

## Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

RULE CHAPTER TITLE: Florida Small Cities Community  
 RULE CHAPTER NO.: 9B-43

Development Block Grant Program	9B-43
<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Definitions	9B-43.003
Eligible Applicants	9B-43.004
Application Criteria	9B-43.005
Application Procedures for All Categories	9B-43.006
Scoring System	9B-43.007
Program Requirements for Housing	9B-43.009
Program Requirements for Neighborhood Revitalization	9B-43.010
Program Requirements for Economic Development	9B-43.012
Program Requirements for Commercial Revitalization	9B-43.013
General Grant Administration of All Categories	9B-43.014

**PURPOSE AND EFFECT:** To make changes to the Housing Rehabilitation Application Manual, the Neighborhood Revitalization Application Manual, the Commercial Revitalization Application Manual and the Economic Development Application, as well as modify the language in Rule Chapter 9B-43, Fla. Admin. Code.

**SUBJECT AREA TO BE ADDRESSED:** Changes to the application materials, as well as modifications to the language in Rule Chapter 9B-43, Fla. Admin. Code.

**SPECIFIC AUTHORITY:** 120.53, 290.048 FS.

**LAW IMPLEMENTED:** 290.042, 290.043, 290.044, 290.046, 290.047, 290.0475 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. – 1:00 p.m., January 21, 2004  
**PLACE:** Randall Kelley Training Center, Room 305C, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring a special accommodation at this public hearing because of a disability or physical impairment should contact the Bureau of Community Assistance, (850)488-7956, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Millie Schroeder, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1885

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

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER TITLE: Participation by Disadvantaged  
 RULE CHAPTER NO.: Business Enterprises 14-78

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
General	14-78.001
Time and General Procedural Requirements	14-78.0011
Definitions	14-78.002
General Responsibilities	14-78.003
Non-Federally Funded State DBE Program	14-78.004
Participation by Disadvantaged Business Enterprises	14-78.005
Procedure for Certification	14-78.007
Challenge Procedure	14-78.0071
Suspension or Revocation	14-78.008
Federal Appeal Rights	14-78.0081
Forms	14-78.009

**PURPOSE AND EFFECT:** This is a substantial amendment to Rule Chapter 14-78, F.A.C. Ten of the rules are to be repealed and Rule 14-78.005, F.A.C., is being substantially reworded. Special provision Section 7-25 of the *Standard Specifications for Road and Bridge Construction*, 2004 edition and the provisions of 49 C.F.R. Part 26 (Effective July 16, 2003) are incorporated by reference.

**SUBJECT AREA TO BE ADDRESSED:** This is a significant amendment of Rule Chapter 14-78, F.A.C., which includes repeal of 10 of the existing rules and substantial rewording of Rule 14-78.005, F.A.C.

**SPECIFIC AUTHORITY:** 337.125, 337.137, 339.0805 FS.

**LAW IMPLEMENTED:** 337.125, 337.137, 339.0805 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: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

**PARTICIPATION BY SOCIALLY AND ECONOMICALLY DISADVANTAGED BUSINESS ENTERPRISES INDIVIDUALS IN DEPARTMENT OF TRANSPORTATION CONTRACTS**

**14-78.001 General.**

Specific Authority 334.044(2), 339.0805(5) FS. Law Implemented 339.05, 339.0805 FS. History--New 12-9-81, Amended 5-23-84, Formerly 14-78.01, Amended 9-21-87, 5-4-88, Repealed.

**14-78.0011 Time and General Procedural Requirements.**

Specific Authority 334.044(2), 339.0805 FS. Law Implemented 339.05, 339.0805 FS. History--New 5-23-84, Formerly 14-78.011, Amended 9-21-87, 5-4-88, 12-2-93, Repealed.

**14-78.002 Definitions.**

Specific Authority 334.044(2), 339.05, 339.0805 FS. Law Implemented 339.05, 339.0805 FS. History--New 5-23-84, Formerly 14-78.02, Amended 9-21-87, 5-4-88, 4-17-89, 6-24-91, 4-15-92, 12-2-93, Repealed.

**14-78.003 General Responsibilities.**

Specific Authority 334.044(2), 337.125(4), 337.137(3) FS. Law Implemented 337.125, 337.137, 337.139, 339.05, 339.0805 FS. History--New 12-9-81, Amended 5-23-84, 11-10-85, Formerly 14-78.03, Amended 9-21-87, 5-4-88, 4-17-89, 6-24-91, 12-2-93, 10-30-96, 8-12-97, 12-31-98, Repealed.

**14-78.004 Non-Federally Funded State DBE Program.**

Specific Authority 334.044(2), 337.125(4), 337.137(3), 337.139, 339.0805 FS. Law Implemented 337.125, 337.137, 337.139, 339.0805 FS. History--New 12-2-93, Repealed.

(Substantial Rewording of Rule 14-78.005 follows. See Florida Administrative Code for present text.)

**14-78.005 Participation by Disadvantaged Business Enterprises Standards for Certification of DBEs.**

(1) Special Provision Section 7-25 of the Standard Specifications for Road and Bridge Construction, 2004 edition, is incorporated herein by reference.

(2) 49 C.F.R. Part 26 (Effective July 16, 2003) is incorporated herein by reference and adopted by the Department for participation by disadvantaged business enterprises in the Department's federally funded projects. The provisions of 64 Federal Register No. 21, February 2, 1999, and 68 Federal Register No. 115, June 16, 2003, are available from the Department for informational purposes only. They also can be obtained on the Internet at <http://www.gpoaccess.gov/fr/index.html>.

Specific Authority ~~334.044(2)~~, ~~337.125(4)~~, ~~337.137(3)~~, ~~339.0805(1)~~ FS. Law Implemented 337.125, 337.137, ~~339.05~~, 339.0805 FS. History--New 12-9-81, Amended 5-23-84, Formerly 14-78.05, Amended 9-21-87, 5-4-88, 6-24-91, 12-2-93, 4-30-96, \_\_\_\_\_.

**14-78.007 Procedure for Certification.**

Specific Authority 334.044(2), 339.0805(1) FS. Law Implemented 120.57, 120.60, 334.044(27), 339.05, 339.0805 FS. History--New 12-9-81, Amended 5-23-84, Formerly 14-78.07, Amended 9-21-87, 5-4-88, 6-24-91, 12-2-93, 4-30-96, Repealed.

**14-78.0071 Challenge Procedure.**

Specific Authority 120.53(1)(b), 334.044(2), 339.0805 (1) FS. Law Implemented 120.57, 120.60, 334.044(27), 339.05, 339.0805 FS. History--New 6-24-91, Amended 12-2-93, Repealed.

**14-78.008 Suspension or Revocation.**

Specific Authority 334.044(2), 337.137(3), 339.0805(2) FS. Law Implemented 120.57, 334.044(27), 337.137, 339.05, 339.0805 FS. History--New 12-9-81, Amended 5-23-84, Formerly 14-78.08, Amended 9-21-87, 5-4-88, 6-24-91, 12-2-93, Repealed.

**14-78.0081 Federal Appeal Rights.**

Specific Authority 334.044(2), 339.0805(1) FS. Law Implemented 339.05, 339.0805 FS. History--New 5-23-84, Formerly 14-78.081, Amended 9-21-87, 12-2-93, Repealed.

**14-78.009 Forms.**

Specific Authority 334.044(2), 339.0805(1), (2) FS. Law Implemented 334.044(27), 339.05, 339.0805 FS. History--New 12-9-81, Amended 5-23-84, Formerly 14-78.09, Amended 9-21-87, 5-4-88, 6-24-91, 12-2-93, 4-30-96, Repealed.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are 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 CORRECTIONS**

RULE TITLE: Rules of Conduct  
 RULE NO.: 33-208.002

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify circumstances when employees are required to report incidents to their supervisors.

SUBJECT AREA TO BE ADDRESSED: Employee rules of conduct.

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 944.09, 944.14, 944.35, 944.36, 944.37, 944.38, 944.39, 944.47 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-208.002 Rules of Conduct.

The Department of Corrections requires all employees to familiarize themselves with all rules and regulations pertaining to their positions and duties, and that employees abide by these rules and regulations. The following rules of conduct and performance standards are applicable both on and off the job to all Department of Corrections employees. Some of these rules of conduct are found again in abbreviated form in the next section titled "Range of Disciplinary Actions," however, all rules of conduct are enforceable by appropriate disciplinary action regardless of whether they are listed in the range of disciplinary actions.

(1) No change.

~~(2) Each employee shall make an immediate report to the Secretary, warden, or Officer in Charge of any violation of the law or the rules and regulations of the Department of which he has knowledge. Such employee's report may be required in writing at the discretion of the receiving official.~~

~~(2)(3)(a)~~ Each employee shall make a full written report within 3 calendar days of any:

1. Criminal charge filed against him or

2. ~~any~~ Arrest or receipt of a Notice to Appear for any violation of any criminal law involving a misdemeanor or felony, or ordinance except minor ~~traffic~~ violations for which the fine or bond forfeiture is \$200 or less.

3. Knowledge of any violation of the law, rules, directives or procedures of the Department.

~~(b) In field locations~~ This report shall be submitted to the warden, regional director, or circuit administrator or officer in charge; in central office this report shall be submitted to the employee's bureau chief or director.

(4) through (27) renumbered (3) through (26) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09, 944.14, 944.35, 944.36, 944.37, 944.38, 944.39, 944.47 FS. History--New 10-8-76, Amended 10-11-77, 4-19-79, 6-18-83, Formerly 33-4.02, Amended 8-15-89, 10-20-90, 1-31-91, 3-20-91, 1-30-96, 3-24-97, 4-19-98, Formerly 33-4.002, Amended 7-17-02,\_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE TITLES: RULE NOS.:

State Classification Office and Institutional Classification Teams	33-601.209
Elderly Offender Housing	33-601.217
Youthful Offenders – Definitions	33-601.220
Maximum Management	33-601.820

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to modify the definition of 'institutional classification team' to clarify the intent of the rule, i.e., that security interests be represented in team decisions. The proposed rules replace the requirement that a specific individual be on the team with the requirement that a high-ranking member of security staff be a part of the team.

SUBJECT AREA TO BE ADDRESSED: Inmate classification.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.209 State Classification Office and Institutional Classification Teams.

(1) No change.

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

~~(a)~~ The State Classification Office (SCO) refers to a staff member at the central office level who is responsible for the review of inmate classification decisions. Duties include approving or rejecting Institutional Classification team (ICT) recommendations.

(3) The Institutional Classification Team refers to the team consisting of the warden or assistant warden, classification supervisor, a correctional officer chief, and other members as necessary when appointed by the warden or designated by rule. The ICT is responsible for making work, program, housing and inmate status decisions at a facility and for making other recommendations to the State Classification Office (SCO) local classification decisions as defined in rule and procedure. The Institutional Classification Team shall be comprised of the following members:

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

~~(b) Classification supervisor.~~

~~(c) Chief of Security.~~

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

Specific Authority 944.09 FS. Law Implemented 944.09, 944.17, 944.1905, 958.11 FS. History--New 9-19-00, Amended \_\_\_\_\_.

33-601.217 Elderly Offender Housing.

(1) Definitions.

(a) Institutional Classification Team (ICT) – refers to the team consisting of the warden or assistant warden, classification supervisor, a correctional officer and chief, and other members as necessary when appointed by the warden or designated by rule. The ICT is of security, responsible for

making work, program, housing and inmate status decisions at a facility and for making other recommendations to the State Classification office (SCO).

(b) through (2) No change.

Specific Authority 944.09, 944.804 FS. Law Implemented 944.09, 944.804 FS. History--New 9-15-02, Amended \_\_\_\_\_.

33-601.220 Youthful Offenders – Definitions.

(1) through (6) No change.

(7) Institutional Classification Team (ICT) – refers to the team consisting of the warden or assistant warden, classification supervisor, a correctional officer and chief, and other members as necessary when appointed by the warden or designated by rule. The ICT of security which is responsible for making work, program, housing and inmate status decisions at a facility and for making other recommendations to the State Classification Office (SCO).

(8) through (9) No change.

Specific Authority 944.09, 958.11 FS. Law Implemented 944.09, 958.11 FS. History--New 3-13-01, Formerly 33-506.100, Amended 2-19-03, \_\_\_\_\_.

33-601.820 Maximum Management.

(1) No change.

(2) Definitions.

(a) No change.

(b) Institutional Classification Team (ICT) for Maximum Management Review — refers to the team consisting responsible for making local classification decisions. The Institutional Classification Team shall be comprised of the warden or aAssistant wWarden, who shall serve as Chairperson, cClassification sSupervisor, a correctional officer cChief of Security, and other members as necessary when appointed by the warden or designated by rule. The ICT is responsible for making work, program, housing and inmate status decisions at a facility and for making other recommendations to the State Classification Office (SCO).

(c) through (11) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 12-7-00, Amended 11-23-03, \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Aged and Disabled Adult Waiver Services  
RULE NO.: 59G-8.610  
PURPOSE AND EFFECT: The purpose of this rule is to incorporate by reference the Florida Medicaid Aged and Disabled Adult Waiver Services Coverage and Limitations Handbook, March 2004. This handbook includes the provider requirements, covered services, procedure codes and fees for the Florida Medicaid Aged and Disabled Adult Waiver Services Program. This handbook also includes changes required by the Health Insurance Portability and Accountability Act (HIPAA). The effect will be to incorporate

by reference in the rule the Florida Medicaid Aged and Disabled Adult Waiver Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Aged and Disabled Adult Waiver Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.912, 409.913 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: 8:30 a.m. – 9:30 a.m., January 14, 2004

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, 1st Floor Conference Room C, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jim Crochet, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)487-3028

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-8.610 Aged and Disabled Adult Waiver Services.

(1) This rule applies to all Home and Community Based Services Aged and Disabled Adult Waiver Services providers enrolled in the Medicaid program.

(2) All Aged and Disabled Adult Waiver Services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Aged and Disabled Waiver Services Coverage and Limitations Handbook, March 2004, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, Non-Institutional 081 which is incorporated by reference in Rule 59G-8.200, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.912, 409.913 FS. History--New \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Auctioneers**

RULES TITLES: Application Fees 61G2-3.002  
Examination Fees 61G2-3.003

PURPOSE AND EFFECT: The Board proposes to review the rules to determine whether amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Application and examination fees.

SPECIFIC AUTHORITY: 468.385, 468.386(1), 468.387, 943.053 FS.

LAW IMPLEMENTED: 455.2171, 468.385, 468.385(4), 468.387, 943.053 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: Julie Malone, Executive Director, Board of Auctioneers, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G2-3.002 Application Fees.

The application fee for those applying for an auctioneer license through examination is \$50; for an auctioneer license by endorsement or reciprocity \$75; for an apprentice license \$50; and for an auction business license \$50. Additionally, each application shall be accompanied by a \$47 fingerprint processing fee.

Specific Authority 468.386(1), 943.053 FS. Law Implemented 468.385, 468.387, 943.053 FS., as amended by s. 7, Ch. 87-210, Laws of Florida. History—New 5-4-87, Amended 10-19-87, Formerly 21BB-3.002, Amended

61G2-3.003 Examination Fees.

(1) When the examination is not conducted by a professional testing service pursuant to Section 455.2171, Florida Statutes, \$250.00 payable to the Department. When the examination is conducted by a professional testing service pursuant to Section 455.2171, Florida Statutes, ~~\$241.00~~ ~~237.00~~ payable to the Department plus \$9.00 ~~13.00~~ payable to the testing service.

(2) When the re-examination is not conducted by a professional testing service pursuant to Section 455.2171, Florida Statutes, \$250.00 payable to the Department. When the re-examination is conducted by a professional testing service pursuant to Section 455.2171, Florida Statutes, ~~\$241.00~~ ~~237.00~~ payable to the Department plus \$9.00 ~~13.00~~ payable to the testing service.

Specific Authority 468.386(1) FS. Law Implemented 455.2171, 468.385(4) FS. History—New 5-4-87, Amended 9-13-88, Formerly 21BB-3.003, Amended 5-3-99, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE TITLE: Continuing Education Requirements for Certificateholders and Registrants  
 RULE NO.: 61G4-18.001  
 PURPOSE AND EFFECT: The purpose of this rule development is to review the continuing education requirements.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Requirements for Certificateholders and Registrants.

SPECIFIC AUTHORITY: 455.213(6), 455.2177, 455.2178, 455.2179, 489.108, 489.115 FS.

LAW IMPLEMENTED: 455.2123, 455.213(6), 455.2177, 455.2178, 455.2179, 455.271(b), 489.115, 489.116 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: Timothy Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE TITLE: Qualification Program for Special Inspectors of Threshold Buildings  
 RULE NO.: 61G15-35.003

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the language and to remove the subsections (1)(e) relating to self-certification of competency of applicant and (2) relating to automatically qualifying the registered professional engineers who are Certified Special Inspectors listed on the Roster maintained by the Department of Community Affairs.

SUBJECT AREA TO BE ADDRESSED: Qualification Program for Special Inspectors Threshold Buildings.

SPECIFIC AUTHORITY: 471.008, 471.033(2) FS.

LAW IMPLEMENTED: 471.015(7), 471.033 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: Natalie Lowe, Executive Director, Florida Board of Professional Engineers, 2507 Callaway Road, Tallahassee, Florida 32303

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-35.003 Qualification Program for Special Inspectors of Threshold Buildings.

(1) The minimum qualifying criteria for Special Inspectors of Threshold Buildings, also referred to as Threshold Inspectors, established by the Board shall be as follows:

(a) Proof of current licensure in good standing as a licensed professional engineer whose principal practice is structural engineering in the State of Florida.

(b) Three years of experience in performing structural field inspections on threshold ~~type~~ buildings.

(c) Two years of experience in the structural design of threshold ~~type~~ buildings. For the purpose of these criteria, structural design shall mean the design of all structural components of the building and shall not be limited to specific structural components only, such as foundations, prestressed or post-tensioned concrete, etc.

(d) Experience in the structural inspection and/or design of at least three threshold ~~type~~ buildings. This experience must be within the ten calendar years preceding submission of the application.

~~(e) Self-certification as to the competency of the applicant to perform structural inspections on threshold buildings.~~

~~(2) All registered professional engineers who are certified Special Inspectors and on the Roster of Special Inspectors maintained by the Department of Community Affairs, pursuant to Rule 9B-3.043, F.A.C., as of June 30, 2000 shall be qualified pursuant to this rule and shall continue to be certified Special Inspectors of threshold buildings.~~

(3) through (5) renumbered (2) through (4) No change.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.015(7), 471.033 FS. History—New 4-19-01, Amended 7-7-02, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE TITLE: RULE NO.:

Common Requirements to All Engineers Providing Threshold Building Inspection Services as Special Inspectors 61G15-35.004

PURPOSE AND EFFECT: The Board proposes to amend this rule to change Threshold Building Inspectors to Special Inspectors for clarity and uniformity with other existing rules.

SUBJECT AREA TO BE ADDRESSED: Common Requirements to all Engineers Providing Threshold Building Inspection Services as Special Inspectors.

SPECIFIC AUTHORITY: 471.008, 471.033(2) FS.

LAW IMPLEMENTED: 471.015(7), 471.033 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: Natalie Lowe, Executive Director, Florida Board of Professional Engineers, 2507 Callaway Road, Tallahassee, Florida 32303

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-35.004 Common Requirements to All Engineers Providing Threshold Building Inspection Services as Special Inspectors.

(1) For each Threshold Building, a notice shall be filed for public record, bearing the name, address, signature, date and seal of the Special Inspector, certifying that the Special Inspector is competent to provide the engineering services for the specific type of structure.

(2) ~~Special Threshold Building~~ Inspectors utilizing Authorized Representatives shall insure the Authorized Representative is qualified by education or licensure to perform the duties assigned by the Special Threshold Building Inspector. The qualifications shall include licensure as a professional engineer or architect; graduation from an engineering education program in civil or structural engineering; graduation from an architectural education program; successful completion of the NCEES Fundamentals Examination; or registration as building inspector or general contractor.

(3) ~~Special Threshold Building~~ Inspectors shall be in responsible charge of the work of the Authorized Representative, including reviewing reports and spot checks.

(4) ~~Special Threshold Building~~ Inspectors shall institute quality assurance procedures to include but not be limited to requiring unscheduled visits, utilization or relevant check lists, use of a Daily Inspection Report and insuring that the Special Inspector or the Authorized Representative is at the project whenever so required by the inspection plan.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.015(7), 471.033 FS. History—New 3-21-01, Amended \_\_\_\_\_.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are 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**

**Board of Medicine**

RULE TITLE: Definitions  
 RULE NO.: 64B8-2.001

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address the inappropriateness of administration of lidocaine injections by medical assistants.

SUBJECT AREA TO BE ADDRESSED: The inappropriateness of administration of lidocaine injections by medical assistants.

SPECIFIC AUTHORITY: 458.309, 458.315(1), 458.317(1)(c), 458.319(1), 458.3485, 766.314(4) FS.

LAW IMPLEMENTED: 456.072(2)(g), 458.303, 458.311, 458.313, 458.314(4), 458.315(1), 458.317(1)(c), 458.331(1)(u), 458.3485, 766.314(4) 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Application, Certification, Registration, and Licensure Fees  
 RULE NO.: 64B8-3.002

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address an increase in the initial certification fee from \$385 to \$424.

SUBJECT AREA TO BE ADDRESSED: An increase in the initial certification fee to \$424.

SPECIFIC AUTHORITY: 456.013, 456.025, 458.309, 458.311, 458.313, 458.3135, 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.345, 458.347 FS.

LAW IMPLEMENTED: 456.013, 456.025, 456.036, 458.311, 458.3115, 458.3124, 458.313, 458.3135, 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.345, 458.347 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-3.002 Application, Certification, Registration, and Licensure Fees.

The following fees are prescribed by the Board:

(1) through (6) No change.

(7) The initial certification fee for any person who is issued a temporary certificate to practice in areas of critical need, public health certificate, public psychiatry certificate, or medical faculty certificate and the initial license fee for a person who is issued a license to practice as a physician as provided in Section 458.311, 458.3115, 458.3124, F.S., or Section 458.313, F.S.; or a limited license as provided in Section 458.317, F.S., shall be \$424.00 ~~\$385.00~~ with the following exceptions:

(a) through (d) No change.

(8) through (9) No change.

Specific Authority 456.013, 456.025, 458.309, 458.311, 458.313, 458.3135, 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.345, 458.347 FS. Law Implemented 456.013, 456.025, 456.036, 458.311, 458.3115, 458.3124, 458.313, 458.3135, 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.345, 458.347 FS. History—New 12-5-79, Amended 11-10-82, 8-11-85, 10-24-85, Formerly 21M-19.02, Amended 12-4-86, 11-3-87, 7-4-88, 10-23-89, 11-12-89, 11-11-90, 1-16-91, 1-9-92, 2-10-92, 9-7-92, Formerly 21M-19.002, Amended 9-21-93, Formerly 61F6-19.002, Amended 2-13-95, 2-20-96, 6-24-96, Formerly 59R-3.002, Amended 6-7-98, 8-11-98, 11-22-98, 12-14-99, 1-31-01, 11-20-01, 10-19-03, 12-2-03, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Continuing Education for Biennial Renewal  
 RULE NO.: 64B8-13.005

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address continuing education credit for Board members.

SUBJECT AREA TO BE ADDRESSED: Continuing medical education for Board members.

SPECIFIC AUTHORITY: 456.013(6),(7), 456.031(4), 458.309, 458.319 FS.

LAW IMPLEMENTED: 456.013(6),(7), 456.031(1)(a),(3), 458.319(4) 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-13.005 Continuing Education for Biennial Renewal.

(1) No change.

(2)(a) For purposes of this rule, risk management means the identification, investigation, analysis, and evaluation of risks and the selection of the most advantageous method of correcting, reducing, or eliminating identifiable risks.

(b) Five hours of continuing medical education in the subject area of risk management may be obtained by attending one full day or eight (8) hours, whichever is more, of disciplinary hearings at a regular meeting of the Board of Medicine in compliance with the following:

1. through 2. No change.

3. The licensee must sign out with the Executive Director of the Board at the end of the meeting day or at such other earlier time as affirmatively authorized by the Board. A licensee may receive CME credit in risk management for attending the disciplinary portion of a Board meeting only if he or she is attending on that date solely for that purpose; he or she may not receive such credit if appearing at the Board meeting for another purpose. A member of the Board of Medicine may obtain 10 ~~5~~ hours of continuing medical education per biennium in the subject area of risk management for attendance at the disciplinary portion of ~~one~~ Board meetings.

(3) through (7) No change.

(8) In addition to the continuing medical education credits authorized above, current and former Board members shall receive up to a maximum of 5 hours of credit per biennium in the area of risk management for serving on the Board's probable cause panel. Service on the Board's probable cause panel shall also satisfy the required continuing medical education on the prevention of medical errors as set forth in subsection (1)(e) of this rule.

(9) through (11) No change.

Specific Authority 456.013(6),(7), 456.031(4), 458.309, 458.319 FS. Law Implemented 456.013(6),(7), 456.031(1)(a),(3), 458.319(4) FS. History--New 9-7-86, Amended 11-17-87, 11-15-88, 1-31-90, 9-15-92, Formerly 21M-28.002, Amended 12-5-93, Formerly 61F6-28.002, Amended 3-1-95, 1-3-96, 1-26-97, Formerly 59R-13.005, Amended 5-18-99, 2-7-01, 6-4-02, 10-8-03,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE:

Citation Authority

RULE NO.:

64B8-30.014

PURPOSE AND EFFECT: The Council proposes the recommendation of a rule amendment to address additions to the rule regarding violations appropriate for citations.

SUBJECT AREA TO BE ADDRESSED: Citation violations and penalties.

SPECIFIC AUTHORITY: 456.077, 458.309, 458.347(7)(g),(12) FS.

LAW IMPLEMENTED: 456.077, 458.331, 458.347(7)(g),(12) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-30.014 Citation Authority.

(1) through (2) No change.

(3) The following violations with accompanying penalty may be disposed of by citation with the specified penalty:

**VIOLATIONS PENALTY**

(a) through (d) No change.

(e) Failure to notify Department of change of practice and/or mailing address.(Sections 456.035, 458.319(3), 458.331(1)(g), 458.347(7)(g), F.S. \$125

(f) No change.

(g) Failure to report to the Department of addition/deletion/change of supervising physician(s). (Sections 456.035, 458.331(1)(g), 458.347(7)(e), (g), F.S.) \$ \_\_\_\_\_

(4) through (7) No change.

Specific Authority 456.077, 458.309, 458.347(7)(g),(12) FS. Law Implemented 456.077, 458.331, 458.347(7)(g),(12) FS. History--New 3-3-02, Amended 5-19-03, 11-17-03,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE TITLE:

Citation Authority

RULE NO.:

64B15-6.01051

PURPOSE AND EFFECT: The Council proposes the recommendation of a rule amendment to address additions to the rule regarding violations appropriate for citations.

SUBJECT AREA TO BE ADDRESSED: Citation violations and penalties.



SPECIFIC AUTHORITY: 456.077, 459.005, 459.022(7)(f),(12) FS.

LAW IMPLEMENTED: 456.077, 459.015, 459.022(7)(f),(12) 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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-6.01051 Citation Authority.

(1) through (2) No change.

(3) The following violations with accompanying penalty may be disposed of by citation with the specified penalty:

Violations	Penalty
(a) through (d) No change.	
(e) Failure to notify Department of change of practice <u>and/or mailing</u> address. (456.035, 459.008(3), 459.015(1)(g), 459.022(7)(f), F.S.)	\$ 125 fine
(f) No change.	
(g) <u>Failure to report to the Department of addition/deletion/change of supervising physician(s). (Sections 456.035, 459.015(1)(g), 459.022(7)(e),(g), F.S.)</u>	\$ _____
(4) through (7) No change.	

Specific Authority 456.077, 459.005, 459.022(7)(f),(12) FS. Law Implemented 456.077, 459.015, 459.022(7)(f),(12) FS. History--New 3-10-02, Amended

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE TITLE: Grants Administration RULE NO.: 68A-2.015

PURPOSE AND EFFECT: The purpose of this proposed rule is to develop administrative rules to guide agency grants programs authorized by Section 370.23, F.S. and Chapter 372, F.S. The effect of the proposed rule will be to provide written administrative process for grants administration which is statutorily required for grants programs.

SUBJECT AREA TO BE ADDRESSED: Grants administration.

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

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

A HEARING ON THE PROPOSED RULE DEVELOPMENT WILL BE HELD IN CONJUNCTION WITH THE COMMISSION'S REGULARLY SCHEDULED PUBLIC MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, February 4-6, 2004

PLACE: Amelia Island Plantation, 6800 First Coast Highway, Amelia Island, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tim Breault, Division of Wildlife, 620 S. Meridian St., Tallahassee, FL 32399-1600, (850)488-3831; James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Marine Special Activity License Program	68B-8
RULE TITLES:	RULE NOS.:
Introduction and Scope	68B-8.001
Definitions	68B-8.002
General Conditions and Restrictions	68B-8.003
Application Review Process and Evaluation Criteria	68B-8.004
Third Party Contractors	68B-8.005
Scientific Research Special Activity License	68B-8.006
Educational/Exhibitional Special Activity License	68B-8.007
Florida Marine Science Educators Association Certification	68B-8.008
Indigenous Marine Prohibited Species Special Activity License	68B-8.009
Stock Collection and Release Special Activity License	68B-8.010
Aquaculture Broodstock Collection Special Activity License	68B-8.011
Snook Special Activity License	68B-8.012
Non-Conforming Gear Special Activity Licenses and Exemptions	68B-8.013
Marine Chemical Special Activity License	68B-8.014
Dredge Special Activity License	68B-8.015

PURPOSE AND EFFECT: The purpose of this rule development effort is to consolidate all of the rules that govern the Special Activity License program into a single,

comprehensive rule chapter that provides applicants with clear eligibility requirements, evaluation criteria, and special conditions that may apply to their license request. The effect of these changes will be that applicants will have a single rule to reference that contains all of the information necessary to apply for a Special Activity License instead of having to reference five separate FWC rules.

SUBJECT AREA TO BE ADDRESSED: Marine Special Activity Licenses.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Cindy Hoffman, ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Red Drum (Redfish)	68B-22
RULE TITLES:	RULE NOS.:
Definitions	68B-22.002
Bag and Possession Limits; Sale Prohibited	68B-22.005
Catch-Hold-and-Release Tournament Exemption	68B-22.007

PURPOSE AND EFFECT: The purpose of this rule development effort is to authorize participants in redfish tournaments, through a permit issued by the Commission, to release a live redfish possessed in a live well or tank of specified circulation and capacity, for the purpose of harvesting and retaining another redfish. Under current rules, this practice is not allowed because a fish rendered into possession is considered to be harvested for purposes of the one-redfish per day bag limit. The effect of this effort should be to allow Florida to take advantage of the economic benefit of the popular tournaments without causing undue mortality on those fish that are held by the participants and later released.

SUBJECT AREA TO BE ADDRESSED: Redfish tournaments and catch-hold-and-release fishing by participants.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: Cindy Hoffman, ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-22.002 Definitions.

(1) “Catch, hold and release”, means the intentional release of a live redfish, possessed in a live well or recirculating tank aboard a boat, for the purpose of harvesting another redfish.

(2)(1) No change.

(3) “Fishing tournament”, as used in this chapter, means a fishing competition involving 50 or more participants that has written rules and regulations, requires an entry fee, and awards prizes to competitors.

(4) “FWC” means the Florida Fish and Wildlife Conservation Commission.

(5)(2) “Harvest” means the catching or taking of a fish by any means whatsoever, followed by a reduction of such fish to possession. Fish that are caught but immediately returned to the water free, alive and unharmed are not harvested. In addition, temporary possession of a fish for the purpose of measuring it to determine compliance with the minimum or maximum size requirements of this chapter shall not constitute harvesting such fish, provided that it is measured immediately after taking, and immediately returned to the water free, alive and unharmed if undersize or oversize. A person engaged in catch, hold, and release pursuant to Rule 68B-22.007, F.A.C., shall not be considered to have harvested a redfish if it is released alive.

(3) through (8) renumbered (6) through (11) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 9-12-85, Amended 2-12-87, 1-1-89, 1-1-96, 1-1-98, Formerly 46-22.002, Amended.

68B-22.005 Bag and Possession Limits; Sale Prohibited.

(1) Bag Limits – ~~Except as provided for in 68B-22.007~~, no person shall harvest more than one native redfish per day, nor possess more than one native redfish while in, on, or above the waters of the state or on any dock, pier, bridge, beach, or other fishing site adjacent to such waters. Elsewhere, no person shall possess more than two native redfish at any time.

(2) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 2-12-87, Amended 1-1-89, 6-3-91, 1-1-96, Formerly 46-22.005, Amended \_\_\_\_\_.

68B-22.007 Catch-Hold-and-Release Tournament Exemption.

(1) Except as provided in this rule, the practice of catching, holding, and releasing redfish is prohibited. The director of the Division of Marine Fisheries, or his designee, shall issue a tournament exemption permit to the director of a catch-and-release fishing tournament to allow redfish to be caught, held, and released during the tournament, and to allow the tournament to exceed redfish bag and possession limits pursuant to subsection 68B-22.005(1), F.A.C., after redfish have been weighed-in, provided that each of the following conditions is met:

(a) Tournament anglers and tournament staff agree to attempt to release alive all redfish that are caught, including those fish that are weighed-in.

(b) Each tournament angler possesses only one live redfish in the boat’s live well or recirculating tank at any one time.

(c) All boats used in the tournament contain recirculating or aerated live wells that are at least 3.3 cubic feet or 25 gallons in capacity.

(d) Dead redfish possessed by tournament anglers are not discarded. A dead redfish is considered harvested and will count as the daily bag limit for the tournament angler who harvested that fish.

(e) Redfish are maintained in an aerated recovery holding tank prior to release. Recovery holding tank requirements may be specified in the tournament exemption permit at the FWC’s discretion in order to increase survival of released redfish.

(f) The tournament provides the FWC with a description of the aerated recovery holding tank(s) used to maintain redfish alive after weigh-in.

(g) The tournament provides the FWC with a description of the location where tournament caught redfish will be released after they are weighed in. In order to increase survival of released redfish, release locations may be specified in the tournament exemption permit at the FWC’s discretion.

(h) The tournament permit holder shall submit a post-tournament report to the FWC indicating the number of fished weighed-in each day of the tournament, the number of fish weighed in dead each day, and the number of fish that died

after being weighed-in, but prior to release each day. The FWC may specify additional tournament reporting requirements as a condition of the tournament exemption permit.

(i) The tournament agrees to allow FWC staff the opportunity to collect research data and conduct research and onboard monitoring during the tournament, as needed.

(2) Application for issuance of a tournament exemption permit shall be made on a form provided by the FWC (Form DMF-SL 5000 (3-04), incorporated herein by reference). Tournament exemption permits will only be issued to catch-and-release redfish tournaments that agree to the permit conditions in subsection (1).

(3) Any anglers participating in a redfish tournament for which a tournament exemption permit has been issued shall have a copy of the permit in his or her possession at all times during tournament operating hours.

(4) Any violation of the conditions and requirements specified within the tournament exemption permit will be considered a violation of this rule.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New \_\_\_\_\_.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Spiny Lobster (Crawfish) and Slipper Lobster	68B-24
RULE TITLES:	RULE NOS.:
Definitions	68B-24.002
Commercial Requirements; Appeals	68B-24.0055
Gear: Traps, Buoys, Identification	
Requirements, Prohibited Devices	68B-24.006
Trap Reduction Schedule	68B-24.009

PURPOSE AND EFFECT: The primary purpose of this rule development effort is to fully implement the licensing program for commercial divers in the spiny lobster fishery. Secondary purposes include strengthening the prohibition against harvest from artificial habitat and suspending for three seasons the trap reduction program while a comprehensive study of the commercial fishery is concluded. The effect of this effort should be to encourage commercial divers to harvest from natural and not artificial habitat and maintenance of the health of the fishery pending the study results.

SUBJECT AREA TO BE ADDRESSED: Commercial harvest of spiny lobster.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.  
IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: Cindy Hoffman, ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-24.002 Definitions.

As used in this rule chapter:

(1) through (7) No change.

(8) “Immediate family” refers to a commercial harvester’s mother, father, sister, brother, spouse, son, daughter, step-father, step-mother, step-son, step-daughter, half-sister, half-brother, son-in-law, or daughter-in-law.

(8) through (14) renumbered (9) through (15) No change.

PROPOSED EFFECTIVE DATE: April 1, 2004.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-2-87, Amended 7-2-90, 3-1-92, 6-1-94, 10-4-95, Formerly 46-24.002, Amended 7-7-03, 4-1-04.

68B-24.0055 Commercial Requirements; Appeals.

(1) No change.

(2) Beginning in the 2004-2005 fishing season, in addition to a valid saltwater products license with a restricted species endorsement and a valid crawfish endorsement, a commercial dive permit is required to harvest spiny lobster in commercial quantities by diving. This permit will be in the form of the letter D being added to the end of the existing crawfish number. Application for issuance of a commercial dive permit shall be made on a form provided by the Commission (Form DMF-SL0610 ~~(4-04 7-03)~~), Commercial Dive Permit Application), incorporated herein by reference.

(a) The applicant must have documented commercial dive lobster landings pursuant to Commission trip ticket records generated under the provisions of Rule Chapter 68E-5, F.A.C., during the license year July 1, 2000 through June 30, 2001, or July 1, 2001 through June 30, 2002, or during the license year July 1, 2002 through June 30, 2003.

(b) Commercial dive permits will not be issued to or renewed for applicants who own one or more lobster trap certificates. Trap certificates may only be transferred during the period August 1 to March 1 each year. An applicant who is otherwise eligible to receive a commercial dive permit in 2004-2005 but holds lobster trap certificates after March 1, 2004, may receive a commercial dive permit if the commission

is directed in writing to deactivate his/her lobster trap certificate account. Failure on the part of such an applicant to obtain the commercial dive permit for the 2004-2005 season is a waiver of eligibility for the dive permit until such a time that the commission authorizes issuance of new commercial dive permits.

(c) Effective January 1, 2005 and until July 1, 2010, no new commercial dive permits will be issued and no commercial dive permit will be renewed or replaced except those that were active during the 2004-2005 fishing season. Existing permits may only be issued to a single saltwater products license with a valid crawfish endorsement and a valid restricted species endorsement. Beginning in the 2005-2006 license year and in subsequent license years until July 1, 2010, persons holding a commercial dive permit that was active during the 2004-2005 license year or an immediate family member of that person must request renewal of the commercial dive permit before September 30 of each year. Failure to renew the commercial dive permit by September 30 of each year will result in forfeiture of the permit.

(d) An applicant who possesses both an individual saltwater products license and a vessel saltwater products license shall be considered to have only one saltwater products license for purposes of issuing a commercial dive permit. Landings reported on all the applicant’s individual and vessel saltwater products licenses shall be used for determining if the applicant meets the criteria for receiving a single commercial dive permit specified in this subsection.

(e) In the event of death or disability of a person holding an active commercial dive permit, the permit may be transferred by the person or the executor of the estate to a member of his or her immediate family.

(f) Appeals. The Director of the Division of Marine Fisheries, or one or more designees of the director, shall consider disputes and other problems arising from the initial denial of the commercial dive permit. The Director shall submit a recommendation to the Executive Director of the Commission for resolution of the appeal, which recommendation shall either allot a permit to the appellant or uphold the denial of a permit.

1. An appeal of the initial denial of a commercial dive permit is initiated by submission of a completed appeals form (Form DMF-SL 0620 (4-04), incorporated herein by reference) to the Director of the Division of Marine Fisheries before May 1, 2004.

2. The burden of proof shall be on an appellant to demonstrate, through copies of trip tickets or other proof of landings, legitimate sales to a licensed wholesale dealer that were not reported by the dealer during the qualifying years or included in the agency landings database as of January 31, 2004.

3. The Executive Director of the Commission may accept or disapprove the recommendations of the Director of the Division of Marine Fisheries, with notice given in writing to each party in the dispute explaining the reasons for the final decision. The action of the Executive Director of the Commission constitutes final agency action, and is appealable pursuant to the requirements of Chapter 120, Florida Statutes.

(3) The commercial spiny lobster dive permit authorizes the holder to harvest spiny lobster in commercial quantities.

(a) A commercial dive permit may be issued only on a vessel saltwater products license.

(b) A commercial dive permit may only be issued on one of the holder's vessel saltwater products licenses in any one fishing year.

(c) A corporation that holds a commercial dive permit must designate a person who is thereby authorized to represent and harvest under the corporation's dive permit.

(4) Commercial harvest limits in Monroe County:

(a) Beginning August 6, 2004 2003, persons harvesting lobster commercially by diving shall be subject to a daily vessel harvest and possession limit of 250 spiny lobsters per day. For purposes of this paragraph, persons shall be considered to be harvesting lobster by diving if they are harvesting pursuant to a saltwater products license with a restricted species permit and crawfish license with a commercial dive permit or trap number and are simultaneously in possession of any artificial underwater breathing apparatus or gear.

(b) Beginning in the 2004-2005 fishing season, the daily harvest and possession limit in paragraph (a) shall apply to persons possessing a valid commercial diver permit issued pursuant to subsection (2).

(b)(e) Except as provided in paragraph (d), No more than 250 spiny lobsters shall be possessed aboard or landed from any vessel regardless of the number of commercial harvesters on board harvesting pursuant to this subsection.

(d) During the 2003-2004 fishing season, on any vessel from which spiny lobster are harvested commercially by diving, a vessel possession limit of 500 spiny lobsters shall apply if there are at least two commercial divers on board, each of whom must possess valid 2002-2003 and 2003-2004 saltwater products licenses, with restricted species endorsement and a valid crawfish endorsement applicable for both years. This documentation must match the individual diver's identity and be presented upon request.

(5) Persons harvesting lobster commercially by use of a bully net shall be subject to a daily harvest and possession limit of 250 spiny lobsters per day. No more than 250 spiny lobsters shall be possessed aboard or landed from any vessel which has been used for such commercial harvest, regardless of the number of such commercial harvesters on board the vessel.

PROPOSED EFFECTIVE DATE: April 1, 2004.

Specific Authority Art IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History--New 7-1-01, Amended 7-7-03, 4-1-04.

68B-24.006 Gear: Traps, Buoys, Identification Requirements, Prohibited Devices.

(1) through (5) No change.

(6) Each commercial harvester who harvests spiny lobster by diving shall permanently and conspicuously display on the boat used in such diving a "divers-down flag" symbol on an identification placard, which symbol shall have dimensions no less than 16 inches by 20 inches. The term "divers-down flag" shall have the meaning ascribed in Section 861.065(3), Florida Statutes. The commercial harvester's current crawfish license or trap number shall be permanently affixed to the diagonal stripe on the placard in legible figures to provide ready identification from the air and water. In addition to the "divers-down flag" symbol, the commercial diver permit number shall also be permanently and conspicuously displayed on any vessel used by a commercial diver to harvest spiny lobster, so as to be readily identifiable from the air and water, in the following manner:

(a) From the Air -- The commercial dive permit number shall be displayed and be permanently affixed to the uppermost structural portion of the vessel in numerals no smaller than 10 inches in height. If the vessel is an open design, in lieu of a separate display, one seat shall be painted with the permit numbers unobstructed and no smaller than 10 inches in height.

(b) From the Water -- The commercial dive permit number shall be displayed and be permanently affixed vertically to both the starboard and port sides of the vessel in numerals no smaller than 4 inches in height.

(7) through (9) No change.

(10) No person shall harvest any spiny lobster from artificial habitat. The harvest and possession in the water of spiny lobster in excess of the recreational bag limit is hereby prohibited within 25 yards of artificial habitat.

PROPOSED EFFECTIVE DATE: April 1, 2004.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-2-87, Amended 7-2-90, 3-1-92, 7-1-92, 6-1-94, 10-4-95, 9-30-96, 6-1-99, Formerly 46-24.006, Amended 7-1-01, 7-9-02, 7-7-03, 4-1-04.

68B-24.009 Trap Reduction Schedule.

(1) Except as otherwise provided in this rule, beginning with the 2001-2002 license year, the maximum number of lobster trap certificates issued each season by the Commission pursuant to Section 370.142, Florida Statutes, shall be reduced each season by 4 percent from the total issued for the immediately previous season. These reductions shall be achieved through passive reductions pursuant to subsection (2). If in any year such passive reduction does not amount to 4 percent of available certificates, an active reduction shall be applied pursuant to subsection (3) to all lobster trap certificate holders to achieve the 4 percent target. If in any year, passive reductions pursuant to subsection (2) exceed 4 percent of

available certificates, the number of certificates in excess of 4 percent shall be applied to meet the 4 percent reduction target for the following year. Once the number of lobster trap certificates is reduced through this passive/active mechanism to 400,000, there shall be no further reduction in the number of lobster trap certificates issued each year.

(2) Passive Reduction – Upon the sale or transfer of certificates outside the immediate family of the certificate holder, the number of certificates received by the purchaser shall be reduced by 25 percent. Additionally, certificates forfeited due to conviction for theft from a spiny lobster trap pursuant to Section 370.142(2)(c)3., Florida Statutes, or reverting to the Commission for nonpayment of certificate fees pursuant to Section 370.142(2)(c)7., Florida Statutes, shall be included as trap certificates passively reduced in a license year.

(3) Active Reduction – If the total passive reduction in lobster trap certificates pursuant to subsection (2) in any license year does not total 4 percent of the certificates available during that season, an additional reduction in the number of available certificates shall be made at the end of the season in the appropriate percentage to achieve the 4 percent target reduction for that year. This reduction shall be applied on a pro rata basis to all lobster trap certificate accounts.

(4) Notwithstanding the provisions of subsections (1)-(3) of this rule, no trap reductions shall take place in the license years beginning with the 2004-2005 license year and continuing through the 2006-2007 license year. The term “immediate family” for purposes of this rule refers to a lobster trap certificate holder’s mother, father, sister, brother, spouse, son, daughter, step father, step mother, step son, step daughter, half sister, or half brother.

PROPOSED EFFECTIVE DATE: April 1, 2004.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 3-1-92, Amended 6-1-94, 6-3-96, 3-5-97, Formerly 46-24.009, Amended 6-29-00, 7-1-01, 4-1-04.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Tarpon	68B-32
RULE TITLES:	RULE NOS.:
Definitions	68B-32.002
Gear Restriction	68B-32.004
Boca Grande Pass Designated Boundaries; Seasonal Restrictions	68B-32.005

PURPOSE AND EFFECT: The purpose of this rule development is to prohibit the snagging or snatch hooking of tarpon, and within Boca Grande Pass establish seasonal restrictions during April, May, and June that limit the number of fishing lines and prohibit the operator of a boat from actively fishing for tarpon. The effect of these changes will be

to reduce user conflicts among tarpon anglers while fishing in Boca Grande Pass and increase angler and boater safety while fishing for tarpon in the pass.

SUBJECT AREA TO BE ADDRESSED: Tarpon.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: Cindy Hoffman, ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Resources**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Permits for Collection and Possession of Indigenous Saltwater Animals for Experimental, Scientific, Educational or Exhibitional Purposes	68E-1
RULE TITLE:	RULE NO.:
General Permit Application Procedures, Requirements and Expiration	68E-1.004

PURPOSE AND EFFECT: This rule chapter, adopted in 1981, provided the general criteria for special activity permits for experimental, scientific, educational, or exhibitional purposes. The rule chapter also includes a section (Rule 68E-1.0061, F.A.C.) specific to marine turtles. General provisions in other rule sections also pertain to marine turtle activities. The purpose of this rule development effort is to amend Rule 68E-1.004, F.A.C., in conjunction with the repeal of rules in the chapter that do not pertain to marine turtles and substantially rewrite those provisions in new Rule Chapter 68B-8, F.A.C. The effect should be to make licensing in all these areas more understandable.

SUBJECT AREA TO BE ADDRESSED: Permits for Collection and Possession of Indigenous Saltwater Animals for Experimental, Scientific, Educational or Exhibitional Purposes.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: Cindy Hoffman, ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Resources**

RULE CHAPTER TITLE: Spiny Lobster Trap Certificate Program  
 RULE CHAPTER NO.: 68E-18

RULE TITLE: Definitions  
 RULE NO.: 68E-18.002

PURPOSE AND EFFECT: The purpose of this rule development effort is to expand the definition of "immediate family" for purposes of the spiny lobster trap certificate program to include sons and daughters-in-law, in concert with an identical change made in Rule Chapter 68B-24, F.A.C. The effect will be to include additional family members who can have trap certificates transferred to them without the application of passive trap reduction.

