue Voccola, Secretary of the Criminal Justice Institute, Palm Beach Community College, 4200 Congress Avenue, Lake Worth, FL 33461, (561)868-3403.

CHARLOTTE HARBOR NATIONAL ESTUARY PROGRAM

The **Charlotte Harbor National Estuary Program** announces a scheduled Policy Committee meeting to which all persons are invited:

DATE AND TIME: Friday, February 15, 2002, 9:00 a.m.

PLACE: Venice Community Hall, 401 W. Venice Avenue, Venice, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the CHNEP Policy Committee.

Please note that if a person decides to appeal any decision made by the Charlotte Harbor National Estuary Program Policy Committee with respect to any matter considered at the above cited workshop, he/she will 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.

A copy of the agenda may be obtained by writing: CHNEP, 4980 Bayline Dr., N. Ft. Myers, FL 33917 or by calling Ms. Darcy Bowen, (941)995-1777.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations due to disability or physical impairment should contact Ms. Darcy Bowen, (941)955-1777, at least five calendar days prior to the meeting. Persons who are hearing impaired should contact Mr. Daltry using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

FLORIDA INSURANCE GUARANTY ASSOCIATION

The **Florida Insurance Guaranty Association** announces a meeting to which all interested parties are invited to attend.

DATE AND TIME: February 21, 2002, 8:00 a.m. (Eastern Time) – 12:00 Noon or as soon as business has been concluded

PLACE: Orlando Airport Marriott Hotel, 7499 Augusta National Drive, Orlando, FL 32822

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors of the Florida Insurance Guaranty Association will meet regarding the regular business of the Association.

A copy of the agenda may be obtained by writing Mr. Jerry Service at the address above or by calling (904)398-1238, Ext. 109.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to attend the meeting is asked to advise the Association by contacting Jerry Service, (904)398-1238, Ext. 109, at least 48 hours before the session the person wishes to attend. A person who is hearing or speech impaired may also contact the TDD at 1(800)955-1339.

FLORIDA COMPREHENSIVE HEALTH ASSOCIATION

The **Florida Comprehensive Health Association** created pursuant to Section 627.6488, Florida Statutes, as amended, announces a public meeting as follows:

DATE AND TIME: Friday, February 22, 2002, 2:00 p.m. – 4:00 p.m.

PLACE: Pennington Law Firm, 2nd Floor, 215 S. Monroe Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors’ Meeting.

A copy of the proposed agenda may be obtained by writing: Brenda DeYounks, Florida Comprehensive Health Association, 1210 E. Park Avenue, Tallahassee, Florida 32301, (850)309-1200 or by Facsimile (850)309-1222.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such person will need a record of the proceedings, and for such purpose, they 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 to be based.

FLORIDA MUNICIPAL INSURANCE TRUST

The **Florida Municipal Insurance Trust**, an interlocal entity created pursuant to Sections 768.28 and 163.01, F.S., announces a public meeting to which all persons are invited.

DATES AND TIMES: Friday, March 1, 2002, 9:30 a.m. – 4:00 p.m.; Saturday, March 2, 2002, 9:00 a.m. – 12:00 Noon

PLACE: Casa Monica Hotel, 95 Cordova Street, St. Augustine, Florida, (904)827-1888

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business meeting of the Board of Trustees.

A copy of the proposed agenda may be obtained by contacting: Linda Bridges, Florida League of Cities, Inc., Tallahassee, FL, (850)-222-9684.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is based.

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

DEPARTMENT OF INSURANCE

NOTICE IS HEREBY GIVEN THAT the Department of Insurance, Division of State Fire Marshal, has received a Petition for Declaratory Statement filed January 18, 2002, by the Miami-Dade County Fire Department, Fire Prevention Division, Alfredo Suarez, Fire Marshal. The Petition is seeking the Department’s interpretation of National Fire Protection Association 1, Sections 8-15.2.1., 8-15.2.2., 8-15.4.1., 1-5.4 or 1-5.5., as they apply to the Petitioner’s circumstances regarding the storage of combustible and high hazard commodities in existing occupancies.