SUBJECT AREA TO BE ADDRESSED: Spiny Lobster Trap Certificate Program.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: Cindy Hoffman, ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68E-18.002 Definitions.

(1) through (9) No change.

(10) "Immediate Family" for purposes of the Lobster Trap Certificate Program means mother, father, sister, brother, spouse, son, daughter, step-son, step-daughter, step-father, step-mother, half sister, ~~or~~ half brother, son-in-law, or daughter-in-law of the individual certificate holder.

(11) through (21) No change.

Specific Authority Art IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History--New 5-16-95, Formerly 62R-18.002, Amended 7-1-01,

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Workers' Compensation**

RULE TITLE: Florida Workers' Compensation Medical Services Billing, Filing and Reporting Rule  
 RULE NO.: 69L-7.602

PURPOSE AND EFFECT: This rule provides detailed procedures for billing Workers' Compensation claims in conformity with Chapter 440, FS.

SUBJECT AREA TO BE ADDRESSED: Workers' Compensation claim billing procedures.

SPECIFIC AUTHORITY: 440.13(4)(a),(b), 440.525(2), 440.591, 440.593(5) FS.

LAW IMPLEMENTED: 440.09, 440.13(2)(a),(3),(4),(6),(11), (12),(14), 440.20(6), 440.185(5),(9) 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., January 13, 2004

PLACE: Room 104J, Hartman Building, 2012 Capital Circle, Southeast, 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 the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Don Davis, Division of Workers' Compensation, Office of Data Quality and Collection, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4226, (850)413-1711

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69L-7.602 Florida Workers' Compensation Medical Services Billing, Filing and Reporting Rule Procedures for Non Hospital Medical Services.

(1) Definitions. As used in this rule:

(a) "Accurately Complete" or "Accurately Completed" means the form submitted contains the information necessary to meet the requirements of Chapter 440, F.S. and this rule. "Carrier is defined in Section 440.13(1)(c), Florida Statutes".

(b) "Agency" means the Agency for Health Care Administration as Division is defined in Section 440.02(3)(12), F.S Florida Statutes.

(c) "Billing" means the process by which a health care provider submits a claim to an insurer to receive reimbursement for medical services provided to an injured employee. "Emergency services and care" is defined in Section 395.002(9), Florida Statutes.

(d) "Catastrophic Event" means the occurrence of a qualifying event such as a natural disaster, an act of terrorism (including but not limited to cyber terrorism) or a telecommunications failure, in which recovery time will prevent an insurer from meeting the filing requirements of Chapter 440, F.S. and this rule. "Physician" is defined in Section 440.13(1)(r), Florida Statutes.

(e) "Charges" means the dollar amount billed. "Health care provider" means a physician or any recognized practitioner who provides skilled services pursuant to a prescription or under the supervision or direction of a physician and who has been certified by the division as a health care provider. The term "health care provider" includes a health care institution licensed under Chapter 400, Florida Statutes, but does not include any hospital licensed under Chapter 395, Florida Statutes.

(f) "Charge Master" means a comprehensive coded list developed by a hospital or an ambulatory surgical center representing its usual charges for specific services. "Health care facility" means any health care institution licensed under Chapter 400, Florida Statutes, but does not include any hospital licensed under Chapter 395, Florida Statutes.

(g) "Claims Handling Entity" means any insurer, third-party administrator, claim administrator, servicing company, self-serviced self-insured employer or fund, or managing general agent, at any location, who is engaged in the process of adjusting medical claims or submitting workers' compensation reports to the division.

(h) "Current Dental Terminology (CDT-4)" (CDT) means the American Dental Association reference document containing descriptive terms to identify codes for billing and reporting dental procedures.

(i) "Current Procedural Terminology (CPT®)" (CPT) means the American Medical Association reference document (HCPCS Level I) containing descriptive terms to identify codes for billing and reporting medical procedures and services.

(j) "Date Insurer Paid" means the date the insurer or insurer agent mails, transfers or transmits payment to the health care provider.

(k) "Date Insurer Received" means the date that the insurer or insurer agent gains possession of an DWC-9, DWC-10 (or insurer pre-approved alternate form), DWC-11 or DWC-90 or the electronic form equivalent from a provider.

(l) "Deny" means to determine that no payment is to be made for a specific procedure code or other service, reported by a health care provider to an insurer on a bill, because the services are not compensable and therefore not the liability of the insurer.

(m) "Division" means the Division of Workers' Compensation as defined in Section 440.02(14), F.S.

(n) "Disallow" means to determine that no payment is to be made for a specific procedure code or other service, reported by a health care provider to an insurer for reimbursement, based on identification of a billing error, misutilization or over utilization.

(o) "Electronic Filing" means the computer exchange of medical data from an insurer to the division in the standardized format defined in the Medical EDI Implementation Guide.

(p) "Electronic Form Equivalent" means format, provided in the Medical EDI Implementation Guide, to be used when an insurer transmits required data to the division. Electronic form equivalents do not include transmission by facsimile, data file(s) attached to electronic mail, or computer-generated paper-forms.

(q) "Electronically Filed with the Division" means the date an electronic filing has been received by the division and has successfully passed structural and data-quality edits.

(r) "Explanation of Bill Review" (EOBR) means the codes and written explanation of an insurer's reimbursement decision sent to the health care provider.

(s) "Healthcare Common Procedure Coding System National Level II Codes (HCPCS)" (HCPCS) means the Centers for Medicare and Medicaid Services' (CMS) reference document listing descriptive codes for billing and reporting professional services, procedures, and supplies provided by health care providers.

(t) "Health Care Provider" is defined in Section 440.13(1)(h), F.S.

(u) "Hospital" means any health care institution licensed under Chapter 395, F.S.



(v) "ICD-9-CM International Classification of Diseases" (ICD-9) is the U.S. Department of Health and Human Services' reference document listing the official diagnosis and inpatient-procedure code set.

(w) "Insurer" is defined in Section 440.02(38), F.S.

(x) "Insurer Agent" means any entity performing services on behalf of an insurer for the purposes of meeting the requirements of Chapter 440, F.S. or this rule.

(y) "Insurer Code Number" means the number the division assigns each individual insurer, self-insured employer or self-insured fund.

(z) "Itemized Statement" means a detailed listing of hospital provided services and supplies, including the quantity and charges for each service or supply.

(aa) "Medical EDI Implementation Guide" is the Florida Division of Workers' Compensation's reference document containing the specific electronic formats required for insurer reporting of medical data to the division.

(bb) "Medically Necessary" or "Medical Necessity" is defined in Section 440.13(1)(l), F.S.

(cc) "NDC number" means the National Drug Code (NDC) number, assigned under Section 510 of the Federal Food, Drug, and Cosmetic Act, that identifies the drug product labeler/vendor, product, and trade package size.

(dd) "Paper-Form Filed with the Division" means the date a paper document has been received by the division as a required filing under this rule.

(ee) "Preliminary Notice of Injury and Initial Treatment" means the accurately completed DWC-8 submitted to an insurer by the physician rendering initial services, for a work related injury, to fulfill the requirements of Section 440.13(4)(a), F.S.

(ff) "Report" means any form related to medical services rendered, in relation to a workers' compensation injury, that is required to be filed with the division under this rule.

(gg) "UB-92, National Uniform Billing Data Element Specifications as Adopted by the Florida State Uniform Billing Committee" (UB-92 manual) is the reference document providing billing and reporting completion instructions for the DWC-90 (HCFA-1450/UB-92).

(2) Forms for Medical Billing, Filing and Reporting, Emergency Services and Care.

(a) Forms DWC-8 (Preliminary Notice of Injury and Initial Treatment, Rev. 2004), DWC-9 (CMS-1500 Health Insurance Claim Form, Rev. 12/90), DWC-10 (Statement of Charges for Drugs and Medical Supplies Form, Rev. 2004), DWC-11 (American Dental Association Dental Claim Form, Rev. 2002) and DWC-90 (HCFA-1450 Hospital Uniform Bill/UB-92) are hereby incorporated by reference into this rule. In all cases in which a health care provider provides emergency services and care, the health care provider shall notify the carrier by the close of the third business day after providing such emergency services and care. If the emergency services

~~and care results in admission of the employee to a health care facility, the health care provider shall notify the carrier of same within the 24 hours after initial treatment; or if the carrier is not open for business within that 24 hour period, then within the next 24 hour period of the time that the carrier is open for business.~~

~~1. A copy of the DWC-8 and completion instructions can be obtained from the Department of Financial Services/Division of Workers' Compensation (DFS/DWC) web site: <http://www.fldfs.com/WC/forms.html#4L7>.~~

~~2. A copy of the DWC-9 can be obtained from the CMS web site: <http://cms.hhs.gov/forms/>. Completion instructions can be obtained from the DFS/DWC web site: <http://www.fldfs.com/WC/forms.html#4L7>.~~

~~3. A copy of the DWC-10 and completion instructions can be obtained from the DFS/DWC web site: [www.fldfs.com/WC/forms.html#4L7](http://www.fldfs.com/WC/forms.html#4L7).~~

~~4. A copy of the DWC-11 can be obtained by contacting the American Dental Association. Completion instructions can be obtained from the DFS/DWC web site: [www.fldfs.com/WC/forms.html#4L7](http://www.fldfs.com/WC/forms.html#4L7).~~

~~5. A copy of the DWC-90 can be obtained from the CMS web site: <http://cms.hhs.gov/forms/>. Completion instructions can be obtained from the DFS/DWC web site: [www.fldfs.com/WC/forms.html#4L7](http://www.fldfs.com/WC/forms.html#4L7).~~

(b) ~~In lieu of submitting a DWC-10, when billing for drugs or medical supplies, alternate billing forms are acceptable if: The health care provider shall maintain or be able to generate a written record of the above communications, including:~~

~~1. An insurer has approved the alternate billing form(s) prior to submission by a health care provider. Date; and~~

~~2. The form provides all information required on the DWC-10. Time; and~~

~~3. Identity of person sending the communication; and~~

~~4. Identity of person or entity receiving the communication; and~~

~~5. The mode or method of communication; and~~

~~6. The substance of the communication.~~

(3) ~~Materials Adopted for Reference. The following publications are incorporated by reference herein: Medical bills submitted under the Health Care Provider Reimbursement Schedule, the Ambulatory Surgical Center Reimbursement Schedule, or the Work Hardening or Pain Program Reimbursement Schedule, which schedules are contained within the manuals adopted by reference in Rules 69L-7.020, 69L-7.100 and 69L-7.900, F.A.C., respectively, shall comply with the requirements of this rule.~~

(a) ~~UB-92, National Uniform Billing Data Element Specifications as Adopted by the Florida State Uniform Billing Committee (Rev. October 2003). Responsibilities of Health Care Providers.~~

~~1. Form DWC-8, known as "Notification of Initial Treatment," shall be furnished by the physician, but not by other health care providers, to the carrier within three business days following the injured employee's first treatment. This notice, which may be furnished by facsimile transmission, shall contain the injured employee's identifying information, the date of first visit, preliminary diagnosis, and initial plan of treatment, the injured employee's work status and date of next appointment, the physician's name and DBPR identification number.~~

~~2. Providers of medical services shall submit to the carrier a properly completed bill, form DWC-9, known as "Health Insurance Claim Form," or form DWC-11, known as "Dental Health Claim Form," as follows:~~

~~a. Within 15 calendar days following the first treatment, accompanied by all medical notes, reports or records.~~

~~b. At least every 21 calendar days thereafter for follow-up treatment.~~

~~c. Within 21 calendar days following the date of maximum medical improvement.~~

~~(b) The Florida Workers' Compensation Medical EDI Implementation Guide, (Effective February 1, 2004. The Medical EDI Implementation Guide can be obtained from the DFS/DWC web site: [http://www.fldfs.com/WC/edi\\_med.html](http://www.fldfs.com/WC/edi_med.html) Responsibilities of Carriers.~~

~~1. Carriers shall accept, date stamp on the document front side upon receipt, and within 45 calendar days of receipt pay or deny a legible and complete medical services bill.~~

~~2. Carriers shall submit the billing form, DWC-9 or DWC-11, to the Division within 30 calendar days, after the bill has been paid. The filing of bills includes the filing of bills for "lost time" and "medical only" cases.~~

~~3. Carriers shall retain any attachment submitted with a DWC-9 or DWC-11, and shall not file any attachment with the Division unless specifically requested.~~

~~(c) The Healthcare Common Procedure Coding System National Level II Codes (HCPCS), Centers for Medicare and Medicaid Services, Copyright 2002, American Medical Association.~~

~~(d) The Current Procedural Terminology (CPT®), Copyright 2002, American Medical Association.~~

~~(e) The Current Dental Terminology (CDT-4), Fourth Edition, Copyright 2002, American Medical Association.~~

~~(f) The ICD-9-CM International Classification of Diseases, 9th Revision, Clinical Modification, Copyright 2002, American Medical Association.~~

~~(4) Health Care Provider Responsibilities, Pharmacy and Medical Supplier Bills.~~

~~(a) A DWC-8, known as the "Preliminary Notice of Injury and Initial Treatment", shall be accurately completed and furnished by the physician (but not by other health care providers) to the insurer within three business days following~~

the injured employee's first treatment by the physician. The DWC-8 may be submitted by facsimile transmission. Responsibilities of Pharmacists and Medical Suppliers.

~~1. All pharmacists and medical suppliers who furnish drugs or other medical supplies to an injured worker under the provisions of Chapter 440, Florida Statutes, shall bill the carrier on form DWC-10, known as "Statement of Charges for Drugs and Medical Supplies," or on the pharmacist/medical suppliers' usual billing form. Pharmacist/medical suppliers' usual billing form shall contain all the information required on the DWC-10 and shall not be used for billing purposes until approved by the Division.~~

~~a. Required information for pharmacists and medical suppliers includes:~~

~~i. The employer's name and address; and~~

~~ii. The injured employee's name and social security number; and~~

~~iii. The date of accident; and~~

~~iv. The carrier's name and address if the employer is not self-insured; and~~

~~v. The carrier's case file number, if known; and~~

~~vi. The name and address of the pharmacy or other supplier; and~~

~~vii. The date of the billing; and~~

~~viii. The total charges of billing form; and~~

~~ix. The identity of the pharmacist or medical supplier.~~

~~b. Required information for pharmacists billing for prescribed drugs includes: dispensing date, new or refill, prescription number, medication name and strength, National Drug Control (NDC) number, quantity dispensed, number of days supplied, reason for use of non-generic drug when applicable, prescribing physician's name and DBPR license number, and usual charge for each medication billed.~~

~~c. Required information for pharmacists or medical suppliers billing for medical supplies includes: description of the product or supply, quantity, name(s) of prescribing physician(s) and DBPR license number(s), purchase date and usual charge for each item billed.~~

~~2. Pharmacists and medical suppliers shall use the applicable Florida Workers' Compensation Reimbursement Manual for instructions in the completion of the pharmacy and medical supply bills.~~

~~3. Pharmacists and medical suppliers shall submit a bill within 30 calendar days of the date the service was provided.~~

~~(b) Special Billing Requirements. Responsibilities of Carriers.~~

~~1. When anesthesia services are billed on a DWC-9, completion of the form must include the 5-place CPT code and the "P" code (physical status modifier), which correspond with the procedure performed, in Field 24D. Anesthesia health care providers shall enter the date of service and the 5-place qualifying circumstance code, which corresponds with the~~

procedure performed, in Field 24D on the next line if applicable. ~~Carriers shall accept, date stamp upon receipt and within 30 calendar days of receipt pay or deny a legible and complete pharmacy or medical supplier bill.~~

2. ~~When an Advanced Registered Nurse Practitioner (ARNP) provides services as a Certified Registered Nurse Anesthetist, he/she shall bill on a DWC-9 for the services rendered and enter his/her Florida Department of Health license number in Field 33. Carriers shall submit the DWC-10 or other billing form or invoice containing the required information in their case file to the Division within 30 calendar days after the bill has been paid.~~

3. ~~When a licensed physician assistant, therapist or ARNP (not providing an anesthesia related service) is employed by a physician licensed under Chapter 458 or 459, F.S. and renders direct billable services for which reimbursement is sought from an insurer, he/she shall enter his/her Florida Department of Health license number in Field 33 on the DWC-9.~~

4. For hospital billing, the following special requirements apply:

a. Inpatient billing – hospitals shall, in addition to filing a DWC-90, attach an itemized statement with charges based on the facility's Charge Master.

b. Outpatient billing:

I. Hospitals shall enter the CPT (HCPCS Level 1) code or unique workers' compensation code (provided in the Florida Workers' Compensation Health Care Provider Reimbursement Manual 2004), in Locator 44 on the DWC-90, to bill treatments and procedures pursuant to Section 440.13(12)(b)1., 2., F.S.

II. Supplies shall be billed using HCPCS Level 2 codes in Locator 44 on a DWC-90.

5. Licensed physician assistants and certified first nurse assistants who provide surgical assistance on procedures with codes permitting an assistant surgeon-physician shall bill on a DWC-9 entering the CPT code(s) plus modifier(s), which represent the service(s) rendered, in Field 24D, and must enter their Florida Department of Health license number in Field 33.

6. Ambulatory Surgical Centers (ASCs) shall bill on a DWC-9.

7. Federal Facilities shall bill on their usual forms.

8. Dental Services.

a. Dentists shall bill for services on a DWC-11.

b. Oral surgeons shall bill for oral and maxillofacial surgical services on a DWC-9. Non-surgical dental services shall be billed on a DWC-11.

9. Pharmaceutical and Medical Supplies.

a. Pharmacists and medical suppliers shall bill on a DWC-10 or on an insurer pre-approved alternate form.

b. Dispensing physicians shall bill on a DWC-9 when supplying commercially available medicinal drugs (commonly known as legend or prescription drugs) and shall enter the NDC number in Field 24D.

c. Pharmacists and dispensing physicians shall complete Field 24D on a DWC-9 using the word "compound" when medicinal drugs are compounded and the formulation prescribed is not commercially available.

d. Dispensing physicians shall bill using code 99070 in Field 24D on a DWC-9 when supplying over-the-counter drugs and shall submit an invoice indicating the name, dosage, package size and cost of the drug.

e. Physicians and therapists providing medical supplies shall bill on a DWC-9 using the corresponding HCPCS code or using code 99070 when a corresponding HCPCS codes does not exist. An invoice indicating the cost of the supply, including shipping and handling, and taxes, when applicable, shall be submitted with the DWC-9.

f. Health care providers rendering health care services reimbursable under workers' compensation, whose billing requirements are not otherwise specified in this rule, shall bill on their invoice or business letterhead.

(c) Bill Completion.

1. Bills shall be legibly and accurately completed by all health care providers, regardless of location or reimbursement methodology, as set forth in this paragraph.

2. Billing elements required by the division to be completed by a health care provider are as follows:

a. Physician and Non-Physician Billing – DWC-9.

(I) Field 1a Injured employee's social security number or division-assigned number.

(II) Field 2 Injured employee's name: Last, First, Middle initial, if applicable.

(III) Field 14 Date of current accident, illness or injury.

(IV) Field 16 Dates injured employee is unable to work, as applicable.

(V) Field 19 Injured employee's work/activity restrictions, as applicable.

(VI) Field 21(1) Diagnosis of primary injury or illness (ICD-9 code).

(VII) Field 21 (2-4) Additional diagnoses (ICD-9 codes).

(VIII) Field 24A Date(s) of service: 'From' and 'To' date. Multiple dates of service are billable on a single line only if the dates are consecutive. If there is a single date of service, enter the same date in both 'From' and 'To' fields.

(IX) Field 24B Place of service (2-digit code listed in the CPT manual).

(X) Field 24D Procedure, service or supply code (5-digit CPT, CDT-4, HCPCS, or unique workers' compensation code plus 2-digit modifier, as applicable).

(XI) Field 24E Diagnosis code reference numbers: '1', '2', '3', '4' refer to corresponding diagnoses listed in Field 21 (1, 2, 3, 4).

(XII) Field 24F Total dollar charges for units billed per line.

(XIII) Field 24G Number of days, hours, units, or quantity of drug or supply must be entered in whole numbers. Total length of anesthesia service time must be entered in minutes.

(XIV) Field 25 Provider's federal tax identification number.

(XV) Field 32 Address where services were rendered including 5-digit zip code.

(XVI) Field 33(PIN#) License number of the professional rendering direct billable service(s) shall enter their Florida Department of Health provider license or rehabilitation facility number assigned by the professional regulatory board, licensing authority or state regulatory agency.

(A) Work Hardening/Pain Programs enter "WC" for required alpha characters (i.e. WC3#####).

(B) Ambulatory Surgical Centers enter "ASC" for required alpha characters (i.e. ASC### or ASC#####).

(C) Independent Laboratories enter "IL" for required alpha characters (i.e. IL8000##### or IL8000#### or IL800000###).

(D) Advanced Registered Nurse Practitioners enter "ARNP" for required alpha characters (i.e. ARNP##### or ARNP##### or ARNP#####).

(F) Radiology Facilities (providing only the technical component) enter "XX" for required alpha characters and 9999 for required numeric characters (i.e. XX9999).

b. Pharmaceutical/Medical Supplier Billing – DWC-10.

(I) DWC-10 Section 1 – Fields required to be completed by Pharmacy and Medical Supply providers:

(A) Field 1 Injured employee's name: Last, First, Middle Initial, if applicable.

(B) Field 2 Injured employee's social security number or division-assigned number.

(C) Field 3 Date of current accident, injury or illness in MM/DD/CCYY format.

(II) DWC-10 Section 2 – Fields required to be completed by pharmacy providers only:

(A) Field 6 Medication/drug name and strength.

(B) Field 7 Number of tablets, capsules, suppositories, milliliters of liquid, grams of ointment or units of injectable medication.

(C) Field 8 Estimated number of days that medication will last according to prescription dosage and administration instructions.

(D) Field 9 National Drug Code number: manufacturer number, item number, package number; enter "compound" if a compounded drug is dispensed.

(E) Field 10 Pharmacy's internal number assigned to the prescription.

(F) Field 15 Pharmacy's usual charges for the drug. When field 13 is coded, enter the usual charges for the generic equivalent.

(III) DWC-10 Section 3 – Fields required to be completed by Medical Supplier or Pharmacy providing medical supplies:

(A) Field 16 Description or name of item supplied: quantity and size, when applicable.

(B) Field 17 Prescriber's license number assigned by the professional regulatory board or licensing authority.

(C) Field 18 Purchase date in MM/DD/CCYY format.

(D) Field 19 Medical supplier's usual charge for item(s) supplied.

(IV) DWC-10 Section 4 – Fields required to be completed by Pharmacy and Medical Supply providers:

(A) Field 20 Total charges appearing on this statement.

(B) Field 22 Date pharmacy or medical supplier submits statement to insurer for payment in MM/DD/CCYY format.

(C) Field 23 Pharmacist's license number assigned by professional regulatory board or licensing authority.

(D) Field 24 Pharmacy's or medical supplier's federal employer identification number.

c. Dental Billing – DWC-11.

(I) Field 5 Injured employee's name: Last, First, Middle initial, if applicable.

(II) Field 8 Injured employee's social security number or division-assigned number.

(III) Field 54 Dentist's federal tax identification number.

(IV) Field 55 Dentist's Florida Department of Health license number (i.e. DN##### or DN#####).

(V) Field 38 Place of treatment (check appropriate box):

(A) Office.

(B) Hospital.

(C) Extended Care Facility.

(D) Other.

(VI) Field 56 Address where services were rendered, including 5-digit zip code.

(VII) Field 46 Date of current accident, injury or illness.

(VIII) Field 24 Date treatment/service performed.

(IX) Field 29 'Procedure Code' Procedure, service or supply code (5-character CPT, CDT-4 or HCPCS 'D' code).

(X) Field 31 Total dollar charges per line item.

d. Hospital Billing – DWC-90 (Hospitals are to use the UB-92 manual for billing guidelines).

(I) Locator 4 Type of bill.

(II) Locator 5 Hospital's federal tax identification number.

(III) Locator 1 Hospital's location zip code.

(IV) Locator 6 Date statement covers period from/through.

(V) Locator 12 Injured employee's name: Last, First, Middle initial, if applicable.

(VI) Locator 17 Admission date.

(VII) Locator 18 Admission hour.

(VIII) Locator 19 Type of Admission/Visit.

(IX) Locator 21 Discharge hour.

(X) Locator 32 Date of accident, injury or illness.

(XI) Locator 42 Revenue code.

(XII) Locator 44 HCPCS (Level 1 or 2) code or unique workers' compensation code and 2-character modifier(s), as applicable.

(XIII) Locator 46 Number of service units.

(XIV) Locator 47 Total dollar charges billed by revenue code.

(XV) Locator 60A Injured employee's social security number or division-assigned number.

(XVI) Locator 67 Principal diagnosis code (ICD-9 code).

(XVII) Locators 68-75 Other diagnosis codes (ICD-9 codes), as applicable.

(XVIII) Locator 79 Procedure coding method.

(XIX) Locator 80 Principal procedure code; corresponding ICD-9, as applicable.

(XX) Locator 81 (A, B, C, D, E) Other procedure codes corresponding ICD-9, as applicable.

(XXI) Locator 82 Attending physician's Florida Department of Health license number.

3. An insurer can require a health care provider to complete additional data elements that are not required by the division on a DWC-9, DWC-11 or DWC-90.

(d) Provider Bill Submission / Filing and Reporting Requirements.

1. All medical claim forms related to services rendered for a compensable injury shall be submitted by a health care provider to the insurer as a requirement for billing.

2. Medical claim form(s) bill may be electronically filed by a health care provider to the insurer provided the insurer agrees.

3. Billing shall be filed with an insurer within the following time frames:

a. Health Care Providers (excluding hospitals):

Within 30 calendar days of initial or additional service or treatment and accompanied by required documentation that supports medical necessity. This requirement includes Ambulatory Surgical Centers.

b. Hospitals:

(I) Within 30 calendar days following emergency room or initial outpatient treatment.

(II) Within 30 calendar days of an injured employee's discharge from an in-patient hospital stay or provision of follow-up outpatient treatment.

(5) Insurer Responsibilities, Other Health Care Treatment Bills.

(a) An insurer is responsible for meeting its obligations under this rule, regardless of any business arrangements, contracts or subcontracts entered into by an insurer with an insurer agent. Responsibilities of Nursing Homes and Home Health Agencies.

~~1. Nursing homes and home health agencies shall submit to the carrier a properly completed bill on their usual billing form. This form shall contain the injured employee's name, social security number, and date of accident and be sent as follows:~~

~~a. Within 45 calendar days after admission or the first service is provided; and~~

~~b. At least every 30 calendar days thereafter until such time as the injured employee is discharged; and~~

~~e. Within 21 calendar days of final service.~~

~~2. Home health agencies shall submit documentation of each visit billed with their usual billing form.~~

~~(b) Upon authorization of medical service(s), an insurer shall notify a health care provider of additional requirements that are necessary for reimbursement in excess of the requirements set forth in this rule. Responsibilities of Other Authorized Health Care Providers or Facilities.~~

~~1. Other authorized health care providers or facilities shall submit to the carrier a properly completed bill on their usual billing form. This billing form shall contain the injured employee's name, social security number and date of accident and must be sent as follows:~~

~~a. Within 15 calendar days following the first treatment or admission.~~

~~b. At time intervals designated by the carrier for follow-up treatment.~~

~~e. Within 21 calendar days following the final treatment.~~

~~2. Federal Facilities. Federal facilities are exempt from all billing guidelines and shall submit their charges for services rendered on their usual billing form.~~

~~(c) When authorizing medical services, an insurer shall inform an out-of-state health care provider of the specific billing and submission requirements of this rule. Responsibilities of Carriers.~~

~~1. Carriers shall accept, date stamp on the document front side upon receipt, and within 45 calendar days of receipt pay or deny a legible and complete bill.~~

~~2. Carriers shall retain all bills in the category of "other health care treatment bills" and shall not file them with the Division unless specifically requested.~~

~~(d) Required data elements on the DWC-9, DWC-10, DWC-11, and DWC-90, for both medical only and lost-time cases, shall be reported to the division within 30 calendar days of insurer payment, adjustment and payment, disallowance or denial.~~

~~(e) An insurer shall be responsible for the accurately completed required data filed with the division, pursuant to the Medical EDI Implementation Guide and sub-paragraph (4)(c)2. of this rule.~~

~~(f) When an injured employee does not have a social security number or division-assigned number, the insurer must contact the division via information provided on the following~~

website: <http://www.fldfs.com/WC/organization/odqc.html> (under Records Management) to obtain a division-assigned number prior to submitting the report to the division.

(g) An insurer shall attach an accurately completed cover sheet to each paper-form batch submitted to the division.

(h) An insurer must report to the division the procedure, diagnosis or modifier code(s) or amount(s) charged, as billed by the health care provider.

(i) An insurer shall date stamp the DWC-9, DWC-10 (or insurer pre-approved alternate form), DWC-11, DWC-90 or time stamp the electronic form equivalent with the date insurer received.

(j) An insurer shall pay, adjust and pay, disallow or deny billed charges within 45 calendar days from the date insurer received, pursuant to Section 440.20(2)(b), F.S.

(k) An insurer, when reporting paid medical claims data to the division, shall report the actual dollar amount paid to the health care provider or reimbursed to the employee. On disallowed charges, the dollar amount should be reported as \$0.00.

(l) An insurer shall submit to the division the Explanation of Bill Review (EOBR) code(s), relating to the adjudication of each line item billed and:

1. Maintain the EOBR in a format that can be legibly reproduced, and

2. Use the EOBR codes and descriptors as follows:

a. 01 Services not authorized, as required.

b. 02 Services denied as not related to a compensable injury.

c. 03 Services related to a denied case: DWC-12 on file with the division.

d. 04 Services billed are listed as not covered or non-covered ("NC") in the applicable reimbursement manual.

e. 05 Documentation does not support the level, intensity or duration of service(s) billed. (Insurer must specify.)

f. 06 Location of service(s) is not consistent with the level of service(s) billed.

g. 07 Reimbursement equals the amount billed.

h. 08 Reimbursement is based on the applicable reimbursement schedule.

i. 09 Reimbursement is based on the contracted amount.

j. 10 Reimbursement is based on charges exceeding the stop-loss point.

k. 11 Reimbursement is based on insurer re-coding. (Insurer must specify.)

l. 12 Charge(s) are included in the per diem reimbursement.

m. 13 Reimbursement is included in the allowance of another service. (Insurer must specify procedure.)

n. 14 Hospital itemized statement not submitted with billing form.

o. 15 Incorrect billing form filed. (Insurer must specify correct form.)

p. 16 Invalid procedure code.

q. 17 Illegible or incomplete bill. (Insurer must specify.)

r. 18 Documentation does not support that services rendered were medically necessary.

s. 19 Required supplemental documentation not filed with the bill. (Insurer must specify required documentation.)

t. 20 Duplicate Billing: Service previously paid, adjusted and paid, disallowed or denied on prior claim form or multiple billing of service(s) billed on same date of service.

u. 21 Other: Unique EOBR code description. Use of EOBR code "21" is restricted to circumstances when a listed EOBR code does not explain the reason for adjustment, disallowance or denial of payment. When using EOBR code "21", an insurer must include the specific explanation of the code and maintain a standardized EOBR code description list.

(m) An insurer shall make available to the division and to the Agency, upon request and without charge, a legibly reproduced copy of the DWC-8, DWC-9, DWC-10 (or insurer pre-approved alternate form), DWC-11, DWC-90, supplemental documentation, proof of payment, EOBR and/or standardized EOBR code "21" description list.

(n) An insurer shall submit to the health care provider an Explanation of Bill Review including the insurer name and specific insurer contact information.

(6) Insurer Medical Report (Electronic Format or Paper-form) Filing To The Division Bills Prepared by Billing Services.

(a) Effective August 1, 2004, required medical reports shall be electronically filed with the division by all insurers. In meeting this requirement an insurer shall comply with the following implementation schedule, as applicable: Responsibilities of the Authorized Health Care Provider. Any health care provider using a billing service shall comply with all applicable sections of this rule:

1. Insurers who are electronically filing medical reports with the division, as of the effective date of this rule, must complete a transmission test to meet the requirements set forth in the Medical EDI Implementation Guide according to the following schedule:

a. March 1, 2004 through March 31, 2004 testing will include insurers or insurer agents with names beginning with the letters A through E.

b. April 1, 2004 through April 30, 2004 testing will include insurers or insurer agents with names beginning with the letters F through Z.

2. Insurers who are paper-document filing with the division, as of May 1, 2004, must, in order to meet the test transmission requirements set forth in the Medical EDI Implementation Guide, begin to complete transmission testing according to the following schedule:

a. May 1, 2004 through May 31, 2004 testing will include insurers with division-assigned insurer code numbers 102 through 538.

b. June 1, 2004 through June 30, 2004 testing will include insurers with division-assigned insurer code numbers 539 through 7999.

c. July 1, 2004 through July 31, 2004 testing will include insurers with division-assigned insurer code numbers 8000 through 9999.

(b) Required data elements shall be submitted in compliance with the instructions and formats as set forth in the Medical EDI Implementation Guide, Responsibilities of the Billing Service. The form used for billing completed by the billing service shall comply with all applicable sections of this rule.

(c) The division will notify the insurer on the Claim Processing Report of the corrections necessary for rejected medical reports to be “electronically filed with the division”. An insurer shall correct and re-file all rejected medical claim reports, Responsibilities of Carriers:

1. Carriers shall accept, date stamp on the document front side upon receipt, and pay or deny a legible and complete bill in accordance with all applicable sections of this rule.

2. Carriers shall retain the billing form or submit to the Division in accordance with all applicable sections of this rule.

(d) Catastrophic events resulting in data-transmission or total system failure after July 31, 2004 may qualify an insurer to file paper-forms to meet division-reporting requirements for a period not to exceed 30 calendar days. Prior to insurer initiation of paper-form filing, written approval must be obtained from the Division’s Office of Data Quality and Collection, 200 E. Gaines Street, Tallahassee, Florida 32399-4226.

(e) Between the effective date of this rule and July 31, 2004 required medical reports may be paper-form filed with the division by an insurer as follows:

1. With the insurer code number accurately and legibly entered in the upper-right corner on the form.

2. With the date insurer paid legibly stamped on the front of the form. Payments of \$0.00 are valid amounts on disallowed charges.

3. With the required data elements as set forth in record layout sections of the Medical EDI Implementation Guide. An insurer shall submit to the division the listed information, legibly entered on the paper-form, as follows:

a. DWC-9.

I. “Explanation of Bill Review Code” – entered in Field 24 H, I, J;

II. “Procedure, Service or Supply Code” (as paid by the insurer, if different from billed code) – entered in Field 24 D<sub>1</sub> without obscuring the billed code;

IV. “Insurer Payment per Line” entered in Field 24 K.III. “Procedure, Service or Supply Code Modifier” (as paid by the insurer, if different from billed modifier) – entered in Field 24 D2 without obscuring the billed modifier;

V. Additional data elements required pursuant to the Medical EDI Implementation Guide may be entered on the form, location to be determined by the insurer.

b. DWC-10.

I. “Explanation of Bill Review Code” – entered in Field 10 or 16, respectively;

II. “Insurer Payment per Line” – written above the ‘Usual Charge’ in Field 15 or 19, respectively;

III. Additional data elements required pursuant to the Medical EDI Implementation Guide may be entered on the form, location to be determined by the insurer.

c. DWC-11.

I. “Explanation of Bill Review Code” – entered in Field 27;

II. “Insurer Payment per Line” – entered in Field 30 following description;

III. Additional data elements required pursuant to the Medical EDI Implementation Guide may be entered on the form, location to be determined by the insurer.

d. DWC-90.

I. “Explanation of Bill Review Code” entered in Locator 43 following the entered ‘description’;

II. “HCPCS/RATES” code (as paid by the insurer, if different from billed code) enter the reimbursed code above the billed code;

III. “HCPCS/RATES” code modifier (as paid by the insurer, if different from billed modifier) enter the reimbursed modifier above the billed modifier;

IV. “Insurer Payment per Line” entered in Locator 49;

V. Additional data elements required pursuant to the Medical EDI Implementation Guide may be entered on the form, location to be determined by the insurer.

4. In order to facilitate the division’s responsibility to determine the timeliness of health care provider reimbursement and submission of medical reports to the division, reports submitted in paper-form must be submitted in batches and each batch must be accompanied with a cover sheet and the following requirements:

a. DWC-9, DWC-10 (or insurer pre-approved alternate form), DWC-11 or DWC-90 forms shall be separated by form type into 100-count batches prior to submitting to the division. Insurers processing less than 100 forms in 30 calendar days shall separate form types and submit batches of less than 100.

b. Within each submitted paper-form batch, the insurer shall separate and band into groups, medical reports as being untimely paid to a provider or untimely reported to the division pursuant to Section 440.20(6)(b), F.S. and paragraph (5)(d) of this rule, respectively.

c. Every submitted paper-form batch shall be accompanied by a cover sheet providing the following information:

I. The title shall read "Medical Paper-Form Submission Cover Sheet".

II. The date the batch was submitted to the division shall be specified.

III. The insurer name, address including zip code of the medical claim office submitting the batch, and division-assigned number shall be specified.

IV. The insurer contact name, telephone number and email address shall be specified.

V. The report type (DWC-9, DWC-10, DWC-11 or DWC-90) shall be specified.

VI. The total number of medical reports in each batch submitted to the division shall be specified.

VII. The total number of medical reports filed with the division more than 30 calendar days after the insurer payment, adjustment and payment, disallowance or denial shall be specified.

VIII. The total number of medical reports reflecting medical bills that were paid to the provider more than 45 calendar days from the date insurer received.

d. Every paper batch which is not accompanied by an accurately completed cover sheet will be returned to an insurer or an insurer agent, and considered not in compliance with paragraph (5)(d) of this rule, until re-filed with an accurately completed cover sheet.

5. All required medical reports (DWC-9, DWC-10, DWC-11 or DWC-90) shall be submitted to the division at:

Department of Financial Services  
Division of Workers' Compensation  
Office of Data Quality and Collection, Medical Data Management Section  
200 East Gaines Street  
Tallahassee, FL 32399-4226.

~~(7) Insurer Penalties and Administrative Fines Co Payments. Except for emergency services and care, after the injured employee has reached overall maximum medical improvement, the injured employee is obligated to pay a co-payment of \$10 per visit for medical services. The co-payment is not in addition to any applicable maximum reimbursement allowance, but displaces or offsets \$10 from the reimbursement amount otherwise reimbursed by the carrier.~~

(a) Insurer Penalties for Untimely Provider-Payment of Medical Bills. The department shall impose insurer penalties for failure to comply with the payment, adjustment and payment, disallowance, or denial requirements pursuant to Section 440.20(6)(b), F.S.

(b) Insurer Administrative Fines for Untimely Submission, Filing and Reporting of Medical Data Requirements.

1. Pursuant to Section 440.185(9), F.S., the department shall impose insurer administrative fines for failure to comply with the submission, filing or reporting requirements of this rule.

2. Insurer administrative fines shall be imposed for each un-filed or untimely-filed medical report according to the following schedule:

- a. 1 – 15 days late \$10.00
- b. 16 – 30 days late \$20.00
- c. 31 – 45 days late \$30.00
- d. 46 – 60 days late \$40.00
- e. 61 – 75 days late \$50.00
- f. 76 – 90 days late \$100.00
- g. 91 days or greater \$500.00

~~(8) If the carrier is submitting forms DWC-9, DWC-10, and/or DWC-11 to the Division on electronic media, and retaining the forms on electronic media, the carrier is not required to retain paper copies of those forms, but may treat the electronic media as the original documentation.~~

~~(9) On forms DWC-9, DWC-10, and DWC-11, the carrier shall be responsible for the legibility, accuracy and completeness of only the social security number, date of accident, and those areas of the form that the carrier completes. The carrier shall not be penalized for the legibility, accuracy or completeness of any area of the form completed by the employer, injured employee, or health care provider.~~

~~(10) Forms DWC-8, DWC-9, DWC-10, and DWC-11 are hereby incorporated into this rule and Rule Chapter 4L-7 by reference. Forms DWC-8, DWC-10, and DWC-11 shall bear the date September 1, 1994 in the lower right hand corner of the forms and shall become effective on the effective date of this rule. Form DWC-9 shall bear the date December 1990 in the lower right hand corner of the form and shall become effective on the effective date of this rule. A copy of forms DWC-8, DWC-9, DWC-10, and DWC-11 may be obtained by sending a request to the Division of Workers' Compensation, Medical Data Section, 200 East Gaines Street, Tallahassee, Florida 32399-4230.~~

Specific Authority 440.13(4)(a),(b), 440.525(2), 440.591, 440.593(5) FS. Law Implemented 440.09, 440.13(2)(a),(3),(4),(6),(7),(11),(12),(14), 440.20(6), 440.185(5),(9) FS. History—New 1-23-95, Formerly 38F-7.602, 4L-7.602, Amended \_\_\_\_\_.



Section II  
Proposed Rules

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Securities and Finance**

RULE TITLE: Financial Reporting Requirements – Statement of Financial Condition – Dealers and Investment Advisors  
 RULE NO.: 3E-600.015

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to implement standards by which the discretion afforded in Rule 3E-600.015(2)(a), F.A.C., will be used.

SUMMARY: The proposed rule amendment clarifies that the agency will grant an extension of time if good cause is shown, and defines “good cause” for purposes of this rule.

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

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

SPECIFIC AUTHORITY: 517.03(1), 517.12(9), 517.121(2) FS.

LAW IMPLEMENTED: 517.12(9), 517.121(2) FS.

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

TIME AND DATE: 3:00 p.m., Tuesday, January 20, 2004  
 PLACE: Room 547, Fletcher Building, 101 East Gaines Street, 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 the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bill Reilly, Bureau Chief, Bureau of Securities Regulation, 200 East Gaines Street, Fletcher # 604, Tallahassee, Florida 32399-0350, (850)410-9805

THE FULL TEXT OF THE PROPOSED RULE IS:

3E-600.015 Financial Reporting Requirements – Statement of Financial Condition – Dealers and Investment Advisors.

(1) Except as otherwise specifically noted in this rule, an applicant filing an application for registration as a dealer or investment adviser shall file a balance sheet in accordance with 3E-300.002, F.A.C.

(2) Every dealer registered pursuant to Section 517.12, F.S., and Rules thereunder shall file annually with the Department, within ninety (90) days after the conclusion of said registrant’s fiscal year, audited financial statements as prepared by an independent outside auditor, unless exempted under Rule 3E-300.002, F.A.C.

(a) The Department ~~will~~ may allow up to a thirty (30) day extension of the filing requirement as set forth in this subparagraph provided written request is made prior to the date such audited report is due to be filed, and provided further that good cause for such delay is shown. Good cause shall include excusable neglect or circumstances beyond the control of the registrant.

(b) Every dealer defined as a broker/dealer under Rule 3E-300.002 shall be required to include in such audited financial statements filed verification of said broker/dealer’s compliance with the provisions of Rules 3E-600.016 and 3E-600.017, F.A.C.

(c) In lieu of the provisions of paragraph (b) above, the Department will accept those statements prepared and filed by a dealer in accordance with the provisions of S.E.C. Rule 17a-5 (17 CFR 240.17a-5) and S.E.C. Rule 17a-10 (17 CFR 240.17a-10), as such rules existed on July 1, 2003 ~~February 28, 1992~~.

(3) Every investment adviser registered pursuant to Section 517.12, F.S., and Rules thereunder shall file annually with the Department, within ninety (90) days after the conclusion of said registrant’s fiscal year, financial statements as of fiscal year end, such statements prepared in accordance with the provisions of Rule 3E-300.002, F.A.C.

(4) The provisions of paragraph (2)(a) of this Rule apply to the filing requirements set forth in subsection (3).

Specific Authority 517.03(1), 517.12(9), 517.121(2) FS. Law Implemented 517.12(9), 517.121(2) FS. History–New 12-5-79, Amended 9-20-82, Formerly 3E-600.15, Amended 6-16-92, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bill Reilly, Bureau Chief, Bureau of Securities Regulation, 200 East Gaines Street, Fletcher #604, Tallahassee, Florida 32399-0350, (850)410-9805

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Don Saxon, Director, Office of Financial Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 16, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 24, 2003

**DEPARTMENT OF INSURANCE**

RULE TITLES:	RULE NOS.:
Group Conversion Premium	4-149.203
Outline of Coverage	4-149.204
Indemnity Standard Risk Rate	4-149.205
Preferred Provider/Exclusive Provider Standard Risk Rates	4-149.206
Health Maintenance Organization Standard Risk Rates	4-149.207

**PURPOSE, EFFECT AND SUMMARY:** Rule Chapter 4-149 Part X governs group conversion rates. Section 627.6675, F.S., requires that the Office annually survey the market and publish the standard risk rates representing the average of 80 percent of the market. The rates are published for a particular benefit design. This design is the state mandated "standard" plan. With the adoption of the new standard plans this year, the rule is being amended to provide maximum group conversion rates for that plan design.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** 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:** 624.308, 627.410(6)(b), 627.6675(3)(c) FS.

**LAW IMPLEMENTED:** 624.307(1), 627.410(6)(a), 627.6498(4), 627.6675(3), 641.3922(3) FS.

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

**TIME AND DATE:** 1:30 a.m., January 21, 2004  
**PLACE:** Room 116, Larson Building, 200 East Gaines Street, 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 the person listed above.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Frank Dino, Bureau of Life and Health Forms and Rates, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0328, E-mail dinof@dfs.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

4-149.203 Group Conversion Premium.  
 (1) through (5) No change.  
 (6) The following benefit adjustment factors to reflect the benefit difference from the \$1,000 deductible plan provided in this part will be accepted without further justification required by subsection (8):

(a) through (g) No change.  
 (7) No change.  
 (8) Group conversion rate schedules are subject to all applicable filing and approval requirements of Section 627.410(6), or 641.31(3), F.S., and Chapter 4-149 or 4-191.054, F.A.C.

(9) If the company has more than one coverage of the 2003 Standard Health Benefit Plan approved, the coverage offered to an individual shall be the benefit design nearest to the insured's current group coverage.

(10) The following benefit adjustment factors shall be used to reflect the benefit differences from Plan A, which is the published rate for each category, to Plan options B through E:

- (a) 0.871 for PPO/EPO Plan B
- (b) 0.917 for Indemnity Plan B
- (c) 0.846 for PPO/EPO Plan C
- (d) 0.891 for Indemnity Plan C
- (e) 0.834 for HMO Plan B
- (f) 0.828 for HMO Plan C
- (g) 0.762 for HMO Plan D
- (h) 0.752 for HMO Plan E.

Specific Authority 624.308, 627.410(6)(b), 627.6675(3)(c) FS. Law Implemented 624.307(1), 627.410(6)(a), 627.6498(4), 627.6675(3), 641.3922(3) FS. History--New 3-2-00, Amended 4-2-01, \_\_\_\_\_.

4-149.204 Outline of Coverage.  
 (1) No change.  
(2) The reference to the 2003 Standard Health Benefit Plan refers to the plan recommended by the health benefit committee pursuant to Section 627.6699(12), F.S. and approved by the Office of Insurance Regulation. These plan designs can be found by accessing: [http://www.fldfs.com/companies/lh\\_fr/is\\_LHFR\\_Small\\_Emp\\_Benefit\\_Plan.htm](http://www.fldfs.com/companies/lh_fr/is_LHFR_Small_Emp_Benefit_Plan.htm).

(3)(2) It is noted that this list is an outline of the Standard Health Benefit Plans pursuant to Sections 627.6675(11) and 641.3922(10), F.S. and is not intended to be a comprehensive description of all policy benefits. The statutory sections indicated should be reviewed for more comprehensive information.

	Plan A	Plan B	Plan C
PPO/EPO and Indemnity	Standard Health Benefit Plan (Section 627.6675(11))	2003-Standard Health Benefit Plan	2003-Standard Health Benefit Plan
Lifetime Limit	\$1,000,000	\$5,000,000	\$5,000,000
Annual Deductible* Single/Family	\$1,000/\$3,000	\$1,000, \$3,000	\$1,000, \$3,000
Out-of-Pocket Maximum Single/Family	\$2,000/\$4,000	\$3,000/\$6,000	\$5,000/\$10,000
Plan Coinsurance Amount:			
(1) Preferred Provider	(1) 80% of allowance in-network/60% of allowance out-of-network 80% in-network/60% out-of-network of the first \$10,000 per individual, then 100%. For family coverage, the aggregate coinsurance limit is two times the individual coinsurance limit.	(1) 80% of allowance in-network/60% of allowance out-of-network	(1) 80% of allowance in-network/60% of allowance out-of-network
(2) Indemnity Plan	(2) 80% of allowance 80% of the first \$10,000 per individual, then 100%. For family coverage, the aggregate coinsurance limit is 2 times the individual coinsurance.	(2) 80% of allowance.	(2) 80% of allowance
Physician	Coinsurance	Coinsurance	Coinsurance
Specialist	Coinsurance	Coinsurance	Coinsurance
Maternity	Coinsurance	Coinsurance	Coinsurance
Prescription Drug	\$7/\$14 Copay Covered	\$10/\$30/\$50 Copay*	\$10/\$30/\$50 Copay*
In-Patient Hospital	Coinsurance Covered	Coinsurance	Coinsurance
Out-Patient Hospital	Coinsurance Covered	Coinsurance	Coinsurance
Out-Patient Rehabilitation	Coinsurance, 10 visits per year	Coinsurance, 20 visits per year	Coinsurance, 20 visits per year
Out-of-Network	Covered		
Emergency	Coinsurance +\$50 Copay per visit Covered	Coinsurance	Coinsurance
Mental and Nervous Disorders, In-Patient	Coinsurance, 10 days per year	Coinsurance, 10 days per year	Coinsurance, 10 days per year
Mental and Nervous Disorders, Out-Patient	Coinsurance, 20 visits per year, \$50 per visit maximum reimbursement	Coinsurance, 20 visits per year, \$50 per visit maximum reimbursement	Coinsurance, 20 visits per year, \$50 per visit maximum reimbursement
Alcohol/Substance Abuse, In-Patient	Not covered	Coinsurance, \$2,000 maximum benefit	Coinsurance, \$2,000 maximum benefit
Alcohol/Substance Abuse Out-Patient	Not covered	Coinsurance, \$2,000 maximum benefit	Coinsurance, \$2,000 maximum benefit

Preventive Medical Services	Coinsurance, \$150 maximum per year	Coinsurance, \$250 maximum per year	Coinsurance, \$250 maximum per year
Organ Transplant	\$200,000 lifetime maximum	Coinsurance	Coinsurance
Home Health Care	Coinsurance, 60 visits per year, maximum \$60 per visit	Coinsurance, 60 visits per year	Coinsurance, 60 visits per year

\*Not included in out of pocket maximum

	Plan A	Plan B – HMO plan	Plan C – HMO plan
HMO	Standard Health Benefit Plan (Section-641.3922(10))	2003-Standard Health Benefit Plan	2003-Standard Health Benefit Plan
Lifetime Limit	None	\$5,000,000	\$5,000,000
Out-of-Pocket Maximum Single/Family	\$1,500/\$3,000	\$3,000/\$6,000	\$5,000/\$10,000
Office visit co-pay Primary Care Physician	\$10.00 Copay per visit	\$25 Copay per visit	\$25 Copay per visit
In-Patient	\$100.00		
Emergency Room co-pay (if not admitted)	\$100.00		
Specialist	\$10 Copay per visit	\$50 Copay per visit	\$50 Copay per visit
Rx generic	\$7.00		
Rx brand	\$14.00		
Maternity	Covered	\$300 Copay per day for five days	\$300 Copay per day for five days
Prescription Drug	\$7/\$14 Copay Covered	\$10/\$30/\$50 Copay*	\$10/\$30/\$50 Copay*
In-Patient Hospital	\$100 Copay per day Covered	\$300 Copay per day for five days	\$300 Copay per day for five days
Out-Patient Hospital	\$50 Copay per procedure Covered	\$200 Copay per procedure	\$200 Copay per procedure
Out Patient Rehabilitation	\$20 Copay per visit, 10 visits per year	\$25 Copay per visit, 20 visits per year	\$25 Copay per visit, 20 visits per year
Out-of-Network (emergency only)	Covered	Covered	Covered
Emergency	\$100-Copay Covered (if not admitted)	\$150 Copay (if not admitted)	\$150 Copay (if not admitted)
Mental and Nervous Disorders, In-Patient	\$100 Copay per day for first 5 days, 10 days per year	\$100 Copay per day, 10 days per year	\$100 Copay per day, 10 days per year
Mental and Nervous Disorders, Out-Patient	\$10 Copay per visit, 20 visits per year, \$50 per visit maximum reimbursement	\$25 Copay per visit, 20 visits per year, \$50 per visit maximum reimbursement	\$25 Copay per visit, 20 visits per year, \$50 per visit maximum reimbursement
Alcohol/Substance Abuse, In-Patient	Not covered	\$100 Copay per day, \$2,000 maximum benefit	\$100 Copay per day, \$2,000 maximum benefit
Alcohol/Substance Abuse Out-Patient	Not covered	\$25 Copay per visit, \$2,000 maximum benefit	\$25 Copay per visit, \$2,000 maximum benefit

Preventive Medical Services	\$150 maximum	\$250 maximum	\$250 maximum
Organ Transplant	\$200,000 lifetime maximum	Covered	Covered
Home Health Care	Covered in full, 60 visits per year	\$25 Copay per visit, 60 visits per year	\$25 Copay per visit, 60 visits per year

\*Not included in out of pocket maximum

	Plan A	Plan D – coins plan	Plan E – coins plan
HMO	Standard Health Benefit Plan (Section 641.3922(10))	2003-Standard Health Benefit Plan	2003-Standard Health Benefit Plan
Lifetime Limit	None	\$5,000,000	\$5,000,000
Annual	Not applicable	\$1,000/\$3,000	\$1,000/\$3,000
Deductible* Single/Family			
Out-of-Pocket Maximum Single/Family	\$1,500/\$3,000	\$3,000/\$6,000	\$5,000/\$10,000
Plan Coinsurance Amount	Not applicable	80% of allowance	80% of allowance
Primary Care Physician	\$10 Copay per visit	Coinsurance	Coinsurance
Specialist	\$10 Copay per visit	Coinsurance	Coinsurance
Maternity	Covered	Coinsurance	Coinsurance
Prescription Drug	\$7/\$14 Copay	\$10/\$30/\$50 Copay*	\$10/\$30/\$50 Copay*
In-Patient Hospital	\$100 Copay	Coinsurance	Coinsurance
Out-Patient Hospital	Covered	Coinsurance	Coinsurance
Out-of-Network (emergency only)	Covered	Coinsurance	Coinsurance
Emergency	\$100-Copay (if not admitted)	Coinsurance	Coinsurance
Mental and Nervous Disorders, In-Patient	\$100 Copay per day for first 5 days, 10 days per year	Coinsurance, 10 days per year	Coinsurance, 10 days per year
Mental and Nervous Disorders, Out-Patient	\$10 Copay per visit, 20 visits per year, \$50 per visit maximum reimbursement	Coinsurance, 20 visits per year, \$50 per visit maximum reimbursement	Coinsurance, 20 visits per year, \$50 per visit maximum reimbursement
Alcohol/Substance Abuse, In-Patient	Not covered	Coinsurance, \$2,000 maximum benefit	Coinsurance, \$2,000 maximum benefit
Alcohol/Substance Abuse Out-Patient	Not covered	Coinsurance, \$2,000 maximum benefit	Coinsurance, \$2,000 maximum benefit
Preventive Medical Services	\$150 maximum	Coinsurance, \$250 maximum per year	Coinsurance, \$250 maximum per year
Organ Transplant	\$200,000 lifetime maximum	Coinsurance	Coinsurance
Home Health Care	Covered in full, 60 visits per year	Coinsurance, 60 visits per year	Coinsurance, 60 visits per year

\*Not included in out of pocket maximum

Specific Authority 624.308, 627.6675(3)(c) FS. Law Implemented 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS. History—New 3-2-00, Amended 4-2-01, 4-17-02.

4-149.205 Indemnity Standard Risk Rate.

(1) through (2) No change.

(3) Standard risk rates for coverage providing benefits coordinating with or otherwise considering coverage under Medicare, parts A and B, shall be determined by multiplying the standard risk rates identified herein by .278.

STANDARD HEALTH BENEFIT PLAN				
Age	Male	Female	County	Area Factor
0-17			Alachua	0.77
18	\$1,266.15	\$1,266.15	Baker	0.78
19	\$1,719.19	\$2,196.00	Bay	0.73
20	\$1,721.47	\$2,198.74	Bradford	0.82
21	\$1,724.23	\$2,202.18	Brevard	0.97
22	\$1,731.84	\$2,220.28	Broward	1.32
23	\$1,734.57	\$2,243.62	Calhoun	0.75
24	\$1,741.24	\$2,263.68	Charlotte	1.00
25	\$1,747.74	\$2,284.27	Citrus	0.70
26	\$1,758.92	\$2,349.09	Clay	0.82
27	\$1,806.02	\$2,413.91	Collier	0.91
28	\$1,853.13	\$2,478.74	Columbia	0.81
29	\$1,900.25	\$2,543.97	Dade	1.41
30	\$1,964.29	\$2,643.07	De Soto	0.74
31	\$2,028.34	\$2,742.14	Dixie	0.77
32	\$2,092.41	\$2,841.23	Duval	1.04
33	\$2,156.45	\$2,940.30	Escambia	0.79
34	\$2,207.42	\$3,034.11	Flagler	0.77
35	\$2,256.48	\$3,133.23	Franklin	0.75
36	\$2,319.20	\$3,244.55	Gadsden	0.75
37	\$2,381.90	\$3,355.84	Gilchrist	0.75
38	\$2,433.44	\$3,454.20	Glades	0.98
39	\$2,499.13	\$3,543.64	Gulf	0.76
40	\$2,586.74	\$3,642.55	Hamilton	0.77
41	\$2,698.49	\$3,782.24	Hardee	0.80
42	\$2,810.26	\$3,882.10	Hendry	0.99
43	\$2,922.04	\$3,982.10	Hernando	0.82
44	\$3,053.08	\$4,086.79	Highlands	0.78
45	\$3,201.99	\$4,208.78	Hillsborough	0.91
46	\$3,413.02	\$4,376.18	Holmes	0.75
47	\$3,624.06	\$4,543.56	Indian River	0.97
48	\$3,788.19	\$4,666.94	Jackson	0.76
49	\$3,950.06	\$4,776.86	Jefferson	0.75
50	\$4,136.04	\$4,893.91	Lafayette	0.78
51	\$4,416.14	\$5,062.39	Lake	0.88
	\$4,696.25	\$5,230.87		

52	\$4,937.96	\$5,350.56	Lee	0.99
53	\$5,169.11	\$5,452.33	Leon	0.77
54	\$5,439.57	\$5,560.40	Levy	0.80
55	\$5,797.85	\$5,699.74	Liberty	0.75
56	\$6,156.11	\$5,839.05	Madison	0.79
57	\$6,451.20	\$5,948.78	Manatee	0.84
58	\$6,730.73	\$6,082.63	Marion	0.77
59	\$6,987.58	\$6,210.21	Martin	0.98
60	\$7,262.98	\$6,424.12	Monroe	1.43
61	\$7,538.37	\$6,638.00	Nassau	0.84
62	\$7,813.76	\$6,797.50	Okaloosa	0.71
63	\$7,939.87	\$6,909.15	Okeechobee	0.97
64	\$8,065.98	\$7,047.33	Orange	0.97
65	\$8,267.64	\$7,223.52	Osceola	0.89
66	\$8,474.32	\$7,404.11	Palm Beach	1.00
67	\$8,686.18	\$7,589.21	Pasco	0.86
68	\$8,903.35	\$7,778.94	Pinellas	0.89
69	\$9,125.93	\$7,973.41	Polk	0.82
70	\$9,354.07	\$8,172.75	Putnam	0.77
71	\$9,587.92	\$8,377.07	St. Johns	0.77
72	\$9,827.63	\$8,586.49	St. Lucie	0.99
73	\$10,073.30	\$8,801.16	Santa Rosa	0.77
74	\$10,325.15	\$9,021.19	Sarasota	0.76
75	\$10,583.27	\$9,246.72	Seminole	0.92
76	\$10,847.85	\$9,477.88	Sumter	0.81
77	\$11,119.06	\$9,714.84	Suwannee	0.82
78	\$11,397.03	\$9,957.71	Taylor	0.79
79	\$11,681.96	\$10,206.64	Union	0.79
			Volusia	0.84
			Wakulla	0.75
			Walton	0.76
			Washington	0.76

10-17	\$1,130.49	\$1,130.49
18	\$1,534.99	\$1,960.71
19	\$1,537.03	\$1,963.16
20	\$1,539.49	\$1,966.23
21	\$1,546.29	\$1,982.39
22	\$1,548.72	\$2,003.23
23	\$1,554.68	\$2,021.14
24	\$1,560.48	\$2,039.53
25	\$1,570.46	\$2,097.40
26	\$1,612.52	\$2,155.28
27	\$1,654.58	\$2,213.16
28	\$1,696.65	\$2,271.40
29	\$1,753.83	\$2,359.88
30	\$1,811.02	\$2,448.34

Alachua	0.77
Baker	0.78
Bay	0.74
Bradford	0.82
Brevard	0.92
Broward	1.28
Calhoun	0.75
Charlotte	0.97
Citrus	0.74
Clay	0.82
Collier	0.95
Columbia	0.81
Dade	1.39
De Soto	0.74

31	\$1,868.22	\$2,536.81	Dixie	0.77
32	\$1,925.40	\$2,625.27	Duval	0.99
33	\$1,970.91	\$2,709.03	Eseambia	0.75
34	\$2,014.71	\$2,797.53	Flagler	0.77
35	\$2,070.71	\$2,896.92	Franklin	0.75
36	\$2,126.70	\$2,996.29	Gadsden	0.75
37	\$2,172.71	\$3,084.11	Gretnist	0.75
38	\$2,231.37	\$3,163.96	Glades	0.98
39	\$2,309.59	\$3,252.28	Gulf	0.76
40	\$2,409.37	\$3,377.00	Hamilton	0.77
41	\$2,509.16	\$3,466.16	Hardee	0.80
42	\$2,608.96	\$3,555.45	Hendry	0.95
43	\$2,725.96	\$3,648.92	Hernando	0.82
44	\$2,858.92	\$3,757.84	Highlands	0.78
45	\$3,047.34	\$3,907.30	Hillsborough	0.88
46	\$3,235.77	\$4,056.75	Holmes	0.75
47	\$3,382.31	\$4,166.91	Indian River	0.92
48	\$3,526.84	\$4,265.05	Jackson	0.76
49	\$3,692.89	\$4,369.56	Jefferson	0.75
50	\$3,942.98	\$4,519.99	Lafayette	0.78
51	\$4,193.08	\$4,670.42	Lake	0.87
52	\$4,408.89	\$4,777.29	Lee	0.94
53	\$4,615.28	\$4,868.15	Leon	0.75
54	\$4,856.76	\$4,964.64	Levy	0.80
55	\$5,176.65	\$5,089.05	Liberty	0.75
56	\$5,496.53	\$5,213.44	Madison	0.79
57	\$5,760.00	\$5,311.41	Manatee	0.80
58	\$6,009.58	\$5,430.92	Marion	0.75
59	\$6,238.91	\$5,544.83	Martin	1.00
60	\$6,484.80	\$5,735.82	Monroe	1.38
61	\$6,730.69	\$5,926.79	Nassau	0.84
62	\$6,976.57	\$6,069.20	Okaloosa	0.75
63	\$7,089.17	\$6,168.88	Okeechobee	0.97
64	\$7,201.77	\$6,292.26	Orange	0.92
65	\$7,381.82	\$6,449.57	Osceola	0.89
66	\$7,566.36	\$6,610.81	Palm Beach	1.00
67	\$7,755.52	\$6,776.08	Pasco	0.82
68	\$7,949.42	\$6,945.48	Pinellas	0.88
69	\$8,148.15	\$7,119.12	Polk	0.78
70	\$8,351.85	\$7,297.10	Putnam	0.77
71	\$8,560.64	\$7,479.53	St. Johns	0.77
72	\$8,774.67	\$7,666.51	St. Lucie	0.99
73	\$8,994.02	\$7,858.18	Santa Rosa	0.77
74	\$9,218.88	\$8,054.63	Sarasota	0.76
75	\$9,449.35	\$8,256.00	Seminole	0.92
76	\$9,685.58	\$8,462.39	Sumter	0.81
77	\$9,927.73	\$8,673.96	Suwannee	0.82
78	\$10,175.92	\$8,890.81	Taylor	0.79
79	\$10,430.32	\$9,113.07	Union	0.79
			Volusia	0.81
			Wakulla	0.75
			Walton	0.76
			Washington	0.76

Specific Authority 624.308, 627.6675(3)(c) FS. Law Implemented 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS. History—New 3-2-00, Amended 4-2-01, 4-17-02, 1-20-03.

4-149.206 Preferred Provider/Exclusive Provider Standard Risk Rates.

- (1) through (2) No change.
- (3) Standard risk rates for coverage providing benefits coordinating with or otherwise considering coverage under Medicare, parts A and B, shall be determined by multiplying the standard risk rates identified herein by .278.
- (4) No change.

STANDARD HEALTH BENEFIT PLAN				
Age	Male	Female	County	Area Factor
0-17	\$1,032.52	\$1,032.52	Alachua	0.77
18	\$1,481.86	\$1,942.91	Baker	0.78
19	\$1,481.86	\$1,942.91	Bay	0.73
20	\$1,481.86	\$1,942.91	Bradford	0.82
21	\$1,483.90	\$1,949.02	Brevard	0.97
22	\$1,483.90	\$1,957.15	Broward	1.32
23	\$1,485.94	\$1,963.25	Calhoun	0.75
24	\$1,487.98	\$1,969.36	Charlotte	1.00
25	\$1,523.22	\$1,975.45	Citrus	0.70
26	\$1,558.46	\$2,033.17	Clay	0.82
27	\$1,593.71	\$2,087.30	Collier	0.91
28	\$1,634.69	\$2,148.07	Columbia	0.81
29	\$1,702.57	\$2,206.03	Dade	1.41
30	\$1,770.43	\$2,287.25	De Soto	0.74
31	\$1,838.32	\$2,368.48	Dixie	0.77
32	\$1,883.21	\$2,449.70	Duval	1.04
33	\$1,934.66	\$2,530.93	Escambia	0.79
34	\$1,987.85	\$2,625.86	Flagler	0.77
35	\$2,043.56	\$2,723.68	Franklin	0.75
36	\$2,099.30	\$2,816.16	Gadsden	0.75
37	\$2,155.02	\$2,908.48	Gilchrist	0.75
38	\$2,210.75	\$3,005.58	Glades	0.98
39	\$2,277.90	\$3,105.65	Gulf	0.76
40	\$2,353.81	\$3,200.81	Hamilton	0.77
41	\$2,427.30	\$3,288.77	Hardee	0.80
42	\$2,521.45	\$3,376.70	Hendry	0.99
43	\$2,644.40	\$3,483.08	Hernando	0.82
44	\$2,778.16	\$3,574.88	Highlands	0.78
45	\$2,921.05	\$3,683.20	Hillsborough	0.91
46	\$3,066.34	\$3,793.13	Holmes	0.75
47	\$3,219.74	\$3,905.54	Indian River	0.97
48	\$3,353.20	\$3,991.68	Jackson	0.76
49	\$3,486.64	\$4,084.85	Jefferson	0.75
50	\$3,655.97	\$4,178.03	Lafayette	0.78
51	\$3,849.68	\$4,274.03	Lake	0.88
52	\$4,069.67	\$4,360.51	Lee	0.99
53	\$4,289.65	\$4,440.82	Leon	0.77
54	\$4,509.64	\$4,523.15	Levy	0.80

55	\$4,781.83	\$4,620.83	Liberty	0.75
56	\$5,054.03	\$4,704.28	Madison	0.79
57	\$5,348.92	\$4,797.71	Manatee	0.84
58	\$5,631.35	\$4,925.09	Marion	0.77
59	\$5,906.50	\$5,083.85	Martin	0.98
60	\$6,181.62	\$5,220.43	Monroe	1.43
61	\$6,414.10	\$5,382.26	Nassau	0.84
62	\$6,590.72	\$5,548.07	Okaloosa	0.71
63	\$6,759.68	\$5,719.00	Okeechobee	0.97
64	\$6,928.56	\$5,862.35	Orange	0.97
65	\$7,094.69	\$6,005.70	Osceola	0.89
66	\$7,272.06	\$6,149.04	Palm Beach	1.00
67	\$7,453.86	\$6,302.77	Pasco	0.86
68	\$7,640.21	\$6,460.33	Pinellas	0.89
69	\$7,831.21	\$6,621.85	Polk	0.82
70	\$8,026.99	\$6,787.39	Putnam	0.77
71	\$8,227.67	\$6,957.08	St. Johns	0.77
72	\$8,433.35	\$7,131.00	St. Lucie	0.99
73	\$8,644.20	\$7,309.28	Santa Rosa	0.77
74	\$8,860.30	\$7,492.01	Sarasota	0.76
75	\$9,081.80	\$7,679.32	Seminole	0.92
76	\$9,308.86	\$7,871.30	Sumter	0.81
77	\$9,541.57	\$8,068.08	Suwannee	0.82
78	\$9,780.11	\$8,269.78	Taylor	0.79
79	\$10,024.61	\$8,476.52	Union	0.79
			Volusia	0.84
			Wakulla	0.75
			Walton	0.76
			Washington	0.76

0-17	\$860.43	\$860.43	Alachua	0.77
18	\$1,234.88	\$1,619.09	Baker	0.78
19	\$1,234.88	\$1,619.09	Bay	0.74
20	\$1,234.88	\$1,619.09	Bradford	0.82
21	\$1,236.58	\$1,624.18	Brevard	0.92
22	\$1,236.58	\$1,630.96	Broward	1.28
23	\$1,238.28	\$1,636.04	Calhoun	0.75
24	\$1,239.98	\$1,641.13	Charlotte	0.97
25	\$1,269.35	\$1,646.21	Citrus	0.74
26	\$1,298.72	\$1,694.31	Clay	0.82
27	\$1,328.09	\$1,739.42	Collier	0.95
28	\$1,362.24	\$1,790.06	Columbia	0.81
29	\$1,418.81	\$1,838.36	Dade	1.39
30	\$1,475.36	\$1,906.04	De Soto	0.74
31	\$1,531.93	\$1,973.73	Dixie	0.77
32	\$1,569.34	\$2,041.42	Duval	0.99
33	\$1,612.22	\$2,109.11	Escambia	0.75

34	\$1,656.54	\$2,188.22	Flagler	0.77
35	\$1,702.97	\$2,269.73	Franklin	0.75
36	\$1,749.42	\$2,346.80	Gadsden	0.75
37	\$1,795.85	\$2,423.73	Gilchrist	0.75
38	\$1,842.29	\$2,504.65	Glades	0.98
39	\$1,898.25	\$2,588.04	Gulf	0.76
40	\$1,961.51	\$2,667.34	Hamilton	0.77
41	\$2,022.75	\$2,740.64	Hardee	0.80
42	\$2,101.21	\$2,813.92	Hendry	0.95
43	\$2,203.67	\$2,902.57	Hernando	0.82
44	\$2,315.13	\$2,979.07	Highlands	0.78
45	\$2,434.21	\$3,069.33	Hillsborough	0.88
46	\$2,555.28	\$3,160.94	Holmes	0.75
47	\$2,683.12	\$3,254.62	Indian River	0.92
48	\$2,794.33	\$3,326.40	Jackson	0.76
49	\$2,905.53	\$3,404.04	Jefferson	0.75
50	\$3,046.64	\$3,481.69	Lafayette	0.78
51	\$3,208.07	\$3,561.69	Lake	0.87
52	\$3,391.39	\$3,633.76	Lee	0.94
53	\$3,574.71	\$3,700.68	Leon	0.75
54	\$3,758.03	\$3,769.29	Levy	0.80
55	\$3,984.86	\$3,850.69	Liberty	0.75
56	\$4,211.69	\$3,920.23	Madison	0.79
57	\$4,457.43	\$3,998.09	Manatee	0.80
58	\$4,692.79	\$4,104.24	Marion	0.75
59	\$4,922.08	\$4,236.54	Martin	1.00
60	\$5,151.35	\$4,350.36	Monroe	1.38
61	\$5,345.08	\$4,485.22	Nassau	0.84
62	\$5,492.27	\$4,623.39	Okaloosa	0.75
63	\$5,633.07	\$4,765.83	Okeechobee	0.97
64	\$5,773.80	\$4,885.29	Orange	0.92
65	\$5,912.24	\$5,004.75	Oseola	0.89
66	\$6,060.05	\$5,124.20	Palm Beach	1.00
67	\$6,211.55	\$5,252.31	Pasco	0.82
68	\$6,366.84	\$5,383.61	Pinellas	0.88
69	\$6,526.01	\$5,518.21	Polk	0.78
70	\$6,689.16	\$5,656.16	Putnam	0.77
71	\$6,856.39	\$5,797.57	St. Johns	0.77
72	\$7,027.79	\$5,942.50	St. Lucie	0.99
73	\$7,203.50	\$6,091.07	Santa Rosa	0.77
74	\$7,383.58	\$6,243.34	Sarasota	0.76
75	\$7,568.17	\$6,399.43	Seminole	0.92
76	\$7,757.38	\$6,559.42	Sumter	0.81
77	\$7,951.31	\$6,723.40	Suwannee	0.82
78	\$8,150.09	\$6,891.48	Taylor	0.79
79	\$8,353.84	\$7,063.77	Union	0.79
			Volusia	0.81
			Wakulla	0.75
			Walton	0.76
			Washington	0.76

Specific Authority 624.308, 627.6675(3)(c) FS. Law Implemented 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS. History—New 3-2-00, Amended 4-2-01, 4-17-02, 1-20-03.

4-149.207 Health Maintenance Organization Standard Risk Rates.

(1) through (2) No change.

(3) Standard risk rates for coverage providing benefits coordinating with or otherwise considering coverage under Medicare, parts A and B, shall be determined by multiplying the standard risk rates identified herein by .278.

STANDARD HEALTH BENEFIT PLAN				
Age	Male	Female	County	Area Factor
0	\$2,885.42	\$2,885.42	Alachua	1.05
1	\$1,825.97	\$1,825.97	Baker	1.09
2-6	\$1,807.05	\$1,807.05	Bay	0.90
7-12	\$1,776.78	\$1,776.78	Bradford	1.05
13-17	\$1,829.76	\$2,045.46	Brevard	0.97
18	\$1,799.47	\$2,164.78	Broward	1.00
19	\$1,769.17	\$2,284.10	Calhoun	0.90
20	\$1,738.88	\$2,403.42	Charlotte	0.97
21	\$1,708.59	\$2,522.74	Citrus	0.84
22	\$1,714.28	\$2,647.74	Clay	1.09
23	\$1,719.97	\$2,772.72	Collier	0.90
24	\$1,725.65	\$2,897.72	Columbia	1.05
25	\$1,758.87	\$3,022.72	Dade	1.00
26	\$1,792.10	\$3,101.25	De Soto	0.90
27	\$1,834.94	\$3,172.10	Dixie	1.05
28	\$1,888.84	\$3,211.93	Duval	1.09
29	\$1,936.00	\$3,242.92	Escambia	1.05
30	\$2,003.33	\$3,275.83	Flagler	0.90
31	\$2,041.80	\$3,308.74	Franklin	0.90
32	\$2,090.69	\$3,331.72	Gadsden	0.90
33	\$2,134.26	\$3,331.79	Gilchrist	1.05
34	\$2,183.66	\$3,336.09	Glades	0.90
35	\$2,227.08	\$3,339.82	Gulf	0.90
36	\$2,279.71	\$3,361.49	Hamilton	0.90
37	\$2,338.98	\$3,383.16	Hardee	0.84
38	\$2,384.56	\$3,409.62	Hendry	0.90
39	\$2,454.32	\$3,445.53	Hernando	1.05
40	\$2,507.42	\$3,502.09	Highlands	0.84
41	\$2,601.67	\$3,558.65	Hillsborough	1.00
42	\$2,701.25	\$3,615.21	Holmes	0.90
43	\$2,814.87	\$3,671.78	Indian River	0.90
44	\$2,922.14	\$3,728.33	Jackson	0.90
45	\$3,049.01	\$3,784.90	Jefferson	0.90
46	\$3,198.65	\$3,868.92	Lafayette	0.90

47	\$3,361.38	\$3,953.82	Lake	0.95
48	\$3,536.72	\$4,037.96	Lee	1.01
49	\$3,709.00	\$4,117.64	Leon	0.90
50	\$3,911.92	\$4,232.24	Levy	1.05
51	\$4,116.65	\$4,346.84	Liberty	0.90
52	\$4,347.57	\$4,461.43	Madison	0.90
53	\$4,574.91	\$4,576.03	Manatee	1.01
54	\$4,821.67	\$4,715.87	Marion	0.90
55	\$5,089.34	\$4,855.71	Martin	1.05
56	\$5,335.90	\$4,995.53	Monroe	0.90
57	\$5,610.75	\$5,201.96	Nassau	1.09
58	\$5,920.44	\$5,408.40	Okaloosa	0.95
59	\$6,237.47	\$5,614.82	Okeechobee	0.95
60	\$6,554.48	\$5,821.25	Orange	0.94
61	\$6,871.51	\$6,048.43	Osceola	0.98
62	\$7,188.53	\$6,275.62	Palm Beach	1.02
63	\$7,451.11	\$6,502.81	Pasco	1.02
64	\$7,728.89	\$6,750.88	Pinellas	1.00
65	\$8,013.41	\$7,006.93	Polk	1.05
66	\$8,308.43	\$7,272.70	Putnam	1.01
67	\$8,614.29	\$7,548.54	St. Johns	1.07
68	\$8,931.42	\$7,834.86	St. Lucie	0.95
69	\$9,260.22	\$8,132.04	Santa Rosa	1.05
70	\$9,601.12	\$8,440.47	Sarasota	1.03
71	\$9,954.58	\$8,760.62	Seminole	1.02
72	\$10,321.05	\$9,092.91	Sumter	1.02
73	\$10,701.01	\$9,437.80	Suwannee	0.90
74	\$11,094.95	\$9,795.76	Taylor	0.90
75	\$11,503.41	\$10,167.31	Union	0.90
76	\$11,926.89	\$10,552.95	Volusia	1.03
77	\$12,365.97	\$10,953.21	Wakulla	0.90
78	\$12,821.21	\$11,368.66	Walton	1.05
79	\$13,293.22	\$11,799.88	Washington	0.90

0	\$2,599.48	\$2,599.48	Alachua	1.05
1	\$1,645.02	\$1,645.02	Baker	1.09
2-6	\$1,627.97	\$1,627.97	Bay	0.90
7-12	\$1,600.70	\$1,600.70	Bradford	1.05
13-17	\$1,648.43	\$1,842.76	Brevard	0.98
18	\$1,621.14	\$1,950.25	Broward	1.00
19	\$1,593.85	\$2,057.75	Calhoun	0.90
20	\$1,566.56	\$2,165.24	Charlotte	0.97
21	\$1,539.27	\$2,272.74	Citrus	0.84
22	\$1,544.40	\$2,385.35	Clay	1.09
23	\$1,549.52	\$2,497.95	Collier	0.90

24	\$1,554.64	\$2,610.56	Columbia	1.05
25	\$1,584.57	\$2,723.17	Dade	1.00
26	\$1,614.50	\$2,793.92	De Soto	0.90
27	\$1,653.10	\$2,857.75	Dixie	1.05
28	\$1,701.66	\$2,893.63	Duval	1.09
29	\$1,744.14	\$2,921.55	Escambia	1.05
30	\$1,804.80	\$2,951.20	Flagler	0.90
31	\$1,839.46	\$2,980.85	Franklin	0.90
32	\$1,883.50	\$3,001.55	Gadsden	0.90
33	\$1,922.76	\$3,001.61	Gilchrist	1.05
34	\$1,967.26	\$3,005.49	Glades	0.90
35	\$2,006.38	\$3,008.85	Gulf	0.90
36	\$2,053.79	\$3,028.37	Hamilton	0.90
37	\$2,107.19	\$3,047.89	Hardee	0.84
38	\$2,148.25	\$3,071.73	Hendry	0.90
39	\$2,211.10	\$3,104.08	Hernando	1.05
40	\$2,258.94	\$3,155.04	Highlands	0.84
41	\$2,343.85	\$3,205.99	Hillsborough	1.01
42	\$2,433.56	\$3,256.95	Holmes	0.90
43	\$2,535.92	\$3,307.91	Indian River	0.90
44	\$2,632.56	\$3,358.86	Jackson	0.90
45	\$2,746.86	\$3,409.82	Jefferson	0.90
46	\$2,881.67	\$3,485.51	Lafayette	0.90
47	\$3,028.27	\$3,562.00	Lake	0.95
48	\$3,186.23	\$3,637.80	Lee	1.00
49	\$3,341.44	\$3,709.59	Leon	0.90
50	\$3,524.25	\$3,812.83	Levy	1.05
51	\$3,708.69	\$3,916.07	Liberty	0.90
52	\$3,916.73	\$4,019.31	Madison	0.90
53	\$4,121.54	\$4,122.55	Manatee	1.01
54	\$4,343.85	\$4,248.53	Marion	0.90
55	\$4,584.99	\$4,374.51	Martin	1.05
56	\$4,807.12	\$4,500.48	Monroe	0.90
57	\$5,054.73	\$4,686.45	Nassau	1.09
58	\$5,333.73	\$4,872.43	Okaloosa	0.95
59	\$5,619.34	\$5,058.40	Okeechobee	0.95
60	\$5,904.94	\$5,244.37	Orange	0.95
61	\$6,190.55	\$5,449.04	Osceola	0.95
62	\$6,476.15	\$5,653.71	Palm Beach	1.02
63	\$6,712.71	\$5,858.39	Pasco	1.02
64	\$6,962.96	\$6,081.87	Pinellas	1.01
65	\$7,219.29	\$6,312.55	Polk	1.05
66	\$7,485.07	\$6,551.98	Putnam	1.01
67	\$7,760.62	\$6,800.49	St. Johns	1.07
68	\$8,046.32	\$7,058.43	St. Lucie	0.95
69	\$8,342.54	\$7,326.16	Santa Rosa	1.05
70	\$8,649.66	\$7,604.03	Sarasota	1.03
71	\$8,968.09	\$7,892.45	Seminole	1.03
72	\$9,298.24	\$8,191.81	Sumter	1.02
73	\$9,640.55	\$8,502.52	Suwannee	0.90
74	\$9,995.45	\$8,825.01	Taylor	0.90
75	\$10,363.43	\$9,159.74	Union	0.90
76	\$10,744.95	\$9,507.16	Volusia	1.03
77	\$11,140.51	\$9,867.76	Wakulla	0.90



78	\$11,550.64	\$10,242.04
79	\$11,975.87	\$10,630.52
77	\$8,557.03	\$7,617.04
78	\$8,883.52	\$7,907.67
79	\$9,222.47	\$8,209.38

Walton	1.05
Washington	0.90

Specific Authority 624.308, 627.6675(3)(c) FS. Law Implemented 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS. History—New 3-2-00, Amended 4-2-01, 4-17-02, 1-20-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Frank Dino, Bureau of Life and Health Forms and Rates,  
Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Rich Robleto, Bureau Chief, Bureau  
of Life and Health Forms and Rates, Office of Insurance  
Regulation

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: December 11, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: November 7, 2003

**DEPARTMENT OF AGRICULTURE AND CONSUMER  
SERVICES**

**Division of Plant Industry**

RULE TITLES:	RULE NOS.:
Definitions	5B-57.001
Possession or Movement of Plant Pests and Noxious Weeds Regulated by the Department and the USDA	5B-57.003
Introduction, Possession or Movement of Arthropods, Biological Control Agents, Plant Pests, Noxious Weeds, and Invasive Plants Regulated by the Department	5B-57.004
Introduction and Release of Biological Control Agents	5B-57.005
Regulation and Control of Noxious Weeds and Invasive Plants in Florida	5B-57.006
Noxious Weed and Invasive Plant Classification Procedures	5B-57.010

PURPOSE AND EFFECT: The purpose of these rule amendments is to change the definition of noxious weed to include language that would address the negative impact on plant species protected under Section 581.185, F.S., add a new definition for Noxious Weed and Invasive Plant Review Committee, repeal Rules 5B-57.003 and 5B-57.005 and combine them with Rule 5B-57.004, F.A.C., remove the prohibition time frame for propagation, sale or distribution of *Cupaniopsis anacardioides*, and add a new Rule 5B-57.010, F.A.C. Noxious Weed and Invasive Plant Classification Procedures. The effects of the amendments will be a clarification of the definition for noxious weed, a definition for invasive plant, reducing the number of rules that involve

permitting procedures, and providing written procedures on how plants will be classified as a noxious weed or invasive plant.

In addition, amendments are being made as a result of the proceedings of a Rule Development Workshop held in Gainesville, Florida on February 26, 2003. These rule amendments add a definition for beneficial organism, include the term arthropods in the definition of biological control agent, add a reference that the plants listed in Section 369.251, F.S., are to be included in the department’s Noxious Weed and Invasive Plant List, and include the terms introduction, biological control agents, and invasive plants in the title of Rule 5B-57.004, F.A.C.

Suggestions and/or recommendations from the workshop proceedings that are not included in these amendments are as follows:

The elimination of the provisions for removing a plant or plants from the department’s Noxious Weed and Invasive Plant List. This was a divided issue between interested parties, thus the provisions for removing a plant from the noxious weed list remain. Also, the inclusion of interested parties, other than the Department and the Institute of Food and Agricultural Sciences (IFAS) at the University of Florida, into the Noxious Weed and Invasive Plant Review Committee. Section 581.091 F.S., states that the Department in conjunction with IFAS shall be the parties to biennially review the official state list of noxious weeds and invasive plants; however, these meetings will be conducted in accordance with Section 120.525 F.S., which provides for public input. In addition, a recommendation was made that the definition of a noxious weed be amended to include language that would protect native plant species in a designated public or private conservation area. However, Section 581.011(18), F.S., restricts the definition of a noxious weed to “a serious agricultural threat in Florida or have a negative impact on the plant species protected under Section 581.185 F.S.” Another recommendation was that the Department require all permittees to secure a bond to cover the costs associated with controlling and eradicating permitted organisms that escape containment. Chapter 581, F.S., provides the department no authority to require permittees to secure a bond.

SUMMARY: Amendments include definitions of a beneficial organism, invasive plant, noxious weed and Noxious Weed and Invasive Plant Review Committee, the procedures for obtaining permits to possess or move any arthropods, plant pests, or noxious weeds and invasive plants regulated by the Department, and the new procedures for classifying a plant as a noxious weed or invasive plant. Rules 5B-57.003 and 5B-57.005, F.A.C., are repealed and combined with Rule 5B-57.004, F.A.C., the prohibition time frame for propagation, sale or distribution of *Cupaniopsis anacardioides*, is removed,

and a reference that the plants listed in Section 369.251, F.S., are to be included in the department's Noxious Weed and Invasive Plant List is added.

SPECIFIC AUTHORITY: 570.07(13),(23) FS.

LAW IMPLEMENTED: 581.031(4),(5),(6), 581.083, 581.091 FS.

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

TIME AND DATE: 10:00 a.m., January 26, 2004

PLACE: Doyle Conner Building, 1911 S. W. 34 Street, Gainesville, FL 32608

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Constance C. Riherd, Assistant Director, Division of Plant Industry, Department of Agriculture and Consumer Services, Doyle Conner Building, 1911 S. W. 34th Street, Gainesville, Florida 32614-7100, (352)372-3505

THE FULL TEXT OF THE PROPOSED RULES IS:

5B-57.001 Definitions.

For the purpose of this rule chapter, the following definitions shall apply:

(1) Arthropod. Any segmented invertebrate animal having jointed appendages and an exoskeleton, including insects, spiders, ticks, mites, and scorpions, but excluding crustaceans for the purpose of this rule chapter.

(2) Beneficial Organisms. Any organism which benefits Florida's native or agricultural plants by improving plant health or growth, or which may adversely affect pest species such as arthropods, fungi, bacteria, viruses, and nematodes.

(3)(2) Biological control agent. Any biological agent such as bacteria, fungi, viruses, arthropods, parasitoids, parasites, nematodes, and predators that adversely affects pest species.

(4)(3) Compliance agreement. A written agreement between the department and any person engaged in growing, handling, or moving articles, plants, plant products, plant pests, noxious weeds, invasive plants, arthropods, or biological control agents regulated under this rule chapter, wherein the person agrees to comply with stipulated requirements.

(5)(4) Department. The Florida Department of Agriculture and Consumer Services.

(6)(5) International movement. Movement into Florida from any country or area outside the United States.

(7)(6) Interstate movement. Movement into Florida from another state or U. S. possession.

(8)(7) Intrastate movement. Movement within the state of Florida.

(9) Invasive Plant. A naturalized plant that disrupts naturally occurring native plant communities.

(10) Naturalized Plant. A plant that reproduces spontaneously outside of cultivation and outside its native range.

(11)(8) Nematode. A small unsegmented worm in all of its life stages in the Phylum Nematoda.

(12)(9) Noxious weed. Any living stage, including, but not limited to, seeds and reproductive parts, of a parasitic or other plant of a kind, or subdivision of a kind, which may be a serious agricultural threat in Florida, or have a negative impact on the plant species protected under Section 581.185, F.S.

(13) Noxious Weed and Invasive Plant Review Committee. A committee appointed by the department, in accordance with Section 570.0705, F.S., to review the Noxious Weed and Invasive Plant List in subsection 5B-57.010(2), F.A.C., as provided for in Section 581.091(4), F.S.

(14)(40) Permit. An official document issued by the department or the USDA allowing under specific conditions the entry or field release of plant pests, noxious weeds, invasive plants, arthropods, and biological control agents, defining the conditions under which such activities will be allowed, and containing specific instructions for inspection, movement, and containment.

(15)(44) Plant pest. Any living stage of any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or reproductive parts thereof, or viruses, or any organisms similar to or allied with any of the foregoing, or any infectious substances which can directly or indirectly injure or cause disease or damage in any plants, plant parts, or other products of plants other than permitted biological agents.

(16)(42) USDA. The United States Department of Agriculture.

Specific Authority 570.07(13),(23) FS. Law Implemented 581.031(4),(5),(6), 581.083, 581.091 FS. History--New 7-27-93, Amended.

5B-57.003 Possession or Movement of Plant Pests and Noxious Weeds Regulated by the Department and the USDA.

~~(1) It is unlawful to introduce, possess, move, or release any plant pest or noxious weed regulated by the department and the USDA except under permit issued by the department or the USDA. No permit shall be issued unless the department has determined that procedures exist to adequately contain the plant pest or noxious weed or that it will not pose a threat to the agricultural industry or the environment. The department's evaluation of permit applications may rely on findings of the Department of Environmental Protection, The Florida Fish and Wildlife Conservation Commission, the United States Department of Agriculture, or any other agency with expertise in the area. The application procedures for a permit are as follows:~~

~~(2) Complete USDA/APHIS PPQ Form 526, Application For Permit to Move Live Plant Pests and Noxious Weeds. PPQ Form 526, effective October 1988, is incorporated into this rule chapter by reference. Copies of the form may be obtained from the Division of Plant Industry, P. O. Box 147100, Gainesville, Florida 32614 7100 or the USDA, APHIS PPQ, Biological Assessment and Taxonomic Support, Hyattsville, Maryland~~

~~20782. A department Pathogen Informational Form is also required for plant pathogens. Pathogen Informational Form DACS-08214, revised 01/00, is incorporated into this rule chapter by reference. Copies may be obtained from the Division of Plant Industry, P. O. Box 147100, Gainesville, Florida 32614-7100.~~

~~(3) The completed application shall be submitted to the department for evaluation and approval or disapproval.~~

~~(4) Following evaluation by the department, the application shall be forwarded to the USDA/APHIS PPQ Biological Assessment and Taxonomic Support Staff for federal evaluation and determination. The conditions under which introduction, movement, or possession is permitted, and the length of time for which the permit is valid, will be specified on the permit or in a compliance agreement.~~

Specific Authority 570.07(13),(23) FS. Law Implemented 581.031(4),(5),(6),(7),(26), 581.083 FS. History--New 7-27-93, Amended 6-20-00, Repealed \_\_\_\_\_.

5B-57.004 Introduction, Possession or Movement of Arthropods, Biological Control Agents, Plant Pests, or Noxious Weeds, and Invasive Plants Regulated by the Department.

(1) It is unlawful to introduce, ~~multiply possess~~, move, or release any arthropod, ~~plant pest, biological control agent, or~~ noxious weed, ~~or invasive plant~~ regulated by the department or the USDA except under permit issued by the department unless a federal permit, PPO 526, has been issued by the USDA that has been approved by the Department. No permit shall be issued unless the department has determined that the arthropod, ~~plant pest, biological control agent, or~~ noxious weed, ~~or invasive plant~~ can be contained to prevent escape into the environment or that it will not pose a threat to agriculture, beneficial organisms, or the environment or become a public nuisance. In the case of biological control agents, they must be specialized to the target pest or pests. In making such determinations the department may rely on the findings of other agencies and groups as listed in Rule 5B-57.003, F.A.C. The Department's evaluation of permit applications may rely on findings of the Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission, the USDA, the University of Florida, or any other State or Federal agency with expertise in these areas. In cases where there is inadequate information about the potential environmental impact of importing or releasing an organism, the department will require the applicant to provide evidence that the accidental escape of organisms not intended for release would not be hazardous to Florida or U.S. agriculture, beneficial organisms, the public, or the environment and to provide contingency plans for containment should escape occur.

The application procedures for permits are as follows:

(2) Application for permit shall be made on form DACS-08208 unless a USDA permit 526 has been issued. Application and Permit to Move Organisms Regulated by The

State of Florida, DACS-08208, Revised 01/00, is incorporated into this rule chapter by reference. A department Pathogen Informational Form is also required for plant pathogens. Pathogen Informational Form DACS-08214, revised 01/00 is incorporated into this rule chapter by reference. Copies of all Division of Plant Industry forms may be obtained from the Division of Plant Industry, P. O. Box 147100, Gainesville, Florida 32614-7100, or at the Division of Plant Industry website: <http://www.doacs.state.fl.us/onestop/>.

(3) The completed application for permit shall be submitted to the department for evaluation and approval or disapproval. The application review process for approval or disapproval shall be completed within 30 days provided all required information has been submitted to the department.

(4) Following approval by the department, a permit (DACS-08208) shall be issued. The conditions under which movement, introduction, possession, or release is permitted, and the length of time for which the permit is valid, will be specified on the permit or in a compliance agreement (DACS-08031).

(5) Any permit which has been issued shall be revoked ~~withdrawn~~ by the Director of the Division of Plant Industry if it is determined that the holder thereof has not complied with any condition for the use of the permit document. The reasons for the revocation ~~withdrawal~~ shall be confirmed in writing as promptly as circumstances allow. Any person whose permit has been revoked ~~withdrawn~~ may appeal the decision in writing to the director within 30 ~~40~~ days after receiving the written notification of the revocation ~~withdrawal~~. The appeal shall state all the facts and reasons upon which the person relies to show that the permit was wrongfully withdrawn. The director shall grant or deny the appeal in writing, stating the reasons for the decision as promptly as circumstances allow. If there is a conflict as to any material fact, a hearing shall be held to resolve such conflict in accordance with the procedures outlined in Chapter 120, F.S. Where the Director has withdrawn a permit for non-compliance with these specifications, the permitted organism involved shall be seized by the department if it is determined to pose a threat to the agricultural, horticultural, or public interests of the state as provided for in Section 581.031(15)(a), F.S.

Specific Authority 570.07(13),(23) FS. Law Implemented 581.031(6),(7), 581.083, 581.091, 581.101 FS. History--New 7-27-93, Amended 6-20-00, \_\_\_\_\_.

5B-57.005 Introduction and Release of Biological Control Agents.