Specifically, petitioner specifically requests a declaratory statement on the following questions:

1. Is it the intent of the Florida Fire Prevention Code, NFPA 1, and the cited provisions to allow existing occupancies to maintain storage heights of commodities that are in direct violation of the NFPA Standards 13 and 230.
2. If yes, does Section 1-5.4 or 1-5.5 allow the AUTHORITY HAVING JURISDICTION to apply the requirements of the appropriate, referenced standard, National Fire Protection Association 13, 230, etc., to the existing occupancy that is in question?

A copy of the Petition for Declaratory Statement may be obtained by writing: Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340.

DEPARTMENT OF EDUCATION

NOTICE IS HEREBY GIVEN THAT The Florida Department of Education has received a petition for a Declaratory Statement from the Big Pine Key Neighborhood Charter School, Inc. The petition seeks the agency’s opinion as to the applicability of Section 228.056(7)(f), Florida Statutes, which addresses the capacity of a charter school. Specifically, the petition asks whether the factors determining capacity in that subsection include potential financial losses to the School Board as a result of students leaving another public school to attend a charter school, and whether such a cap would be

contrary to the "open door" policy in Section 228.056(7)(a), Florida Statutes, which states: "A charter school shall be open to any student . . . residing in the school district in which the charter school is located."

Copies of the petition may be obtained by writing: James A. Robinson, General Counsel, Florida Department of Education, 325 West Gaines Street, Room 1244, Tallahassee, Florida 32399-0400.

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission received a Petition for Declaratory Statement on January 22, 2002, from Doug Murdock, with regards to the requirements for ventilation of bathrooms and toilet rooms contained in section 402.3.1 of the mechanical volume of the Florida Building Code, 2001 (Code) and section 1203.4.2 of the building volume of the Code. It has been assigned the number DCA02-DEC-024.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission received a Petition for Declaratory Statement on January 22, 2002, from Kenneth R. Pfeiffer, with regards to the pool barrier requirements of §424 of the Florida Building Code, Building 2001, as applied to an existing chain link fence as described in the petition. It has been assigned the number DCA02-DEC-023.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission received a Petition for Declaratory Statement on January 22, 2002, from Dow AgroSciences with regards to whether a termite baiting as identified in the petition may be utilized to comply with section 1816.1, Florida Building Code, Building 2001. It has been assigned the number DCA02-DEC-022.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

DEPARTMENT OF CORRECTIONS

NOTICE IS HEREBY GIVEN THAT the Department of Corrections has issued a response to a Petition to Initiate Rulemaking, Final Order #DC 01-79, from Douglas Jackson. The Department denied the Petition to amend Rule

33-103.006, Florida Administrative Code, to create a "Grievance Resolution Committee" to review grievances of inmates of the Department.

A copy of the Order may be obtained from: Anthony W. Garcia, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

NOTICE IS HEREBY GIVEN THAT the Department of Corrections has issued a response to a Petition to Initiate Rulemaking, Final Order #DC 01-80, from Edward Campbell. The Department denied the Petition to initiate rulemaking to ban the use of tobacco products inside of state correctional institutions.

A copy of the Order may be obtained from: Anthony W. Garcia, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

DEPARTMENT BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a petition for declaratory statement In Re: Petition for Declaratory Statement, John A. Ritter, Esquire, for Investor of Olive Glen Condominium, Petitioner, on January 10, 2002.

The Petitioner requests an interpretation as to whether an investor who purchased 60% or more of the units in a condominium is a developer as defined by Section 718.103(16), Florida Statutes, and Florida Administrative Code, Rule 61B-15.007, and if so,

1. Whether the investor is limited to electing less than a majority of the board;
2. Whether a bulk lease of all the units to a real estate management company for the purpose of subleasing the units would remove him from developer status; or
3. Whether the listing of all the units for sale at a price above market value would entitle him to elect a majority of the board.