~~It is unlawful to introduce any biological control agent into the state or release any non-indigenous biological control agent except under permit issued by the department. No permit shall be issued unless the department has determined the biological control agent is specific to the target organism or that it will not pose a threat to agriculture, beneficial organisms, or the environment, or become a public nuisance. In making such~~

~~determinations the department may rely on findings of other agencies and groups as listed in Rule 5B-57.003, F.A.C. The application procedures for permits are the same as those listed in Rule 5B-57.004, F.A.C.~~

Specific Authority 570.07(13),(23) FS. Law Implemented 581.031(6),(7), 581.083, 581.091 FS. History--New 7-27-93, Repealed \_\_\_\_\_.

#### 5B-57.006 Regulation and Control of Noxious Weeds and Invasive Plants in Florida.

The department, in addition to regulating the movement of the noxious weeds and invasive plants contained in Rule 5B-57.007, F.A.C., shall cooperate with the USDA, the Florida Department of Environmental Protection Natural Resources, and other appropriate parties to eradicate or control noxious weeds and invasive plants that are established in the State and are determined by the department to be a nuisance or threat due to undesirable characteristics such as poisonous properties, or invasive or rapid reproductive tendencies. The eradication and control strategies developed shall be based on available science for each plant species considered for action determined through the use of risk assessment. Eradication and control strategies include the use of biological control agents, integrated pest management, chemical control, and mechanical removal. The department's involvement in eradication and control programs for noxious weeds and invasive plants will be carried out within the scope of statutory authority and available resources.

Specific Authority 570.07(13),(23) FS. Law Implemented 581.031(4),(6),(7),(16),(17), 581.083, 581.091, 581.101 FS. History--New 7-27-93, Amended \_\_\_\_\_.

#### 5B-57.010 Noxious Weed and Invasive Plant Classification Procedures.

(1) The Department will propose the classification of a plant as a noxious weed or invasive plant and its inclusion on the Noxious Weed and Invasive Plant List, Rule 5B-57.007, F.A.C., if the plant is determined to be a serious agricultural threat in Florida or have a negative impact on the plant species protected under Section 581.185, F.S. In making these determinations, the department will consider information provided by the Institute of Food and Agricultural Sciences at the University of Florida or other experts that biologically justify the classification of a plant as a noxious weed or invasive plant. Individuals or groups seeking to have plants included in Rule 5B-57.007, F.A.C., may make application to the department on form DACS-08215. Form DACS-08215 may be obtained by writing the Division of Plant Industry, P. O. Box 147100, Gainesville, Florida 32614-7100, at the Division of Plant Industry website: <http://www.doacs.state.fl.us/onestop/>. To add a plant or invasive plant to the list of noxious weeds and invasive plants the following information is required to assist in the development of the risk assessment: identification including scientific name and author, common synonyms, botanical classification, common names; summary of life history; native and world distribution; distribution in

Florida or the United States if any; description of control efforts, if established in Florida or the United States; identification of regulation at the state level; consequences of introduction/spread; habitat suitability in Florida (predicted ecological range); dispersal potential (biological characteristics associated with invasiveness); potential economic impacts; potential environmental impacts; likelihood of introduction/spread; potential pathways into and within Florida; likelihood of survival and spread within each pathway; and supporting documentation (list of references). To remove a plant from the list the following information is required: evidence that the species is distributed throughout its potential range or has spread too far to implement effective control; evidence that control has been unsuccessful and further efforts are not supported or feasible; or there is evidence that the plant is no longer a problem due to successful biological controls or other methods. For cultivars of a listed plant to be exempted, the following information must be supplied by IFAS: evidence of sterility and inability to cross pollinate with wild types, or evidence that the cultivar has narrower habitat suitability, less dispersal potential, less potential for negative impact on the economy and/or environment of Florida and evidence that the plant is not spreading vegetatively. The department will review the application (DACS-08215) and forward it to the Noxious Weed and Invasive Plant Review Committee within 30 days provided all required information has been submitted. The Noxious Weed and Invasive Plant Review Committee will review the application and make a final recommendation to the department to add or remove plants from Rule 5B-57.007, F.A.C. The department shall make a final determination regarding the disposition of the application within 30 days of receipt of the committee recommendation. Upon making a final determination, the rule amendment process will be initiated if necessary.

(2) The Noxious Weed and Invasive Plant List contained in Rule 5B-57.007, F.A.C., shall be subject to review, at least biennially, by the department in conjunction with the Institute of Food and Agricultural Sciences at the University of Florida. The Noxious Weed and Invasive Plant List Review Committee appointed by the department, in accordance with Section 581.091(4) and 570.0705, F.S., will conduct the review. The Vice President for Agricultural and Natural Resources with the University of Florida will recommend two faculty members, one specializing in research on production agriculture and the other on natural resources, to the department to serve on the committee. A representative from the Director's Office, the Bureau of Plant and Apiary Inspection, and the Botany Section shall represent the department. The Noxious Weed and Invasive Plant List Review Committee will make recommendations to the department to add or remove plants from Rule 5B-57.007, F.A.C., based on the biological justification as described in subsection (1).

Specific Authority 570.07(13),(23) FS. Law Implemented 581.011(18), 581.031(6), 581.091(4) FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Constance C. Riherd, Assistant Director, Division of Plant Industry, Department of Agriculture and Consumer Services, Doyle Conner Building, 1911 S. W. 34th Street, Gainesville, Florida 32614-7100, (352)372-3505

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Craig Meyer, Deputy Commissioner for Agricultural Services, Commissioner's Office Staff, Florida Department of Agriculture and Consumer Services, PL 10, The Capitol, Tallahassee, FL 32399-0810

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 2, 2003

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

RULE TITLE: Inspection of DOT Cylinders  
 RULE NO.: 5F-11.029

PURPOSE AND EFFECT: The purpose of this new rule is to provide criteria for inspection and record keeping with regard to propane containers manufactured under United States Department of Transportation specifications and which are not in commerce.

SUMMARY: This rule addresses the criteria for the inspection of propane containers manufactured under the United States Department of Transportation specifications and which are not in commerce; sets forth criteria for inspection of such cylinders.

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: 527.06 FS.

LAW IMPLEMENTED: 527.06 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: Vicki O'Neil, Bureau Chief of LP Gas Inspections, 3125 Conner Blvd., Suite N, Tallahassee, Florida 32314-1650, (850)921-8001

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-11.029 Inspection of DOT Cylinders.

(1) This section pertains to cylinders, which are manufactured to U.S. Department of Transportation (DOT) specifications. DOT cylinders in stationary service that are

filled on site, which are not under the jurisdiction of DOT and not requalified according to DOT requirements, shall be inspected according to the following visual inspection criteria:

(a) The cylinder is checked for exposure to fire, dents, cuts, digs, gouges and corrosion according to requirements of Section C.3.2, Appendix C, of NFPA 58.

(b) The cylinder protective collar (where utilized) and the foot ring are intact and are firmly attached.

(c) The cylinder is painted or coated to retard corrosion.

(d) The cylinder pressure relief valve indicates no visible damage, corrosion of operating components, or obstructions.

(e) There is no leakage from the cylinder or its appurtenances that is detectable without the use of instruments.

(f) The cylinder is installed on a firm foundation and is not in contact with the soil.

(g) A cylinder that passes the visual examination shall be legibly marked with the date and year of the examination followed by the letter "E" (example:10-1E indicating requalification in October 2001 by the external visual inspection method.)

(h) The results of the visual inspection shall be documented and a record of the inspection shall be retained for a five-year period.

(2) Any cylinder that fails one or more of the criteria in this section shall not be refilled or continued in service until the condition is corrected. Stationary cylinders shall be visually inspected within 12 years of the date of manufacture and within five years after each subsequent visual inspection.

(3) All DOT cylinders in stationary service on the effective date of this rule, and which are not requalified according to U.S. Department of Transportation standards, shall be inspected according to the criteria of this section no later than January 1, 2008.

(4) Personnel trained and qualified to perform inspection procedures, with such training documented in accordance with Rule 5F-11.060, Florida Administrative Code, shall conduct the visual inspection.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Vicki O'Neil

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ben Faulk, Director, Division of Standards

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 14, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 18, 2003

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER TITLE: Prepaid Escrow Accounts  
RULE CHAPTER NO.: 14-114

RULE TITLE: Prepaid Escrow Accounts  
RULE NO.: 14-114.0011

PURPOSE AND EFFECT: Rule 14-114.0011, F.A.C., is being repealed. This is part of the Department's overall goal to review existing rules and to repeal any rules that are considered to be obsolete or unnecessary. The rule Department has eliminated the Prepaid Escrow Account program.

SUMMARY: Rule 14-114.0011, F.A.C., is being repealed.

SPECIFIC AUTHORITY: 334.044(2), 334.187(4) FS.

LAW IMPLEMENTED: 334.187 FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of Estimated Regulatory Cost has been prepared.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULE IS:

14-114.0011 Prepaid Escrow Accounts.

PROPOSED EFFECTIVE DATE: July 1, 2004.

Specific Authority 334.044(2), 334.187(4) FS. Law Implemented 334.187 FS. History--New 6-4-02, Amended 9-4-03, 11-30-03, Repealed 7-1-04.

NAME OF PERSON ORIGINATING PROPOSED RULE: Joseph S. Kowalski, CPA, Deputy Comptroller, GAO

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ken Morefield, Assistant Secretary for Engineering and Operations, for José Abreu, P.E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 10, 2003

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER TITLE: Letters of Credit  
RULE CHAPTER NO.: 14-116

RULE TITLE: Letters of Credit  
RULE NO.: 14-116.002

PURPOSE AND EFFECT: Section 14-116.002(2)(a)4., F.A.C., is being deleted. Other revisions are made to update references to the Department of Insurance to conform to the agency's new name, Florida Department of Financial Services.

SUMMARY: The Letters of Credit rule is being amended to delete Section 14-116.002(2)(a)4., F.A.C. Other revisions are made to update references to the Department of Insurance to conform to the agency's new name, Florida Department of Financial Services.

SPECIFIC AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 334.044(30), 334.187, 337.106, 337.175 FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost has been prepared.

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

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: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULE IS:

14-116.002 Letters of Credit.

(1) Purpose. This rule establishes the requirements of the Department of Transportation Comptroller for the approval of letters of credit, which are provided by a financial institution at the request of the applicant/service provider/contractor.

(2) Qualifications of Banks or Savings Associations Providing Letters of Credit.

(a) The letter of credit provided by the financial institution at the request of the applicant/service provider/contractor shall be issued by banks or savings associations which must:

1. Be organized and existing under the laws of this state;
2. Be organized under the laws of the United States and have its principal place of business in this state; or
3. Have a branch office which is authorized under the laws of this state or of the United States to receive deposits in this state.

~~4. Document and maintain a net worth at least 30 times the value of the letter of credit. Documentation must include a copy of the prior year end and all current year quarterly financial statements; however, if no reports have been filed for the current calendar year, all quarterly reports for the prior calendar year must be submitted. To satisfy this documentation requirement, the applicant/service provider/contractor will be~~

~~responsible for requesting the bank to submit copies of Consolidated Reports of Condition and Income (more commonly called the "Call Report") to the Department. In the case of savings associations, the applicant/service provider/contractor will be responsible for requesting the savings association to submit copies of the savings association's Thrift Financial Reports to the Department.~~

4.5. Have and maintain an average financial condition ranking of 35 or more from two nationally recognized financial rating services, compiled quarterly by the Florida Department of Financial Services Insurance, Division of Treasury.

(b) In the event the required average financial condition and net worth of the financial institution are not maintained, the Department shall notify the applicant/service provider/contractor of such noncompliance. Within 30 days after receiving the notice of noncompliance, the applicant/service provider/contractor shall cause to have provided to the Department a substitute letter of credit, with an institution meeting the requirements of this rule.

(3) Requirements of Letter of Credit. Letters of credit shall be solely for the benefit of the Department. Letter of credit language must be approved by the Department's Comptroller and must include, at a minimum, the following:

(a) The expiration date of the letter of credit shall be automatically extended without amendment, for one year from the expiration date unless otherwise authorized in writing by the Department. Letters of credit furnished under the requirements of Section 337.106, Florida Statutes, shall not be required to be extended beyond the duration required by that section. An extension shall be granted unless such extension would exceed the time limit set forth in Section 337.106, Florida Statutes. If the letter of credit is not automatically extended for such additional one year period, at least 30 days prior to the expiration date then in effect, the bank or savings association shall notify the Department by registered or certified U.S. Mail, postage prepaid, return receipt requested. This notification shall be sent to the Florida Department of Transportation, Office of Comptroller, 605 Suwannee Street, Mail Station 24, Tallahassee, Florida 32399-0450, or to any other address specified in writing by the Comptroller, Florida Department of Transportation.

(b) If notice is given that the letter of credit will not be automatically extended and if the purpose for which the letter of credit was issued still exists, the Department shall draw down any remaining balance on the letter of credit unless a substitute letter of credit meeting the requirements of this rule is provided at least 14 days prior to the final expiration of the letter of credit for which the substitute letter of credit is being provided.

(c) Once it is determined by the Department that the average financial condition ranking of a financial institution is less than 35, the Department will notify the financial institution and the applicant/service provider/contractor by registered

mail that if a substitute letter of credit is not received within 30 days of notification, the Department shall draw down any remaining balance on the letter of credit if the purpose for which the letter of credit was issued still exists.

(d) The letter of credit must provide for draws to be made on a bank or savings association located in the State of Florida.

(e) Letters of credit provided in lieu of professional liability insurance must remain valid for the time period specified in Section 337.106, Florida Statutes.

Specific Authority 334.044(2) FS. Law Implemented 334.044(30)(28), 334.187, 337.106, 337.175 FS. History--New 3-23-93, Amended 8-24-93, 10-11-94, 10-5-97, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Robin Naitove, CPA, Comptroller

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: José Abreu, P.E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 16, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 5, 2003

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are 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."

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Procedural	40D-1
RULE TITLE:	RULE NO.:
Basins	40D-1.107

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to amend Rule 40D-1.107, F.A.C. to implement changes to the legal descriptions of certain of the District's basin boundaries resulting from the transfer of land within Polk County from the St. Johns River Water Management District to the Southwest Florida Water Management District and to adjust other basin boundaries to more closely follow hydrologic boundaries.

SUMMARY: During the recently concluded regular state legislative session, Sections 373.0691 and 373.0693, F.S. were amended to transfer areas from the St. Johns Water Management District to the Southwest Florida Water Management District and to remove the requirement for approval by the Legislature for the Governing Board to "abolish or combine" any of the Basins within the District. The statutory amendment to the District boundary necessitates that certain of the Basin boundaries be changed to add the area transferred. In addition, pursuant to the statutory amendments,

the Governing Board is changing Basin boundaries to more closely approximate the actual watershed boundaries of the applicable Basin.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None 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, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.0691, 373.0693 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: Karen A. Lloyd, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

#### 40D-1.107 Basins.

Pursuant to Chapter 61-691, Laws of Florida, the area of the District is divided into watershed basins to include each major stream and its tributary streams and all lands draining therein except the area known as the Green Swamp Watershed Basin.

(1) The area of the Green Swamp Basin is located in parts of Lake, Sumter, Pasco, and Polk Counties.

(a) That portion of the Green Swamp Basin lying within Lake County is described as follows:

Begin at intersection of Lake-Sumter County line with Lake-Polk County line;

Thence north along Lake-Sumter County line to northwest corner of Section 6, Township 23 South, Range 24 East;

Thence east along township line between Townships 22 and 23 South, to the northeast corner of Section 1, Township 23 South, Range 24 East;

Thence south along the range line between Ranges 24 and 25 East; to the southwest corner of Section 6, Township 24 South, Range 25 East;

Thence east along the section lines to the northeast corner of Section 8, Township 24 South, Range 25 East;

Thence south to the southeast corner of Section 8, Township 24 South, Range 25 East;

Thence east along the section line to the northeast corner of Section 16, Township 24 South, Range 25 East;

Thence south along the section lines to the southeast corner of Section 21, Township 24 South, Range 25 East;

Thence east along the section lines to the northeast corner of Section 30, Township 24 South, Range 26 East;

Thence south along the section lines to the southeast corner of Section 31, Township 24 South, Range 26 East and the Lake-Polk County line.

Thence west along the Lake-Polk County line, also being the township line between Townships 24 and 25 South, to the southwest corner of Section 35, Township 24 South, Range 25 East;

Thence north to the northwest corner of Section 35, Township 24 South, Range 25 East;

Thence west along the section lines to the southwest corner of Section 30, Township 24 South, Range 25 East;

Thence south to the southeast corner of Section 36, Township 24 South, Range 24 East and the Lake-Polk County line;

Thence west along the Lake-Polk County line, also being the township line between Townships 24 and 25 South, to the southwest corner of Section 31, Township 24 South, Range 24 East and the Point of Beginning.

(b) That portion of the Green Swamp Basin lying within Sumter County is described as follows: Begin at intersection of Sumter-Polk County line with Sumter-Pasco County line; Thence north along Sumter-Pasco County line to northwest corner of Section 6, Township 23 South, Range 23 East; Thence east along township line to intersection with Sumter-Lake County line; Thence ~~south~~ east along Sumter-Lake County line to intersection with Polk-Lake County line; Thence continue southerly and westerly along Sumter-Polk County line to Point of Beginning.

(c) That portion of the Green Swamp Basin lying ~~with~~ within Pasco County is described as follows:

Begin at southwest corner of Section 31, Township 25 South, Range 22 East; Thence north along range line to northwest corner of Section 6, Township 25 South, Range 22 East; Thence east along township line to intersection with Pasco County line; Thence south along Pasco-Sumter county line to intersection with Polk-Sumter County line; Thence continue south and west along Pasco-Polk County line to northwest corner of Section 3, Township 26 South, Range 22 East; Thence continue west along township line to Point of Beginning.

(d) That portion of the Green Swamp Basin lying within Polk County is described as follows:

Begin at ~~northwest southwest~~ corner of Section 31, Township ~~25 26~~ South, Range 23 East;

Thence north along ~~the~~ range line between Ranges 22 and 23 East ~~to the northwest corner of Section 6, Township 26 South, Range 23 East and the Pasco County line;~~ and continue north ~~along~~ the Polk-Pasco line to the Sumter County line and the Withlacoochee River;

Thence easterly along the Polk-Sumter County line, also being the Withlacoochee River, to the intersection with the range line between Ranges 23 and 24 East;



Thence north along the range line, also being the Polk-Sumter County line to the northwest corner of Section 6, Township 25 South, Range 24 East, and the Lake County line;

Thence east along the Polk-Lake County line to the northeast corner of Section 1, Township 25 South, Range 24 East;

Thence north along the range line between Ranges 24 and 25 East, to the northwest corner of Section 31, Township 24 South, Range 25 East;

Thence east along the section lines, also being the Polk-Lake County line, to the northeast corner of Section 34, Township 24 South, Range 25 East;

Thence south to the southeast corner of Section 34, Township 24 South, Range 25 East;

Thence east along the Polk-Lake County line, also being the township line, to the northeast corner of Section 1 5, Township 25 South, Range 26 East;

Thence south along the Polk-Osceola County line to the southwest corner of Section 18, Township 26 South, Range 27 East;

Thence east to the northeast corner of Section 19, Township 26 South, Range 27 East;

Thence south along the section lines to southwest corner of Section 32, Township 26 South, Range 27 East;

Thence east to the northeast corner of Section 5, Township 27 South, Range 27 East;

~~Thence south to the southeast corner of Section 8, Township 25 South, Range 26 East;~~

~~Thence east to the northeast corner of Section 16, Township 25 South, Range 26 East;~~

~~Thence south along the section lines to the point of intersection of the west line of Section 27, Township 27 South, Range 26 East, with the south right-of-way line of State Route 600;~~

~~Thence east along the southerly right-of-way line of State Route 600 to the point of intersection with the east line of Section 29, Township 27 South, Range 27 East;~~

Thence south along the section lines to the southeast corner of Section 20 32, Township 27 South, Range 27 East;

Thence west along the section lines township line between Townships 27 and 28 South, to the southwest corner of Section 23 34, Township 27 South, Range 26 24 East;

Thence south to the southwest corner of Section 26, Township 27 South, Range 26 East;

Thence west to the southeast corner of Section 28, Township 27 South, Range 26 East;

Thence north to the northeast corner of Section 21, Township 27 South, Range 26 East;

Thence west to the northeast corner of Section 20, Township 27 South, Range 26 East;

Thence north to the northeast corner of Section 17, Township 27 South, Range 26 East;

Thence west to the southeast corner of Section 7, Township 27 South, Range 26 East;

Thence south to the southeast corner of Section 19, Township 27 South, Range 26 East;

Thence west to the southeast corner of Section 24, Township 27 South, Range 25 East;

Thence south along the range line between Ranges 25 and 26 East to the southeast corner of Section 36, Township 27 South, Range 25 East;

Thence west along the Township line between Townships 27 and 28 South to the southwest corner of Section 35, Township 27 South, Range 25 East;

Thence north along the sections to the northeast corner of Section 27, Township 27 South, Range 25 East;

Thence west along the sections to the southwest corner of Section 21, Township 27 South, Range 25 East;

Thence north to the northeast corner of Section 20, Township 27 South, Range 25 East;

Thence west to the southeast corner of Section 18, Township 27 South, Range 25 East;

Thence south to the southeast corner of Section 19, Township 27 South, Range 25 East;

Thence west along the sections to the southwest corner of Section 20, Township 27 South, Range 24 East;

Thence north to the northeast corner of Section 19, Township 27 South, Range 24 East;

Thence west to the southwest corner of Section 18, Township 27 South, Range 24 East;

Thence north along the range line between Ranges 23 and 24 East, to the southeast corner of Section 12 36, Township 7 26 south, Range 23 East;

Thence west to the southwest corner of Section 12, Township 27 South, Range 23 East;

Thence north to the northwest corner of Section 1, Township 27 South, Range 23 East;

Thence west along the township line between Townships 26 and 27 South to the southwest corner of Section 35 34, Township 26 South, Range 23 East; ~~and the Point of Beginning.~~

Thence north to the southwest corner of Section 26, Township 26 South, Range 23 East;

Thence west to the southwest corner of Section 27, Township 26 South, Range 23 East;

Thence north along the sections to the northeast corner of Section 16, Township 26 south, Range 23, East;

Thence west to the southwest corner of Section 9, Township 26 South, Range 23 East;

Thence along the sections to the northeast corner of Section 5, Township 26 South, Range 23 East;

Thence west along the township line between Townships 25 and 26 South to the southwest corner of Section 32, Township 25 South, Range 23 East;

Thence north to the northeast corner of Section 31, Township 25 South, Range 23 East;

Thence west to the northwest corner of Section 31, Township 25 South, Range 23 East and the Point of Beginning.

(2) The area of Alafia River Basin is located in parts of Hillsborough and Polk Counties, County and is described as follows:

(a) That portion of the Alafia River Basin lying within Hillsborough County is described as follows:

Begin at intersection of Hillsborough-Manatee County line with Gulf of Mexico;  
 Thence easterly along Hillsborough-Manatee County line to intersection with Hillsborough-Polk County line;  
 Thence north along Hillsborough-Polk county line to northeast corner of Section 25, Township 28 South, Range 22 East;  
 Thence west to northwest corner of Section 27, Township 28 south, Range 22 East;  
 Thence south to southeast corner of Section 33, Township 28 South, Range 22 East;  
 Thence west to southwest corner of Section 32, Township 28 South, Range 22 East;  
 Thence south to southeast corner of Section 6, Township 29 South, Range 22 East;  
 Thence west to southwest corner of Section 6, Township 29 South, Range 22 East;  
 Thence north to northeast corner of Section 1, Township 29 South, Range 21 East;  
 Thence west to northeast corner of Section 4, Township 29 South, Range 21 East;  
 Thence south to southeast corner of Section 9, Township 29 South, Range 21 East;  
 Thence west to northwest corner of Section 17, Township 29 South, Range 21 East;  
 Thence south to southwest corner of Section 17, Township 29 South, Range 21 East;  
 Thence west to southeast corner of Section 14, Township 29 South, Range 20 East;  
 Thence south to southwest corner of Section 24, Township 29 South, Range 20 East;  
 Thence west to McKay Bay and section line between Sections 21 and 28, Township 29 South, Range 19 East;  
 Thence southerly and westerly through McKay, Hillsborough, and Tampa Bays to Point of Beginning.

(b) That portion of the Alafia River Basin lying within Polk County is described as follows:

Begin at the northwest corner of Section 30, Township 28 South, Range 23 East;  
Thence east to the northeast corner of Section 30, Township 28 South, Range 23 East;  
Thence south to the southeast corner of Section 30, Township 28 South, Range 23 East;  
Thence east along the sections to the northeast corner of Section 34, Township 28 South, Range 23 East;

Thence south to the southeast corner of Section 34, Township 28 South, Range 23 East;

Thence east along the township line between Townships 28 and 29 South to the northeast corner of Section 1, Township 29 South, Range 23 East;

Thence south along the range line between Ranges 23 and 24 East to the northeast corner of Section 12, Township 29 South, Range 23 East;

Thence east to the northeast corner of Section 7, Township 29 South, Range 24 East;

Thence south to the southeast corner of Section 7, Township 29 South, Range 24 East;

Thence east to the northeast corner of Section 17, Township 29 South, Range 24 East;

Thence south to the southeast corner of Section 17, Township 29 South, Range 24 East;

Thence west to the southwest corner of Section 17, Township 29 South Range 24 East;

Thence south to the southeast corner of Section 19, Township 29 South, Range 24 East;

Thence east to the northeast corner of Section 29, Township 29 South, Range 24 East;

Thence south along the sections to the southeast corner of Section 32, Township 29 South, Range 24 East;

Thence east along the township line between Townships 29 and 30 South to the northeast corner of Section 4, Township 30 South, Range 24 East;

Thence south along the sections to the southeast corner of Section 28, Township 30 South, Range 24 East;

Thence east to the northeast corner of Section 34, Township 30 South, Range 24 East;

Thence south along the sections to the southeast corner of Section 34, Township 31 South, Range 24 East;

Thence west along the township line between Townships 31 and 32 South to the southwest corner of Section 31, Township 31 South, Range 24 East;

Thence north to the northwest corner of Section 31, Township 31 South, Range 24 East;

Thence west along the sections to the northeast corner of Section 34, Township 31 South, Range 23, East;

Thence south to the southeast corner of Section 34, Township 31 South, Range 23 East;

Thence west along the township line between Townships 31 and 32 South to the northeast corner of Section 4, Township 32 South, Range 23 East;

Thence south to the southeast corner of Section 4, Township 32 South, Range 23 East;

Thence west along the sections to the northeast corner of Section 7, Township 32 South, Range 23 East;

Thence south to the southeast corner of Section 7, Township 32 South, Range 23, East;

Thence west to the southwest corner of Section 7, Township 32 South, Range 23 East;

Thence north along the range line between Ranges 22 and 23 East to the northwest corner of Section 30, Township 28 South, Range 23 East to Point of Beginning.

(3) That portion of the Coastal Rivers Basin located within Citrus County is described as follows:

Begin at intersection of Citrus-Hernando County line with Gulf of Mexico;

Thence east along Citrus-Hernando County line to southeast corner of Section 11, Township 21 South, Range 19 East;

Thence north to northeast corner of Section 11, Township 21 South, Range 19 East;

Thence west to southwest corner of Section 2, Township 21 South, Range 19 East;

Thence north to northwest corner of Section 35, Township 20 South, Range 19 East;

Thence east to southeast corner of Section 26, Township 20 South, Range 19 East;

Thence north to northeast corner of Section 23, Township 20 South, Range 19 East;

Thence west to southwest corner of Section 15, Township 20 South, Range 19 East;

Thence north to northeast corner of Section 4, Township 20 South, Range 19 East;

Thence west to southwest corner of Section 33, Township 19 South, Range 19 East;

Thence north to northeast corner of Section 6, Township 19 South, Range 19 East;

Thence west to southwest corner of Section 31, Township 18 South, Range 19 East;

Thence north to northeast corner of Section 25, Township 18 South, Range 18 East;

Thence west to southwest corner of Section 21, Township 18 South, Range 18 East;

Thence north to northeast corner of Section 17, Township 18 South, Range 18 East;

Thence west to southwest corner of Section 8, Township 18 South, Range 18 East;

Thence north to northeast corner of Section 7, Township 18 South, Range 18 East;

Thence west to southwest corner of Section 6, Township 18 South, Range 18 East;

Thence north to northeast corner of Section 1, Township 18 South, Range 17 East;

Thence west to southwest corner of Section 31, Township 17 South, Range 17 East.

Thence north to northeast corner of Section 36, Township 17 South, Range 16 East;

Thence west to southwest corner of Section 25, Township 17 South, Range 16 East;

Thence north to northeast corner of Section 23, Township 17 South, Range 16 East;

Thence west to Gulf of Mexico; Thence south along coast of Gulf of Mexico to Point of Beginning.

(4) The area of the Hillsborough River Basin is located in parts of Hillsborough, Polk, Pasco, and Hernando Counties,

(a) That portion of the Hillsborough River Basin located within Hillsborough County is described as follows:

Begin at intersection of section line between Sections 33 and 34, Township 30 South, Range 18 East, with Tampa Bay;

Thence north to northwest corner of Section 27, Township 28 South, Range 18 East;

Thence east to southeast corner of Section 22, Township 28 South, Range 18 East;

Thence north to northwest corner of Section 23, Township 28 South, Range 18 East;

Thence east to southeast corner of S. W. 1/4 of Section 14, Township 28 South, Range 18 East;

Thence north to northwest corner of N. E. 1/4 of Section 2, Township 28 South, Range 18 East;

Thence east to southeast corner of S. W. 1/4 of Section 36, Township 27 South, Range 18 East;

Thence north to northeast corner of N. W. 1/4 of Section 25, Township 27 South, Range 18 East;

Thence west to southeast corner of S. W. 1/4 of S. W. 1/4 of Section 24, Township 27 South, Range 18 East;

Thence north to northeast corner of N. W. 1/4 of N. W. 1/4 of Section 13, Township 27 South, Range 18 East;

Thence east to southeast corner of S. W. 1/4 of Section 12, Township 27 South, Range 18 East;

Thence north to Hillsborough-Pasco County line; Thence east along Hillsborough-Pasco County line to intersection with Pasco-Polk County line;

Thence continue east and south along Hillsborough-Polk County line to southeast corner of Section 24, Township 28 South, Range 22 East;

Thence west to northwest corner of Section 27, Township 28 South, Range 22 East;

Thence west to southwest corner of Section 32, Township 28 South, Range 22 East;

Thence south to southeast corner of Section 33, Township 28 South, Range 22 East;

Thence south to southeast corner of Section 6, Township 29 South, Range 22 East;

Thence west to southwest corner of Section 6, Township 29 South, Range 22 East;

Thence north to northeast corner of Section 1, Township 29 South, Range 21 East;

Thence west to northeast corner of Section 4, Township 29 South, Range 21 East;

Thence south to southeast corner of Section 9, Township 29 South, Range 21 East;

Thence west to northwest corner of Section 17, Township 29 South, Range 21 East;  
 Thence south to southwest corner of Section 17, Township 29 South, Range 21 East;  
 Thence west to southeast corner of Section 14, Township 29 South, Range 20 East;  
 Thence south to southwest corner of Section 24, Township 29 South, Range 20 East;  
 Thence west to McKay Bay and section line between Sections 21 and 28, Township 29 South, Range 19 East;  
 Thence southerly and westerly through McKay, Hillsborough and Tampa Bays to Point of Beginning.

(b) That portion of the Hillsborough River Basin located within Polk County is described as follows:  
 Begin at southeast corner of Section 36, Township 26 South, Range 22 East;  
 Thence west along Polk-Hillsborough County line to intersection with Polk-Pasco County line;  
 Thence north and east along Polk-Pasco County line to ~~northeast~~ northwest corner of Section 1, Township 26 South, Range 22 East; ~~Thence south to Point of Beginning.~~  
Thence north along the range line between Ranges 22 and 23 East and the Polk-Pasco County line to the northwest corner of Section 31, Township 25 South, Range 23 East;  
Thence east to the northeast corner of Section 31, Township 25 South, Range 23 East;  
Thence south to the southeast corner of Section 31, Township 25 South, Range 23 East;  
Thence east along the township line between Townships 25 and 26 South to the northeast corner of Section 5, Township 26 South, Range 23 East;  
Thence south along the sections to the southeast corner of Section 8, Township 26 South, Range 23 East;  
Thence east to the northeast corner of Section 16, Township 26 South, Range 23 East;  
Thence south along the sections to the southeast corner of Section 28, Township 26 South, Range 23 East;  
Thence east to the northeast corner of Section 34, Township 26 South, Range 23 East;  
Thence south along the sections to the southeast corner of Section 28, Township 26 South, Range 23 East;  
Thence east to the northeast corner of Section 34, Township 26 South, Range 23 East;  
Thence south along the township line between Townships 26 and 27 South to the northeast corner of Section 2, Township 27 South, Range 23 East;  
Thence south along the sections to the northeast corner of Section 14, Township 27 South, Range 23 East;  
Thence east to the northeast corner of Section 13, Township 27 South, Range 23 East;  
Thence south along the range line between Ranges 23 and 24 East to the southeast corner of Section 13, Township 27 South, Range 23, East;

Thence west to the southwest corner of Section 13, Township 27 South, Range 23 East;  
Thence south along the sections to the northwest corner of Section 13, Township 28 South, Range 23 East;  
Thence east to the northeast corner of Section 13, Township 28 South, Range 23 East;  
Thence south along the range line between Townships 23 and 24 East to the southeast corner of Section 36, Township 28 South, Range 23 East;  
Thence west along the township line between Townships 28 and 29 south to the southwest corner of Section 35, Township 28 South, Range 23, East;  
Thence north to the southwest corner of Section 26, Township 28 South, Range 23 East;  
Thence west along the sections to the southwest corner of Section 29, Township 28 South, Range 23, East;  
Thence north to the northwest corner of Section 29, Township 28, South, Range 23 East;  
Thence west to the southwest corner of Section 19, Township 28 South, Range 23 East;  
Thence north along the range line between Ranges 22 and 23 East to the southeast corner of Section 36, Township 26 South, Range 22 East to Point of Beginning.

(c) That portion of the Hillsborough River Basin Located within Pasco County is described as follows:  
 Begin at southwest corner of Section 36, Township 26 South, Range 18 East;  
 Thence north to northwest corner of Section 13, Township 25 South, Range 18 East;  
 Thence east to southeast corner of Section 12, Township 25 South, Range 18 East;  
 Thence north to northwest corner of Section 7, Township 25 South, Range 19 East;  
 Thence east to southeast corner of Section 6, Township 25 South, Range 19 East;  
 Thence north to northwest corner of Section 5, Township 25 South, Range 19 East;  
 Thence east to southeast corner of Section 33, Township 24 South, Range 19 East;  
 Thence north to northwest corner of Section 34, Township 24 South, Range 19 East;  
 Thence east to southeast corner of ~~of~~ Section 27, Township 24 South, Range 19 East;  
 Thence north to northwest corner of Section 26, Township 24 South, Range 19 East;  
 Thence east to southeast corner of Section 23, Township 24 South, Range 19 East;  
 Thence north along the sections to Pasco-Hernando County line;  
 Thence east along the township line between Townships 23 and 24 South and the Pasco-Hernando County line to northeast corner of Section 2, Township 24 South, Range 20 East;

Thence south to southwest corner of Section 1, Township 25 South, Range 20 East;  
 Thence east to northeast corner of Section ~~7~~ 42, Township 25 South, Range ~~21~~ 20 East;  
 Thence ~~north south~~ to ~~northwest southwest~~ corner of Section ~~5~~ 48, Township 25 South, Range 21 East;  
 Thence east to northeast corner of Section ~~5~~ 49, Township 25 South, Range 21 East;  
 Thence south to ~~southeast southwest~~ corner of Section ~~5~~ 20, Township 25 South, Range 21 East;  
 Thence east to northeast corner of Section ~~10~~ 29, Township 25 South, Range 21 East;  
 Thence south to southwest corner of Section ~~11~~ 28, Township 25 South, Range 21 East;  
Thence east to the northeast corner of Section 14, Township 25 South, Range 21 East;  
Thence south to the northwest corner of Section 36, Township 25 South, Range 21 East;  
 Thence east to northeast corner of Section 36, Township 25 South, Range 21 East;  
 Thence south to southwest corner of Section 31, Township 25 South, Range 22 East;  
 Thence east to northeast corner of Section 4, Township 26 South, Range 22 East;  
 Thence south along the sections and the Pasco-Polk County line to intersection with Pasco-Hillsborough County line;  
 Thence west along the township line between Townships 26 and 27 South and the Pasco-Hillsborough County line to Point of Beginning.

~~(d) That portion of the Hillsborough River Basin located within Hernando County is described as follows:  
 Begin at southwest corner of Section 36, Township 23 South, Range 19 East;  
 Thence north to northwest corner of Section 25, Township 23 South, Range 19 East;  
 Thence east to southeast corner of Section 21, Township 23 South, Range 20 East;  
 Thence north to northwest corner of Section 22, Township 23 South, Range 20 East;  
 Thence east to northeast corner of Section 24, Township 23 South, Range 20 East;  
 Thence south to southeast corner of Section 25, Township 23 South, Range 20 East;  
 Thence west to northwest corner of Section 36, Township 23 South, Range 20 East;  
 Thence south to Hernando-Pasco County line; Thence west along Hernando-Pasco County line to Point of Beginning.~~

(5) The area of the Northwest Hillsborough Basin is located entirely within Hillsborough County and is described as follows:  
 Begin at the point on the Hillsborough-Pinellas County line one mile south of Road 60 in Old Tampa Bay;

Thence north along Hillsborough-Pinellas County line to northwest corner of Section 6, Township 27 South, Range 17 East;  
 Thence east along Hillsborough-Pasco County line to northeast corner of N. W. 1/4 of Section 1, Township 27 South, Range 18 East;  
 Thence south to southeast corner of S. W. 1/4 of Section 12, Township 27 South, Range 18 East;  
 Thence west to northwest corner of N. E. 1/4 of N. W. 1/4 of Section 13, Township 27 South, Range 18 East;  
 Thence south to northeast corner of N. W. 1/4 of ~~or~~ N. W. 1/4 of Section 25, Township 27 South, Range 18 East;  
 Thence east to northwest corner of N. E. 1/4 of Section 25, Township 27 South, Range 18 East;  
 Thence south to southeast corner of S. W. 1/4 of Section 36, Township 27 South, Range 18 East;  
 Thence west to northeast corner of N. W. 1/4 of Section 2, Township 28 South, Range 18 East;  
 Thence south to southeast corner of S. W. 1/4 of Section 14, Township 28 South, Range 18 East;  
 Thence west to northeast corner of Section 22, Township 28 South, Range 18 East;  
 Thence south to southeast corner of Section 22, Township 28 South, Range 18 East;  
 Thence west to northwest corner of Section 27, Township 28 South, Range 18 East;  
 Thence south to intersection of section line between Sections 33 and 34, Township 30 South, Range 18 East with Tampa Bay;  
 Thence westerly in Tampa Bay to Hillsborough-Pinellas County line;  
 Thence northerly and westerly in Tampa Bay along Hillsborough-Pinellas County line to Point of Beginning.

(6) The area of the Manasota Basin is located within Manatee and Sarasota Counties;

(a) That portion of the Manasota Basin in Manatee County is described as follows:  
 Begin at intersection of Hillsborough-Manatee County line with Gulf of Mexico;  
 Thence easterly along Hillsborough-Manatee County line to intersection with Manatee-Hardee county line;  
 Thence south along the Manatee-Hardee County line to the southeast corner of Section 36, Township 37 South, Range 22 East;  
 Thence west along the Manatee-Sarasota County line to the southwest corner of Section 31, Township 37 South, Range 21 East;  
 Thence north along the Manatee-Sarasota County line to the southeast corner of Section 36, Township 35 South, Range 20 East;

Thence west along the Manatee-Sarasota County line to Gulf of Mexico; Thence north along the coast of Gulf of Mexico to Point of Beginning.

(b) That portion of Manasota Basin in Sarasota County is described as follows:

Begin at intersection of Manatee-Sarasota County line with Gulf of Mexico;

Thence east along the Manatee-Sarasota County line to the northeast corner of Section 1, Township 36 South, Range 20 East;

Thence south along the Manatee-Sarasota County line to the northwest corner of Section 6, Township 38 South, Range 21 East;

Thence east along the Manatee-Sarasota County line to the Sarasota-DeSoto County line;

Thence south along the DeSoto-Sarasota County line to the Charlotte-Sarasota County line;

Thence west along the Charlotte-Sarasota County line to the Southeast corner of Section 36, Township 39 South, Range 20 East;

Thence south along the Charlotte-Sarasota County line to the northeast corner of Section 1, Township 41 South, Range 20 East;

Thence west along the Charlotte-Sarasota County line to the Gulf of Mexico;

Thence north along coast of Gulf of Mexico to Point of Beginning.

(7) The area of the Pinellas-Anclote River Basin is located in parts of Pinellas and Pasco Counties.

(a) That portion of the Pinellas-Anclote River Basin located within Pinellas County is described as follows:

Begin at the point on the Pinellas-Hillsborough County line one mile south of Road 60 in Old Tampa Bay:

Thence north along Pinellas-Hillsborough County line to intersection with Pinellas-Pasco County line;

Thence west along Pinellas-Pasco County line to Gulf of Mexico;

Thence southerly in Gulf of Mexico to Pinellas-Hillsborough County line.

Thence easterly and northerly along Pinellas-Hillsborough County line to Point of Beginning.

(b) That portion of the Pinellas-Anclote River Basin located within Pasco County is described as follows:

Begin at southeast corner of Section 35, Township 26 South, Range 18 East;

Thence north to northeast corner of Section 35, Township 25 South, Range 18 East;

Thence west to northwest corner of Section 32, Township 25 South, Range 18 East;

Thence south to southeast corner of Section 31, Township 25 South, Range 18 East;

Thence west along township line to northwest corner of Section 2, Township 26 South, Range 17 East;

Thence south to southeast corner of Section 3, Township 26 South, Range 17 East;

Thence west to northwest corner of Section 9, Township 26 South, Range 17 East;

Thence south to southeast corner of the north one-half of Section 8, Township 26 South, Range 17 East;

Thence west to the northwest corner of the south one-half of Section 8, Township 26 South, Range 17 East;

Thence south to the northwest corner of Section 17, Township 26 South, Range 17 East;

Thence west to northwest corner of Section 16, Township 26 South, Range 16 East;

Thence south to southeast corner of the Section 17, Township 26 South, Range 16 East;

Thence west to northwest corner of Section 20, Township 26 South, Range 16 East;

Thence south to southeast corner of Section 30, Township 26 South, Range 16 East;

Thence west to Gulf of Mexico; Thence southerly in Gulf of Mexico to Pasco-Pinellas County line;

Thence east along Pasco-Pinellas County line to Point of Beginning.

(8)(a) That portion of the Coastal Rivers Basin located within Hernando County is described as follows:

Begin at intersection of Gulf of Mexico with Hernando-Pasco County line;

Thence east along Hernando-Pasco County line to southeast corner of Section ~~32~~ ~~35~~, Township 23 South, Range ~~20~~ ~~49~~ East;

Thence north to the northeast corner of Section 32, Township 23 South, Range 20 East;

Thence west to the northwest corner of Section 32, Township 23 South, Range 20 East;

Thence north to the northeast corner of Section 30, Township 23 South, Range 20 East;

Thence west to the northwest corner of Section 25, Township 23 South, Range 19 East;

Thence north to northeast corner of Section 2, Township 23 South, Range 19 East;

Thence west to southwest corner of Section 35, Township 22 South, Range 19 East;

Thence north to northwest corner of Section 14, Township 22 South, Range 19 East;

Thence east to southeast corner of Section 11, Township 22 South, Range 19 East;

Thence north to Hernando-Citrus County line;

Thence west, thence north, thence west, along Hernando-Citrus County line to Gulf of Mexico;

Thence south along shore of Gulf of Mexico to Point of Beginning.

(b) That portion of the Coastal Rivers Basin located within Pasco County is described as follows:

Begin at intersection of the section line between Sections 27 and 34, Township 26 South, Range 15 East, extended, with the Gulf of Mexico.

Thence east to southeast corner of Section 30, Township 26 South, Range 16 East;

Thence north to northwest corner of Section 20, Township 26 South, Range 16 East;

Thence east to southeast corner of Section 17, Township 26 South, Range 16 East;

Thence north to northwest corner of Section 16, Township 26 South, Range 16 East;

Thence east to southwest corner of Section 8, Township 26 South, Range 17 East;

Thence north to the northwest corner of the south one-half of Section 8, Township 26 South, Range 17 East;

Thence east to the northeast corner of the south one-half of Section 8, Township 26 South, Range 17 East;

Thence north to northwest corner of Section 9, Township 26 South, Range 17 East;

Thence east to southeast corner of Section 3, Township 26 South, Range 17 East;

Thence north to northwest corner of Section 2, Township 26 South, Range 17 East;

Thence east to southeast corner of Section 31, Township 25 South, Range 18 East;

Thence north to northwest corner of Section 32, Township 25 South, Range 18 East;

Thence east to southeast corner of Section 26, Township 25 South, Range 18 East;

Thence north to northwest corner of Section 13, Township 25 South, Range 18 East;

Thence east to southeast corner of Section 12, Township 25 South, Range 18 East;

Thence north to northwest corner of Section 7, Township 25 South, Range 19 East;

Thence east to southeast corner of Section 6, Township 25 South, Range 19 East;

Thence north to northwest corner of Section 5, Township 25 South, Range 19 East;

Thence east to southeast corner of Section 33, Township 24 South, Range 19 East;

Thence north to northwest corner of Section 34, Township 24 South, Range 19 East;

Thence east to southeast corner of Section 27, Township 24 South, Range 19 East;

Thence north to northwest corner of Section 26, Township 24 South, Range 19 East;

Thence east to southeast corner of Section 23, Township 24 South, Range 19 East;

Thence north to Pasco-Hernando County line;

Thence west along Pasco-Hernando County line to Gulf of Mexico;

Thence south along shore of Gulf of Mexico to Point of Beginning.

(9) The area of the Withlacoochee River Basin is located in parts of Citrus, Hernando, Lake, Levy, Marion, Pasco, and Sumter Counties.

(a) That portion of the Withlacoochee River Basin located within Hernando County is described as follows:

Begin at southwest corner of Section 24, Township 23 South, Range 19 East;

Thence east to southeast corner of Section ~~19~~ 21, Township 23 South, Range 20 East;

Thence ~~south~~ ~~north~~ to northwest corner of Section ~~32~~ 22, Township 23 South, Range 20 East;

~~Thence east to the northeast corner of Section 32, Township 23 South, Range 20 East;~~

~~Thence south to the southeast corner of Section 32, Township 23 South, Range 20 East;~~

~~Thence east along the township line between Townships 23 and 24 South and the Hernando-Pasco County line to the southeast corner of Section 35, Township 23 South, Range 20 East;~~

~~Thence north to the northeast corner of Section 35, Township 23 South, Range 20 East;~~

~~Thence east to the southeast corner of Section 25, Township 23 South, Range 20 East;~~

Thence ~~north~~ east along the Hernando-Pasco County line east to northeast corner of Section 24, Township 23 South, Range 20 East;

Thence continue east along Hernando-Pasco County line to southeast corner of section 13, Township 23 South, Range 22 East;

Thence northerly and northwesterly along Hernando-Sumter County line to intersection with Hernando-Citrus County line;

Thence west along Hernando-Citrus County line to northwest corner of Section 13, Township 21 South, Range 19 East,

Thence south to southeast corner of Section 11, Township 22 South, Range 19 East;

Thence west to northwest corner of Section 14, Township 22 South, Range 19 East;

Thence south to southwest corner of Section 35, Township 22 South, Range 19 East;

Thence east to northeast corner of Section 2, Township 23 South, Range 19 East;

Thence south to Point of Beginning; and The area contained in Section 36, Township 23 South, Range 20 East.

(b) That portion of the Withlacoochee River Basin located within Pasco County is described as follows:

Begin at northwest corner of Section 1, Township 24 South, Range 20 East:

Thence south to southwest corner of Section 1, Township 25 South, Range 20 East;

Thence east to northeast corner of Section ~~7~~<sup>12</sup>, Township 25 South, Range ~~21~~<sup>20</sup> East;

Thence ~~north south~~ to ~~northwest southwest~~ corner of Section ~~5~~<sup>18</sup>, Township 25 South, Range 21 East;

Thence east to northeast corner of Section ~~5~~<sup>19</sup>, Township 25 South, Range 21 East;

Thence south to ~~southeast southwest~~ corner of Section ~~5~~<sup>20</sup>, Township 25 South, Range 21 East;

Thence east to northeast corner of section ~~10~~<sup>29</sup>, Township 25 South, Range 21 East;

Thence south to southwest corner of Section ~~11~~<sup>28</sup>, Township 25 South, Range 21 East;

Thence east to the northeast corner of Section 14, Township 25 South, Range 21 East;

Thence south to the southwest corner of Section 25, Township 25 South, Range 21 East;

Thence east to southeast corner of Section 25, Township 25 South, Range 21 East;

Thence north to northwest corner of Section 6, Township 25 South, Range 22 East;

Thence east to Pasco-Sumter County line;

Thence west along Pasco-Hernando County line to northwest corner of Section 19, Township 23 South, Range 21 East;

Thence north along Pasco-Sumter County line to intersection with Pasco-Hernando County line;

Thence south to northeast corner of Section 1, Township 24 South, Range 20 East;

Thence west to Point of Beginning.

(c) That portion of the Withlacoochee River Basin located within Sumter County is described as follows:

Begin at southwest corner of Section 31, Township 22 South, Range 23 East;

Thence east to Sumter-Lake County line;

Thence north along Sumter-Lake County line to intersection of Sumter-Marion County line;

Thence west along Sumter-Marion County line to intersection of Sumter-Citrus County line;

Thence southerly along Sumter-Citrus County line to intersection with Citrus-Hernando County line;

Thence southerly along Sumter-Hernando County line to Point of Beginning.

(d) That portion of the Withlacoochee River Basin lying within Marion County is described as follows:

All of that portion of Marion County lying west of the westerly right-of-way line of U.S. Interstate Route 75.

(e) That portion of the Withlacoochee River Basin lying within Levy County is described as follows:

Begin where the easterly line of Levy County intersects the Withlacoochee River, said line also being the range line between Ranges 17 and 18 East;

Thence north, along the range line, to the northeast corner of Section 1, Township 15 South, Range 17 East;

Thence east, along the township line between Townships 14 and 15 South, to the southeast corner of Section 33, Township 14 South, Range 19 East and the Marion County line;

Thence north, along the section lines, also being the Levy County line, to the northeast corner of Section 4, Township 12 South, Range 19 East, and the Alachua County line;

Thence westerly, along the township line, also being the Levy-Alachua County line, to the northeast corner of Section 1, Township 12 South, Range 17 East;

Thence north, along the Levy-Alachua County line, also being the range line between Ranges 17 and 18 East, to the southerly right-of-way line of State Road Number 24;

Thence southwesterly along said southerly right-of-way line to the easterly right-of-way line of State Road Number 337;

Thence southerly, along said easterly right-of-way line of State Road Number 337, to the south line of Section 35, Township 14 South, Range 17 East;

Thence west along the section line to the northwest corner of Section 3, Township 15 South, Range 17 East;

Thence south along the section lines to the southwest corner of Section 27, Township 15 South, Range 17 East;

Thence west to the Gulf of Mexico;

Thence south, along the Gulf of Mexico, including the waters of said gulf within the jurisdiction of the State of Florida, to the south boundary line of Levy County and its westerly extension;

Thence easterly, along the Levy-Citrus County line to the Marion County line and the Point of Beginning.

(f) That portion of the Withlacoochee River Basin located within Citrus County is described as follows:

Begin at southwest corner of Section 12, Township 21 South, Range 19 East;

Thence east along Citrus-Hernando County line to intersection with Citrus-Sumter County line;

Thence northerly and northwesterly along Citrus-Sumter County line to intersection with Marion-Sumter County line;

Thence continue northwesterly along Citrus-Marion County line to intersection with Marion-Levy County line;

Thence westerly along Citrus-Levy County line to intersection with Gulf of Mexico;

Thence south along coast of Gulf of Mexico to northwest corner of Section 19, Township 17 South, Range 16 East;

Thence east to northeast corner of Section 23, Township 17 South, Range 16 East;

Thence south to southwest corner of Section 25, Township 17 South, Range 16 East;

Thence east to northeast corner of Section 36, Township 17 South, Range 16 East;

Thence south to southwest corner of Section 31, Township 17 South, Range 17 East;



Thence east to northeast corner of Section 1, Township 18 South, Range 17 East;  
 Thence south to southwest corner of Section 6, Township 18 South, Range 18 East;  
 Thence east to northeast corner of Section 7, Township 18 South, Range 18 East;  
 Thence south to southwest corner of Section 8, Township 18 South, Range 18 East;  
 Thence east to northeast corner of Section 17, Township 18 South, Range 18 East;  
 Thence south to southwest corner of Section 21, Township 18 South, Range 18 East;  
 Thence east to northeast corner of Section 25, Township 18 South, Range 18 East;  
 Thence south to southwest corner of Section 31, Township 18 South, Range 19 East;  
 Thence east to northeast corner of Section 6, Township 19 South, Range 19 East;  
 Thence south to southwest corner of Section 33, Township 19 South, Range 19 East;  
 Thence east to northeast corner of Section 4, Township 20 South, Range 19 East;  
 Thence south to southwest corner of Section 15, Township 20 South, Range 19 East;  
 Thence east to northeast corner of Section 23, Township 20 South, Range 19 East;  
 Thence south to southeast corner of Section 26, Township 20 South, Range 19 East;  
 Thence west to northwest corner of Section 35, Township 20 South, Range 19 East;  
 Thence south to southwest corner of Section 2, Township 21 South, Range 19 East;  
 Thence east to northeast corner of Section 11, Township 21 South, Range 19 East;  
 Thence south to Point of Beginning.

(10) The area of the Peace River Basin is located in parts of Polk, Hardee, Highlands, DeSoto and Charlotte Counties.

(a) That portion of the Peace River Basin located within Polk County is described as follows:

Begin at southwest corner of Section 31, Township 32 South, Range 23 East;  
 Thence north along the Polk-Hillsborough County line to northwest corner of Section 18, Township 32 South, Range 23 East;  
~~Thence north along Hillsborough-Polk County line to northwest corner of Section 6, Township 27 South, Range 23 East;~~  
 Thence east to northeast corner of Section 18 4, Township 32 27 South, Range 23 East;  
 Thence ~~north south~~ to ~~northwest southwest~~ corner of Section 8 31, Township 32 27 South, Range 23 24 East;

Thence east along the sections to the southeast corner of Section 4, Township 32 South, Range 23 East;  
Thence north to the northwest corner of Section 3, Township 32 South, Range 23 East;  
 Thence east along the township line between Townships 31 27 and 32 28 South to the southeast corner of Section 34 32, Township 31 27 South, Range 23 27 East;  
Thence north to the northwest corner of Section 35, Township 31 South, Range 23 East;  
Thence east along the sections to the northeast corner of Section 36, Township 31 South, Range 23 East;  
Thence south along the range line between Ranges 23 and 24 East to the southeast corner of Section 36, Township 31 South, Range 23 East;  
Thence east along the township line between Townships 31 and 32 South to the southeast corner of Section 34, Township 31 South, Range 24 East;  
Thence north along the sections to the northeast corner of Section 34, Township 30 South, Range 24 East;  
Thence west to the northwest corner of Section 34, Township 30 South, Range 24 East;  
Thence north along the sections to the northeast corner of Section 4, Township 30 South, Range 24 East;  
Thence west along the township line between Townships 29 and 30 South to the southeast corner of Section 32, Township 29 South, Range 24 East;  
Thence north along the sections to the northeast corner of Section 29, Township 29 South, Range 24 East;  
Thence west to the northwest corner of Section 29, Township 29 South, Range 24 East;  
Thence north to the northeast corner of Section 19, Township 29 South, Range 24 East;  
Thence east to the southeast corner of Section 17, Township 29 South, Range 24 East;  
Thence north to the northeast corner of Section 17, Township 29 South, Range 24 East;  
Thence west to the northwest corner of Section 17, Township 29 South, Range 24 East;  
Thence north to the northeast corner of Section 7, Township 29 South, Range 24 East;  
Thence west to the northwest corner of Section 7, Township 29 South, Range 24 East;  
Thence north along the range line between Ranges 23 and 24 East to the northeast corner of Section 13, Township 28 South, Range 23 East;  
Thence west to the northwest corner of Section 13, Township 28 South, Range 23 East;  
Thence north along the sections to the northwest corner of Section 24, Township 27 South, Range 23 East;  
Thence east along the sections to the northeast corner of Section 19, Township 27 South, Range 24 East;

Thence south to the southeast corner of Section 19, Township 27 South, Range 24 East;  
Thence east along the sections to the southwest corner of Section 20, Township 27 South, Range 25 East;  
Thence north to the northwest corner of Section 20, Township 27 South, Range 25 East;  
Thence east to the northeast corner of Section 20, Township 27 South, Range 25 East;  
Thence south to the southeast corner of Section 20, Township 27 South, Range 25 East;  
Thence east along the sections to the northeast corner of Section 27, Township 27 South, Range 25 East;  
Thence south along the sections to the southeast corner of Section 34, Township 27 South, Range 25 East;  
Thence east along the township line between Townships 27 and 28 South to the southwest corner of Section 31, Township 27 South, Range 26 East;  
Thence north along the range line between Ranges 25 and 26 East to the northwest corner of Section 30, Township 27 South, Range 26 East;  
Thence east to the northeast corner of Section 30, Township 27 South, Range 26 East;  
Thence north along the sections to the northwest of Section 17, Township 27 South, Range 26 East;  
Thence east to the northeast corner of Section 17, Township 27 South, Range 26 East;  
Thence south to the southeast corner of Section 17, Township 27 South, Range 26 East;  
Thence east to the northeast corner of Section 21, Township 27 South, Range 26 East;  
Thence south along the sections to the southwest corner of Section 27, Township 27 South, Range 26 East;  
Thence east to the southeast corner of Section 27, Township 27 South, Range 26 East;  
Thence north to the northeast corner of Section 27, Township 27 South, Range 26 East;  
Thence east along the sections to the northeast corner of Section 29, Township 27 South, Range 27 East;  
 Thence north to the northwest corner of Section 4, Township 27 South, Range 27 East, and the township line;  
 Thence west to the southwest corner of Section 32, Township 26 South, Range 27 East;  
 Thence north to the southeast corner of Section 18, Township 26 South, Range 27 East;  
 Thence west to the southwest corner of Section 18, Township 26 South, Range 27 East, and the range line;  
 Thence north along the range line between Ranges 26 and 27 East, to the northwest corner of Section 6, Township 26 South, Range 27 East and the Polk-Osceola County line.  
 Thence east along the Polk-Osceola County line to the northeast corner of Section 1, Township 26 South, Range 27 East;

Thence south along the range line between Ranges 27 and 28 East to the northerly margin of Lake Marion;  
 Thence southerly, along the westerly margin of Lake Marion, to its intersection with the range line between Ranges 27 and 28 East;  
 Thence southerly, along said range line, to the south boundary of Township 27 South;  
 Thence easterly, along said township line, to the intersection of said township line with Lake Marion;  
 Thence following the south shore line of Lake Marion to its intersection again with said township line;  
 Thence east, along said township line, to the northwest corner of Section 5, Township 28 South, Range 28 East;  
 Thence south along the section line to the southwest corner of Section 8, Township 28 South, Range 28 East;  
 Thence east along the section line to the northwest corner of Section 16, Township 28 South, Range 28 East;  
 Thence south along the section line to the southwest corner of Section 16, Township 28 South, Range 28 East;  
 Thence east along the section line to the northwest corner of Section 23, Township 28 South, Range 28 East;  
 Thence south along the section line to the northeast corner of Section 3, Township 29 South, Range 28 East;  
 Thence west along the section line to the northwest corner of Section 3, Township 29 South, Range 28 East;  
 Thence north along the section line to the northeast corner of the S. E. 1/4 of Section 28, Township 28 South, Range 28 East;  
 Thence west along the north boundary of the S. E. 1/4 to the intersection with the shore line of Lake Pierce;  
 Thence follow the shore line generally southwesterly to its intersection with the north boundary of the S 1/2 of the S. W. 1/4 of said Section 28;  
 Thence west along said north boundary to the northwest corner of the S 1/2 of the S. W. 1/4 of said Section 28;  
 Thence south along the section line to the southwest corner of Section 33, Township 28 South, Range 28 East;  
 Thence west along the section line to the northwest corner of Section 5, Township 29 South, Range 28 East;  
 Thence south along the section line to its intersection with the west shoreline of Lake Pierce;  
 Thence following the west shore line of Lake Pierce to its intersection with the west boundary of Section 8, Township 29 South, Range 28 East;  
 Thence south along the section line to the northwest corner of Section 20, Township 29 South, Range 28 East;  
 Thence east along the north boundaries of Sections 20, 21, 22, 23 and 24, Township 29 South, Range 28 East, and Section 19, Township 29 South, Range 29 East, and to the northeast corner of said Section 19;  
 Thence south along the section line to the southwest corner of Section 32, Township 29 South, Range 29 East;

Thence east along ~~the~~ the section line to the northeast corner of the N. W. 1/4 of Section 5, Township 30 South, Range 29 East;  
 Thence south to the southeast corner of the S. W. 1/4 of Section 8, Township 30 South, Range 29 East;  
 Thence west along the section line to the northwest corner of Section 17, Township 30 South, Range 29 East;  
 Thence south along the section line to the northeast corner of Section 7, Township 31 South, Range 29 East;  
 Thence west to the northeast corner of Section 12, Township 31 South, Range 28 East;  
 Thence south along said range line to the southeast corner of Section 36, Township 32 South, Range 28 East and the Polk-Highlands County line;  
 Thence west along the Polk-Highlands County line to the southeast corner of Section 36, Township 32 South, Range 27 East, and the Hardee County line;  
 Thence continue west along the township line, also being the Polk-Hardee County line, to the southwest corner of Section 31, Township 32 South, Range 23 East, and the Point of Beginning.

(b) That portion of the Peace River Basin located within Hardee County is described as follows:

Begin at intersection of Hardee-Manatee County line with Hardee-DeSoto County line;  
 Thence north along Hardee-Manatee County line to intersection with Hardee-Polk County line;  
 Thence east along Hardee-Polk County line to intersection with Hardee-Highlands County line;  
 Thence south along Hardee-Highlands County line to intersection with Hardee-DeSoto County line;  
 Thence west along Hardee-DeSoto County line to Point of Beginning.

(c) That portion of the Peace River Basin located within DeSoto County is described as follows:

Begin at intersection of DeSoto-Sarasota County line with DeSoto-Charlotte County line;  
 Thence north along DeSoto-Sarasota County line to intersection with Manatee-Sarasota County line to intersection with ~~DeSoto-Manatee~~ Manatee-Sarasota County line;  
 Thence continue north along ~~DeSoto-Manatee~~ DeSoto-Manatee ~~DeSoto-Sarasota~~ County line to intersection with DeSoto-Hardee County line;  
 Thence east along DeSoto-Hardee County line to intersection with DeSoto-Highlands County line;  
 Thence south along DeSoto-Highlands County line to intersection with DeSoto-Charlotte ~~County~~ County line;  
 Thence west along DeSoto-Charlotte County line to ~~P~~point of Beginning.

(d) That portion of the Peace River Basin located within Charlotte County is described as follows:

Begin at intersection of Charlotte-Sarasota County line with Gulf of Mexico;

Thence east, north and east along Charlotte-Sarasota County line to intersection with DeSoto-Sarasota County line;

Thence continue east along Charlotte-DeSoto County line to northeast corner of Section 1, Township 40 South, Range 26 East;

Thence south along range line to southeast corner of Section 36, Township 40 South, Range 26 East;

Thence west along township line to southwest corner of Section 31, Township 40 South, Range 26 East;

Thence south along range line to southeast corner of Section 36, Township 41 South, Range 25 East;

Thence west along township line to ~~northwest~~ southwest corner of Section ~~3~~ 34, Township ~~42~~ 44 South, Range 24 East;

Thence south along the section lines ~~range line~~ to southeast corner of Section ~~33~~ 36, Township ~~42~~ 44 South, Range ~~24~~ 25 East;

Thence west along the Charlotte-Lee County township line to the Gulf of Mexico; ~~southwest corner of Section 34, Township 41 South, Range 24 East;~~

Thence northerly along the shore of the Gulf of Mexico to the Charlotte-Sarasota County Line and the Point of Beginning.

(e) That portion of the Peace River Basin located within Highlands County is described as follows:

Begin at the southwest corner of Township 35 South, Range 28 East, on the Hardee-Highlands County line, the Point of Beginning;

Thence east along the north boundary of Township 36 South, Range 28 East to the Northeast corner of Section 1, Township 36 South, Range 28 East;

Thence south along the range line to the southeast corner of Section 12, Township 37 South, Range 28 East;

Thence east along the section line to the northeast corner of Section 15, Township 37 south, Range 29 East;

Thence south along the section line to the southeast corner of Section 34, Township 37 South, Range 29 East;

Thence east along the township line to the northeast corner of Section 1, Township 38 South, Range 29 East;

Thence south along the range line to the southeast corner of Section 1, Township 39 South, Range 29 East;

Thence east along the section lines to the northwest corner of Section 11, Township 39 South, Range 30 East;

Thence north to the southwest corner of Section 35, Township 38 South, Range 30 East;

Thence east along the township line to the southeast corner of the west 1/4 of Section 35, Township 38 South, Range 30 East;

Thence north along the fractional section line of Sections 35, 26, and 23, Township 38 South, Range 30 East to the northeast corner of the west 1/4 section of Section 23, Township 38 South, Range 30 East;

Thence west to the northwest corner of Section 23, Township 38 South, Range 30 East;

Thence north along the section lines to the northwest corner of Section 2, Township 37 South, Range 30 East;

Thence west along the township line to the southwest corner of Section 34, Township 36 South, Range 30 East;

Thence north along the section lines to the northwest corner of Section 3, Township 36 South, Range 30 East;

Thence west along the township line to the southwest corner of Section 31, Township 35 South, Range 30 East;

Thence north along the range line between Ranges 29 and 30 East, through Townships 35, 34, and 33 South, to the northeast corner of Township 33 South, Range 29 East, being on the Highlands-Polk County line;

Thence west along the Highlands-Polk County line to the northwest corner of Township 33 South, Range 28 East and the Highlands-Hardee County line;

Thence south along the Highlands-Hardee County line to the southwest corner of Township 35 South, Range 28 East, and the Point of Beginning.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.0693 FS. History--Readopted 10-5-74, Amended 12-31-74, 10-24-76, 9-5-77, 10-16-78, 4-27-80, 3-30-81, 1-10-83, 10-9-85, Formerly 16J-0.03, 40D-0.061, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Karen A. Lloyd

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 18, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 19, 2003

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Division of Health Quality Assurance**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Health Care Clinic Licensure	59A-33
RULE TITLES:	RULE NOS.:
Definitions	59A-33.001
License Applications	59A-33.002
Temporary Licenses	59A-33.003
Exemptions from Licensure	59A-33.004
Initial License Application Contents	59A-33.005
Renewal Licenses	59A-33.006
Health Care Clinics with Magnetic Resonance Imaging	59A-33.007
Change of Ownership	59A-33.008
Unique Clinic Name and Single Location	59A-33.009
Inspections of Health Care Clinics	59A-33.010
Clinic Administration and Services	59A-33.011
Medical Records	59A-33.012
Financial Instability	59A-33.013
Cessation of Business	59A-33.014

PURPOSE AND EFFECT: This chapter is new and implements, in part, the Health Care Clinic Act, Part XIII, Ch. 400, Florida Statutes (2003). The proposed rules implement the law requiring licensure of non-exempt health care clinics effective March 1, 2004.

SUMMARY: 59A-33.001 Definitions. The rule defines terms such as "Agency", "Clinic Director", "Licensee", "Magnetic Resonance Imaging (MRI)", "Owner", "Patient", "Physician", "Staff", and "Temporary License" for uniformity within Ch. 59A-33, F.A.C.; 59A-33.002 License Applications. This rule establishes application requirements for persons requesting a license to operate a health care clinic that include submission of an application, licensure fee, finger print cards and level 2 background screening fees. Adopts an application form requiring the submission; 59A-33.003 Temporary Licenses. The rule provides information concerning the issuance, filing date, consequences for late filing, contents, expiration date and filing location of an application for which a temporary health care clinic license may be issued; 59A-33.004 Exemptions from Licensure. The rule permits an applicant to voluntarily apply for a certificate of exemption; granted or denied within 90 days; 30 day review for completeness; 21 day omissions period; agency may rely upon address; grounds for denial; adopts a form; application is affirmed; consequence of not qualifying for exemption; 59A-33.005 Initial License Application Contents. The rule adopts an application form for initial licensure; evidence of satisfactory Level 2 background screening or fingerprint card and fees; proof of financial responsibility; bond form adopted; fictitious name and Division of Corporations submissions; and s. 408.831, F.S. denial reasons; 59A-33.006 Renewal Licenses. The rule adopts a form for renewal licenses; Level 2 background screening requirement; restoration of civil rights where applicable; timeliness; late fee and s. 408. 831, F.S. requirements; 59A-33.007 Health Care Clinics with Magnetic Resonance Imaging. The rule implements statutory requirement of providing evidence of MRI accreditation; providing requirements for unaccredited MRI clinics; "good faith" requirements; 1 year to obtain accreditation plus extension; 3 months from filing application to file for accreditation; temporary license requirements; providing agency action; 59A-33.008 Change of Ownership. This rule provides that a transfer of ownership or control of a licensed health care clinic requires a new license, a health care clinic license cannot be sold, encumbered, pledged as security, leased or otherwise transferred; submission of a change of ownership application be filed at least 60 days prior to a change; provides agency action of a fine up to \$5,000; 59A-33.009 Unique Clinic Name and Single Location. Health clinic to have only one active license for each location; requires distinct name; license cannot be changed without permission; license to be publicly displayed; provides agency action of a fine of up to \$5,000; 59A-33.010 Inspections of Health Care Clinics. This rule requires that clinics be inspected in connection with the

biennial license renewal or more often as needed; prescribes agency action for violations; requires that certain documents be kept at the health care clinic and be available for inspection at all times; requires mobile health care clinics to file a schedule of anticipated street locations and dates every 90 days; 59A-33.011 Clinic Administration and Services. Each health clinic medical or clinic director shall have no more than 5 clinics under his/her responsibility, with a total of not more than 200 licensed employees at any one time. All clinics that provide laboratory services shall be licensed under Ch. 483, F.S. and Ch. 59A-7, F.A.C. Each clinic that provides magnetic resonance imaging services must provide evidence of current accreditation, also must ensure patient and employee safety by maintaining all equipment, and meet radiation hazards standards as specified in Ch. 64E-5, F.A.C.; 59A-33.012 Medical Records. Each health clinic shall ensure that medical records be in place and administered by a qualified person who is responsible for patient information, treatment, complaint/illness, personal and family history, reports, diagnosis, laboratory, radiology, diagnostic imaging and ancillary testing, and consultation reports. Patient information must also include treatment notes, informed consent, medications, tissue reports and physician orders, an index of this information, and final diagnosis. These records must be maintained for 3 years following clinic closure; 59A-33.013 Financial Instability. The rule defines financial instability of a health care clinic and outlines the plan of corrective action to be taken by the clinic to resolve this instability; timelines for this action and disciplinary action for noncompliance are set by this rule; 59A-33.014 Cessation of Business. This rule establishes the requirement that licenses be returned to the agency upon cessation of business; sets forth penalties for operating an unlicensed health care clinic; requires the clinic keep patient files and billing records for at least three years upon closure or change of ownership; requires the clinic to notify the agency in writing within 30 days of closure or change of ownership.

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

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

SPECIFIC AUTHORITY: 400.9925 FS.

LAW IMPLEMENTED: 400.9905(3), 400.991, 400.9915, 400.992(2),(3),(4), 400.9925(2),(3), 400.993, 400.9935, 400.994, 400.995 FS.

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

TIME AND DATE: 10:00 a.m., Friday, January 16, 2004

PLACE: Agency for Health Care Administration, Building 3, Conference Room A, Fort Knox Complex, 2727 Mahan Drive, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Roger Bell, Health Care Unit, 2727 Mahan Drive, MS #53, Tallahassee, FL 32308, (850)488-1365

THE FULL TEXT OF THE PROPOSED RULES IS:

59A-33.001 Definitions.

In addition to definitions contained in Chapter 400, Part XIII, F.S., the following definitions shall apply specifically to health care clinics.

(1) "Agency" means the Agency for Health Care Administration.

(2) "Clinic director" means a health care practitioner licensed as provided by s. 400.9905, F.S., who agrees in writing to accept legal responsibility for activities of the health care clinic as required by Part XIII, Chapter 400, F.S. A health care clinic may not provide services beyond the scope of the clinic director's health care license.

(3) "Licensee" means an individual owner, partnership, corporation or other legally established entity in whom the ultimate authority and responsibility for management of the health care clinic is vested through issuance of a health care clinic license by the Agency.

(4) "Magnetic Resonance Imaging (MRI)" means a type of diagnostic radiography using electromagnetic energy through a nuclear magnetic resonance spectrometer to produce electronic images of specific atoms and molecular structures in solids, especially human cells, tissues, and organs. The term includes magnetic resonance spectroscopy (MRS) and magnetic resonance angiography (MRA).

(5) "Mobile clinic" means a movable or detached self-contained unit at which health care services are provided to individuals and otherwise meets the definition of clinic in s. 400.9905(3), F.S. Each mobile clinic shall have a separate health care clinic license.

(6) "Owner" means a person, general partner of a limited partnership, general partnership, joint venture, limited liability company, unincorporated association, corporation or any other business relationship or entity that owns or controls a health care clinic or is the lessee of the health care clinic having the right of possession of the health care clinic location or mobile unit. The term does not include a person, partnership, joint venture, association, limited liability company, limited partnership, corporation or any other business relationship that contracts only to manage the clinic on behalf of the owner. The owner shall be the licensee.

(7) "Patient" means a person or recipient being provided health care services within or at the direction of a licensed health care clinic or any of its staff or owners.

(8) “Physician” means a person currently licensed to practice medicine, chiropractic, podiatry or osteopathy pursuant to Chapters 458, 459, 460 or 461, F.S., respectively.

(9) “Staff” means any individual employed by a health care clinic or contracting with the health care clinic to provide direct or indirect health care services to patients.

(10) “Temporary license” means a license issued upon an application received by the agency on or before March 1, 2004, to a health care clinic pending the agency’s completion of an on-site survey and the grant or denial of an initial license.

(11) “The Health Care Clinic Act” or “Act” means Part XIII, Chapter 400, F.S.

Specific Authority 400.9925 F.S. Law Implemented. 400.9925 F.S. History–New \_\_\_\_\_.

#### 59A-33.002 License Applications.

A person or entity requesting a license for the operation of a health care clinic under the provisions of Part XIII, Chapter 400, F.S., on or after March 1, 2004, shall submit a completed application on AHCA Form 3110-13, that is incorporated by reference, plus the required submissions and licensure fee, finger print cards, and Level 2 background screening fees. Forms are available from the Agency for Health Care Administration, 2727 Mahan Drive, MS #53, Tallahassee, Florida 32308 or on the agency internet webpage at [http://www.fdhc.state.fl.us/MCHO/Health\\_Facility\\_Regulation/index.shtm](http://www.fdhc.state.fl.us/MCHO/Health_Facility_Regulation/index.shtm).

Specific Authority 400.9925 F.S. Law Implemented 400.9925 F.S. History–New \_\_\_\_\_.

#### 59A-33.003 Temporary Licenses.

A temporary license will be issued to a health care clinic that delivers a completed initial license application to the agency together with the required licensure fee of \$2,000, Level 2 background screening fees and fingerprint cards according to standards of s. 435.04, F.S. The agency will review the application for completeness and determine whether the application meets the minimum requirements for temporary licensure.

(1) An application for which a temporary license may be issued must be received by the Agency for Health Care Administration, Health Care Clinic Unit located at 2727 Mahan Drive, Mail Stop #53, Tallahassee, Florida 32308 no later than 5:00 P.M., E.S.T., on March 1, 2004.

(2) A health care clinic may not operate legally until a health care clinic license or temporary license is issued by the agency. Temporary licenses are authorized by the Health Care Clinic Act to provide continuity of business operations for health care clinics that file their applications for a license on or before March 1, 2004. No temporary license is authorized nor shall be issued for applications received by the agency after March 1, 2004. Applications received after that date will be

subject to license review pursuant to Rule 59A-33.002, F.A.C. A health care clinic may not operate legally until a health care license is issued by the agency.

(3) A temporary license will terminate upon the grant or denial date of a health care clinic license, or the expiration date on the temporary license, whichever is earlier. The license fee submitted will cover a 24-month period. The fee will be prorated by the agency when the health care license is issued, applying any remaining portion of the fee used for the temporary license against a biennial health care license fee. The license fee for any license is not refundable.

(4) The initial license application shall be accepted for review for a temporary license when the agency receives minimum submissions on or before March 1, 2004. Minimum submissions shall include a notarized application on AHCA Form 3110-13, applicable fees and the items set forth in s. 400.991(6)(a)-(c), F.S.

(5) Within 30 calendar days after the application submission, the agency shall determine whether the application is complete. If the application is deemed incomplete by the agency, the agency shall request in writing from the applicant specific information necessary for the application to be deemed complete. Only one request shall be made by the agency. If the applicant does not provide the specific additional information required by the statute and rule, in writing to the agency, within 21 calendar days of the receipt of the agency’s request, the application shall be deemed incomplete and denied by agency action as deemed withdrawn. The applicant’s response must be received by the agency no later than 5:00 p.m., E.S.T., on or before the omissions due date. Applications that are denied for failure to furnish omissions in a timely fashion are without prejudice to file another application.

Specific Authority 400.911 F.S. Law Implemented 400.9935, 400.991(6)(a)-(c) F.S. History–New \_\_\_\_\_.

#### 59A-33.004 Exemptions from Licensure.

(1) Entities exempt from health care clinic license requirements are described in s. 400.9905(3)(a)-(g), F.S. A clinic or other entity is not required to, but may voluntarily apply for a certificate of exemption.

(2) An application for a certificate of exemption from clinic licensure shall be granted or denied by the agency within 90 days of submission of a fully completed application pursuant to s. 120.60, F.S., on AHCA Form 3110-0014, which is incorporated by reference.

(3) The applicant must affirm the existence of health care licenses that qualify the clinic for exemption from licensure and the specific exemption sought under ss. 400.9905(3)(a)-(g) and 400.9935(9), F.S.

(4) Within 30 calendar days after the application submission, the agency shall determine whether the application is complete. If the application is deemed incomplete by the agency, the agency shall request in writing from the applicant specific information necessary for the application to be deemed

complete. Only one request shall be made by the agency. If the applicant does not provide the specific additional information required by the statute and rule, in writing to the agency, within 21 calendar days of the receipt of the agency's request, the application shall be deemed incomplete and denied by agency action as deemed withdrawn. The applicant's response must be received by the agency no later than 5:00 P.M., E.S.T., on or before the omissions due date. Applications that are denied for failure to furnish omissions in a timely fashion are without prejudice to file another application.

(5) The agency may rely upon the address given on the application as the official address to which correspondence may be sent. It is the duty of the applicant to notify the agency in writing at least 10 days in advance of any change of the current mailing address.

(6) A certificate of exemption may be revoked when the agency finds that the application at the time of submission was materially incorrect or when a health care clinic no longer qualifies for an exemption.

(7) A health care clinic shall be considered unlicensed during any period that the health care clinic does not objectively qualify for a certificate of exemption.

Specific Authority 400.9925 FS. Law Implemented 400.9905(3), 400.9935 FS. History--New \_\_\_\_\_.

#### 59A-33.005 Initial License Application Contents.

(1) In addition to a completed AHCA Form 3110-13, the following documents shall be included as part of an initial license application:

(a) When an applicant intends to operate under a fictitious name, a copy of an Affidavit of Compliance with Fictitious Name pursuant to s. 865.09, F.S., or a copy of a printout from the Division of Corporations, Secretary of State, showing registration of the applicant's fictitious name; and

(b) Registration of the applicant's entity filing with the Division of Corporations, Secretary of State, State of Florida; and

(c) Proof of financial ability to operate for the first year of licensure, shall be evidenced by the applicable AHCA Forms 3110-13C and 3110-13D, adopted by reference as agency financial ability schedules; Schedule 2, Projected Income and Expense Statement and Schedule 3, Projected Balance Sheet, respectively, and prepared according to generally accepted accounting principles and signed by a certified public accountant. In lieu of the agency financial ability schedules, the applicant may file a surety bond with the Agency in the amount of \$500,000.00, on AHCA Form, "Health Care Clinic Surety Bond", that is incorporated by reference; and

(d) Evidence of a satisfactory Level 2 background screening under standards established in Chapter 435, Florida Statutes. Each person required on AHCA Form 3110-13, Health Care Clinic License Application, adopted by reference, shall submit for each applicant not previously screened within

the last 5 years a completed fingerprint card (blue and white card) from any authorized agency or law enforcement office in the United States plus the applicable fee established by the Florida Department of Law Enforcement; and

(e) Evidence of satisfactory restoration of civil rights when an applicant has been convicted of a disqualifying crime under Level 2 background screening pursuant to Chapter 435, F.S., or of insurance fraud in any jurisdiction, within the past 5 years.

(f) Fingerprints are required for each applicant, who is a natural person, as required in s. 400.9905(2), F.S. For applicant entities that are not natural persons and own, in whole or in part, the applicant entity, Level 2 screening will be required for all natural persons within the first vertical hierarchal entity having ownership, control, or a 5% or more interest in the applicant entity.

(2) Any license application fee is not refundable.

(3) The agency may deny an application for any reason set forth in s. 408.831, F.S.

Specific Authority 400.9925 FS. Law Implemented 400.991(7)(d), 400.9925(3) FS. History--New \_\_\_\_\_.

#### 59A-33.006 Renewal Licenses.

(1) An existing health care clinic licensee shall submit a renewal application including a completed application on AHCA Form 3110-13, license fee and a completed Level 2 background screening fingerprint card and fee for each applicant not previously screened, at least 90 days prior to the expiration date of the existing license. Timeliness of the renewal application will be determined on the basis of receipt by the agency. In the event an application is submitted later than 90 days before expiration, a late fee of fifty-percent of the license fee will be assessed by the agency. The agency may also discipline the licensee pursuant to s. 408.831, F.S.

(2) An applicant for a renewal license shall file the following information with the agency:

(a) A completed AHCA Form 3110-13, and

(b) The applicant shall submit evidence of a satisfactory Level 2 Background Screening under standards established in Chapter 435, F.S., for each applicant not previously screened within the last 5 years by filing a completed fingerprint card (blue and white card) from any authorized agency or law enforcement office in the United States plus the applicable fee established by the Florida Department of Law Enforcement. Fingerprints taken outside of the United States shall be taken at a United States consular or embassy office on prescribed blue and white fingerprint cards; and

(c) Evidence of satisfactory restoration of civil rights when an applicant has been convicted of insurance fraud in any jurisdiction within the past 5 years.

Specific Authority 400.9925 FS. Law Implemented 400.992(2) FS. History--New \_\_\_\_\_.

59A-33.007 Health Care Clinics with Magnetic Resonance Imaging.

(1) A health care clinic that provides magnetic resonance imaging as one of its services, and is accredited, shall provide the agency with a copy of the document confirming accreditation as a part of the application for licensure.

(2) If a health care clinic is not currently accredited, it shall not be issued a license unless the applicant can show evidence of a good faith effort and substantial progress in obtaining accreditation from the Accreditation Association for Ambulatory Health Care (AAAHC), American College of Radiology (ACR) or Joint Commission on Accreditation of Healthcare Organizations (JACHO). Evidence of "good faith" documentation, attached to AHCA Form 3110-13, "Application for Health Care Clinic Licensure," incorporated by reference, may include but is not limited to:

(a) Cancelled checks to one of the above organizations with a notation evidencing the purpose of the payment, and

(b) A letter from one of the above organizations acknowledging receipt of the application, fee, and/or a survey date for the clinic.

(c) A letter from the applicant affirming that it will diligently seek accreditation and obtain accreditation within 1 year of its initial license application plus a 6-month extension, if granted by the agency for good cause shown. An application for accreditation shall be filed by the applicant/licensee with one of the authorized accrediting agencies within three (3) months after the application for initial license is filed with the Agency and proof supplied to the agency within 30 days of filing such application.

(2) A health care clinic providing magnetic resonance imaging that has been issued a temporary license by the agency that is not accredited by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), American College of Radiology (ACR) or Accreditation Association for Ambulatory Health Care (AAAHC) by March 1, 2005, or has not been granted a six-month extension as provided in s. 400.9935(11) (a), F.S., shall lose its temporary license and shall be subject to the licensure requirements for an initial license under Rule 59A-33.006, F.A.C.

(3) An applicant or licensee is subject to agency action for failure to timely file, provide proof to the agency of the filing of an application for accreditation, diligently seek accreditation or obtain accreditation as provided by this rule and the Act.

Specific Authority 400.9925 FS. Law Implemented 400.991, 400.9935(11)-(12) FS. History--New \_\_\_\_\_.

59A-33.008 Change of Ownership.

(1) A transfer of ownership or control of a licensed health care clinic shall require a new license.

(2) A health care clinic license cannot be sold, assigned, encumbered, pledged as security, leased or otherwise transferred. In the event a health care clinic is sold, transferred,

leased, or dominion or control relinquished to a third-party, a completed initial license application as required by Rule 59A-33.005, F.A.C., shall be filed with the agency no later than 60 days prior to the change of ownership. The new owner shall file an initial license application and include the information necessary to obtain a new license. If granted, the license shall be issued effective the date of change of ownership.

(3) Failure to file a completed application by a new owner at least 60 days prior to the effective date of transfer may subject the new owner to a fine not to exceed \$5,000.00.

Specific Authority 400.9925 FS. Law Implemented 400.9935(2), 400.992(4), 400.995(1) FS. History--New \_\_\_\_\_.

59A-33.009 Unique Clinic Name and Single Location.

(1) No more than one active health care clinic license shall be issued to any clinic.

(2) Each health care clinic applying for a license shall be separately licensed for each location and administratively designated on the application by a distinct name that distinguishes the clinic from other clinics. The name under which a license is issued shall not be changed without first notifying the agency in advance and in writing of a name change and receiving approval from the agency in the form of an amended license.

(3) The license certificate will specify if the health care clinic is a mobile health care clinic. Licenses shall be displayed in a conspicuous place in the health care clinic or mobile unit that may be seen by patients prior to service. The agency shall issue a single license that identifies the health care clinic, the name and street address licensed. A license issued to a mobile health care clinic shall show the name of the clinic and the street address of the owner.

(4) A violation of this rule shall subject the licensee to a fine not to exceed \$5,000.00 for each unauthorized name change.

Specific Authority 400.9925 FS. Law Implemented 400.991, 400.9925(2) FS. History--New \_\_\_\_\_.

59A-33.010 Inspections of Health Care Clinics.

(1) The agency will conduct on-site inspections of health care clinics in connection with the initial and biennial license renewal process, or more frequently if determined necessary by the agency, to determine compliance with Part XIII, Chapter 400, F.S., and these rules. The initial licensure inspection will be scheduled with the health care clinic and subsequent inspections will be unannounced. Upon completion of the inspection, agency staff will provide an opportunity to the owner, clinic director or medical director to meet and discuss observations and findings that have been identified as violations of Part XIII, Chapter 400, F.S., or these rules. Agency actions taken as a result of inspection findings will be those provided in ss.400.994 and 400.995, F.S.



(2) The following documents shall be available for inspection at the health care clinic by the agency at all times.

(a) The applicant ownership documentation (i.e. copy of stock transfer page, if a corporation), bylaws, rules and regulations, or any other written organizational documentation or plan;

(b) Professional credentials of the Clinic or Medical Director;

(c) License documents for all health care providers working for or at the clinic, including health care practitioner license numbers;

(d) Roster of medical staff members;

(e) Records of services billed;

(f) Other records indicating services provided by the clinic;

(g) Patient medical records at existing health care clinics;

(h) Patient referral and provider agreements and contracts;

(j) MRI accreditation where applicable.

(3) Licensees having mobile health care clinics shall file with the agency a schedule of anticipated street locations and dates at those locations every 90 days on the day of the month corresponding to the date the license was issued.

Specific Authority 400.9925 FS. Law Implemented 400.991(3), 400.9915 FS. History—New \_\_\_\_\_.

#### 59A-33.011 Clinic Administration and Services.

(1) No medical or clinical director may maintain responsibility for more than five (5) health care clinics or a total of more than 200 licensed employees at any one time.

(2) Laboratories and Clinical Laboratory. Each health care clinic that provides clinical laboratory services, whether provided on the premises or by contracted service, shall require that the laboratory be licensed under Chapter 483, F.S., and Chapter 59A-7, F.A.C.

(3) Imaging and Radiological Services. As required in s. 400.9935(11), F.S., each health care clinic that is engaged in magnetic resonance imaging services must be accredited by the Joint Commission on Accreditation of Healthcare Organizations, the American College of Radiology, or the Accreditation Association for Ambulatory Health Care, and shall maintain evidence of current accreditation status at the clinic available for inspection by agency staff. Each health care clinic that provides magnetic resonance imaging and diagnostic radiological services within the clinic or through arrangement, shall ensure that:

(a) Services and equipment are provided and maintained in a manner to insure safety to patients and personnel when magnetic resonance or other diagnostic imaging or radiological services are provided by the clinic.

(b) New installations of magnetic resonance imaging and other radiological equipment, and subsequent inspections for the identification of radiation hazards shall meet applicable license requirements as specified in Chapter 64E-5, F.A.C.

Specific Authority 400.9925 FS. Law Implemented 400.991, 400.994(2) FS. History—New \_\_\_\_\_.

#### 59A-33.012 Medical Records.

(1) Each clinic shall have a medical records service, patient information system or similarly titled function with administrative responsibility for medical records.

(2) The clinic or medical director shall appoint a qualified person in writing who is responsible for the medical records service. This person shall meet the written qualifications and job description established for this position by the licensee. The licensee shall maintain or be capable of accessing current medical records from the licensed premises. Historical medical records must be made available to the agency within 24 hours of an agency request.

(3) A current job description delineating duties and responsibilities shall be maintained for each medical records service position.

(4) The clinic shall:

(a) Maintain a system of identification and filing to ensure the prompt location of a patient's medical record. Patient records may be stored on electronic medium such as computer, microfilm or optical imaging.

(b) Maintain a current and complete medical record for every patient treated by the health care clinic.

(c) All clinical information pertaining to the patient's medical treatment shall be centralized in the patient's medical record.

(d) Patient, human resource, and billing records may be centrally stored, however, such records and information must be made available to the agency within 24 hours of demand. The agency shall have physical access under the Act to all locations where centrally stored records are located or maintained.

(e) Ensure that each medical record shall contain the original of the following as appropriate to the service provided:

1. Identification data;

2. Chief complaint;

3. Present illness;

4. Past personal history;

5. Family medical history;

6. Physical examination report;

7. Provisional and pre-operative diagnosis;

8. Clinical laboratory reports;

9. Radiology, diagnostic imaging, and ancillary testing reports;

10. Consultation reports;

11. Medical and surgical treatment notes and reports;

12. The appropriate informed consent signed by the patient;

13. Record of medication and dosage administered;

14. Tissue reports;

15. Physician orders;

16. Physician and nurse progress notes;

17. Final diagnosis; and

(e) Index, and maintain on a current basis, all medical records according to medical procedure and physician.

(5) Each clinic shall be responsible for preservation and retention of medical records for a three-year period following the closure of the clinic.

Specific Authority 400.9925 FS. Law Implemented 400.993, 400.9935(1)(f) FS. History--New \_\_\_\_\_.

59A-33.013 Financial Instability.

When evidence of financial instability of a health care clinic is identified, the agency will notify the clinic in writing that satisfactory proof of financial ability to comply with Part XII, Ch. 400, F.S., must be provided.

(1) Evidence of financial instability of a health care clinic may, and without limitation, include issuance of checks and drafts for which there are insufficient funds, an accumulation of delinquent bills for such items as personnel salaries, drugs, utilities or other operational costs, appointment of a receiver, a voluntary or involuntary petition for bankruptcy, a voluntary arrangement with creditors, health clinic closure, discontinuance of health clinic business for more than 30 consecutive days or insolvency.

(2) The licensee shall take corrective action to resolve any financial instability and file with the agency a written plan of correction to resolve specific financial problems that the agency has identified as evidence of financial instability. Should the financial instability not be resolved or rectified within 90 days of the original notice, the licensee may be subject to disciplinary action, suspension or revocation of the license. For good cause shown, the licensee may request of the agency an extension of no more than 90 days to correct financial instability.

Specific Authority 400.9925 FS. Law Implemented 400.992(3) FS. History--New \_\_\_\_\_.

59A-33.014 Cessation of Business.

(1) Each license shall be returned to the agency immediately upon a change in ownership, cessation of operations, suspension or revocation of the license by the agency. Agency staff may enter the premises of the health care clinic at reasonable times to remove a license anytime after final action of the agency suspending or revoking the license. Operating a health care clinic while a license is suspended or revoked shall be deemed the unlicensed operation of a health clinic. Unlicensed health care clinics may be charged with violations of s. 400.993, F.S., and subject to injunctive relief and fines for unlicensed activities under s. 400.994, F.S.

(2) All books and records, including but not limited to, patient files and billing records, shall be retained by the health care clinic in a secure location for a period of at least three (3) years after closure or change of ownership of the clinic when the new owner does not agree in writing to provide storage for

the previous owner's records. The licensee shall notify the agency in writing within 30 days of closure or change of ownership giving the name, street address and telephone number of the custodian. The licensee shall provide in writing to the agency, within 10 days of any change of location or change of custodian information as required by this rule.

Specific Authority 400.9925 FS. Law Implemented 400.991, 400.993, 400.994, 400.995 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Roger Bell, Unit Manager, Health Care Clinic Unit

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jeffrey N. Gregg, Chief, Bureau of Health Facility Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 16, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 29, No. 41, October 10, 2003

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Division of Health Quality Assurance**

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Exceptions to 440.13(1)(M), Florida Statutes, Coverage of Experimental and Investigative Procedures and Treatments Under Research

59B-11

RULE TITLES: RULE NOS.:

Purpose 59B-11.001  
Definitions 59B-11.002  
Request for Agency Review 59B-11.003  
Agency Review 59B-11.004  
Agency Determinations 59B-11.005  
Reimbursement Disputes 59B-11.006

PURPOSE AND EFFECT: Chapter Rule 59B-11, F.A.C. is being repealed in its entirety. The rule chapter does not have a specific statutory grant of rulemaking authority requiring the Agency's review and approval of requests to authorize experimental and investigative procedures and treatment in the plan of care of injured employees pursuant to s. 440.13, F.S.

SUMMARY: Chapter Rule 59B-11, F.A.C., is repealed.

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: 440.13(1)(m) FS.

LAW IMPLEMENTED: 440.13(1)(m) 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: Samuel L. Willis, Manager, AHCA Workers' Compensation Unit, 2727 Mahan Drive, Mail Station 27, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULES IS:

59B-11.001 Purpose.

Specific Authority 440.13(1)(m) FS. Law Implemented 440.13(1)(m) FS. History--New 3-4-96, Repealed.

59B-11.002 Definitions.

Specific Authority 440.13(1)(m) FS. Law Implemented 440.13(1)(m) FS. History--New 3-4-96, Repealed.

59B-11.003 Request for Agency Review.

Specific Authority 440.13(1)(m) FS. Law Implemented 440.13(1)(m) FS. History--New 3-4-96, Repealed.

59B-11.004 Agency Review.

Specific Authority 440.13(1)(m) FS. Law Implemented 440.13(1)(m) FS. History--New 3-4-96, Repealed.

59B-11.005 Agency Determinations.

Specific Authority 440.13(1)(m) FS. Law Implemented 440.13(1)(m) FS. History--New 3-4-96, Repealed.

59B-11.006 Reimbursement Disputes.