A copy of the Petition for Declaratory Statement, Docket Number CD2002-004, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217. Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

**Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

**Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE

**Section XI
Notices Regarding Bids, Proposals and
Purchasing**

DEPARTMENT OF EDUCATION

INVITATION TO BID

SCHOOL DISTRICT OF DESOTO COUNTY

The Purchasing Office will receive Competitive sealed bids until the time and date shown for the following:

Date and Time: Bid Opening Date: February 26, 2002, 2:00 p.m.

Location of Bid Opening: School District of Desoto County,
530 LaSolona Avenue, Arcadia,
Florida 34266

Bid Number: SBDC #0102-1

Bid Title: Memorial Elementary School Dishwasher

Bid blanks, conditions and specifications may be obtained from: School District of DeSoto County, Purchasing Office, 530 LaSolona Avenue, Arcadia, Florida 34266. You may

telephone Margaret Henderson, (863)494-4222, Ext. 122. We reserve the right to reject any or all bids. No facsimile or telegraphic submission will be accepted.

REGIONAL PLANNING COUNCILS

BAY TOWN TROLLEY

REQUEST FOR QUALIFICATIONS

Shelter Placement, Advertising and Maintenance;
Advertisement In and On Bay Town Trolley Vehicles

The Panama City UZA Metropolitan Planning Organization seeks letters stating an expression of interest and qualifications in providing an all inclusive proposal for the provision of shelters for passengers of Bay Town Trolley; the sale and placement of advertisements on the shelters and in and on the vehicles; and the maintenance of the shelters. Bay Town Trolley is a fixed-route, public transportation service in the urbanized areas of Bay County, Florida. The permitting and construction of the shelters shall be coordinated with Bay County and seven of its municipalities. The design of and graphic treatment on the shelters will need to be approved by the MPO. Letters expressing interest in and outlining qualifications for provision of these services shall be delivered to the office of the MPO by 3:00 p.m. (Central Time), March 22, 2002. For a packet containing information on the system and the format of and areas to address in the submission, contact: Mary Bo Robinson, Senior Transportation Planner; Panama City MPO, 3435 North 12th Avenue, Pensacola, FL 32503, (850)595-8910.

LEGAL NOTICE

Sealed Proposals to conduct a Marketing Plan will be received by the Southwest Florida Regional Planning Council Purchasing Desk, 4980 Bayline Drive, Fourth Floor, North Fort Myers, Florida 33917 until 3:00 p.m. (Local Time), Friday, March 1, 2002. The Southwest Florida Regional Planning Council reserves the right to reject any or all proposals.

RFP #ED-02

Marketing Plan

The multi-county area in Florida for which proposals for a marketing plan are requested includes Glades County, Hendry County, and the rural, unincorporated community of Immokalee in Collier County. A target industry study is just being completed for this multi-county area (a draft of the target industries is included) to determine the types of industries, that should be pursued through marketing activities. The target industry study also included strategies or initiatives the communities could implement to enhance their ability to attract and/or develop these industries. The target industry study will serve as a base for any marketing plan developed for this multi-county area.

Invitation to Propose: The Southwest Florida Regional Planning Council hereby solicits offers for professional marketing services.

Method for Receiving the Request for Proposals and Related Information: Requests for Proposals (RFPs) and information for submitting a proposal may be obtained from Ms. Jamie Levans, Purchasing Agent, Southwest Florida Regional Planning Council, physical address is 4980 Bayline Drive, 4th Floor, North Fort Myers, Florida 33917 and for regular mail our address is P. O. Box 3455, North Fort Myers, Florida 33918-3455, telephone number (941)656-7720. Materials will be sent by regular mail to the requestor within two business days. Materials will be sent by Federal Express or Certified Mail if requested, at the expense of the requestor.