Specific Authority 440.13(1)(m) FS. Law Implemented 440.13(1)(m) FS. History--New 3-4-96, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Samuel L. Willis

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Warring, Chief, Bureau of Managed Health Care

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 11, 2003

**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 payment methodology, effective October 1, 2003, to provide for the following changes based on Senate Bill 1202, Sections 63 and 64, 2001-2002 Florida Legislature:

1. Effective for nursing home cost reports filed for periods ending on or after December 31, 2003, the cost reports shall be submitted electronically in a format and manner prescribed by the Agency. The Agency will require one (1) hard copy of a cost report submitted with the first electronic cost report submission.

2. Update to AHCA Document Number 5300-0001 incorporating a revised chart of accounts approved by the Auditor General in October 2003.

Other changes unrelated to SB 1202 are as follows:

1. A modification to the number of calendar months after the close of a provider's cost reporting year that a provider may submit a cost report to the Agency and removal of the specific extensions the Agency grants a nursing home provider for receipt of a cost report.
2. A modification to the date that the Agency shall receive a nursing home's cost report to be used in the next rate setting semester.
3. Updates to Florida Statute, Florida Administrative Code (FAC), and Code of Federal Regulation (CFR) references throughout the reimbursement plan.

SUMMARY: The proposed amendment to Rule Number 59G-6.010, F.A.C., incorporates revisions to the Florida Title XIX Long-Term Care Reimbursement Plan, including the provisions for submitting a cost report electronically, a revised chart of accounts, cost report acceptance and receipt dates, and statute reference updates.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

TIME AND DATE: 11:00 a.m., January 20, 2004

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robert Butler, Bureau Chief, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2120B, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2756

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.010 Payment Methodology for Nursing Home Services.

Reimbursement to participating nursing homes for services provided shall be in accord with the Florida Title XIX Long-Term Care Reimbursement Plan, Version ~~XXVI~~ ~~XXV~~ Effective Date ~~December 3, 2003~~ and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Deputy Secretary for Medicaid,

2727 Mahan Drive, Mail Stop 8, Tallahassee, Florida 32308. The plan incorporates Provider Reimbursement Manual (CMS Pub. 15-1).

Specific Authority 409.919 FS. Law Implemented 409.908 FS. History--New 7-1-85, Amended 10-1-85, Formerly 10C-7.482, Amended 7-1-86, 1-1-88, 3-26-90, 9-30-90, 12-17-90, 9-15-91, 3-26-92, 10-22-92, 4-13-93, 6-27-93, Formerly 10C-7.0482, Amended 4-10-94, 9-22-94, 5-22-95, 11-27-95, 11-6-97, 2-14-99, 10-18-99, 1-11-00, 4-24-00, 9-20-00, 11-20-01, 2-20-02, 7-14-02, 1-8-03, 6-11-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert Butler

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bob Sharpe

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 17, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 25, 2003

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Payment Methodology for Nursing Home Services

RULE NO.: 59G-6.010

PURPOSE AND EFFECT: The purpose and effect of the proposed amendment is to incorporate changes to the Florida Title XIX Long-Term Care Reimbursement Plan payment methodology. Starting on the effective date of the completion of this rule adoption process, Medicaid rates for long-term care facilities will be reduced by a factor effecting the elimination of price level increases over the December 31, 2003 effective rates, based upon the Florida Title XIX Long-Term Care Reimbursement Plan (Plan). Interim rates (i.e., not prospective) will be based upon the interim rates in effect on December 31, 2003. Budgeted rates and interim components will be subject to cost settlement as required under the Plan, and an adjustment factor will be applied to these amounts to effect the elimination of price level increases over the December 31, 2003 rates.

SUMMARY: The proposed amendment to rule number 59G-6.010, F.A.C., incorporates revisions to the Florida Title XIX Long-Term Care Reimbursement Plan. Medicaid rates for long-term care facilities will be reduced by a factor effecting the elimination of price level increases over the December 31, 2003 effective rates.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

TIME AND DATE: 9:00 a.m. January 21, 2004

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, FL 32308 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robert Butler, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2120B, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2756

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.010 Payment Methodology for Nursing Home Services.

Reimbursement to participating nursing homes for services provided shall be in accord with the Florida Title XIX Long-Term Care Reimbursement Plan, Version ~~XXVII~~ ~~XXXVI~~ Effective Date \_\_\_\_\_ ~~December 3, 2003~~ and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to Robert Butler, Medicaid Program Analysis, Agency for Health Care Administration ~~the Deputy Director for Medicaid~~, 2727 Mahan Drive, Mail Stop ~~218~~, Tallahassee, Florida 32308. The plan incorporates Provider Reimbursement Manual (CMS Pub. 15-1).

Specific Authority 409.919 FS. Law Implemented 409.908 FS. History--New 7-1-85, Amended 10-1-85, Formerly 10C-7.482, Amended 7-1-86, 1-1-88, 3-26-90, 9-30-90, 12-17-90, 9-15-91, 3-26-92, 10-22-92, 4-13-93, 6-27-93, Formerly 10C-7.0482, Amended 4-10-94, 9-22-94, 5-22-95, 11-27-95, 11-6-97, 2-14-99, 10-18-99, 1-11-00, 4-24-00, 9-20-00, 11-20-01, 2-20-02, 7-14-02, 1-8-03, 7-3-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Robert Butler

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Bob Sharpe

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 17, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 19, 2003

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Payment Methodology for Inpatient Hospital Services

RULE NO.: 59G-6.020

PURPOSE AND EFFECT: The purpose and effect of the proposed amendment is to incorporate changes to the Florida Title XIX Inpatient Hospital Reimbursement Plan (Plan) payment methodology.

Starting on the effective date of the completion of this rule adoption process, Medicaid rates for hospital inpatient services will be reduced by a factor effecting the elimination of price

level increases over the December 31, 2003 effective rates, based upon the Florida Title XIX Inpatient Hospital Reimbursement Plan (Plan). Interim rates (i.e., not prospective) will be based upon the interim rates in effect on December 31, 2003. Budgeted rates will be subject to cost settlement as required under the Plan and an adjustment factor will be applied to these amounts to effect the elimination of price level increases over the December 31, 2003 rates.

SUMMARY: Medicaid rates for hospital inpatient services will be reduced by a factor effecting the elimination of price level increases over the December 31, 2003 effective rates.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

IF REQUESTED 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., January 21, 2004

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.020 Payment Methodology for Inpatient Hospital Services.

Reimbursement to participating inpatient hospitals for services provided shall be in accord with the Florida Title XIX Inpatient Hospital Reimbursement Plan, Version ~~XXVI~~ ~~XXXV~~, Effective Date ~~July 3, 2003~~, and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to Robert Butler, Medicaid Program Analysis Office of the Deputy Secretary for Medicaid, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 218, Tallahassee, Florida 32308.

Specific Authority 409.919 FS. Law Implemented 409.908, 409.9117 FS. History—New 10-31-85, Formerly 10C-7.391, Amended 10-1-86, 1-10-89, 11-19-89, 3-26-90, 8-14-90, 9-30-90, 9-16-91, 4-6-92, 11-30-92, 6-30-93, Formerly 10C-7.0391, Amended 4-10-94, 8-15-94, 1-11-95, 5-13-96, 7-1-96, 12-2-96, 11-30-97, 9-16-98, 11-10-99, 9-20-00, 3-31-02, 1-8-03, 7-3-03,

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Robert Butler

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bob Sharpe

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 17, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 19, 2003

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Payment Methodology for Inpatient Hospital Services  
RULE NO.: 59G-6.020

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Inpatient Hospital Reimbursement Plan (Plan) payment methodology.

Effective July 1, 2003, in accordance with the 2003-04 General Appropriations Act, Senate Bill 2A, Specific Appropriation 169:

1. \$46,499,136 is provided for special Medicaid payments to statutory teaching hospitals, family practice teaching hospitals as defined in s. 395.805, Florida Statutes, hospitals providing primary care to low-income individuals, hospitals operating as designated or provisional trauma centers, and rural hospitals. Statutory teaching hospitals that qualify for the Graduate Medical Education Disproportionate Share (DSH) Hospital Program shall be paid \$12,203,921 distributed in the same proportion as Graduate Medical Education DSH payments. Family practice teaching hospitals shall be paid \$2,097,794 distributed equally between the hospitals. Hospitals providing primary care to low-income individuals and participating in the Primary Care DSH program shall be paid \$12,203,921 distributed in the same proportion as the Primary Care DSH payments. Hospitals, which are designated or provisional trauma centers, shall be paid \$11,610,000. Of this amount, \$4,590,000 shall be distributed equally between hospitals which are a Level I trauma center; \$4,500,000 shall be distributed equally between hospitals which are either a Level II or pediatric trauma center; and \$2,520,000 shall be distributed equally between hospitals which are both a Level II and pediatric trauma center. Rural hospitals participating in the Rural Hospital DSH program shall be paid \$8,383,500 distributed in the same proportion as the DSH payments.
2. \$15,498,938 is provided to eliminate the inpatient reimbursement ceilings for hospitals whose charity care and Medicaid days, as a percentage of total adjusted hospital days, equals or exceeds 11 percent. The Agency shall use the average of the 1997, 1998 and 1999 audited DSH data available as of March 1, 2003. In the event the

Agency does not have the prescribed three years of audited DSH data for a hospital, the Agency will use the average of the audited DSH data for 1997, 1998 and 1999 that are available. For those hospitals with only one year of audited DSH data, the Agency shall eliminate the inpatient reimbursement ceilings for only those hospitals with 1999 audited DSH data.

3. \$20,111,332 is provided to eliminate the inpatient reimbursement ceilings for hospitals whose Medicaid days as a percentage of total hospital days exceeds 9.6 percent, and are trauma centers. The Agency shall use the average of the 1997, 1998 and 1999 audited DSH data available as of March 1, 2003. In the event the Agency does not have the prescribed three years of audited DSH data for a hospital, the Agency will use the average of the audited DSH data for 1997, 1998 and 1999 that are available.
4. \$85,306,178 is provided to make special Medicaid payments to hospitals that serve as a safety net in providing emergency and inpatient care to low-income and indigent individuals. These amounts shall be paid to the following:

Hospital	2003-04 SMP
Jackson Memorial Hospital	\$3,322,365
University Medical Center – Shands	\$43,920,631
All Children’s Hospital	\$6,154,745
Shands Teaching Hospital	\$684,224
St. Mary’s Hospital	\$51,222
Miami Children’s Hospital	\$5,400,230
Tampa General Hospital	\$13,414,213
Orlando Regional Medical Center	\$3,291,219
Lee Memorial Hospital/CMS	\$950,000
Broward General Medical Center	\$330,366
Tallahassee Memorial Healthcare	\$54,402
St. Joseph’s Hospital	\$52,835
Florida Hospital	\$55,072
Baptist Hospital of Pensacola	\$450,000
Mt. Sinai Medical Center	\$7,174,654

5. \$14,884,011 is provided to make special Medicaid payments to the statutory teaching hospitals. These payments shall be used by the teaching hospitals in collaboration with the Department of Health.
6. \$138,120,624 is provided to eliminate the inpatient reimbursement ceilings for teaching, specialty and Community Hospital Education Program hospitals.
7. \$5,430,912 is provided to make special Medicaid payments to hospitals. These payments shall be used to reimburse approved liver transplant facilities at a global fee for providing transplant services to Medicaid recipients.
8. \$4,868,549 is provided to make special Medicaid payments to hospitals. These payments shall be used by the hospitals in collaboration with the Department of

Health. The special Medicaid payments are contingent upon state funds being provided in 2003-04 General Appropriations Act, Specific Appropriation 586B.

9. \$354,468,508 is provided for special Medicaid payments to hospitals providing enhanced services to low-income individuals.
10. A delay in the July 1, 2003 price level increase until October 1, 2003.
11. For Disproportionate Share (DSH) Hospital programs, a revision to the formula used to pay disproportionate share dollars to state mental health hospitals and public hospitals (non-state government owned or operated hospitals with less than 3,300 Medicaid days and for non-state government owned or operated hospitals with more than 3,300 Medicaid days).
12. A provision limiting the period of time an audited cost report may be reopened.
13. Disproportionate Share (DSH) Hospital appropriations for 2003-04 will replace DSH appropriations for 2002-03.
14. Revisions to the Disproportionate Share Hospital (DSH) formulas to reflect the recommendations of the DSH Task Force. Senate Bill 22-A adopts the 2002-03 DSH formulas for future use and deletes prior formula language from statute.
15. The agency shall provide a preliminary estimate of the payments under the rural Disproportionate Share Hospital and financial assistance programs to the rural hospitals by August 31 of each state fiscal year for review. Each rural hospital shall have 30 days to review the preliminary estimates of payments and report any errors to the Agency. The Agency shall make any corrections deemed necessary and compute the Rural Disproportionate Share Hospital and financial assistance program payments.
16. The distribution of Regional Perinatal Intensive Care Centers (RPICC) DSH will be based on prior state fiscal year payments and not Disproportionate Share Hospital data.
17. The distribution of primary care DSH will be based on prior state fiscal year payments and not Disproportionate Share Hospital data.

SUMMARY: Effective July 1, 2003, the Agency for Health Care Administration’s Florida Title XIX Inpatient Hospital Reimbursement Plan (the Plan) Payment methodology will be in accordance with the 2003-04 General Appropriations Act, Senate Bill 2A, Specific Appropriation 169.

SUMMARY OF ESTIMATED REGULATORY COSTS: A statement of estimated regulatory cost has not been prepared. Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

IF REQUESTED 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: 10:00 a.m., January 20, 2004

PLACE: 2727 Mahan Drive, Conference Room C, Building 3, Tallahassee, Florida 32308

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

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.020 Payment Methodology for Inpatient Hospital Services.

Reimbursement to participating inpatient hospitals for services provided shall be in accord with the Florida Title XIX Inpatient Hospital Reimbursement Plan, Version ~~XXV XXXIV~~, Effective Date ~~July 3, 2003~~, and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Office of the Deputy Secretary for Medicaid, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 8, Tallahassee, Florida 32308.

Specific Authority 409.919 FS. Law Implemented 409.908, 409.917 FS. History—New 10-31-85, Formerly 10C-7.391, Amended 10-1-86, 1-10-89, 11-19-89, 3-26-90, 8-14-90, 9-30-90, 9-16-91, 4-6-92, 11-30-92, 6-30-93, Formerly 10C-7.0391, Amended 4-10-94, 8-15-94, 1-11-95, 5-13-96, 7-1-96, 12-2-96, 11-30-97, 9-16-98, 11-10-99, 9-20-00, 3-31-02, 1-8-03, 7-3-03,

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Robert Butler

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bob Sharpe

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 17, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 20, 2003

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Payment Methodology for Inpatient Hospital Services

RULE NO.: 59G-6.020

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Inpatient Hospital Reimbursement Plan (Plan) payment methodology.

Effective June 21, 2003, the Agency for Health Care Administration may make additional payment of up to \$967,402 to hospitals as special Medicaid payments in order to

use the full amount of the upper payment limit available in the public and private hospital category. These funds shall be distributed up to the amounts as follows:

(a) Primary care hospitals – \$500,560.

(b) Hospitals providing enhanced services to low-income individuals – \$466,842.

The payments shall be distributed proportionately to each hospital in the specific payment category based on the hospital's actual payments for the 2002-2003 state fiscal year. These payment amounts shall be adjusted downward in a proportionate manner as to not exceed the available upper payment limit.

SUMMARY: Effective June 21, 2003, the Agency for Health Care Administration may make additional payment of up to \$967,402 to hospitals as special Medicaid payments in order to use the full amount of the upper payment limit available in the public and private hospital category.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 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., January 20, 2004

PLACE: 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: Robert Butler, Medicaid Program Analysis, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2756

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.020 Payment Methodology for Inpatient Hospital Services.

Reimbursement to participating inpatient hospitals for services provided shall be in accord with the Florida Title XIX Inpatient Hospital Reimbursement Plan, Version ~~XXIV XXXIII~~, Effective Date ~~July 3, 2003~~, and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Office of the Deputy Secretary for Medicaid, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 8, Tallahassee, Florida 32308.

Specific Authority 409.919 FS. Law Implemented 409.908, 409.9117 FS. History—New 10-31-85, Formerly 10C-7.391, Amended 10-1-86, 1-10-89, 11-19-89, 3-26-90, 8-14-90, 9-30-90, 9-16-91, 4-6-92, 11-30-92, 6-30-93, Formerly 10C-7.0391, Amended 4-10-94, 8-15-94, 1-11-95, 5-13-96, 7-1-96, 12-2-96, 11-30-97, 9-16-98, 11-10-99, 9-20-00, 3-31-02, 1-8-03, 7-3-03,

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Robert Butler  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bob Sharpe  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 17, 2003  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 20, 2003

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Payment Methodology for Outpatient Hospital Services  
RULE NO.: 59G-6.030

PURPOSE AND EFFECT: The purpose and effect of the proposed amendment is to incorporate changes to the Florida Title XIX Outpatient Hospital Reimbursement plan (Plan) payment methodology.

Starting on the effective date of the completion of this rule adoption process, Medicaid rates for hospital outpatient services will be reduced by a factor effecting the elimination of price level increases over the December 31, 2003 effective rates, based upon the Florida Title XIX Outpatient Hospital Reimbursement Plan (Plan). Interim rates (i.e., not prospective) will be based upon the interim rates in effect on December 31, 2003. Budgeted rates will be subject to cost settlement as required under the Plan and an adjustment factor will be reduced by a factor effecting the elimination of price level increases over the December 31, 2003 effective rates.

SUMMARY: The proposed amendment to Rule 59G-6.030, F.A.C., incorporates revisions to the Medicaid Outpatient Hospital Reimbursement Plan. Reimbursement rates will be reduced by a factor effecting the elimination of price level increases over the December 31, 2003 reimbursement rates.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

TIME AND DATE: 1:00 p.m., January 21, 2004

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.030 Payment Methodology for Outpatient Hospital Services.

Reimbursement to participating outpatient hospitals for services provided shall be in accordance with the Florida Title XIX Outpatient Hospital Reimbursement Plan, Version ~~XII~~ ~~XI~~ Effective date: ~~November 10, 2002~~, and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to Robert Butler, Medicaid Program Analysis ~~the Office of the Deputy Secretary for Medicaid~~, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop ~~21~~, Tallahassee, Florida 32308.

Specific Authority 409.919 FS. Law Implemented 409.908 FS. History—New 10-31-85, Amended 12-31-85, Formerly 10C-7.401, Amended 10-1-86, 3-26-90, 9-30-90, 10-13-91, 7-1-93, Formerly 10C-7.0401, Amended 4-10-94, 9-18-96, 9-5-99, 9-20-00, 12-6-01, 11-10-02, \_\_\_\_\_

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Robert Butler

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bob Sharpe

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 17, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 3, 2003

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Payment Methodology for Outpatient Hospital Services  
RULE NO.: 59G-6.030

PURPOSE AND EFFECT: The purpose and effect of the proposed amendment is to incorporate changes to the Florida Title XIX Outpatient Hospital Reimbursement plan (Plan) payment methodology. Effective July 1, 2003, the proposed rates for Medicaid outpatient hospital services will be rates resulting from the current methodology used to calculate per diems including appropriations from the 2003-04 General Appropriations Act, Senate Bill 2A, Specific Appropriation 173.

1. Effective July 1, 2003, \$2,728,087 is provided to eliminate the outpatient reimbursement ceilings for hospitals whose charity care and Medicaid days as a percentage of total adjusted hospital days equals or exceeds 11 percent. The Agency shall use the average of the 1997, 1998 and 1999



audited DSH data available as of March 1, 2003. In the event the Agency does not have the prescribed three years of audited DSH data for a hospital, the Agency will use the average of the audited DSH data for 1997, 1998 and 1999 that are available. For those hospitals with only one year of audited DSH data, the Agency shall eliminate the inpatient reimbursement ceilings for only those hospitals with 1999 audited DSH data.

2. \$3,626,006 is provided to eliminate the outpatient reimbursement ceilings for hospitals whose Medicaid days, as a percentage of total hospital days, exceed 9.6 percent, and are trauma centers. The Agency shall use the average of the 1997, 1998 and 1999 audited DSH data available as of March 1, 2003. In the event the Agency does not have the prescribed three years of audited DSH data for a hospital, the Agency will use the average of the audited DSH data for 1997, 1998 and 1999 that are available.
3. Hospital outpatient rates set under plan provisions for the July 1, 2003 rate semester will be effective October 1, 2003.

Other changes to the Plan unrelated to Senate Bill 2A are:

- a. Adding a provision limiting the period of time an audited cost report may be reopened on or after October 1, 2003.
- b. The prior authorization of certain outpatient surgical procedures in Plan Section III. (7) is deleted.
- c. The 6 percent outpatient reimbursement rate reduction in Plan Section V.B 7 is deleted.
- d. Revenue Center Code number 510 found in Appendix A now references the corresponding Medicaid handbook.
- e. Addition of a definition for "Adjusted Patient Days" to Section X, Definitions.

**SUMMARY:** The proposed amendment to rule 59G-6.030 incorporates revisions to the Medicaid Outpatient Hospital Reimbursement Plan in accordance with the 2003-04 General Appropriations Act, Senate Bill 2A, Specific Appropriation 173.

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

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

**SPECIFIC AUTHORITY:** 409.919 FS.

**LAW IMPLEMENTED:** 409.908 FS.

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

**TIME AND DATE:** 1:00 p.m., January 20, 2004

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Robert Butler, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2120C, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2756

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

59G-6.030 Payment Methodology for Outpatient Hospital Services.

Reimbursement to participating outpatient hospitals for services provided shall be in accordance with the Florida Title XIX Outpatient Hospital Reimbursement Plan, Version ~~XI~~ ~~Effective date: \_\_\_\_\_ November 10, 2002~~, and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Office of the Deputy Secretary for Medicaid, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 8, Tallahassee, Florida 32308.

Specific Authority 409.919 FS. Law Implemented 409.908 FS. History--New 10-31-85, Amended 12-31-85, Formerly 10C-7.401, Amended 10-1-86, 3-26-90, 9-30-90, 10-13-91, 7-1-93, Formerly 10C-7.0401, Amended 4-10-94, 9-18-96, 9-6-99, 9-20-00, 12-6-01, 11-10-02, \_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Robert Butler

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Bob Sharpe

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** December 17, 2003

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** July 3, 2003

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

**RULE TITLE:** Payment Methodology for Services in Facilities Not Publicly Owned and Publicly Operated (Facilities Formerly Known as ICF/DD Facilities) **RULE NO.:** 59G-6.045

**PURPOSE AND EFFECT:** The purpose and effect of the proposed amendment is to incorporate changes to the Florida Title XIX Intermediate Care Facilities (ICF) for the Mentally Retarded and the Developmentally Disabled Facilities Not Publicly Owned and Not Publicly Operated Reimbursement Plan (Plan) payment methodology.

Starting on the effective date of the completion of this rule adoption process, Medicaid rates for intermediate care facilities for the mentally retarded and the developmentally disabled not publicly owned and not publicly operated will be reduced by a factor effecting the elimination of price level increases over the December 31, 2003 effective rates, based upon the Florida Title XIX Intermediate Care Facilities (ICF) for the Mentally Retarded and the Developmentally Disabled Facilities Not Publicly Owned and Not Publicly Operated

Reimbursement Plan (Plan). Interim rates (i.e., not prospective) will be based upon the interim rates in effect on December 31, 2003. Budgeted rates and interim components will be subject to cost settlement as required under the Plan and an adjustment factor will be applied to these amounts to effect the elimination of price level increases over the December 31, 2003 rates.

SUMMARY: Reimbursement rates for Intermediate Care Facilities (ICF) for the Mentally Retarded and the Developmentally Disabled Facilities not publicly owned and not publicly operated will be reduced by a factor effecting the elimination of price level increases over the December 31, 2003 effective rates.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

DATE AND TIME: 3:00 p.m., January 21, 2004

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.045 Payment Methodology for Services in Facilities Not Publicly Owned and Publicly Operated (Facilities Formerly Known as ICF/DD Facilities).

Reimbursement to participating facilities for services provided shall be in accord with the Florida Title XIX ICF/MR-DD Reimbursement Plan for Facilities Not Publicly Owned and Not Publicly Operated (Formerly known as ICF-MR/DD Facilities), Version II, Effective Date March 14, 1999, incorporated herein by reference. A copy of the Plan may be obtained by writing to Robert Butler, Medicaid Program Analysis, John A. Owens, Medicaid Cost Reimbursement, Agency for Health Care Administration, Mail Stop 21 P. O. Box 12400, Tallahassee, Florida 32308-12400.

Specific Authority 409.919 FS. Law Implemented ~~409.902~~, 409.908 FS. History—New 3-14-99, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert Butler

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bob Sharpe

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 17, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 19, 2003

**DEPARTMENT OF MANAGEMENT SERVICES**

**State Retirement Commission**

RULE CHAPTER TITLE: State Retirement Commission      RULE CHAPTER NO.: 60R-1

RULE TITLE: Medical Evidence      RULE NO.: 60R-1.00481

PURPOSE AND EFFECT: The proposed rule amends the "Practice and Procedure Before the State Retirement Commission," so as to conform the rule to the decision of the court in Carver v. State, Division of Retirement, 848 So.2d 1203 (Fla. 1st DCA 2003).

SUMMARY: The proposed amendment deletes the paragraph in the present rules of the State Retirement Commission that states that a determination of disability retirement eligibility must be supported by medical evidence of total and permanent disability.

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: 121.031(1) FS.

LAW IMPLEMENTED: 120.57, 120.58, 121.24 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., January 30, 2004

PLACE: The Department of Management Services, Room 101 (Front Lobby), 4050 Esplanade Way, Tallahassee, Florida

Pursuant to the American with Disabilities Act, persons needing special accommodations to participate in the meeting, if held, should advise the Department of Management Services at least two (2) calendar days before the workshop, by contacting: Julie Shaw, (850)487-3423.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tommy Wright, Department of Management Services, 4050 Esplanade Way, Tallahassee, FL 32399-0950, (850)487-1082

THE FULL TEXT OF THE PROPOSED RULE IS:

60R-1.00481 Medical Evidence.

~~(1) Competent medical evidence of total and permanent disability is required for a determination of disability retirement eligibility.~~

~~(1)(2)~~ Competent medical evidence of total and permanent disability requires testimony by a licensed physician, either at the hearing, or in a deposition, in which the member and the Division of Retirement had an opportunity to participate.

~~(2)(3)~~ In cases of eligibility for in line of duty disability benefits, competent medical evidence shall be required showing that an injury or illness, arising out of and in the actual performance required by the member's employment, was the substantial producing cause or aggravating cause of the member's total and permanent disability.

~~(3)(4)~~ Medical records alone shall be insufficient to support a finding of disability retirement eligibility.

~~(4)(5)~~ Determinations of disability in proceedings before other tribunals are not binding on the Commission.

Specific Authority 121.031(1) FS. Law Implemented 120.57, 120.58, 121.23, 121.24 FS. History--New 9-30-93, Amended 10-6-99, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Alice Myers, Chair, State of Florida, State Retirement Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: State of Florida, State Retirement Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 21, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Barbers' Board**

RULE TITLE: Application Fee for Licensure through Examination or Endorsement and Reexamination Fees

RULE NO.: 61G3-20.002

PURPOSE AND EFFECT: The proposed rule amendment is intended to modify the examination and reexamination application fees.

SUMMARY: The proposed rule amendment sets forth the application fees for examination and reexamination for barbers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 455.2171, 476.064(4), 476.192 FS. LAW IMPLEMENTED: 455.2171, 476.192 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: Julie Malone, Executive Director, Barbers' Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-20.002 Application Fee for Licensure Through Examination or Endorsement and Reexamination Fees.

(1) The application fee for licensure by means of endorsement or examination and reexamination for barbers shall be as follows:

- |                                   |                  |
|-----------------------------------|------------------|
| Method of Licensure:              | Application Fee: |
| (a) No change.                    |                  |
| (b) Examination and Reexamination |                  |
| 1. No change.                     |                  |
| 2. Written portion                |                  |

The application fee for both the examination and reexamination for the written portion shall be seventy-five dollars (\$ 75.00). ~~Sixty-one dollars and fifty cents (\$61.50)~~ Fifty-five dollars and fifty cents (\$55.50) of both the examination and reexamination application fee for the written portion of the examination shall be paid to the Department and ~~thirteen dollars and fifty cents (\$13.50)~~ nineteen dollars and fifty cents (\$19.50) shall be paid to the professional testing service.

(2) The application fee for licensure by means of examination and reexamination for restricted barbers shall be as follows:

- |                                   |                  |
|-----------------------------------|------------------|
| Method of Licensure:              | Application Fee: |
| (a) Examination and Reexamination |                  |
| 1. No change.                     |                  |
| 2. Written Portion                |                  |

The application fee for both the examination and reexamination for the written portion shall be seventy-five dollars (\$ 75.00). ~~Seventy dollars and fifty cents (\$70.50)~~ Sixty-eight dollars and fifty cents (\$68.50) of both the examination and the reexamination application fee for the written portion of the examination shall be paid to the Department and ~~four dollars and fifty cents (4.50)~~ six dollars and fifty (\$ 6.50) shall be paid to the professional testing service.

(3) No change.

Specific Authority 455.2171, 476.064(4), 476.192 FS. Law Implemented 455.2171, 476.192 FS. History--New 7-16-80, Amended 6-30-83, 10-17-85, Formerly 21C-20.02, Amended 12-15-87, 5-11-88, Formerly 21C-20.002, Amended 9-21-94, 11-6-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Barbers' Board
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Barbers' Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 17, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 5, 2003

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are 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

Board of Medicine

RULE TITLE: Standards of Practice
RULE NO.: 64B8-9.007
PURPOSE AND EFFECT: The proposed rule amendment is intended to prevent wrong site, wrong side, wrong patient and wrong surgeries/procedures by requiring the team to pause prior to the initiation of the surgery/procedure to confirm the side, site, patient identity, and surgery/procedure.

SUMMARY: The proposed rule amendment requires the surgical team to pause prior to the initiation of the surgery/procedure to confirm the side, site, patient identity, and surgery/procedure.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 458.309 FS.

LAW IMPLEMENTED: 458.331(1)(t),(w) 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-9.007 Standards of Practice.

The Board of Medicine interprets the standard of care requirement of Section 458.331(1)(t), Florida Statutes, and the delegation of duties restrictions of Section 458.331(1)(w), Florida Statutes, with regard to surgery as follows:

(1) No change.

(2) This rule is intended to prevent wrong site, wrong side, wrong patient and wrong surgeries/procedures by requiring the team to pause prior to the initiation of the surgery/procedure to confirm the side, site, patient identity, and surgery/procedure.

(a) Definition of Surgery/Procedure. As used herein, "surgery/procedure" means the incision or curettage of tissue or an organ, insertion of natural or artificial implants, electro-convulsive therapy, and endoscopic procedure. Minor surgeries/procedures such as excision of skin lesions, moles, warts, cysts, lipomas and repair of lacerations or surgery limited to the skin and subcutaneous tissue performed under topical or local anesthesia not involving drug-induced alteration of consciousness other than minimal pre-operative tranquilization of the patient are exempt from the following requirements.

(b) Except in life-threatening emergencies requiring immediate resuscitative measures, once the patient has been prepared for the elective surgery/procedure and the surgical team has been gathered in the operating room and immediately prior to the initiation of any surgical procedure, the surgical team will pause and the operating physician will verbally confirm the patient's identification, the intended procedure and the correct surgical/procedure site. The operating physician shall not make any incision or perform any surgery or procedure prior to performing this required confirmation. The notes of the procedure shall specifically reflect when this confirmation procedure was completed and which personnel on the surgical team confirmed each item. This requirement for confirmation applies to physicians performing procedures either in office settings or facilities licensed pursuant to Chapter 395, Florida Statutes, and shall be in addition to any other requirements that may be required by the office or facility.

(2) through (3) renumbered (3) through (4) No change.

(5)(4) No change.

Specific Authority 458.309 FS. Law Implemented 458.331(1)(t),(w) FS. History--New 11-28-91, Formerly 21M-20.015, 21M-27.007, 61F6-27.007, 59R-9.007, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Surgical Care Committee, Board of Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 6, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 12, 2003

DEPARTMENT OF HEALTH

Board of Nursing

RULE TITLE: Standards for Continuing Education
RULE NO.: 64B9-5.003

**PURPOSE AND EFFECT:** The Board proposes the rule amendments to establish requirements for the evaluation of self-directed learning experiences offered by continuing education providers.

**SUMMARY:** The proposed rule amendments set forth the requirement and the criteria for the evaluation of self-directed learning experiences.

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

**SPECIFIC AUTHORITY:** 464.006 FS.

**LAW IMPLEMENTED:** 464.013(3) 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:** Dan Coble, Executive Director, Board of Nursing/MQA, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252

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

64B9-5.003 Standards for Continuing Education.

(1) through (4) No change.

(5) Evaluation. Evidence satisfactory to the Board shall be presented that participants are given an opportunity to evaluate learning experiences, instructional methods, facilities and resources used for the offering. Self-directed learning experiences, including but not limited to home study, computer programs, internet or web-based courses, are required to evaluate learner knowledge at the completion of the learning experience. The evaluation must include a minimum of 10 questions. The learner must achieve a minimum score of 70% on the evaluation to receive the contact hours. The evaluation must be graded by the provider.

(6) through (8) No change.

Specific Authority 464.006 FS. Law Implemented 464.013(3) FS. History--New 9-12-79, Amended 10-6-82, Formerly 21O-13.09, Amended 8-18-88, 3-28-89, Formerly 21O-13.009, 61F7-5.003, Amended 5-2-95, Formerly 59S-5.003, Amended 7-30-00,\_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:**  
Board of Nursing

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

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** December 4, 2003

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** November 26, 2003

**DEPARTMENT OF HEALTH**

**Board of Nursing**

**RULE TITLES:**

Citations

Disciplinary Guidelines; Range of Penalties;

Aggravating and Mitigating Circumstances 64B9-8.006

**PURPOSE AND EFFECT:** The Board proposes the rule amendments to update disciplinary penalties.

**SUMMARY:** The proposed rule amendments set forth the requirement to correct a citation violation where it is remediable, and also to delete the citation penalty from the disciplinary guidelines under the first offense penalty for unprofessional conduct.

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

**SPECIFIC AUTHORITY:** 456.072, 456.077, 456.079, 464.006 FS.

**LAW IMPLEMENTED:** 456.072, 456.077, 456.079, 464.018 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:** Dan Coble, Executive Director, Board of Nursing/MQA, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252

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

64B9-8.003 Citations.

(1) No change.

(2) In lieu of the disciplinary procedures contained in Section 456.073, F.S., the Agency may issue a citation to the subject within six months after the filing of the complaint which is basis for the citation. All citations will include a requirement that the respondent correct the violation, if remediable, within a specified period of time and impose whatever obligations will remedy the offense.

(3) through (4) No change.

Specific Authority 456.077, 464.006 FS. Law Implemented 456.077 FS. History--New 1-1-92, Amended 7-6-92, Formerly 21O-10.015, Amended 12-5-93, 5-24-94, Formerly 61F7-8.003, 59S-8.003, Amended 2-18-98, 3-23-00,\_\_\_\_\_.

64B9-8.006 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) through (2) No change.

(3) The following disciplinary guidelines shall be followed by the Board in imposing disciplinary penalties upon licensees for violation of the noted statutes and rules:

(a) through (o) No change.

(p) Unprofessional conduct in which case actual injury need not be established. (Section 464.018(1)(h), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	<u>\$250 fine citation</u>	<u>\$500 fine and probation citation</u>
SECOND OFFENSE	\$500 fine	\$750 fine and suspension to be followed by probation
THIRD OFFENSE	\$750 fine and probation	\$1000 fine and suspension to be followed by probation

(q) through (zz) No change.

(4) through (5) No change.

Specific Authority 456.072, 456.079 FS. Law Implemented 456.072, 456.079, 464.018 FS. History--New 2-5-87, Amended 8-12-87, 12-8-87, 11-23-89, 7-28-92, Formerly 21Q-10.011, Amended 12-5-93, Formerly 61F7-8.006, Amended 5-1-95, Formerly 59S-8.006, Amended 8-218-98, 7-1-99, 3-23-00, 5-8-00, 5-2-02, 1-12-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 4, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 26, 2003

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE TITLE: Citations

RULE NO.: 64B9-15.0086

PURPOSE AND EFFECT: The Board proposes a new rule to establish disciplinary penalties for certified nursing assistants that may be disposed of by citation.

SUMMARY: The new rule designates specific citation violations in lieu of the disciplinary procedures outlined in Section 456.073, Florida Statutes.

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

SPECIFIC AUTHORITY: 456.077, 464.006 FS.

LAW IMPLEMENTED: 456.077 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: Dan Coble, Executive Director, Board of Nursing/MQA, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-15.0086 Citations.

(1) "Citation" means an instrument which meets the requirements set forth in Section 456.077, F.S., and which is served upon a licensee for the purpose of assessing a penalty in an amount established by this rule.

(2) In lieu of the disciplinary procedures contained in Section 456.073, F.S., the Department may issue a citation to the subject within six months after the filing of the complaint which is the basis for the citation. All citations will include a requirement that the respondent correct the violation, if remediable, within a specified period of time and impose whatever obligations will remedy the offense.

(3) The Board designates the following as citation violations, which shall result in a penalty of (\$25.00):

(a) False, deceptive or misleading advertising provided no criminal prosecution resulted and no practice issue was involved.

(b) Issuance of a worthless bank check to the Department or to the Board provided the licensee does not continue to practice on an inactive license or the check was not in payment of a Board ordered administrative fine.

(c) Failure to report address change in violation of 464.203(6), F.S., provided the licensee was not ordered to do so in a Board disciplinary order.

(d) Improper use of a certified nursing assistant title under 464.201(3), F.S., provided no practice issue was involved or no criminal prosecution resulted.

(e) Failure to pay a Board ordered administrative fine by the time ordered, provided payment had been made by the time the citation issues.

(f) Failure to complete a Board ordered inservice education course by the time ordered, provided the course had been completed by the time the citation issues.

(g) Failure when requested to document full compliance with the inservice education requirements, provided that all inservice education courses had been timely completed.

(4) The Board designates the following a citation violation, which shall result in a penalty of \$50.00: First-time failure to complete inservice education hours within the biennium. In addition to the fine, the licensee will be required

to complete the number of hours necessary to meet the biennial requirements not completed within 6 months of the issuance of the citation.

Specific Authority 456.077, 464.006 F.S. Law Implemented 456.077 F.S. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Nursing

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 4, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 26, 2003

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE TITLE: Disciplinary Guidelines RULE NO.: 64B12-8.020

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

SUMMARY: The Board is correcting numbering errors and statute cites to comply with changes in the Florida Statutes.

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(2)(d), 456.079, 484.005 F.S.

LAW IMPLEMENTED: 456.072, 456.079, 484.014 F.S.

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: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B12-8.020 Disciplinary Guidelines.

(1) through (2) No change.

(3) When the Board finds an applicant or licensee whom it regulates under Chapter 484, F.S., has committed any of the acts set forth in Section 484.014, F.S., it shall issue a final order imposing appropriate penalties within the ranges recommended in the following disciplinary guidelines:

VIOLATIONS	RECOMMENDED PENALTIES		
	First Offense	Second Offense	Third Offense
(a) through (f) No change.			
(g) 1. Violation of repeated violation of Chapter 456 or 484, F.S., or any rules promulgated pursuant thereto, or a subpoena of the Department. (484.014(1)(g), (i), F.S.) (456.072(1)(b), (q), F.S.)	(g) 1. From reprimand to suspension of the license, and an administrative fine ranging from \$250.00 to \$750.00, or refusal to certify an application for licensure.	(g) 1. From probation to revocation of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.	(g) 1. From suspension to revocation of the license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.
(g) Practicing with a revoked, suspended, inactive or delinquent license. (484.014(1)(g), F.S.)	(g) From reprimand to probation of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.	(g) From probation to suspension of the license and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.	(g) From suspension to revocation, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.
(h) 2. Violation of a lawful order of the Board or Department or a subpoena of the Department. (484.014(1)(h), F.S.) (456.072(1)(q), F.S.)	(h) 2. No change to text.	(h) 2. No change to text.	(h) 2. No change to text.
(h) Practicing with a revoked, suspended, inactive or delinquent license. (484.014(1)(h), F.S.)	(h) From reprimand to probation of the license and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.	(h) From probation to suspension of the license and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.	(h) From suspension to revocation, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.
(i) Violation of any provision of Section 484.012, F.S. (484.014(1)(i)(j), F.S.)	(i) No change to text.	(i) No change to text.	(i) No change to text.
(j) Conspiring to restrict another from lawfully advertising his or her services. (484.014(1)(j)(k), F.S.)	(j) No change to text.	(j) No change to text.	(j) No change to text.
(k) Willfully submitting to any third party payor a claim for services which were not provided to a patient. (484.014(1)(k)(l), F.S.) The licensee's reimbursement to the third-party payor shall be considered as a mitigating factor by the board.	(k) No change to text.	(k) No change to text.	(k) No change to text.
(l) Failing to keep written prescription files. (484.014(1)(l)(m), F.S.)	(l) No change to text.	(l) No change to text.	(l) No change to text.
(m) Failure to report another licensee in violation of Chapters 484, Part I, 456, F.S., or rule of the Board or Department. (484.014(1)(m)(n), F.S.) (456.072(1)(i), F.S.)	(m) No change to text.	(m) No change to text.	(m) No change to text.
(n) Exercising influence on a client for financial gain of the licensee or of a third party. (484.014(1)(n)(o), F.S.) (456.072(1)(n), F.S.)	(n) No change to text.	(n) No change to text.	(n) No change to text.

(o) Gross or repeated malpractice. (484.014(1)(o)( <del>+</del> ), F.S.)	(o) No change to text.	(o) No change to text.	(o) No change to text.
(p) Permitting any person not licensed as an optician in this state to fit or dispense any licenses, spectacles, eyeglasses, or other optical devices that are part of the practice of opticianry. (484.014(1)(p)( <del>+</del> ), F.S.)	(p) No change to text.	(p) No change to text.	(p) No change to text.
(q) Guilty of a crime directly relating to the ability to practice opticianry or to the practice of opticianry. (484.014(1)(q)( <del>+</del> ), F.S.) (456.072(1)(c), F.S.)	(q) No change to text.	(q) No change to text.	(q) No change to text.
(r) Action taken against license by another jurisdiction. Licensing authority's acceptance of a relinquishment of licensure, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of charges against the license, shall be construed as action against the license. (484.014(1)(r)( <del>+</del> ), F.S.) (456.072(1)(f), F.S.)	(r) No change to text.	(r) No change to text.	(r) No change to text.
(s) Being unable to practice opticianry 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. (484.014(1)(s)( <del>+</del> ), F.S.) (456.072(1)(y), F.S.)	(s) No change to text.	(s) No change to text.	(s) No change to text.
(t) Violation or repeated violation of Chapter 456 or 484, F.S., or any rules promulgated pursuant thereto. (484.014(1)(t)( <del>+</del> ), F.S.) (456.072(1)(b), (cc), F.S.)	(t) From reprimand and to suspension of the license, and an administrative fine ranging from \$250.00 to \$750.00, or refusal to certify an application for licensure.	(t) From probation to revocation of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.	(t) From suspension to revocation of the license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.

(4) through (6) No change.

Specific Authority 456.072(2)(d), 456.079, 484.005 FS. Law Implemented 456.072, 456.079, 484.014 FS. History—New 3-5-87, Amended 3-30-89, 4-22-90, 12-23-90, 1-27-93, Formerly 21P-8.020, Amended 5-2-94, Formerly 61G13-8.020, 59U-8.020, Amended 12-3-01, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Opticianry  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Opticianry  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 3, 2003  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 14, 2003

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE CHAPTER TITLE: Public Swimming Pools and Bathing Places	RULE CHAPTER NO.:  64E-9
RULE TITLES: General Definitions Forms Operational Requirements Construction or Modification Approval Construction Standards Recirculation and Treatment System Requirements Supervision and Safety Wading Pools Spa Pools Water Recreation Attractions and Specialized Pools Bathing Places Fee Schedule Enforcement Public Pool Service Technician Certification	RULE NOS.:  64E-9.001 64E-9.002 64E-9.003 64E-9.004 64E-9.005 64E-9.006  64E-9.007 64E-9.008 64E-9.009 64E-9.010  64E-9.011 64E-9.013 64E-9.015 64E-9.017 64E-9.018

PURPOSE AND EFFECT: Revise existing rules for the purpose of clarification, incorporate necessary technical changes and to provide for the protection of public health and safety.

SUMMARY: The rule will modify or clarify: Operational requirements, design criteria, construction standards, hydraulic requirements, permitting requirements, fees, definitions, a form, supervision and safety, enforcement criteria, service technician certification, and bathing places.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None 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: 381.0011, 381.006, 514.0115, 514.021, 514.03, 514.031, 514.033, 514.04, 514.05, 514.06, 514.071, 514.075 FS.

LAW IMPLEMENTED: 381.006, 381.0011, 381.0015, 381.0025, 386.01, 386.02, 386.03, 386.041, 386.051, 514.011, 514.0115, 514.021, 514.025, 514.028, 514.03, 514.031, 514.033, 514.04, 514.05, 514.06, 514.071, 514.075 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: 10:00 a.m. – 12:00 Noon, January 22, 2004

PLACE: Conference Room 301, Department of Health, 4042 Bald Cypress Way, Tallahassee, FL



Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the department at least seven days before the hearing by contacting: Bureau of Water Programs, (850)245-4240. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Robert Pryor, Department of Health, Bureau of Water Programs, Bin #C22, 4052 Bald Cypress Way, Tallahassee, FL 32399-1742, (850)245-4444, Ext. 2369

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-9.001 General.

(1) No change.

(2) This chapter prescribes minimum design, construction, and operation requirements.

(a) The department will accept dimensional standards for competition type pools as published by the National Collegiate Athletic Association, 2003 ~~1998~~; Federation Internationale de Natation Amateur (FINA), 2002-2005 ~~1998-2000~~ Handbook; 1998-1999 Official Rules of Diving & Code of Regulation of United States Diving Inc.; 2003 ~~1998~~ United States Swimming Rules and Regulation, and National Federation of State High School Associations, 2002-2003 ~~1997-1998~~, which are incorporated by reference in these rules.

(b) No change.

(3) through (4) No change.

Specific Authority 381.006, 381.0011, 514.021 FS. Law Implemented 381.006, 381.0011, 381.0025, 386.01, 386.02, 386.03, 386.041, 386.051, 514.011, 514.021, 514.03, 514.031, 514.05, 514.06 FS. History—New 10-5-93, Formerly 10D-5.130, Amended 12-27-98, \_\_\_\_\_.

64E-9.002 Definitions.

(1) “Advanced Level Swimmer” – A person able to swim unassisted for five minutes or more.

(2) “Bathing Load” – The maximum number of persons allowed in the pool or bathing place at one time.

(3) No change.

(4) “Collector Tank” – A reservoir, with a minimum of 3 square feet water surface area open to the atmosphere, from which the recirculation or feature pump takes suction, which ~~may~~ receives the gravity flow from the main drain line ~~and~~ surface overflow system or feature water source line.

(5) “Department” – The Department of Health, specifically, Division of Environmental Health ~~Environmental Health Services~~ and county health departments unless specified otherwise.

(6) “Effective Barrier” – A barrier which consists of a building, or equivalent structure, plus a ~~48~~ 42 inch minimum height chainlink fence on the remaining ~~three~~ sides or a continuous 48 inch minimum height ~~four-sided~~ fence. All access through the barrier must have one or more of the

following safety features: alarm, key lock or self-locking doors and gates. Safety covers that comply with the American Society for Testing Materials standard F1346 may also be considered as an effective barrier.

(7) through (30) No change.

(31) “Water Recreation Attraction” – A facility with design and operational features that provide patron recreational activity and purposefully involves immersion of the body partially or totally in the water. Water recreation attractions include water slides, ~~lazy~~ river rides, water course rides, water activity pools, interactive water features, and wave pools.

(32) No change.

(33) “~~Lazy~~ River Ride” – A water recreation attraction designed to convey bathers around a relatively flat course using an artificially created current.

(34) through (35) No change.

(36) “Wet Deck Area” – The four foot wide unobstructed pool deck area around the outside of the pool water perimeter, curb, ladders, handrails, diving boards, diving towers, ~~or~~ pool slides or other approved obstacles.

(37) No change.

(38) “Marking” or “Markings” – Refers to the placement and installation of visual marking cues to help patrons identify step, bench and swimout outlines, slope break location, depth designations, and NO ENTRY and NO DIVING warnings. When markings are specified by code to be dark the term dark shall mean a Munsell Color Value from zero to four.

Specific Authority 381.0011, 381.006, 514.021 FS. Law Implemented 381.0011, 381.0025, 381.006, 386.01, 381.02, 386.03, 386.041, 386.051, 514.011, 514.021, 514.03, 514.031, 514.05, 514.06, 514.071 FS. History—New 10-5-93, Formerly 10D-5.131, Amended 12-27-98, \_\_\_\_\_.

64E-9.003 Forms.

(1) through (a) No change.

(b) DH Form 920, Jan. 04 ~~Dec. 96~~, Public Pool and Bathing Place Inspection Report.

(c) DH 921, 3/98, Monthly Swimming Pool Report.

(2) No change.

Specific Authority 381.0011, 381.006, 514.021 FS. Law Implemented Part I Ch. 386, 381.0011, 381.0025, 381.006, 514.011, 514.0115, 514.021, 514.025, 514.03, 514.031, 514.033 FS. History—New 10-5-93, Formerly 10D-5.132, Amended 12-27-98, \_\_\_\_\_.

64E-9.004 Operational Requirements.

(1) thorough (b) No change.

(c) Clarity – The pool water shall be 0.5 ~~five tenths~~ or less NTU and the main drain grate must be readily visible from the pool deck.

(d) Chemical quality – Chemicals used in controlling the quality of the pool water shall be tested and approved using the National Sanitation Foundation (NSF) Standard 60, 1996a 1997, which is incorporated by reference in these rules and shall be compatible with other accepted chemicals used in pools. The following parameters shall be adhered to for pool water treatment:

1. pH – 7.2 to 7.8.

2. Disinfection – Free chlorine residual shall be 1 milligram per liter (mg/L) to 10 mg/L, inclusive, in conventional swimming pools and 2 mg/L to 10 mg/L, inclusive, in all other type pools such as spa-type pools and interactive water fountains; bromine residual shall be 1.5 mg/L to 10 mg/L, inclusive, in conventional swimming pools and 3 mg/L to 10 mg/L, inclusive, in all other type pools. Except that the following maximum disinfectant levels shall apply to indoor conventional swimming pools 5 mg/L free chlorine or 6 mg/L bromine. Free active chlorine residual shall be between 2 mg/L to 10 mg/L in spa type pools and between 1 mg/L to 5 mg/L in all other pools; bromine residual shall be between 3 mg/L to 10 mg/L in spa type pools and between 1 1/2 mg/L to 6 mg/L in all other pools.

3. When oxidation-reduction potential controllers are required used, the water potential shall be kept between 700 and 850 millivolts. Use of these units does not negate the manual daily testing requirement of subsection 64E-9.004(13), F.A.C.

4. Cyanuric acid – 100 mg/L maximum in pools and 40 mg/L in spa pools

5. Quaternary ammonium – 5 mg/L maximum

6. Copper – 1 mg/L maximum

7. Silver – 0.1 mg/L maximum

(2) Manual addition of chemicals will be allowed under special conditions and requires that the pool be closed prior to addition and for at least 1 hour period after addition or a longer period as necessary for sufficient and safe distribution of the chemical one pool turnover. After treatment for breakpoint chlorination and algae prevention, use of the pool can be resumed when the free chlorine levels drop to 10 five mg/L.

(3) through (6) No change.

(7) All equipment and appurtenances shall be kept in good repair.

(8) through (10) No change.

(11) Test kits are required to be on the premises of ~~at~~ all pools to determine free active chlorine and total chlorine using N,N-Diethyl-p-Phenylenediamine (DPD), N,N-Diethyl-p-phenylenediamine (DPD), or bromine level, total alkalinity, calcium hardness, and pH.

(a) The following test kits shall be provided if the corresponding chemicals are used: cyanuric acid, sodium chloride, quaternary ammonium and copper.

(b) When silver is added as a supplemental disinfectant, a water analysis must be done every six months and be submitted to the department upon request.

(c) A test kit may be used for multiple pools, provided the pools have common ownership and they are located on contiguous property.

(d) The test kit shall be capable of measuring the level of disinfectant in the normal operating range.

(12) Activity accessories such as volleyball and basketball nets may be used for designated times provided a clear four foot deck area is maintained behind the structures. When the pool is open for general use such accessories must be removed.

(13) The keeping of a daily record of information regarding pool operation, using the Monthly Swimming Pool Report – DH 921 3/98, obtained from the local county health department, shall be the responsibility of the pool owner or operator. Customized report forms may be substituted provided they contain the appropriate information and are acceptable to the department. The completed report shall reflect manually conducted pool water tests for pH and disinfectant levels at least once every 24 hours and shall be retained at the pool or submitted monthly as required by the local health department. DH 921, ~~3/98 May 81~~, may be obtained at the local county health department. For the purposes of daily testing of the pool water and keeping of the Monthly Swimming Pool Log, the requirements of Rule 64E-9.018, F.A.C., are not applicable.

(14) Should a fecal accident occur, the pool operator or owner shall consider the Centers for Disease Control's (CDC) guidelines for fecal accidents in swimming pools found on the internet web site: <http://www.cdc.gov/healthyswimming/>.

Specific Authority 381.0011, 381.006, 514.021 FS. Law Implemented Part I Ch. 386, 381.0011, 381.0025, 381.006, 514.021, 514.03, 514.031, 514.05, 514.06 FS. History—New 10-5-93, Formerly 10D-5.133, Amended 12-27-98,

64E-9.005 Construction or Modification Approval.

It is unlawful for any person(s) to begin construction or modification of any public pool without first having received written approval from the department. Unapproved pools and proposed modifications to previously approved aspects of pools shall satisfy the requirements of the rules in effect at the time of project plans submittal. The department shall allow flow velocities through the main drain and surface overflow system piping which exceed those specified in subsection ~~64E-9.007(8)~~ ~~64E-9.005(8)~~, F.A.C., when retrofitting the pool recirculation system with a collector tank. However, the design engineer must provide appropriate calculations justifying the design. The flow rate through the main drain grating shall not exceed 1.5 feet per second.

(1) Construction – In counties where the county health department is delegated authority to review and approve plans, projects shall be submitted by the design engineer directly to these county health departments. Projects in all other counties shall be submitted either to the Bureau of Water Programs, 4052 Bald Cypress Way, BIN C-22, Tallahassee, FL 32399-1742 or to the Bureau of Water Programs, 400 West Robinson Street, Suite S-532, Orlando, FL 32801-1752 as appropriate, Bureau of Facility Programs, 2020 Capital Circle SE, Bin A08, Tallahassee, FL 32399-1710.

(a) The following shall be submitted for each pool with a separate filter system. Except that when several pools are to be constructed at the same site, at the same time, those pools can

be submitted on the same set of plans. Each submittal shall include six sets of original applications and drawings or the number required by the reviewing entity, county health department:

1. Form DH 914.

2. Construction drawings of the project which contain sufficient detail to clearly apprise the department of the work to be undertaken which includes a site map with nearest cross streets and major thoroughfares, all views of the pool including dimensions, equipment area or enclosure, project layout and location, sanitary facility detail and location, a pool equipment list including the manufacturer or distributor names, model numbers, and catalog numbers or equipment description. All prints shall be drawn to a standard scale and shall be a minimum size of 18 × 24 inches and a maximum size of 36 × 42 inches. The details on the drawings shall be satisfactory for photographic reproduction. Color coded drawings are not acceptable. A four by six inch blank space shall be left vacant on the lower right hand corner or directly above the title block on each sheet.

3. Fees for each pool as required by Rule 64E-9.015, F.A.C.

(b) All drawings and applications shall be prepared, signed and sealed by a professional engineer, licensed in the State of Florida under provisions of Chapter 471, F.S., and shall fulfill the requirements of Section 471.025, F.S.

(c) If the initial application is not complete, the reviewing engineer shall request the information needed to complete the application.

(d) If the engineering plans are substantially in compliance with these rules, provisional approval shall be granted and the approval shall state all necessary corrective action to be completed prior to issuance of the operating permit. Provisional approvals require that a copy of the provisos be attached to each set of approved plans and the plans shall be marked provisional.

(e) Upon approval, the plans and applications not required for use by the department shall be delivered to the design engineer for distribution to the owner and pool contractor. There shall be one complete set of approved plans and documents on the pool construction site at all times during construction.

(f) Revision of approved plans prior to construction must have written approval from the department. Revision of plans after construction commencement shall be considered a modification.

(g) Individual pieces of equipment which are equivalent to equipment specified on the approved plans may be substituted during construction provided the engineer justifies the equivalency to the department along with the authorization application. Equipment packages, piping, and filters do not qualify for substitution without prior written plans approval from the department.

(h) If construction of the pool shell has not commenced within one year from the date of plans approval, the approval shall expire.

(i) Upon completion of the project the following shall be submitted for each pool to the reviewing entity:

1. Form DH916 bearing original signatures of all required signatories and the seal of the professional engineer and three copies.

2. Fees for each pool as required by Rule 64E-9.015, F.A.C.

(j) After satisfactory and timely correction of any deficiencies following the final construction inspection conducted by the department, the initial operating permit will be issued.

(2) Modifications – Modifications include non-equivalent changes or additions to the recirculation system, treatment equipment, physical structure, or appurtenances. Replacement of the pool or spa shell is considered to be construction of a new facility and shall be processed as such. The installation of new decking is not considered a modification if it is installed in conformance with paragraph 64E-9.006(2)(a), F.A.C., and deck markings are upgraded per subparagraph 64E-9.006(1)(c)3., F.A.C. Resurfacing the pool interior to original nontoxic slip-resistant and smooth specifications or equivalent replacement of equipment are not considered modifications. However, the following items shall be addressed during resurfacing projects:

(a) The lip of the gutter must be leveled to within 1/4 one-quarter inch between the highest and lowest point and the downward slope from the lip to the drain must be maintained as originally designed or increased, but shall not exceed new construction standards.

(b) Tile step markings stripes must be installed meeting the requirements of subparagraph 64E-9.006(1)(d)3., F.A.C.

(c) Where applicable the slope break marking must be installed meeting the requirements of sub-subparagraph 64E-9.006(1)(c)2.b., F.A.C., and the safety line must be installed two feet before the marking.

(d) Depth markers and NO DIVING markers must be installed in accordance with subparagraph 64E-9.006(1)(c)3., F.A.C.

(e) The pool ladder must have a three to six inch clearance from the pool wall.

(f) Should resurfacing works affect the step riser heights, no riser shall exceed 12 inches and the intermediate risers shall be made uniform.

(g) When fiberglass is used to resurface a pool any existing tile shall not be covered by the fiberglass finish.

(h) The County Health Department shall be notified in writing of any proposed pool resurfacing or upgrades to decking prior to commencement. The notification shall include an itemized list of all proposed work that is to be performed.

the license number of the contractor selected and shall indicate that all work will meet the requirements of paragraphs 64E-9.005(2)(a) through (g), F.A.C.

(i) Upon completion of the work the licensed contractor shall provide the County Health Department a letter bearing their license number which certifies that the work was completed in accordance with paragraphs 64E-9.005(2)(a) through (g), F.A.C.

(3) through (5) No changes.

(a) Only paints designated by the manufacturer as pool paints are used.

(6) The painting of pools shall not be considered a modification provided the following conditions are met:

(b) All step stripes, slope break markers and safety line, and depth and NO DIVING markings shall be tile and shall be provided so as to comply with the applicable subsection of 64E-9.005(2), F.A.C., of this rule.

(7) through (c) No change.

(d) Upon completion of the installation, a professional engineer or electrician licensed registered in the State of Florida or licensed electrician shall provide a letter, to the county health department, indicating the unit was properly installed in accordance with the typical drawings, the National Electrical Code and with local codes.

Specific Authority 381.0011, 381.006, 514.021 FS. Law Implemented 381.0011, 381.0025, 381.006, 386.01, 386.02, 386.03, 386.041, 386.051, 514.021, 514.025, 514.03, 514.031, 514.05, 514.06 FS. History--New 10-5-93, Formerly 10D-5.134, Amended 12-27-98,\_\_\_\_\_.

64E-9.006 Construction Standards.

(1) Pool Structure – Pools shall be constructed of concrete or other impervious and structurally rigid material. All pools shall be watertight, free from structural cracks and shall have a nontoxic smooth and slip resistant finish.

(a) Floors and walls shall be white or light pastel in color and shall have the characteristic of reflecting rather than absorbing light. A minimum 4 inch tile line shall be installed at the water line, but shall not exceed 12 inches in height if a dark color is used. Gutter type pools may substitute 2-inch tile along the pool wall edge of the gutter lip.

1. Any design or logo on the pool floor or walls shall be such that it will not hinder the detection of a human in distress, algae, sediment, or other objects in the pool and written approval must be obtained from the department prior to installation.

2. Pools that are not intended to be utilized for officially sanctioned competition may install lap lane markings provided they meet the following criteria: The markings must be 2 to 6 ~~four~~ inches wide, they must terminate five feet from the end wall in a “T” with the “T” bar at least 18 inches long, they must be placed at 7 ~~seven~~ foot intervals on center and be no closer than 4 ~~four~~ feet from any side wall, steps or other obstructions. A 2 to 6 ~~Up to 4~~ inch wide 18 inch × 18 inch target (+) may be installed on the pool wall. Tile used in less than 5 ~~five~~ feet of

water must be slip resistant ~~except for bullnose tile when utilized as step, bench or swimout markings.~~ Floating rope lines associated with lap lanes must not obstruct the entrance or exit from the pool and are prohibited when the pool is open for general use.

(b) Sizing The bathing load for conventional swimming pools and special purpose pools shall be computed on the basis of one person per five gallons per minute (gpm) of recirculation flow. The bathing load for wading pools and interactive water features shall be established by averaging one person per 20 ~~40~~ square feet of pool area and one person per 5 gallons per minute of filter rate. The bathing load for spa type pools shall be based on one person per each 10 square feet of surface area. The filtration system shall be capable of meeting all other requirements of these rules while providing a flowrate of at least one gallon per minute for each living unit at transient facilities and three-fourths gallon per minute at nontransient facilities. All other types of projects shall be sized according to the anticipated bathing load and proposed uses. For the purpose of determining minimum pool size only, the pool turnover period used cannot be less than three hours.

(c) Dimensions

1. Walls and corners – All pool walls shall have a clearance of 15 feet perpendicular to the wall. Offset steps and spa coves are exempt from this clearance requirement. Where interior steps protrude into the pool resulting in less than 15 feet of clearance from any wall such protrusion shall not exceed six feet on any perpendicular line from a tangent to any pool wall from which the steps emanate. The upper part of pool walls in areas five feet deep or less shall be within five degrees of vertical for a minimum depth of two and one-half feet from which point the wall may join the floor with a maximum radius equal to the difference between the pool depth and two and one-half feet. The upper part of pool walls in areas over five feet deep shall be within five degrees of vertical for a minimum depth equal to the pool water depth minus two and one-half feet from which point the wall may join the floor with a maximum radius of two and one-half feet. Corners shall be a minimum 90 degree angle. The corner intersections of walls which protrude or angle into the pool water area shall be rounded with a minimum radius of two inches.

2. Pool Floor Slope and Slope Transition – The radius of curvature between the floor and walls is excluded from these requirements. Multiple floor levels in pools are prohibited.

a. Floor slope shall be uniform. The floor slope shall be a maximum one foot vertical in ten feet horizontal and a minimum of one foot vertical in forty feet horizontal in areas five feet deep or less. The floor slope shall be a maximum one foot vertical in three feet horizontal in areas more than five feet deep.

b. Any transition in floor slope shall occur at a minimum of five feet of water depth. A slope transition must have a 2 to 6 ~~two~~ inch wide dark contrasting tile marking across the

bottom and must extend up both sides of the pool at the transition point. The marking shall be continuous except for necessary grouting. A slope transition must have a safety line mounted by use of recessed cup anchors, two feet before the contrasting marking, towards the shallow end. The safety line shall have visible floats at maximum seven foot intervals.

3. Depths and Markings – The minimum water depth shall be three feet in shallow areas and four feet in deep areas.

a. Permanent depth markings followed by the appropriate full or abbreviated words “FEET”, “FT”, or “INCHES”, “IN”, shall be installed in minimum four inch high numbers and letters on a contrasting background. Depth markers shall indicate the actual pool depth, within three inches, at normal operating water level when measured three feet from the pool wall. Symmetrical pool designs with the deep point at the center may be allowed provided a dual marking system is used which indicates the depth at the wall and at the deep point.

b. At a minimum, the ~~The~~ markings shall be located on both sides of the pool at the shallow end, slope break, deep end wall and deep point (if located more than five feet from the deep end wall), ~~with a maximum perimeter distance between depth markings of 25 feet and~~ Depth markings shall be legible from inside the pool and also from the pool deck. The maximum perimeter distance between depth markings is 25 feet. Pool size and geometry may necessitate additional depth marking placements about all sides of the pool to meet this requirement. When a curb is provided, the depth markings shall be installed on the inside and outside or top of the pool curb. When a pool curb is not provided, the depth markings shall be located on the inside vertical wall at or above the water level and on the edge of the deck within 2 ~~two~~ feet of the pool water. When open type gutter designs are utilized, depth markers shall be located on the back of the gutter wall.

c. When deck level perimeter overflow systems are utilized, additional depth marking signs ~~markers~~ shall be posted nearby or placed on adjacent fencing or walls and the size shall be increased so they are recognizable from inside the swimming pool. Alternatively tile depth markers may be placed at the top of the pool wall just under the water level. Depth markers placed on the pool deck shall be within 3 ~~three~~ feet of the water.

d. Those areas of the pool that are not part of an approved diving bowl shall have dark contrasting, ~~tile permanent~~, four inch high “NO DIVING” markings installed along the perimeter of the pool on the top of the pool curb or deck within two feet of the pool water ~~on each side of the pool~~ with a maximum perimeter distance of 25 feet between markings. A 6-inch tile with a 4-inch or larger red, international “NO DIVING” symbol may be substituted for the “NO DIVING” markings.

e. All ~~depth~~ markings shall be tile, except that other permanent markings deemed equivalent can be approved for use by the department on a case by case basis. ~~poor~~

~~constructed of fiberglass, thermoplastic or stainless steel may substitute other type markings when it can be shown that said markings are permanent and will not fade over time. This exemption does not extend to concrete pools that are coated with fiberglass. All depth and “NO DIVING” markings installed on horizontal surfaces shall~~ ~~must~~ have a slip resistant finish. Markings shall be flush with the surrounding area where placed and recessed if necessary. Pools that are not conducive to tile can employ other equivalent markings as stated above.

(d) Access – All pools shall have a means of access every 75 feet of pool perimeter with a minimum of two, located so as to serve both ends of the pool. When the deep portion of the pool is over 30 feet wide both sides of this area shall have a means of access. Access shall consist of ladders, stairs, recessed treads or swimouts and may be used in combination. All treads shall have a slip resistant surface.

1. Ladders – Ladders shall be of the crossbraced type and shall be constructed of corrosion resistant materials and be securely anchored into the pool deck. Clearance between the ladder and pool wall shall be between three to six inches. Ladders shall extend at least 28 inches above the pool deck. Ladder bottom braces shall have intact end caps or bumpers that rest firmly against the pool wall.

2. Recessed Treads – Recessed treads shall be installed flush with the wall and shall be a minimum five inches wide, 10 inches long, with a maximum vertical distance of 12 inches between treads.

3. Stairs – Stairs shall have a minimum tread width of 10 inches and a maximum width of 48 inches for a minimum tread length of 24 inches and a maximum riser height of 10 inches. Treads and risers between the top and bottom treads shall be uniform to within 1/2 inch in width and height. The riser heights shall be measured at the marked step edges and the differences in elevation shall be considered the riser heights.

The front 3/4ths ~~threefourths~~ to 2 ~~two~~ inches of the tread and the top 2 ~~two~~ inches of the riser shall be tile, dark in color, contrasting with the interior of the pool. Tile shall be slip resistant. Bullnose tile may be used when the 3/4ths inch segment is placed on the tread or horizontal surface and the 2 inch segment is placed on the riser or vertical surface. ~~All markings shall be tile, except that pools constructed of fiberglass, thermoplastic or stainless steel may substitute other type markings when it can be shown that said markings are permanent and will not fade over time. This exception does not extend to concrete pools that are coated with fiberglass.~~

4. Swimouts – Swimouts shall extend 18 to 24 inches back from the pool wall, shall be 4 to 5 feet wide, shall be a maximum of 12 inches below the deck, unless stairs are provided in the swimout, and shall be located only in areas of the pool greater than 5 feet deep. Pools that do not utilize a continuous perimeter overflow system must provide a wall return inlet in the swimout for circulation. A permanent dark contrasting colored band of tile shall be installed at the

intersection of the pool wall and the swimout and must extend two inches on the horizontal and vertical surfaces. Tile must be slip resistant, ~~except that Bullnose tile may be substituted and installed in accordance with subparagraph 64E-9.006(1)(d)3., F.A.C., above.~~

5. Handrails and Grabrails – Handrails shall be provided for all stairs, shall be anchored in the bottom step and the deck. Where “figure 4” deck mounted type handrails are used, they shall be anchored in the deck and extend laterally to any point vertically above the bottom step. ~~A grabrail shall be provided for all swimouts and shall not protrude more than six inches over the water surface.~~ Grabrails must be mounted in the pool deck at each side of recessed steps. Handrails and grabrails shall extend at least 28 inches above the step edge and deck.

6. Permanent or portable steps, ramps, handrails, lifts, or other devices designed to accommodate handicapped individuals in swimming pools may be provided. Lifts mounted into the pool deck shall have a minimum four foot wide deck behind the lift mount.

(e) The pool water area shall be unobstructed by any type structure unless justified by engineering design as a part of the recirculation system. Engineering design and material specifications shall show that such structures will not endanger the pool patron, can be maintained in a sanitary condition and will not create a problem for sanitary maintenance of any part of the pool, pool water, or pool facilities. Structures in accord with the above shall not be located in a diving bowl area or within 15 feet of any pool wall.

1. Stairs, ladders and ramps, necessary for entrance/exit from the pool are not considered obstructions.

2. Underwater seat benches may be installed in areas less than five feet deep. Bench seats must be 14 to 18 inches wide and must have a dark contrasting tile marking on the seat edge extending two inches on the horizontal and vertical surface. ~~Tile If tile is used it must be slip resistant, except that Bullnose tile may be substituted and installed in accordance with subparagraph 64E-9.006(1)(d)3., F.A.C. Benches shall not protrude into the 15 foot clearance requirement of subparagraph 64E-9.006(1)(c)1., F.A.C.~~

(f) The vertical clearance above the pool deck shall be at least seven feet.

(g) Diving Areas – Diving facilities shall meet the minimum requirements of the FINA dimensions for diving facilities in accordance with the 1998-2000 FINA Handbook.

1. Diving boards or platforms with heights of less than the established standard shall meet the dimensional requirements of the next greater height.

2. Diving boards, platforms and ladders shall have a nonabsorbent, slip resistant finish and be of sufficient strength to safely carry the anticipated loads. Diving equipment one meter and greater shall have guard rails which ~~are at least 36 inches above the diving board and~~ extend to the edge of the pool wall. All diving boards over 21 inches from the deck shall

be provided with a ladder. Diving boards or platforms shall not be installed on curved walls where the wall enters into the defined rectangular diving area specified in this section. Adjacent platform and diving boards shall be parallel.

3. The location of pool ladders shall be such that the distance from the ladder to any point on a diving board or platform centerline is not less than the plummet to side wall dimension (b) indicated in the FINA standards. Trampoline type diving facilities are prohibited.

4. Diving targets may be installed in accordance with FINA standards.

(2) Pool Appurtenances.

(a) through 1. No change.

2. Ten percent of the deck along the pool perimeter may be obstructed. Obstructions shall have a wet deck area behind or through them, with the near edge of the walk within 15 feet of the water except approved slide obstructions shall have the near edge of the walk within 35 feet of the water. These obstructions must be protected by a barrier or must be designed to discourage patron access. When an obstruction exists in multiple areas around the pool the minimum distance between obstructions shall be four feet.

3. Food or drink service facilities shall not be located within 12 feet of the water's edge.

(b) No change.

(c) Lighting – Artificial lighting shall be provided at all swimming pools which are to be used at night or which do not have adequate natural lighting so that all portions of the pool, including the bottom, may be readily seen without glare.

1. Outdoor pool lighting – Overhead lighting shall provide a minimum of three foot candles of illumination at the pool water surface and the pool wet deck surface. Underwater lighting shall be a minimum of one-half watt per square foot of pool water surface area.

2. Indoor pool lighting – Overhead lighting shall provide a minimum of 10 foot candles of illumination at the pool water surface and the pool wet deck surface. Underwater lighting shall be a minimum of eight-tenths watt per square foot of pool surface area.

3. Underwater lighting – Underwater lighting shall utilize transformers and low voltage circuits with each underwater light being grounded. The maximum voltage for each light shall be 15 volts and the maximum incandescent lamp size shall be 300 watts. The location of the underwater lights shall be such that the underwater illumination is as uniform as possible and shall not be less than 18 inches below the normal operating water level. All underwater lights which depend upon submersion for safe operation shall have protection from overheating when not submerged. Underwater lighting requirements can be waived when the overhead lighting provides at least 15 foot candles of illumination at the pool water surface and pool wet deck surface. Alternative lighting systems which do not utilize electricity in the pool or on the

pool deck, such as fiber optic systems, may be utilized if the applicant demonstrates to reasonable certainty that the system development has advanced to the point where the department is convinced that the pool illumination is equal to the requirements in subparagraph 1. and 2. above.

4. Overhead wiring – Overhead service wiring shall not pass within an area extending a distance of 10 feet horizontally away from the inside edge of the pool walls, diving structures, observation stands, towers, or platforms.

(d) Electrical Equipment and Wiring –

1. Electrical equipment wiring and installation including the grounding of pool components shall conform with the National Electrical Code, 1996 Edition, which is incorporated by reference in these rules and shall comply with applicable local codes. Written evidence shall be provided from the electrical contractor or the electrical inspector of compliance with the National Electrical Code.

(e) Equipment Enclosures, Area or Rooms – Equipment designated by the manufacturer for outdoor use may be located in an equipment area, all other equipment must be located in an equipment room or enclosure. Plastic pipe subject to a period of prolonged sunlight exposure must be coated to protect it from ultraviolet light degradation. An equipment area shall be surrounded with a fence ~~four sided fencing provided it is~~ at least four feet high on all sides not confined by a building or equivalent structure with a ~~self-closing and self-latching gate with a permanent locking device shall be provided if necessary for access.~~ An equipment room shall be protected on at least three sides and overhead. The fourth side may be a gate, fence, or open if otherwise protected from unauthorized entrance. An equipment enclosure shall be lockable or otherwise protected from unauthorized access. The equipment enclosure, area or room floor shall be of concrete or other nonabsorbent material having a smooth slip resistant finish and shall have positive drainage, including a sump pump if necessary. Ancillary equipment, such as a heater, not contained in an equipment enclosure or room shall necessitate an equipment area as described above.

1. Ventilation and Access – Equipment enclosures or rooms shall have either forced draft or cross ventilation. All below grade equipment rooms shall have a stairway access with forced draft ventilation or a fully louvered door and louvered vent on at least one other side. The opening to the equipment room or area shall be a minimum of three feet by six feet and shall provide easy access to the equipment. A hose bibb with vacuum breaker shall be located in the equipment room or area.

2. Size and Lighting – The size of the equipment enclosure, room or area shall provide working space to perform routine operations. Clearance shall be provided for all equipment as prescribed by the manufacturer to allow normal maintenance operation and removal without disturbing other piping or equipment. Equipment enclosures, rooms or areas

shall not be used for storage of chemicals emitting corrosive fumes or for storage of other items to the extent that entrance to the room for inspection or operation of the equipment is impaired. In rooms with fixed ceilings, the minimum height shall be seven feet. Equipment enclosures, rooms or areas shall be lighted to provide 30 foot candles of illumination at floor level.

(f) Sanitary Facilities – Separate sanitary facilities shall be provided and labeled for each sex and must be located within a 200 foot walking distance ~~radius~~ of the nearest water’s edge of each pool served by the facilities.

1. Fixtures shall be provided as indicated on the following chart:

Size of Pool (square feet)	Men’s Restroom			Women’s Restroom	
	Urinals	WC	Lavatory	WC	Lavatory
0 – 2500	1	1	1	1	1
2501-5000	2	1	1	5	1
5001-7500	2	2	2	6	2
7501-10000	3	3	3	9	3

An additional set of fixtures shall be provided in the men’s restroom for every 5000 square feet or major fraction thereof for pools greater than 10,000 square feet. Women’s restrooms must have a ratio of three to two water closets provided for women to the combined total of water closets and urinals provided for men.

2. Outside access to facilities shall be provided for bathers at outdoor pools and if they are not visible from any portion of the pool deck, signs shall be posted showing directions to the facilities. These directions shall be legible from any portion of the pool deck and the letters shall be a minimum of one inch high.

3. Sanitary facility floors shall be constructed of concrete or other nonabsorbent materials and shall have a smooth slip resistant finish and shall slope to floor drains. Carpets, duckboards and footbaths are prohibited. The intersection between the floor and walls must be covered.

4. Poolside sanitary facilities are not required if all living units are within a 200 foot horizontal radius of the nearest water’s edge, are not over three stories in height, unless served by an elevator, and are each equipped with private sanitary facilities.

5. A hose bibb with vacuum breaker shall be provided near each restroom to allow for ease of cleaning.

6. When multiple fixture sets are required and separate facilities are provided for each sex the fixtures used in ancillary family style restrooms can be used to meet the requirements of subparagraph 64E-9.006(2)(f)1., F.A.C.

7. Diaper changing tables shall be provided at facilities that cater to families with small children.

(g) Rinse shower – A minimum of one rinse shower shall be provided on the pool deck of all outdoor pools within 20 feet of the nearest pool water’s edge.

(h) All public pools shall be surrounded by a minimum 48 inch high fence. The fence shall be continuous around the perimeter of the pool area that is not otherwise blocked or obstructed by adjacent buildings or structures and shall adjoin with itself or abut to the adjacent members. Access through the barrier other than from doored exits of adjacent building(s) shall be through self-closing self-latching lockable gates of 48 inch minimal height with the latch located a minimum of 54 inches from the bottom of the gate or at least 3 inches below the top of the gate on the pool side. Gates shall open outward away from the pool area. Consideration shall be given to the U.S. Consumer Product Safety Commission (CPSC) Pub. No. 362 guidelines. Safety Covers that comply with ASTM Standard F1346 do not satisfy this requirement.

Specific Authority 381.0011, 381.006, 514.021 FS. Law Implemented 381.0011, 381.0025, 381.006, 386.01, 386.02, 386.03, 386.041, 386.051, 514.021, 514.03, 514.031, 514.05, 514.06 FS. History—New 10-5-93, Formerly 10D-5.135, Amended 12-27-98,\_\_\_\_\_.

64E-9.007 Recirculation and Treatment System Requirements.

(1) through (2) No change.

(3) The design pattern of recirculation flow shall be 100 percent through the main drain piping and 100 percent through the perimeter overflow system or 60 percent through the skimmer system.

(a) Perimeter overflow gutters – The lip of the gutter shall be uniformly level with a maximum tolerance of one-fourth inch between the high and low areas. The bottom of the gutter shall be level or slope to the drains. The spacing between drains shall not exceed 10 feet for two inch drains or 15 feet for two and one-half inch drains, unless hydraulically justified by the design engineer. The gutter lip shall be tiled with a minimum of 2 inch<sup>22</sup> tile on the pool wall, except that stainless steel gutters are exempt from this requirement.

1. Either recessed type or open type gutters shall be used. Special designs can be approved provided they are within limits of sound engineering practice. Recessed type gutters shall be at least four inches deep and four inches wide, and no part of the recessed gutter shall be visible from a position directly above the gutter sighting vertically down the edge of the deck or curb. Open type gutters shall be at least six inches deep and 12 inches wide. The back vertical wall of the gutter shall be tiled with glazed tile. The gutter shall slope downward ~~2~~ two inches, plus or minus 1/4 ~~one-fourth~~ inch, from the lip to

the drains. When open type gutters are located at pool steps and the gutter is used as a step tread, the gutter slope may be reduced to 1 inch in the area of the steps. The gutter drains shall be located at the deepest part of the gutter and shall be flush with the surrounding area or be recessed no more than 3/8 inch.

2. through 3. No change.

(b) No change.

(4) Pumps – If the pump or suction piping is located above the water level of the pool, the pump shall be selfpriming. Pumps that take suction prior to filtration shall be equipped with a hair and lint strainer. The recirculation pump shall be selected to provide the required recirculation flow against a minimum total dynamic head of 60 feet unless hydraulically justified by the design engineer. Vacuum ~~D.E.~~ filter systems pumps shall provide at least 50 feet of total dynamic head. Should the total dynamic head required not be appropriate for a given project, the design engineer shall provide an alternative.

(5) Filters – Filters sized to handle the required recirculation flow shall be provided.

(a) Filter capacities – The maximum filtration rate in gallons per minute per square foot of filter area shall be: fifteen (twenty if so approved utilizing the procedure stated in subsection 64E-9.007(1), F.A.C.) for high rate sand filters, three for rapid sand filters, three-hundred-seventy-five thousandths for pleated cartridge filters and two for Diatomaceous Earth (D.E.) filters.

(b) Filter Appurtenances.

1. Pressure filter systems shall be equipped with an air relief valve, influent and effluent pressure gauges with minimum face size of two inches reading 0-60 pounds per square inch (psi), and a sight glass when a backwash line is required.

2. Vacuum filter systems shall be equipped with a vacuum gauge which has a two inch face and reads from 0-30 inches of mercury.

3. Precoat – A precoat pot or collector tank shall be provided for D.E. systems.

(c) No change.

(6) through (7) No change.

(8) Flow Velocity – Pressure piping shall not exceed 10 ~~8~~ feet per second, except that precoat lines with higher velocities may be used when necessary for agitation purposes. The flow velocity in suction piping shall not exceed six feet per second except that flow velocities up to 10 feet per second in filter assembly headers will be acceptable. Main drain systems and surface overflow systems which discharge to collector tanks shall be sized with a maximum flow velocity of three feet per second. The filter and vacuuming system shall have the necessary valves and piping to allow filtering to pool, vacuuming to waste, vacuuming to filter, complete drainage of the filter tank, backwashing for sand and pressure D.E. filters and precoat recirculation for D.E. filters.



(9) Inlets – All inlets shall be adjustable with wall type inlets being directionally adjustable and floor type inlets having a means of flow adjustment. Floor inlets shall be designed and installed such that they do not protrude above the pool floor and all inlets shall be designed and installed so as not to constitute sharp edges or protrusions hazardous to pool bathers. Wall inlets shall be installed a minimum of 12 inches below the normal operating water level unless precluded by the pool depth or intended for a specific acceptable purpose.

(a) Pools 30 feet in width or less, with wall inlets only shall have enough inlets such that the inlet spacing does not exceed 20 feet based on the pool water perimeter.

(b) Pools 30 feet in width or less with floor inlets only shall have a number of inlets provided such that the spacing between adjacent inlets does not exceed 20 feet and the spacing between inlets and adjacent walls does not exceed 10 feet.

(c) A combination of wall and floor inlets may be used in pools 30 feet in width or less only if requirements of (a) or (b) are fully met.

(d) Pools greater than 30 feet in width with floor inlets only shall have a number of floor inlets provided such that the spacing between adjacent inlets does not exceed 20 feet and the spacing between inlets and an adjacent wall does not exceed 10 feet.

(e) Pools greater than 30 feet in width may have a combination of wall and floor inlets provided the number of wall inlets is such that the maximum spacing between wall inlets is 20 feet and floor inlets are provided for the pool water area beyond a 15 feet perpendicular distance from all walls. The number of floor inlets shall be such that the spacing between adjacent inlets does not exceed 20 feet and the distance from a floor inlet and an adjacent wall does not exceed 25 feet. ~~Floor inlets shall be designed and installed such that they do not protrude more than fiveeighths inch above the pool floor and all inlets shall be designed and installed so as not to constitute sharp edges or protrusions hazardous to pool bathers.~~

(f) The flow rate through each inlet shall not exceed 20 ±5 gpm.

(10) Main Drain Outlets – All pools shall be provided with an outlet at the deepest point.

(a) The depth at the outlet must not deviate more than three inches from the side wall depth marking unless designed and approved as such and dual depth markings are used.

(b) Outlets must be covered by a secured grating which requires the use of a tool to remove and whose open area is such that the maximum velocity of water passing through the openings does not exceed one and one-half feet per second at 100 percent of the design recirculation flow.

(c) Multiple outlets, equally spaced from the pool side walls and from each other, shall be installed in pools where the deep portion of the pool is greater than 30 feet in width.

(d) If the area is subject to high ground water, the pool shall be designed to withstand hydraulic uplift or shall be provided with hydrostatic relief devices.

(e) The main drain outlet shall be connected to a collector tank. The capacity of the collector tank shall be at least one minute of the recirculated flow unless justified by the design engineer. Vacuum filter tanks are considered collector tanks.

(f) Main drain outlet grates shall be flat and flush with the surrounding area.

(11) No change.

(12) Cleaning system – A portable or plumbed in vacuum cleaning system shall be provided. All vacuum pumps shall be equipped with hair and lint strainers. Recirculation pumps shall not be used for vacuuming purposes when in excess of 2 horsepower. When the system is plumbed in, the vacuum fittings shall be located to allow cleaning the pool with a 50 foot maximum length of hose. Vacuum fittings shall be mounted no more than 15 ~~approximately 12~~ inches below the water level, flush with the pool walls, and shall be provided with a spring loaded safety cover ~~or flush plug cover~~ which shall be in place at all times ~~when the pool is not being vacuumed~~. Bag type cleaners which operate as ejectors on potable water supply pressure must be protected by a vacuum breaker. Cleaning devices shall not be used while the pool is open to bathers.

(13) No change.

(14) Heaters – Pool heaters shall comply with nationally recognized standards acceptable to the department and to the design engineer. Pools equipped with heaters shall have a fixed thermometer mounted in the pool recirculation line downstream from the heater outlet. Thermometers mounted on heater outlets do not meet this requirement. A sketch of any proposed heater installation including valves, thermometer, pipe sizes, and material specifications shall be submitted to the department and authorization obtained and permitted prior to installation. Piping and influent, effluent and bypass valves which allow isolation or removal of the heater from the system shall be provided. Materials used in solar and other heaters shall be non-toxic and acceptable for use with potable water. Heaters shall not prevent the attainment of the required turnover rate. Heaters shall comply with applicable heating codes.

(15) Pool waste water disposal – Pool waste water shall be discharged through an air gap; disposal shall be to sanitary sewers, storm sewers, drainfields, or by other means, in accordance with local municipal and building official requirements including obtaining all necessary permits. Each waste line shall have a unique air gap. Waste lines from different sources (e.g. pool, spa, overflow, sump pump) shall not be tied together, but may discharge into a common sump or receptacle after the air gap. Disposal of water from pools using D.E. powder shall be accomplished through separation tanks which are equipped with air bleed valves, bottom drain lines,

and isolation valves, or through a settling tank with final disposal being acceptable to local authorities. D.E. separator tanks shall have a capacity as rated by the manufacturer, equal to the square footage of the filter system. All lines shall be sized to handle the expected flow. There shall not be a direct physical connection between any waste or drain line from a pool or recirculation system and any sewer line. Waste D.E. powder shall be collected and disposed of in a manner acceptable to local authorities and solid waste collectors.

(16) Disinfection and pH adjustment shall be added to the pool recirculation flow using automatic feeders meeting the requirement of NSF Standard 50-1996. All chemicals shall be fed into the return line after the pump, heater and filters unless the feeder was designed by the manufacturer and approved by the NSF to feed to the collector tank or to the suction side of the pump. Feeding chlorinated isocyanurates disinfectant is prohibited on spas, wading pools and interactive water features. Dual or multiuse feeders can be used if approved for and feeding an acceptable rate of alternate disinfectant.

(a) No change.

(b) Hypohalogenation and Electrolytic chlorine generators – The hypohalogenation type feeder and electrolytic chlorine generators shall be adjustable from zero to full range. A rate of flow indicator is required on erosion type feeders. The feeders shall be capable of continuously feeding a dosage of 6 ~~six~~ mg/L to the minimum required turnover flow rate of the filtration systems. Solution feeders shall be capable of feeding the above dosage using a ten percent sodium hypochlorite solution, or five percent calcium hypochlorite solution, whichever disinfectant is to be utilized at this facility. To prevent the disinfectant from siphoning or feeding directly into the pool or pool piping under any type failure of the recirculation equipment, an electrical interlock with the recirculation pump shall be incorporated into the system for electrically operated feeders. A flow sensor controller can also be used to turn off the feeders when flow is not sensed. The minimum size of the solution reservoirs shall be at least 50 percent of the maximum daily capacity of the feeder. The solution reservoirs shall be marked to indicate contents.

(c) Feeders for pH adjustment – Feeders for pH adjustment shall be provided on all pools, ~~except spa pools of less than 100 square feet of pool water surface area and pools utilizing erosion type chlorinators feeding chlorinated isocyanurates.~~ pH adjustment feeders shall be positive displacement type, shall be adjustable from zero to full range, and shall have an electrical interlock with the circulation pump to prevent discharge when the recirculation pump is not operating. When soda ash is used for pH adjustment, the maximum concentration of soda ash solution to be fed shall not exceed one-half pound soda ash per gallon of water. Feeders for soda ash shall be capable of feeding a minimum of three gallons of the above soda ash solution per pound of gas chlorination capacity. The minimum

size of the solution reservoirs shall not be less than 50 percent of the maximum daily capacity of the feeder. The solution reservoirs shall be marked to indicate the ~~type of~~ contents.

(d) through 3. No change.

4. The injection point for ozone generating equipment shall be located in the pool return line after the filtration and heating equipment, prior to the halogen injection point, and as far as possible from the nearest pool return inlet with a minimum distance of four feet. Injection methods shall include a mixer, contact chamber, or other means of efficiently mixing the ozone with the recirculated water. The injection and mixing equipment shall not prevent the attainment of the required turnover rate of the recirculation system. Ozone generating equipment shall be equipped with a check valve between the generator and the injection point. Ozone generating equipment shall be equipped with an air flow meter and a means to control the flow. The generator shall be electrically interlocked with the recirculation pump to prevent the feeding of ozone when the recirculation pump is not operating. A flow sensor controller can also be used to turn off the feeder when flow is not sensed.

5. Ventilation requirements – Ozone generating equipment shall be installed in equipment rooms with either forced draft or cross draft ventilation. Below grade equipment rooms with ozone generators shall have forced draft ventilation and all equipment rooms with forced draft ventilation shall have the fan control switch located outside the equipment room door. The exhaust fan intake for forced draft ventilation and at least one vent grille for cross draft ventilation shall be located at floor level.

6. A self-contained breathing apparatus designed and rated by its manufacturer for use in ozone contaminated air shall be provided when ozone generator installations are capable of exceeding the maximum pool water ozone contact concentration of 0.1 milligrams per liter (mg/L). The self-contained breathing apparatus shall be available at all times and shall be used at times when the maintenance or service personnel have determined that the equipment room ozone concentration exceeds 10 mg/L. Ozone generator installations which require the self-contained breathing apparatus shall also be provided with Draeger type detector tube equipment which is capable of detecting ozone levels of 10 mg/L and greater.

7. In lieu of the above self contained breathing apparatus an ozone detector capable of detecting 1 mg/L may be used. Said detector must be capable of stopping the production of ozone, venting the room and sounding an alarm once ozone is detected.

(e) Ionization units may be used as supplemental water treatment on public pools subject to the condition of this paragraph.

1. Ionization equipment and electrical components and wiring shall comply with the requirements of the National Electrical Code and the manufacturer shall provide a certification of conformance.

2. Ionization equipment shall meet the NSF's Standard 50-1992, Circulation System Components and Related Materials for Swimming Pools, Spas/Hot Tubs, or equivalent, shall meet UL standards and shall be electrically interlocked with recirculation pump.

(17) Water features such as waterfalls or fountains in pools may use up to 20% of the return water from the filter system, however all waters used in the feature shall not be counted toward attaining the designed turnover rate. Return piping system shall be designed and capable of handling the additional feature flow when the feature is turned off. Features that require more than 20% of the flow rate shall be supplied by an additional pump that drafts from a suitable collector tank.

Specific Authority 381.0011, 381.006, 514.021 FS. Law Implemented 381.0011, 381.0025, 381.006, 386.01, 386.02, 386.03, 386.041, 386.051, 514.021, 514.03, 514.031, 514.05, 514.06 FS. History—New 10-5-93, Formerly 10D-5.136, Amended 12-27-98, \_\_\_\_\_.

64E-9.008 Supervision and Safety.

(1) All owners, managers, lifeguards or swimming instructors in charge of, or working at, public swimming pools shall be responsible for the supervision and safety of the pool.

(a) Lifeguards or swimming instructors, if provided, shall be in full charge of persons using the pool and shall have authority to enforce all rules. Lifeguards and swimming instructors shall be certified in lifeguarding or swimming instruction, respectively, by the American Red Cross, the YMCA or other equivalent national aquatic training agencies which meet the established standards, objectives and standards of care provided in the American Red Cross or YMCA programs. For the purpose of this rule, the standards found in the ~~2000~~ ~~1995~~ edition of the American Red Cross Lifeguarding Instructors Manual, the 1995 ~~6~~ edition of the American Red Cross Water Safety Guide for Training Instructors, the On the Guard II, The YMCA Lifeguard Manual, ~~Fourth~~ ~~Third~~ Edition, ~~(YMCA) The Youth and Adult Aquatic Program Manual~~ ~~YMCA Progressive Swimming, Instructor's Guide (1999~~ ~~1992)~~, and ~~the Y Skippers (YMCA) The Parent/Child and Preschool Aquatic Program Manual~~ ~~An aquatic Program for Children Five and Under (1999~~ ~~1997)~~, are hereby adopted by reference.

(b) through (e) No change.

(2) Safety Equipment – All swimming pools shall be provided with a shepherd's hook securely attached to a one piece pole not less than 16 feet in length, and at least one 18 inch diameter lifesaving ring with sufficient rope attached to reach all parts of the pool from the pool deck. Safety equipment shall be mounted in a conspicuous place and be readily available for use. Pools greater than 50 feet in length

shall have multiple units with at least one shepherd's hook and one lifesaving ring located along each of the longer sides of the pools. Spa pools and wading pools under 200 square feet of surface area, and interactive water features or wading pools with two feet or less of water depth are exempt from this requirement.

(3) through (5) No change.

(6) Swimming pool slides shall be installed in accordance with manufacturer's specifications and sound engineering practice. Pools with slides acceptable to the department may not need to satisfy those of slide plunge pools in subsection 64E-9.011(2), F.A.C., however, the need for increased turnover shall be taken into consideration.

(7) Rules and regulations — Rules and regulations for bathers shall be posted in minimum ~~one~~ inch letters which must be legible from the pool deck, and shall contain the following:

1. No food, drink, glass or animals in pool or on pool deck.
2. Bathing load: \_\_\_ persons.
3. Pool hours: \_\_ a.m. to \_\_ p.m.
4. Shower before entering.

Pools of 200 square feet in area or greater without an approved diving well configuration shall have "NO DIVING", in four inch letters included with the above listed pool rules.

(8) through (9) No change.

Specific Authority 381.0011, 381.006, 514.021 FS. Law Implemented 381.0011, 381.0015, 381.0025, 381.006, 386.01, 386.02, 386.03 386.041, 386.051, 514.021, 514.03, 514.031, 514.05, 514.06, 514.071 FS. History—New 10-5-93, Formerly 10D-5.137, Amended 12-27-98, \_\_\_\_\_.

64E-9.009 Wading Pools.

(1) Wading pools shall meet the requirements of Rules 64E-9.001 through 64E-9.008, F.A.C., unless otherwise indicated. Wading pools and associated piping shall not be physically connected to any other swimming pools and have no minimum width dimensions requirements.