WATER MANAGEMENT DISTRICTS

**REQUEST FOR PROPOSAL # 01/02-023WR
HEC-RAS Update for the Aucilla River
and Suwannee River System**

The Suwannee River Water Management District (SRWMD) is requesting proposals be submitted no later than March 18, 2002, to provide hydraulic modeling services for the Aucilla River and Suwannee River systems in Florida. This project is not anticipated to require any field investigations or data collection. The entire RFP is available on the SRWMD website at: <http://www.srwmd.state.fl.us/aboutus/rfq.html>.

No "proposer's conference" is scheduled for this RFP.

QUESTIONS MUST BE SUBMITTED BY: February 15, 2002. If you do not have any questions, but wish to receive a copy of our responses to any questions, please submit the form "Attachment A" (on the website, above) by the same date (February 15, 2002). **NOTE THAT RESPONSES WILL ONLY BE MAILED TO THOSE SUBMITTING ATTACHMENT A.** Questions submitted after February 15, 2002, will not be addressed.

The project will commence upon execution of a contract (prepared by the District) and must be completed by the end of September 2002.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BID NO. BDRS 94 01-02

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Recreation Services is soliciting formal competitive bids for South Amelia Island Shore Stabilization Project, Phase I - Beach Restoration. The contractor shall provide the necessary plant, labor, supervision, equipment and materials, and perform all operations in connection with excavating, transporting and placing 2 Mcy of beach fill along approximately 18,000 ft. of oceanfront shoreline. The work likewise includes the removal of approximately 2,100 ft. m.o.l. of sand filled geotube or

Longard tube prior to initiation of beach fill construction. The work area includes both State Park and privately owned shorefront.

The project is located at Amelia Island State Recreation Area, Southern Terminus of Amelia Island, Nassau County, Florida.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

FLORIDA HOUSING FINANCE CORPORATION

**Request for Proposals
2002/01**

**Development, Rehabilitation and/or Refinancing of
Affordable Assisted Living Facilities**

The Florida Housing Finance Corporation invites all qualified and interested parties wishing to develop, rehabilitate and/or refinance Affordable Assisted Living Facilities to submit proposals for consideration. Written, sealed proposals shall be accepted until 12:00 Noon (Eastern Time), April 12, 2002, to the attention of Robin Grantham, Contracts Analyst, Florida Housing Finance Corporation, Suite 5000, 227 North Bronough Street, Tallahassee, Florida 32301-1329. For questions or additional information, please contact Robin Grantham, (850)488-4197 or robin.grantham@floridahousing.org. To obtain a copy of the Request for Proposals, which outlines selection criteria and offeror's responsibilities, please submit your request to the attention of Robin Grantham, or you can download the Request for Proposals from the Florida Housing Finance Corporation website at <http://www.floridahousing.org/rfps.html>. Any modifications that occur to the Request for Proposals will be posted at the web site and may result in an extension of the deadline.

**PALM BEACH COUNTY WORKFORCE
DEVELOPMENT BOARD**

**REQUEST FOR PROPOSALS FOR
MONITORING SERVICES**

The Palm Beach County Workforce Development Board, Inc. (WDB) is accepting proposals to obtain the services of an accounting firm whose principal officers are independent Certified Public Accountants for monitoring of the WDB, its service providers and/or vendors to ensure compliance with all applicable state/federal laws and regulations, applicable administrative instructions, contract terms and to assist in maximizing program performance. The deadline for receipt of RFP responses is 5:00 p.m. (Eastern Daylight Time), as determined by WDB, March 18, 2002 at WDB's administrative office 2051 Martin Luther King, Jr. Blvd., Suite 302, Riviera Beach, FL 33404 ATTN: Kenneth E. Montgomery, President without exception.

The RFP is available for pickup between the hours of 8:00 a.m. and 5:00 p.m., February 1, 2002 through March 18, 2002 at the WDB administrative office address stated above for a non-refundable service charge of \$20.00 per RFP application. Make checks payable to the "Palm Beach County Workforce Development Board, Inc." The RFP is also available free of charge on WDB's website at www.pbcworks.com. WDB may change scheduled dates if it is to the advantage of WDB to do so. WDB will notify applicants of all RFP changes via posting on the WDB website, www.pbcworks.com, at the same location as the RFP. A bidder's conference to answer questions regarding the RFP will be held at WDB's administrative office on February 20, 2002, 2:00 p.m. and March 12, 2002, 9:00 a.m. The WDB complies with the provisions of the Americans With Disabilities Act. If you are a disabled person requiring any accommodations or assistance, please notify the WDB, Kenneth E. Montgomery at least 72 hours (3 days) in advance. WDB encourages women and minority businesses to submit proposals. WDB reserves the right to reject any or all proposals.

DEPARTMENT OF MILITARY AFFAIRS

REQUEST FOR PROFESSIONAL SERVICES

The State of Florida, Department of Military Affairs requests qualifications from firms to provide architectural and engineering services as follows: Planning, design and contract/project management for a Combined Support Maintenance Shop (CSMS) to be located at Camp Blanding Training Site (CBTS), Starke, Florida, Clay County. The project consists of a new 11,334 SM (122,003 SF) military Combined Support Maintenance Shop facility that includes work bays for wheeled and track vehicles, associated shops and administrative work areas, external on-site supporting parking, and storage areas in accordance with applicable National Guard Bureau Design Guide Criteria, to provide general support (GS) maintenance for vehicles and equipment assigned to units of the Florida National Guard. Basic exterior construction of the structure is to consist of masonry type walls, concrete floors, and standing seam metal roof. Reference CFMO Project No. 120085, CSMS.

Selection of finalists for interview will be held in accordance with Chapter 60D-2, Florida Administrative Code, complying with requirements of Section 287-055, Florida Statutes. Finalists may be required to make oral presentations, and the Selection Committee may reject all proposals and stop the selection process at any time. Award of contract is contingent on the availability of funds.

INSTRUCTIONS

Applicants desiring to provide these services shall apply for consideration by submitting an original and three copies of the following:

1. Letter of interest detailing the firm's competence in various aspects of the discipline. Include a list of sample projects.

2. A current Professional Qualifications Supplement and Financial Statement.
3. A copy of the firm's current Florida Professional Registration Certification.
4. A current SF-254.
5. A current SF-255 with resumes of proposed personnel to be assigned.
6. For corporations only, a copy of the current Corporate Charter Certificate showing validation date and designation of professionals qualifying the corporation to practice in the discipline for which it is applying.

Submittals must be received by 3:00 p.m., February 8, 2002, and should be mailed to: MAJ. Frank R. Turek, Department of Military Affairs, Construction and Facility Management Office, 2305 State Road 207, St. Augustine, Florida 32086, phone (904)823-0280. Reference CFMO Project No. 120085.

Facsimile (FAX) submittals are not acceptable and will not be considered. Applicants that do not comply with these instructions or those that do not include the requested data will not be considered. Any protests of the selection must be made within 72 hours of posting the selection results. If no protest is received within 72 hours, the contract award and negotiation will proceed with the selected firms. Selection results will be published in the Florida Administrative Weekly.

Section XII Miscellaneous

DEPARTMENT OF BANKING AND FINANCE

NOTICE OF FILINGS

Notice is hereby given that the Department of Banking and Finance, Division of Banking, has received the following application and/or other notices. Comments may be submitted to the Director, Division of Banking, 101 East Gaines Street, Suite 636, Fletcher Building, Tallahassee, Florida 32399-0350, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Division, Department of Banking and Finance, 101 East Gaines Street, Suite 526, Fletcher Building, Tallahassee, Florida 32399-0350, pursuant to provisions specified in Section 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., February 22, 2002):

EXPANDED FIELD OF MEMBERSHIP

Name and Address of Applicant: Power 1 Credit Union, 6450 West 21st Court, Hialeah, Florida 33016-3950

Expansion Includes: Individuals and their immediate families that work, live or worship in Pompano Beach and Deerfield Beach in Broward County. In addition, the proposed area also

includes people within these Miami-Dade County geographical boundaries: West Boundary: Everglades; East Boundary: Biscayne Bay; South Boundary: Southwest 152nd Street (Coral Reef Drive); North Boundary: Southwest 40th Street (Bird Road).

Received: January 18, 2002

Name and Address of Applicant: Priority ONE Credit Union of Florida, Post Office Box 9264, Fort Lauderdale, Florida 33310-9264

Expansion Includes: Residents and employees who work or live in Tamarac, Coral Springs and Coconut Creek.

Received: January 18, 2002

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE OF APPLICATION EVALUATION SCORING AND INTENT TO AWARD

**FLORIDA COASTAL MANAGEMENT PROGRAM
FY 2002-2003: COASTAL PARTNERSHIPS INITIATIVE APPLICATIONS**

All eligible applications were evaluated by the Evaluation Committee using only the information included in each application and according to the evaluation criteria listed in Rule 9M-1, F.A.C. Each application was evaluated within the initiative category in which it was submitted. Within each initiative category, the list below shows the total number of points (the sum of all five individual evaluators' scores) awarded to each application and the ranking of each project.

At the time of this notice and posting of scores, the amount of funding available for application awards is unknown. The Florida Coastal Management Program is usually notified of the total amount of its coastal management funding in March by the National Oceanic and Atmospheric Administration. The actual total amount of money available and the amount of funding determined to be appropriate for each project will affect the specific number of proposals that can be funded. However, no project scoring less than 250 points will be awarded funding. This is based on a minimum of 50 points awarded by an individual evaluator multiplied by five evaluators. As specified in Rule 9M-1, F.A.C., 25% of available funding (when the amount is known) will initially be directed to each initiative category. Projects will be funded in order of score and rank, based upon availability of funding, and subject to final approval by the National Oceanic and Atmospheric Administration.

Remarkable Coastal Places – 100s
Community Stewardship – 200s
Access to Coastal Resources – 300s
Working Waterfronts – 400s

Project Number and Title	Submitted By	Total Pts.	Rank
101: Indian River Lagoon Scenic Highway Designation	St. Lucie County	308	2
102: River to Sea Preserve at Marineland	Flagler County	344	1
201: Resource Ranger Club	West Florida RPC/ Escambia County	313	2
202: Wetlands Model Demonstration, a Middle School Outreach Program	Bay Area Resource Council/ Escambia County	286	3
203: Florida Keys GreenSweep	Nature Conservancy/ Monroe County	336	1
204: Sea Turtle Educational Materials	Palm Beach County	271	4
301: Shoreside Park Parking and Handicapped Accessibility and Repairs	Town of Palm Shores	327	2
302: Inlet Park Recreational Enhancement Planning	Town of Palm Beach Shores	218	below minimum
303: Venice South Beach Pier/Parking/ Beach Access	City of Venice	296	tie 6/7
304: Island City Park Preserve Public Access Improvements	City of Wilton Manors	269	12
305: Town Center Boardwalk Planning	City of Port Orange	270	11
306: South Causeway Island Picnic Pavilions	St. Lucie County	275	9

307: Middle Cove Park Fishing/ Observation Pier	St. Lucie County	314	3
308: Olde Eau Gallie Riverfront Pier Enhancement	City of Melbourne	265	13
309: Pleasant Oceanside Beach Renovations	City of Deerfield Beach	297	5
310: Chapman Field Park General Plan	Miami-Dade County	299	4
311: Smokehouse Bay Bridge Pedestrian Underpass	City of Marco Island	256	15
312: Ais Lagoon House Shoreline Stabilization	City of Palm Bay	342	1
313: Construct Up to Three Public Access Structures over Dunes on Okaloosa Island	Okaloosa County	285	8
314: Public Beach Access Improvement Program	Town of North Redington Beach	272	10
315: One Mile Wonder Walks	City of Mexico Beach	296	tie 6/7
316: Riverwalk Boardwalk Expansion Program	City of Port St. Lucie	257	14
317: Proposed Analysis of Maule Lake's Shoreline and Public Right-of-Ways	City of North Miami Beach	244	below minimum
401: Manatee Pocket Walk - Phase I Construction	Martin County	332	2
402: Panacea Visitors Center Project	Wakulla County	369	1
403: Eau Gallie Riverfront Areas Master Plan	City of Melbourne	307	4
404: Dinner Key Restrooms Renovation	City of Miami	215	below minimum
405: Daytona Beach Working Waterfronts Initiative	Daytona Beach Partnership	311	3

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for the Relocation of a Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Specialty Vehicles, Inc., intends to allow the relocation of Arkansas Bus Exchange as a dealership for the sale of Supreme Classic American trolley, from its present location at 12253 W. Colonial Drive, Winter Garden, FL 34787, to a proposed location at 1150 Jetport Drive, Orlando (Orange County), Florida 32809, on or after January 22, 2002.

The name and address of the dealer operator(s) and principal investor(s) of Arkansas Bus Exchange are dealer operator: Mr. Preben Olesen, 12253 W. Colonial Drive, Winter Garden, FL 34787; principal investor(s): Mr. Preben Olesen, Mr. Steven Olesen and Mrs. Darla Olesen, 12253 W. Colonial Drive, Winter Garden, FL 34787.

The notice indicates intent to relocate the franchise in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Ms. Nancy Munoz, President, Specialty Vehicles, Inc., 18331 Enterprise Lane, Huntington Beach, CA 92648.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the relocation of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, General Motors Corporation, intends to allow the establishment of Morse Operations, Inc., d/b/a Ed Morse GMC, as a dealership for the sale of GMC products, at approximately 14401 W. Sunrise Boulevard, Sunrise (Broward County), Florida, on or after June 1, 2002.

The name and address of the dealer operator(s) and principal investor(s) of Morse Operators, Inc., d/b/a Ed Morse GMC are dealer operator: Mr. Edward J. Morse, Jr., 6363 Northwest 6th Way, Suite 400, Ft. Lauderdale, FL 33309, principal investor(s): Mr. Edward J. Morse, Jr., Mr. Edward J. Morse, Sr. and Ms. Elizabeth A. Beaver, 6363 N. W. 6th Way, Ste. 400, Ft. Lauderdale, 33309.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Jody Huey, Dealer Contractual Manager, MC 482-A07-C66, 100 Renaissance Center, Detroit, MI 48265-1000.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF RECEIPT OF APPLICATION FOR POWER PLANT CERTIFICATION

On October 1, 2000, the Department received an application for certification of a power plant pursuant to the Florida Electrical Power Plant Siting Act, Section 403.501 et seq., Florida Statutes, concerning the Calpine Construction Finance Company, L. P., Blue Heron Energy Center, Power Plant Siting Application No. 00-42 OGC Case No. 00-2072.

This notice does not serve as a point of entry. The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

On January 17, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of John Gerrity Wade. Wade holds license number 3222832. Wade's last known address is 1105 Southwest 6th Street, Okeechobee, Florida 34974. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On January 17, 2002, John Agwunobi, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Margaret Gardocki-Crowley, RN license number RN 467192. Gardocki-Crowley's last known address is 23 Sea Lore Lane, Key West, Florida 33040. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On January 17, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Deborah Fappiano, CNA. Fappiano holds certificate number 0301000016325. Fappiano's last known address is 537 Lomond Drive, Port Charlotte, Florida 33953. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN January 14, 2002
 and January 18, 2002**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF BANKING AND FINANCE
Division of Banking

3C-100.03852	1/14/02	2/3/02	27/50	
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DEPARTMENT OF TRANSPORTATION

14-40.030	1/18/02	2/7/02	27/41	27/49
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DEPARTMENT OF CORRECTIONS

33-302.101	1/15/02	2/4/02	27/48	
33-401.201	1/18/02	2/7/02	27/48	
33-601.202	1/18/02	2/7/02	27/45	
33-602.220	1/16/02	2/5/02	27/39	27/50
33-602.222	1/16/02	2/5/02	27/39	27/50

DEPARTMENT OF THE LOTTERY

53ER02-3	1/18/02	1/18/02		
53ER02-4	1/18/02	1/18/02		

DEPARTMENT OF ELDER AFFAIRS
Administration of Federal Aging Programs

58A-4.001	1/14/02	2/3/02	27/42	27/50
58A-4.002	1/14/02	2/3/02	27/42	27/50

DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-503.200	1/17/02	2/6/02	27/46	
62-503.300	1/17/02	2/6/02	27/46	
62-503.350	1/17/02	2/6/02	27/46	
62-503.400	1/17/02	2/6/02	27/46	
62-503.420	1/17/02	2/6/02	27/46	
62-503.430	1/17/02	2/6/02	27/46	
62-503.500	1/17/02	2/6/02	27/46	
62-503.600	1/17/02	2/6/02	27/46	
62-503.650	1/17/02	2/6/02	27/46	
62-503.655	1/17/02	2/6/02	27/46	
62-503.680	1/17/02	2/6/02	27/46	
62-503.700	1/17/02	2/6/02	27/46	
62-503.800	1/17/02	2/6/02	27/46	
62-504.200	1/17/02	2/6/02	27/46	
62-504.300	1/17/02	2/6/02	27/46	
62-504.400	1/17/02	2/6/02	27/46	
62-504.420	1/17/02	2/6/02	27/46	
62-504.430	1/17/02	2/6/02	27/46	
62-504.500	1/17/02	2/6/02	27/46	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
62-504.600	1/17/02	2/6/02	27/46	
62-504.650	1/17/02	2/6/02	27/46	
62-504.655	1/17/02	2/6/02	27/46	
62-504.680	1/17/02	2/6/02	27/46	
62-504.700	1/17/02	2/6/02	27/46	
62-504.800	1/17/02	2/6/02	27/46	
62-602.200	1/17/02	2/6/02	27/45	27/52
62-602.230	1/17/02	2/6/02	27/45	
62-602.250	1/17/02	2/6/02	27/45	
62-602.270	1/17/02	2/6/02	27/45	
62-602.300	1/17/02	2/6/02	27/45	
62-602.360	1/17/02	2/6/02	27/45	27/52
62-602.400	1/17/02	2/6/02	27/45	
62-602.410	1/17/02	2/6/02	27/45	
62-602.420	1/17/02	2/6/02	27/45	
62-602.430	1/17/02	2/6/02	27/45	
62-602.450	1/17/02	2/6/02	27/45	
62-602.530	1/17/02	2/6/02	27/45	
62-602.550	1/17/02	2/6/02	27/45	
62-602.560	1/17/02	2/6/02	27/45	
62-602.600	1/17/02	2/6/02	27/45	
62-602.650	1/17/02	2/6/02	27/45	
62-602.700	1/17/02	2/6/02	27/45	
62-602.710	1/17/02	2/6/02	27/45	
62-602.750	1/17/02	2/6/02	27/45	
62-602.800	1/17/02	2/6/02	27/45	
62-602.850	1/17/02	2/6/02	27/45	
62-602.880	1/17/02	2/6/02	27/45	
62-602.900	1/17/02	2/6/02	27/45	

DEPARTMENT OF HEALTH
Board of Occupational Therapy

64B11-3.006	1/18/02	2/7/02	27/49	
64B11-3.007	1/18/02	2/7/02	27/49	
64B11-5.006	1/18/02	2/7/02	27/49	

Board of Pharmacy

64B16-28.114	1/15/02	2/4/02	27/43	27/49
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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self Sufficiency Program

65A-4.301	1/15/02	2/4/02	27/42	
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