(2) Depths – Wading pools shall have a maximum depth of ~~2~~ ~~two~~ feet. The depth at the perimeter of the pool shall be uniform and shall not exceed 12 inches. Where recessed automatic surface skimmers are used, the pool floor shall not be more than 12 inches below the deck unless steps and handrails are provided. Depth and NO DIVING markers are not required on wading pools.

(3) Recirculation – Wading pools shall have a minimum of one turnover every one hour. Lines from main drains shall discharge into a collector tank.

(a) Skimmer equalizer lines when required shall be installed in the pool floor with a grate covering.

(b) The grate cover shall be sized so as not to allow the flow to exceed ~~1.5~~ ~~one and one-half~~ feet per second (fps) when the equalizer line is operating.

(4) through (5) No change.

(6) ~~Vacuuming – Wading pools with 200 square feet or more of pool water surface area shall have no provisions for direct suction vacuuming where the vacuum port is in the pool floor or pool wall or accessible to patrons. Wading pools of less than 200 square feet are not required to have a vacuuming method provided. Wading pools 200 square feet or larger shall provide for vacuuming through the skimmer, a portable vacuum system or an alternative approved method that does not involve a direct suction port in the pool. The Department recommends that all existing direct suction apparatus be removed for bather safety.~~

(7) Wading pool decks – When adjacent to swimming pools, wading pools shall be enclosed and separated from the swimming pool by a fence of a minimum of 48 inches in height with self-latching and self-closing gates or other similar type barrier. Wading pools shall have a minimum 10 foot wide deck around at least 50 percent of their perimeter with the remainder of the perimeter deck being at least four feet wide. There shall be at least 10 feet between adjacent swimming pools and wading pools.

(8) Wading pools are exempt from underwater lighting requirements but do require overhead lighting of 10 foot-candles if indoors or 6 foot-candles for outdoor night use. Such illumination shall be provided over the pool water surface and the pool deck surface.

(9) Automated Oxidation Reduction Potential (ORP) and pH controllers with sensing probes shall be provided to assist in maintaining proper disinfection and pH levels.

Specific Authority 381.0011, 381.006, 514.021 FS. Law Implemented 381.0011, 381.0025, 381.006, 386.01, 386.02, 386.03, 386.041, 386.051, 514.021 FS. History—New 10-5-93, Formerly 10D-5.138, Amended 12-27-98, \_\_\_\_\_.

64E-9.010 Spa Pools.

(1) through (2) No change.

(3) Water depths – Spa type pools shall have a minimum water depth of 2 1/2 feet and a maximum water depth of ~~4~~ four feet, except that swim spa pools may have a maximum water depth of ~~5~~ five feet. Depth markers and NO DIVING markers are not required on spa type pools with 200 or less square feet of water surface area.

(4) through (5) No change.

(6) Therapy or jet systems –

(a) The return lines of spa type therapy or jet systems shall be independent of the recirculation-filtration and heating systems.

(b) Therapy or jet pumps shall take suction from the collector tank. Collector tank sizing shall take this additional gallonage into consideration.

(c) Cold plunge spas do not require a therapy or jet system.

(d) Heated systems shall incorporate a 15 minute patron activated timer on the therapy pump circuit.

(7) through (10) No change.

(11) Bench seat edges shall be marked in accordance with subparagraph 64E-9.006(1)(e)2., F.A.C. When spa pools are part of a conventional swimming pool, the spa pool area shall be offset from the main pool area with the same water depth as the main pool area. The spa pool shall meet all the spa pool requirements of this chapter, and the deck area at the spa shall be protected by connected 30 inch high stanchions. The deck perimeter at the offset spa area shall not exceed 15 percent of the entire swimming pool perimeter. ~~All benches shall have contrasting markings on the leading edges of the intersection of the bench seats. If tile is used, it shall be slip resistant.~~

(12) Portable and wooden type spa pools are prohibited.

~~(13) Automated Controllers – Oxidation Reduction Potential~~ Automated Oxidation Reduction Potential (ORP) and pH controllers with sensing probes shall be provided on spa pools to assist in maintaining proper disinfection and pH levels.

(14) through (15) No change.

(16) When a spa is equipped with an emergency cut-off or kill switch, provisions for a minimum 80 decibel audible alarm near the spa to sound continuously until deactivated when such device is triggered shall be incorporated. This is to alert pool patrons and operators of a potential public health situation or to indicate that the spa filtration and treatment system may be off. The following additional rule sign shall be visible by the spa which reads “ALARM INDICATES SPA PUMPS OFF. DO NOT USE SPA WHEN ALARM SOUNDS UNTIL ADVISED OTHERWISE.”

Specific Authority 381.0011, 381.006, 514.021 FS. Law Implemented 381.0011, 381.0015, 381.0025, 381.006, 386.01, 386.02, 386.03, 386.041, 386.051, 514.011, 514.021, 514.03, 514.031, 514.05, 514.06 FS. History—New 10-5-93, Formerly 10D-5.139, Amended 12-27-98, \_\_\_\_\_.

64E-9.011 Water Recreation Attractions and Specialized Pools.

(1) General – Water recreation attraction projects shall be designed and constructed within the limits of sound engineering practice. Design engineers may consult with the department in reference to concepts of design variations and to areas where potential problems may exist. In addition to the requirements of this section, compliance is required with Rules 64E-9.001 through 64E-9.008 and 64E-9.017, F.A.C., of this chapter depending upon the pool design and function. Additionally, all pools listed in this section shall have a three hour turnover rate unless otherwise noted.

(2) Water slide plunge pools.

(a) through (g) No change.

(3) through (4) No change.

(5) ~~Lazy River Rides.~~

(a) ~~Lazy River Rides~~ shall be constructed within the limits of sound engineering practice. The design engineer may consult with the department prior to preparation and submission of engineering plans and specifications for ~~Lazy River Rides.~~

(b) ~~Lazy~~ River Rides shall be constructed on concrete or other impervious materials with a non-toxic, smooth and slip resistant finish. These rides shall be of such shape and design as to be operated in a safe and sanitary manner.

(c) The recirculation-filtration system of the ~~Lazy~~ River Ride shall be capable of a minimum of one volume turnover every three hours.

(d) The maximum water depth of the ~~Lazy~~ River Ride shall not exceed three feet unless justified to the department's satisfaction by the design engineer.

(e) Decking shall be provided at the entrance and exit points as necessary to provide safe patron access but shall not be smaller than 10 feet in width and length. Additional decking along the ride course is not required except that decking shall be required at lifeguard locations and emergency exit points.

(f) Access and exit shall be provided at the start and end of the ride only, except that emergency exit locations shall be located along the ride course as necessary to provide for the safety of the patrons.

(6) Zero Depth Entry Pools.

(a) Zero depth entry pools shall have a continuous floor slope from the water edge to the deep end.

(b) The deck level perimeter overflow system with grate shall be provided at the waters edge across the entire zero depth portion of the pool.

(c) The pool deck may slope a maximum of 1 in 12 toward the pool for no more than 5 feet, as measured from the overflow system grate outward. Beyond this area the deck shall slope away from the pool in accordance with subparagraph 64E-9.006(2)(a)1., F.A.C.

(d) Barriers and No-entry signs shall be provided along the pool wall edge where the water depth is less than 3 feet deep. No-entry signs shall be slip-resistant tile, shall have 4 inch high letters, shall be located within 2 feet of the pool edge, ~~and~~ shall be spaced no more than 15 feet apart and shall be recessed flush with the surrounding area.

(e) Additional inlets shall be provided in areas of less than 18 inches deep. The numbers and location shall be such as to double the flow rate into this area.

(7) No change.

(8) Interactive Water Features.

(a) Waters discharged from all fountain or spray features shall not pond on the feature floor but shall flow by gravity through a main drain fitting to a below grade sump or collection system which discharges to a collector tank. The minimum size of the sump or collector tank shall be equal to the volume of 3 ~~two~~ minutes of the combined flow of all feature pumps and the filter pump. ~~Smaller tanks may be utilized if hydraulically justified by the design engineer.~~ Adequate access shall be provided to the sump or collector tank. Stairs or a ladder shall be provided as needed to ensure safe entry into the tank.

(b) When an underground sump is utilized, an automatic skimmer system shall be provided. A variable height skimmer may be used or a custom surface skimmer device may be substituted if deemed appropriate by both the design engineer and the department.

(c) Chemical feeders shall be provided in accordance with Rule 64E-9.007, F.A.C.; except that the disinfection feeder shall be capable of feeding 12 mg/LPPM of free chlorine to the filter return piping. Automated Oxidation Reduction Potential (ORP) and pH controllers with sensing probes shall be provided to assist in maintaining proper disinfection and pH levels.

(d) If night operation is proposed, 6 foot candles of light shall be provided on the pool deck and the water feature area. Lighting that may be exposed to the feature pool water shall not exceed 15 volts, shall be installed in accordance with manufacturer's specifications and be approved for such use by UL or NSF.

(e) All electrical work shall comply with the NFPA 70, National Electrical Code 1996 Edition that is incorporated by reference.

(f) Hydraulics.

1. The filter system shall be capable of filtering and treating the entire water volume of the water feature within 30-minutes. The filter system shall draft from the collector tank and return filtered and treated water to the tank via equally spaced inlet fittings. The flow rate through these fittings shall not exceed 20 gpm.

2. The water feature pump shall draft from the collector tank.

3. An automatic water level controller shall be provided.

4. The flow rate through the feature nozzles of the water features shall be such as not to harm the patrons and shall not exceed 20 feet per second unless justified by the design engineer and by the fountain system manufacturer.

5. An overflow waste line with air gap shall be provided.

6. A means of vacuuming and completely draining the tank shall be provided.

Specific Authority 381.0011, 381.006, 514.021 FS. Law Implemented 381.0011, 381.0025, 381.006, 386.01, 386.02, 386.03, 386.041, 386.051, 514.021, 514.03, 514.031, 514.05, 514.06 FS. History--New 10-5-93, Formerly 10D-5.140, Amended 12-27-98, \_\_\_\_\_.

64E-9.013 Bathing Places.

(1) No change.

(2) through (e) No change.

(f) A water clarity measurement by Secchi disk reading in feet using an 8 inch diameter black and white Secchi disk.

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

1. A site inspection in light of the original sanitary survey.

2. A bacteriological test. The coliform density must not exceed the standards of subsection 64E-9.013(4), F.A.C.

3. A water clarity turbidity test shall be performed wherein an 8" black and white secchi disk shall be visible to a minimum depth of four feet.

- (e) through (j) No change.
- (4) No change.

Specific Authority 381.0011, 381.006, 514.021 FS. Law Implemented 381.0011, 381.0025, 381.006, 386.01, 386.02, 386.03, 386.041, 386.051, 514.021, 514.03, 514.031, 514.04, 514.05, 514.06 FS. History--New 10-5-93, Formerly 10D-5.142, Amended 12-27-98, \_\_\_\_\_.

64E-9.015 Fee Schedule.

(1) Plan review:

- (a) Original construction – \$350.00 ~~275.00~~.
- (b) Modification of Approved Construction Plans – \$100.00.
- (c) Modification of existing pools – \$150.00 ~~100.00~~.
- (d) Original development of bathing places – \$275.00.
- (e) Modification of existing bathing places – \$100.00.

(2) Authorization and Operating Permit Issuance for Swimming Pools and Bathing Places.

- (a) Initial Operating Permit – \$150.00 ~~125.00~~.
- (b) Operating Permits as indicated below:
- (c) Original Operating Permit – Full annual renewal fee if the authorization was issued from July 1st to December 31st; one half the annual fee if the authorization was issued from January 1st to June 30th.

(d) Annual renewal of operating permits:

- 1. Pools greater than 25,000 gallons and bathing places – 200.00 ~~160.00~~.
  - 2. Pools of 25,000 gallons or less – \$100.00 ~~75.00~~.
  - 3. Exempted condominiums with over 32 units – \$50.00.
- (3) through (4) No change.

Specific Authority 381.0011, 381.006, 514.021, 514.033 FS. Law Implemented 514.021, 514.03, 514.031, 514.033 FS. History--New 10-5-93, Formerly 10D-5.144, Amended 12-27-98, \_\_\_\_\_.

64E-9.017 Enforcement.

Any public pool can be immediately posted closed by the department as not being in compliance with Chapter 64E-9, Florida Administrative Code, whenever any of the following conditions occur:

(1) (a) The disinfectant level is below the minimum or above the maximum that is prescribed in subparagraph 64E-9.004(1)(d)2., F.A.C. The free active chlorine residual is less than one part per million in pool water and two parts per million in spa waters or if the bromine residual is less than one and one half parts per million in the pool water and three parts per million in spa waters.

- (b) The pH of the pool water is below 7.2 or above 7.8.
- (c) The clarity of the pool water is such that the main drain grate is not readily visible from the pool deck.
- (d) The recirculation system or disinfection feeding equipment is missing or not functioning.

(e) Any other conditions which endangers the health, safety, or welfare of persons using the pool, for example a missing, unsecured or damaged main drain grate. The division or department may attach a sign that states "Pool Closed. This pool is not in compliance with Chapter 64E-9, F.A.C., and may endanger the health, safety or welfare of persons using this facility". With the department's permission, the pool operator may remove signs from the pool area immediately following correction of the cited deficiencies provided the county health department is notified of this action at the earliest possible time.

Specific Authority 381.0011, 381.006, 514.021, 514.05 FS. Law Implemented 381.0025, 381.006, 386.01, 386.02, 386.03, 386.041, 386.051, 514.021, 514.04, 514.05, 514.06 FS. History--New 10-5-93, Formerly 10D-5.146, Amended 12-27-98, \_\_\_\_\_.

64E-9.018 Public Pool Service Technician Certification.

An individual who services a public pool by maintaining the cleanliness, water quality and chemical balance of public pools shall be certified. To be certified an individual must demonstrate knowledge of public pools. Examples of such knowledge include: pool cleaning, general pool maintenance, make-up water supply, bacteriological, chemical and physical quality of water and water purification, testing, treatment, and disinfection procedures. To ensure that the pool technicians are knowledgeable, said technician shall attend a training course approved by the department of at least 16 hours in length and shall pass a test acceptable to the department. Certification is conferred upon an individual and is nontransferable. Certification does not imply any licensure and specifically not that of contractor as regulated by the Department of Business and Professional Regulation under s. 489.105(3)(j),(k), or (l), F.S.

- (1) through (5) No change.
- (6) Proof of certification shall ~~should~~ be posted conspicuously in the equipment room of each pool serviced or must otherwise be available for inspection by the department.

Specific Authority 381.006, 381.0011, 514.021, 514.075 FS. Law Implemented 514.025, 514.075 FS. History--New 9-25-97, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Bob Vincent

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bart Bibler

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 25, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 18, 2002

**DEPARTMENT OF HEALTH  
Division of Health Awareness and Tobacco**

RULE TITLE: Records of Drugs, Cosmetics and Devices  
RULE NO.: 64F-12.012

PURPOSE AND EFFECT: The proposed rule further implements the Florida Prescription Drug Protection Act (SB 2312) passed by the 2003 Legislature and signed into law on June 13, 2003. The rule sets forth documentation to be submitted by a prescription drug wholesaler that is requesting to be added to the list of authorized distributors of record for a manufacturer in accordance with s. 499.0121(6)(d)(5)b. or c., F.S.

SUMMARY: The proposed rule informs prescription drug wholesalers the documentation to submit to support adding the prescription drug wholesaler to the department's maintained web-site that lists wholesalers that are considered authorized distributors of record for a manufacturer. This web-based listing will be the basis for determining whether a pedigree paper for a non-specified prescription drug as required by s. 499.0121(6)(d), F.S., is complete for purposes of providing the history of previous sales of the non-specified prescription drug back to an authorized distributor of record for the manufacturer's products.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: This rule will affect a relatively few number of wholesale distributors because the preliminary threshold is that the wholesaler or its affiliated group, if applicable, had \$100 million in annual prescription drug sales during the previous year. There will be a cost to document the \$100 million in annual prescription drug sales. Three alternatives are provided to document this threshold criteria and each would have a different cost. The cost for documenting the second criteria depends upon whether the wholesaler is attempting to qualify under b. or c. The cost cannot be estimated due to numerous variables for each wholesaler. However, the costs involved include providing copies of invoices or a computer report of purchases from the number of manufacturers for whom the wholesaler is claiming authorized distributor of record status because the manufacturer did not submit the wholesaler's name and address to the department as its authorized distributor of record.

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: 499.05, 499.0121, 499.0122, 499.013, 499.014, 499.052 FS.

LAW IMPLEMENTED: 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.051, 499.052 FS.

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

TIME AND DATE: 10:00 a.m. (EST), Wednesday, January 21, 2004

PLACE: 2818-A Mahan Drive, Tallahassee, Florida

If special accommodations are needed to attend this workshop because of a disability, please contact: Maxine Wenzinger, (850)922-5190.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sandra Stovall, Compliance Officer, 2818-A Mahan Drive, Tallahassee, Florida 32308, (850)487-1257, Ext. 210, sandra\_stovall@doh.state.fl.us.fl

THE FULL TEXT OF THE PROPOSED RULE IS:

64F-12.012 Records of Drugs, Cosmetics and Devices.

(1) through (15) No change.

(16) Establishing an ongoing relationship pursuant to s. 499.0121(6)(d)5.b. and c., F.S. A wholesale distributor that is not listed as an authorized distributor of record on the list submitted to the department by a prescription drug manufacturer may request the department add the wholesale distributor to the department's web site of authorized distributors of record for a drug manufacturer for purposes of the pedigree paper requirements of s. 499.0121(6)(d), F.S. that become effective March 1, 2004.

(a) A wholesale distributor or its affiliated group must submit the information in 1. and 2. below to document eligibility for inclusion as an authorized distributor of record for a manufacturer of prescription drugs pursuant to s. 499.0121(6)(d)5.b., F.S. If the information submitted in 1. and 2. is based on the cumulative activity of an affiliated group, a wholesale distributor or its affiliated group must submit the information in 3. below to document the eligibility of the individual wholesaler establishment that is a member of the affiliated group to be an authorized distributor of record for a manufacturer of prescription drugs pursuant to s. 499.0121(6)(d)5.b., F.S.

1. To document total annual prescription drug sales of \$100 million or more submit either:

a. The most recent audited financial report that includes an Income Statement or Statement of Profit /Loss that indicates sales of prescription drugs of at least \$100 million. (Note: the statement or notes in the audited financial report must clearly demonstrate the sales amount related to prescription drugs as opposed to other commodities). OR

b. A signed attestation from a certified public accountant that the establishment had total annual prescription drug sales of \$100 million or more in the most recent fiscal year. OR

c. A computerized listing of prescription drug sales transactions during the period 10/1/02 – 9/30/03, or a 12-month period ending on the last day of the most recent calendar quarter, of at least \$100 million. This report must be totaled. The detail should include the invoice number, invoice date, customer name, and total invoice amount related to prescription drugs. A statement under oath must be provided that the report documents at least \$100 million in prescription

drug sales, excluding customer returns. (Note: The department may request copies of some or all of the listed invoices for verification purposes). and

2. For each manufacturer for whom the wholesaler claims authorized distributor of record status, submit both a. and b. to document that the wholesaler annually purchases not less than 90%, based on dollar volume, of all of its purchases of a manufacturer's prescription drug products directly from that manufacturer.

a. A computerized listing of all of a manufacturer's prescription drugs purchased by the wholesaler during the period 10/1/02 – 9/30/03, or a 12-month period ending on the last day of the most recent calendar quarter, regardless of the source of those prescription drugs. This report must be totaled.  
AND

b.i. A computerized listing of all purchases of a manufacturer's prescription drugs directly from the manufacturer during the same time period. This report must be totaled. The detail should include the invoice number, invoice date, and total invoice amount related to prescription drugs. A statement under oath must be provided that the report documents at least 90% of the wholesaler's purchases of a manufacturer's prescription drug products directly from that manufacturer, excluding returns to the manufacturer. (Note: The department may request copies of some or all of the listed invoices for verification purposes). OR

ii. Copies of the manufacturer's sales invoices of prescription drugs to the wholesaler. An adding machine tape, or equivalent, must be included that lists each invoice, in order, and provides a total of all invoices submitted. A statement under oath must be provided that the invoices document at least 90% of the wholesaler's purchases of a manufacturer's prescription drug products directly from that manufacturer, excluding returns to the manufacturer.

3. Each wholesaler establishment that applies to the department to be listed as an authorized distributor of record of a drug manufacturer based upon its affiliated group's ongoing relationship with the manufacturer, or the affiliated group on behalf of each wholesaler establishment, must submit the names and address of all member wholesaler establishments of the affiliated group. In addition, each wholesaler establishment must either:

a. conduct its prescription drug wholesale activities under an establishment name that incorporates the same business name as the affiliated group upon which the eligibility criteria for the affiliated group was met, or

b. hold a valid prescription drug wholesaler permit or out-of-state prescription drug wholesaler permit issued under ch. 499, F.S.

(b) A wholesale distributor or its affiliated group must submit the information in 1. and 2. below to document eligibility for inclusion as an authorized distributor of record for a manufacturer of prescription drugs pursuant to s. 499.0121(6)(d)5.c., F.S.

1. To document total annual prescription drug sales of \$100 million or more submit either:

a. The most recent audited financial report that includes an Income Statement or Statement of Profit /Loss that indicates sales of prescription drugs of at least \$100 million. (Note: the statement or notes in the audited financial report must clearly demonstrate the sales amount related to prescription drugs as opposed to other commodities). OR

b. A signed attestation from a certified public accountant that the establishment had total annual prescription drug sales of \$100 million or more in the most recent fiscal year. OR

c. A computerized listing of prescription drug sales transactions during the period 10/1/02 – 9/30/03, or a 12-month period based on the most recent calendar quarter, of at least \$100 million. This report must be totaled. The detail should include the invoice number, invoice date, customer name, and total invoice amount related to prescription drugs. A statement under oath must be provided that the report documents at least \$100 million in prescription drug sales, excluding customer returns. (Note: The department may request copies of some or all of the listed invoices for verification purposes).

2. For each manufacturer for whom the wholesaler claims authorized distributor of record status, submit a., b., or c. to document that the wholesaler has a verifiable account number issued by the manufacturer and has made at least 12 purchases of prescription drugs directly from that manufacturer using the verifiable account number.

a. If the wholesaler is a member of an affiliated group and all purchases from that manufacturer are made at a central location for the wholesaler, copies of at least 12 invoices dated during the previous 12 months that document purchases of prescription drugs, that were not returned, under that central account number but shipped to the wholesaler's address for whom the authorized distributor of record status is claimed. A statement under oath must be provided that the invoices document purchases of prescription drugs for that wholesaler and that the wholesaler did not return to the manufacturer at least one of the prescription drugs on each invoice.

b. If the wholesaler is a member of an affiliated group and all purchases from that manufacturer are made at a central location and received at a central location for the wholesaler, copies of at least 12 invoices dated during the previous 12 months that document purchases of prescription drugs, that were not returned, under the same account number which is clearly assigned to the wholesaler at the permitted address. A statement under oath must be provided that the invoices document purchases of prescription drugs by that wholesaler, that the wholesaler did not return to the manufacturer at least one of the prescription drugs on each invoice, and that the central location shipped at least 12 times to the individual wholesaler during the 12 months based on the fiscal year or designated timeframe.



c. For all other wholesale distributors, copies of at least 12 invoices dated during the previous 12 months that document purchases of prescription drugs, that were not returned, under the same account number which is clearly assigned to the wholesaler at the permitted address. A statement under oath must be provided that the invoices document purchases of prescription drugs by that wholesaler and that the wholesaler did not return to the manufacturer at least one of the prescription drugs on each invoice.

Specific Authority 499.05, 499.0121, 499.0122, 499.013, 499.014, 499.052 FS. Law Implemented 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.051, 499.052 FS. History—New 1-1-77, Amended 12-12-82, 7-8-84, 1-30-85, Formerly 10D-45.53, Amended 11-26-86, 2-4-93, 7-1-96, Formerly 10D-45.053, Amended 1-26-99, 4-17-01, 10-7-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Jerry Hill, Chief of Statewide Pharmaceutical Services  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Phil E. Williams, Director, Division of Health Awareness and Tobacco  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 16, 2003  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 19, 2003

**FLORIDA HOUSING FINANCE CORPORATION**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Multifamily Mortgage Revenue Bond (MMRB) Program	67-21
RULE TITLES:	RULE NOS.:
Definitions	67-21.002
Application and Selection Process for Loans	67-21.003
Applicant Administrative Appeal Procedures	67-21.0035
Federal Set-Aside Requirements	67-21.004
Public Policy Criteria Requirements and Qualified Resident Programs	67-21.0041
Determination of Method of Bond Sale	67-21.0045
Selection of Qualified Lending Institutions as Credit Underwriters, Originators or Servicers	67-21.005
Development Requirements	67-21.006
Fees	67-21.007
Terms and Conditions of Loans	67-21.008
Interest Rate on Mortgage Loans	67-21.009
Issuance of Revenue Bonds	67-21.010
No Discrimination	67-21.011
Advertisements	67-21.012
Non-Credit Enhanced Multifamily Mortgage Revenue Bonds	67-21.013
Credit Underwriting Procedures	67-21.014
Use of Bonds with Other Affordable Housing Finance Programs	67-21.015
Compliance Procedures	67-21.016
Transfer of Ownership	67-21.017
Refundings and Troubled Development Review	67-21.018
Issuance of Bonds for 501(c)(3) Entities	67-21.019

PURPOSE AND EFFECT: The purpose of this Rule Chapter is to establish the procedures by which the Corporation shall administer the Application process, determine bond allocation amounts and implement the provisions of the Multifamily Mortgage Revenue Bond (MMRB) Program authorized by Section 142 of the Code and Section 420.509, Florida Statutes. The intent of this Rule Chapter is to encourage public-private partnerships to invest in residential housing; to stimulate the construction and rehabilitation of residential housing which in turn will stimulate the job market in the construction and related industries; and to increase and improve the supply of affordable housing in the State of Florida.

SUMMARY: Prior to the opening of an Application Cycle, the Corporation (1) researches the market need for affordable housing throughout the state of Florida and (2) evaluates prior Application Cycles to determine what changes or additions should be added to the Rule and/or Application. The proposed amendments to the Rule and adopted reference material include changes that will create a formulated process for selecting Developments that will apply in the 2004 Application Cycle.

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: 420.507, 420.508 FS.

LAW IMPLEMENTED: 420.507, 420.508, 420.509 FS.

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

TIME AND DATE: 9:30 a.m., January 20, 2004

PLACE: Tallahassee City Hall, Commission Chambers, 891 South Adams Street, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Wayne Conner, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

THE FULL TEXT OF THE PROPOSED RULES IS:

67-21.002 Definitions.

(1) "Acknowledgment Resolution" means the official action taken by Florida Housing to reflect its intent to attempt to finance a Development provided that the requirements of Florida Housing, the terms of the Loan Commitment, and the terms of the Credit Underwriting Report are met. Such official action shall not be taken until Florida Housing has received the information necessary to make the findings required by the Code and the Act.

(2) "Act" means the Florida Housing Finance Corporation Act, Chapter 420, Part V, F.S., as amended.

(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 closest designated intersection, city, state and zip code.

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

(5) "Annual Recertification" means the compilation of the gross income of all persons or families in a given development qualified as lower-income residents to continue to meet the requirements established in section 142(d) of the 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 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.

(8) "Application" means the completed forms from the Universal Application Package, together with all exhibits submitted to Florida Housing in accordance with the provisions of this rule chapter in order to apply for the Program.

(9) "Application Deadline" means 5:00 p.m., Eastern Time, on the final day of the Application Period.

(10) "Application Period" means a period during which Applications shall be accepted, as posted on Florida Housing's web site and with a deadline no less than thirty days from the beginning of the Application Period.

(11) "Assisted Living Facility" or "ALF" means a Florida licensed living facility that complies with Sections 400.401 through 400.454, F.S., and Rule Chapter 58A-5, F.A.C.

(12) "Board" or "Board of Directors" means the Board of Directors of Florida Housing.

(13) "Bond Counsel" means the attorney or law firm retained by Florida Housing to provide the specialized services generally described in the industry as the role of bond counsel.

(14) "Bonds" or "Revenue Bonds" means the Bonds of Florida Housing issued to finance Mortgage Loans, including any Bond, debenture, note, or other evidence of financial indebtedness issued by Florida Housing under and pursuant to the Act.

(15) "Bond Trustee" or "Trustee" means a financial institution with trust powers which acts in a fiduciary capacity for the benefit of the bond holders, and in some instances Florida Housing, in enforcing the terms of the Program Documents.

(16) "Calendar Days" means, with respect to computing any period of time allowed by this Rule, the day of the event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday.

(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, F.S.

(18) "Code" or "IRC" is the Internal Revenue Code of 1986, as in effect on the date of this rule chapter, together with corresponding and applicable final, temporary or proposed regulations and revenue rulings issued 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) "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) "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) "Contact Person" means the person with whom Florida Housing will correspond concerning the Application and the Development. This person cannot be a third-party ~~part~~ consultant.

(22) "Corporation" or "Florida Housing" or "FHFC" means the Florida Housing Finance Corporation created pursuant to the Act.

(23) "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) "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) "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) "Credit Underwriter" means the independent contractor 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) "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) "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 Credit Underwriting in addition to any other fees payable to Florida Housing in conjunction with the Application and Program financing.

(29) "Cross-collateralization" means the pledging of the security of one Development to the obligations of another development.

(30) "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) "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 payments for Application consultants, construction management or supervision, or local government consultants. 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) "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) "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) "Difficult Development Area" or "DDA" 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. ~~A list of the 2003 Florida DDAs is adopted and incorporated herein by reference. A copy of such list is available on FHFC's web site [www.floridahousing.org](http://www.floridahousing.org).~~ The United States Department of Housing and Urban Development maintains the official DDA list. ~~The incorporated Florida DDA list is designed to assist the~~

~~Applicant in the Application process.~~ Applicants are responsible for providing Florida Housing with accurate DDA information.

(35) "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) "Elderly" means persons 62 years of age or older or qualified persons pursuant to the Federal Fair Housing Act and Section 760.29(4), F.S.

(37) "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), F.S., provided that such development meets the requirements for an Elderly Development as set forth in the Universal Application Package.

(38) "Family" or "Family Household" describes a household composed of one or more persons.

(39) "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) "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) "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) "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) "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 subsection 67-21.002(48), F.A.C.

(44) "Florida Housing" or "FHFC" means the Florida Housing Finance Corporation as created by the Act.

(45) "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) "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) "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) "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) "Geographic Set-Aside" means, with respect to a MMRB Development, the amount of allocation that has been designated by Florida Housing for Developments located in specific geographical regions within the State of Florida.

(50) "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) "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, F.S., 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) "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) "HUD" means the U.S. Department of Housing and Urban Development.

(54) "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) "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) "Income Certification," "Tenant Income Certification" or "Form TIC-1" means the form which is adopted and incorporated herein by reference, effective January 2004 ~~6/2002~~, 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 web site at [www.floridahousing.org](http://www.floridahousing.org).

(57) "Issuer" means the Florida Housing Finance Corporation.

(58) "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, F.S.

(60) "Loan" means the loan made by Florida Housing to the Applicant from the proceeds of the Bonds issued by Florida Housing.

(61) "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) "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) "Local Government" means a unit of local general-purpose government as defined in Section 218.31(2), F.S.

(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, F.S.

(65) "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) "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 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 section 501(c)(3) documents.

(67) "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) "Mortgage Loan" means the Loan secured by the Mortgage and evidenced by a Note or Mortgage Note.

(69) "Note" means a 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) "Preservation Development" means an existing Development currently subject to documented rent restrictions or income restrictions through a federal, state or local government affordable housing program, where the rent restrictions or income restrictions for the Development will end within five years.

(71) "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.

(72) "Private Placement" or "Limited Offering" 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.

(73) "Program" means Florida Housing's Multifamily Mortgage Revenue Bond (MMRB) Program.

(74) "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.

(75) "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 ~~June 2003~~ ~~October 2002~~. A copy of such form is available on FHFC's web site at [www.floridahousing.org](http://www.floridahousing.org).

(76) "Public Policy Criteria and Qualified Resident Programs" means the requirements and guidelines established by Florida Housing and set forth in Rule 67-21.004, 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.

(77) "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.

(78) "Qualified Census Tract" or "QCT" 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%, in accordance with section 42(d)(5)(C) of the Code. ~~A list of the 2003 Florida QCTs is adopted and incorporated herein by reference. A copy of such list is available on FHFC's web site [www.floridahousing.org](http://www.floridahousing.org). The United States Department of Housing and Urban Development maintains the official QCT list. The incorporated Florida QCT list is designed to assist the Applicant in the Application process.~~ Applicants are responsible for providing Florida Housing with accurate QCT information.

(79) "Qualified Lending Institution" means any lending institution designated by Florida Housing.

(80) "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.

(81) "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) "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) "Rehabilitation Expenditures" has the meaning set forth in section 147(d)(3) of the Code.

(84) "Scattered Sites" for a single Development means a Development consisting of more than one parcel in the same county where two or more of the parcels (i) are not in the same county, contiguous to one another or are divided by a street or easement and (ii) it is readily apparent from the proximity of the sites, chain of title, or other information available to the Corporation that the properties are part of a common or related scheme of development, 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) "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) "Special Counsel" means any attorney or law firm retained by Florida Housing, pursuant to an RFQ, to serve as counsel to Florida Housing, including Disclosure Counsel.

(88) "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) "State Bond Allocation" means the allocation of the State private activity bond volume limitation pursuant to Chapter 159, Part VI, F.S., 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 of Children and Family Services under Section 420.622, F.S.

(91) "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) "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) "Tax Exempt Bond-Financed Development" means a Development which has been financed by the issuance of tax-exempt bonds subject to applicable volume cap pursuant to Section 42(h)(4) of the Code.

~~(94)(93)~~ "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.

~~(95)(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 a Development which consists of Scattered Sites, this means Developments the Applicant must select a single point on one of the Scattered Sites which comprise the Development site that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development. In addition, the Tie-Breaker Measurement Point must be located on the site with the most units if any of the Scattered Sites has more than 4 units.

~~(96)(95)~~ "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.



~~(97)~~<sup>(96)</sup> “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:

(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), 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, 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.

~~(98)~~<sup>(97)</sup> “Universal Application Package” or “UA1016 ~~(Rev. 2-04) Rev. 8-03~~” means the 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 Program. The Universal Application Package is adopted and incorporated herein by reference, effective on the date of the latest amendment to this rule chapter.

~~(99)~~<sup>(98)</sup> “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, a HUD-approved

Neighborhood Revitalization Strategy, Florida Enterprise Zone, 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 91-21.002, Amended 1-26-99, 11-14-99, 2-11-01, 3-17-02, 4-6-03, 10-5-03. \_\_\_\_\_

#### 67-21.003 Application and Selection Process for Loans.

(1) All Applications must be complete, legible and timely when submitted, except as described below. Corporation staff may not assist any Applicant by copying, collating, or adding documents to an Application nor shall any Applicant be permitted to use the Corporation’s facilities or equipment for purposes of compiling or completing an Application.

(2) Failure to submit an Application completed in accordance with the Application instructions and these rules will result in rejection of the Application or a score less than the maximum available in accordance with the instructions in the Application and this rule chapter.

(3) Each submitted Application shall be evaluated and preliminarily scored using the factors specified in the Universal Application Package and these rules. Preliminary scores shall be transmitted to all Applicants.

(4) Applicants who wish to notify the Corporation of possible scoring errors relative to another Applicant’s Application must file with the Corporation, within 7 Calendar Days of the date of receipt of the preliminary scores, a written Notice of Possible Scoring Error (NOPSE). Each NOPSE must specify the assigned Application number and the scores in question, as well as describe the alleged deficiencies in detail. Each NOPSE is limited to the review of only one Application’s score. Any NOPSE that seeks the review of more than one Application’s score will be considered improperly filed and ineligible for review. There is no limit to the number of NOPSEs that may be submitted. The Corporation’s staff will review each written NOPSE timely Received.

(5) The Corporation shall transmit to each Applicant the NOPSEs submitted by other Applicants with regard to its Application. The notice shall also include the Corporation’s decision regarding the NOPSE, along with any other items identified by the Corporation to be addressed by the Applicant.

(6) Within 9 Calendar Days of receipt of the notice set forth in subsection (5) above, each Applicant shall be allowed to cure its Application by submitting additional documentation, revised pages and such other information as

the Applicant deems appropriate to address the issues raised pursuant to subsections (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).

(7) Within 7 Calendar Days of the deadline for receipt by the Corporation of the documentation set forth in subsection (6) above, all Applicants may submit to the Corporation a Notice of Alleged Deficiencies (NOAD) in any other Application. Each NOAD is limited only to issues created by documents revised and/or added by the Applicant submitting the Application pursuant to subsection (6) above. Each NOAD must specify the assigned Application number, the pages and the documents in question, as well as describe the alleged deficiencies in detail. Each NOAD is limited to the review of only one Applicant's submission. However, there is no limit to the number of NOADs that may be submitted. NOADs that seek the review of more than one Applicant's submission will be considered improperly filed and ineligible for review. The Corporation will only review each written NOAD timely received.

(8) The Corporation shall transmit a copy of all NOADs to the affected Applicant.

(9) Following the receipt and review by the Corporation's staff of the documentation described in subsections (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 subsections (3), (4) and (5) above. However, inconsistencies created by the Applicant as a result of information provided pursuant to subsections (6) and (7) 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 subsection (14) below can be

identified at any time prior to sending the final scores to Applicants and will result in rejection of the Application. 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 Applications for funding and offer the opportunity to enter Credit Underwriting, and shall designate those that are below the funding line on the MMRB ranked list. Any additional 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 allocation designated by the Board for multifamily housing, which as of December 1 of each year 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 next calendar year allocation or applied to single family housing. Florida Housing may, after the cure period and upon a determination that such is necessary to assure timely processing of Applicants, invite Applicants who meet threshold into Credit Underwriting at their own risk. 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 declines invitation to Credit Underwriting, when invited by the Board, shall be removed from the ranked list.

(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 noncompetitive 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 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. The Application with the lowest lottery number will still be rejected even if the Applicant withdraws the Application with the highest (worst) lottery number. Two Applications by Applicants with common Financial Beneficiaries for Developments that are contiguous, or that are divided by a street or easement, or that are otherwise part of a common or related scheme of development, will not be considered to be submissions for the same Development site if one of the Applicants applies for SAIL only.

(12) If the Board determines that any Applicant or any Affiliate of an Applicant:

- (a) Has engaged in fraudulent actions;
- (b) Has materially misrepresented information to the Corporation regarding any of its Developments, or within the current Application or in any previous 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

and 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 proceeding conducted pursuant to Sections 120.569 and 120.57, Florida Statutes, or as a result of a finding by a court of competent jurisdiction.

(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 subsection (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;
- (c) The Applicant fails to file all applicable Application pages and exhibits 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 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 each ~~the~~ Developer, including all co-Developers;
- (c) Program(s) applied for;
- (d) Applicant applying as a Non-Profit or for-profit organization; Number of units;
- (e) Site for the Development;
- (f) ~~Type of~~ Development type category;
- (g) Designation selection;
- (h) County;
- (i) Total number of units;
- (j)(+) Funding request, except for Taxable Bonds and as provided in subsection 67-21.003(10), F.A.C.; 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);
- (k)(+) The total set-aside percentage as stated in the last row of the total set-aside breakdown chart for the Program(s) applied for in the Total Set-Aside Commitment section of the Application;
- (l)(+) Submission of one original hard copy with the required number of photocopies of the Application by the Application Deadline;
- (m)(+) Payment of the required Application fee and TEFRA fee by the Application Deadline.

All other items may be submitted as cures pursuant to paragraph (6) above.

(15) A Development will be withdrawn from funding and any outstanding commitments for funds 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 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 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) When two or more Applications receive the same numerical score, the Applications will be ranked as outlined in the Application instructions.

(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 subsection (9) above, may Applicants or their representatives verbally contact Corporation staff concerning their own Application or any other Applicant's Application. 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.

(19) Applicants may withdraw an Application from consideration only by submitting a written notice of withdrawal to the Corporation Clerk. Applicants may not rescind any notice of withdrawal that was submitted to the Corporation Clerk. For ranking purposes, Florida Housing shall disregard any withdrawal that is submitted after 5:00 p.m., Eastern Time, on the Friday preceding Board approval of the final rankings of the Applications and such Application shall be included in the ranking as if no notice of withdrawal had been submitted. After the Board has approved the final ranking, any notice of withdrawal submitted after that Friday and before the Board approves the final ranking, shall be deemed withdrawn immediately after final ranking. If an Applicant has applied for two or more Programs, the withdrawal by the Applicant from any one Program will be deemed by Florida Housing to be a withdrawal of the Application from all Programs.

~~(20)(19) The name of the Development provided in the Application may not be changed or altered after submission of the Application during the history of the Development with the Corporation unless the change is mandated by local, state or federal governmental authorities, or otherwise approved by the Corporation. Evidence of such mandate must be submitted to the Corporation within 30 Calendar Days of notification by the local, state or federal authorities.~~

(21) If an Applicant or any Affiliate of an Applicant has offered or given consideration, other than the consideration to provide affordable housing, with respect to a local contribution and this is discovered prior to Board approval of the ranking, Florida Housing shall reject the Application and any other Application submitted by the same Applicant and any Affiliate of the Applicant. If discovered after the Board approves final ranking, any tentative funding or allocation for the Application and any other Application submitted in the same cycle by the same Applicant and any Affiliate of the Applicant will be

withdrawn. Such Applicant and any of such 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 the date the Board issues a Final Order on such matter in a proceeding conducted pursuant to Sections 120.569 and 120.57, F.S.

~~(22)(20)~~ 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.

~~(23)(21)~~ Upon receipt of the Credit Underwriting Report, Florida Housing shall submit the Application to its Financial Advisor for a preliminary recommendation of the method of bond sale for each Development pursuant to Rule 67-21.0045, F.A.C.

~~(24)(22)~~ Proposed Developments that are ranked, but not selected by the Board to enter Credit Underwriting, shall remain on the ranked list in the event State Bond Allocation becomes available to fund additional Developments. If the current year's State Bond Allocation designated by the Board for multifamily housing is insufficient to fully finance a Development, subject to the provisions of subsection 67-21.003(10), F.A.C., permitting reduction of the requested amount, a new Application must be filed to be eligible for a future year's State Bond Allocation.

~~(25)(23)~~ Florida Housing shall notify the Applicant, in writing, of the Board's determination related to approval of the Credit Underwriting Report and require the Applicant to submit one-half of the Good Faith Deposit within 7 Calendar Days from the receipt of such notice. Developments designated for a portion of the current year's State Bond Allocation shall be required to close at such time as set forth in such notification. In the event the loan does not close within the designated time frame and the closing date is not extended in writing by Florida Housing, then the State Bond Allocation shall be forfeited.

~~(26)(24)~~ Upon favorable recommendation of the Credit Underwriting Report and preliminary recommendation of the method of bond sale from Florida Housing's Financial Advisor, the Board shall designate by resolution the method of bond sale considered appropriate for financing. The Board shall consider authorizing the execution of the Loan Commitment and shall consider final Board approval reserving State Bond Allocation for a Development. Requests for Taxable Bonds shall be considered by the Board in an amount recommended by the Credit Underwriter. The Board shall also assign a bond underwriter, structuring agent, or Financial Advisor and any other professionals necessary to complete the transaction. Staff shall assign Florida Housing bond and special counsel as needed.

~~(27)~~(25) Following receipt of one-half of the Good Faith Deposit, Florida Housing's assigned counsel shall begin preparation of the Loan Commitment.

~~(28)~~(26) Upon execution of a Loan Commitment, Applicant shall pay the balance of the Good Faith Deposit and Florida Housing shall authorize bond counsel and special counsel to prepare the Program Documents.

~~(29)~~(27) The Corporation may disqualify an Applicant if, after a hearing before the Board, the Board determines that the Applicant or its principal(s):

(a) Has been convicted of fraud, theft or misappropriation of funds; or

(b) Has made material misrepresentations to the Corporation; or

(c) Has been excluded from federal or Florida procurement programs; or

(d) Has been convicted of a felony.

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 91-21.003, Amended 1-26-99, 11-14-99, 2-11-01, 3-17-02, 4-6-03, \_\_\_\_\_.

67-21.0035 Applicant Administrative Appeal Procedures.

(1) At the conclusion of the review and scoring process established by Rule 67-21.003, F.A.C., each Applicant will be provided with its final score and notice of rights, which shall constitute the point of entry to contest any issue related to the Applicant's Application for the Program.

(2) Each Applicant that wishes to contest its final score must file a petition with the Corporation on or before the 21st Calendar Day after the date Applicant receives its notice of rights. The petition must conform to subsection 28-106.201(2) or 28-106.301(2), and 67-52.002(3), F.A.C., and specify in detail each issue and score sought to be challenged. ~~Submission by facsimile or other electronic means will not be accepted.~~ If the petition does not raise a disputed issue of material fact, the challenge will be conducted pursuant to Section 120.57(2), F.S. If the petition raises one or more disputed issues of material fact, a formal administrative hearing will be conducted pursuant to Section 120.57(1), F.S. At the conclusion of any administrative hearing, a recommended order shall be entered by the designated hearing officer which will then be considered by the Board.

(3) Any Applicant who wishes to challenge the findings and conclusions of the recommended order entered pursuant to a Section 120.57(2), F.S., proceeding concerning its own Application shall be allowed the opportunity to submit written arguments to the Board. Any written argument should be typed and 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 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, no later than 5:00 p.m., Eastern Time, 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. The Board shall consider all recommended orders and written arguments and enter the appropriate final orders.

(4) Following the entry of final orders in all petitions filed pursuant to Section 120.57(2), F.S., and in accordance with Rule Chapter 67-21, F.A.C., the Corporation shall issue final rankings. For an Applicant that filed a petition pursuant to Section 120.57(1), F.S., which challenged the scoring of its own Application but has not had a final order entered as of the date the final rankings are approved by the Board, the Corporation shall, if any such Applicant ultimately obtains a final order that modifies the score so that its Application would have been in the funding range of the applicable final ranking had it been entered prior to the date the final rankings were presented to the Board, provide the requested allocation from the next available allocation, whether in the current year or a subsequent year. Nothing contained herein shall affect any applicable credit underwriting requirements.

(5) Each Applicant will be provided with a final ranking of all Applications and notice of rights, which shall constitute the point of entry to contest any ranking or scoring issue related to any other Applications for the Program. An Applicant that wishes to contest the final ranking or score of another Applicant may do so only if:

(a) The competing Applicant files a petition on or before the 21st Calendar Day after the receipt of the notice of rights pursuant to this subsection (5). ~~Submission by facsimile or other electronic means will not be accepted.~~ The petition must conform to subsection 28-106.201(2) or 28-106.301(2), and 67-52.002(3), F.A.C., ~~as applicable~~, and specify in detail each issue, score or ranking sought to be challenged.

(b) For any Application cycle closing after January 1, 2002, if the contested issue involves an error in scoring, the contested issue must (i) be one that could not have been cured pursuant to subsection 67-21.003(14), F.A.C., or (ii) be one that could have been cured, if the ability to cure was not solely within the Applicant's control. The contested issue cannot be one that was both curable and within the Applicant's sole control to cure. With regard to curable issues, a petitioner must prove that the contested issue was not feasibly curable within the time allowed for cures in subsection 67-21.003(6), F.A.C.

(c) The competing Applicant alleges facts in its petition sufficient to demonstrate that, but for the specifically identified threshold, scoring or ranking errors in the challenged Application, its Application would have been in the funding range at the time Florida Housing provided the Applicant with its final ranking.

(d) If the petition does not raise a disputed issue of material fact, the appeal will be conducted pursuant to Section 120.57(2), F.S. If the petition raises one or more disputed issues of material fact, a formal administrative hearing will be conducted pursuant to Section 120.57(1), F.S. At the conclusion of any administrative hearing, a recommended order shall be entered which will then be considered by the Board.

(6) Any Applicant who wishes to challenge the findings and conclusions of the recommended order entered pursuant to a Section 120.57(2), F.S., proceeding as described in subsection (5) above concerning the final ranking of another Application, shall be allowed the opportunity to submit written arguments to the Board. Any written arguments should be typed and 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 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, no later than 5:00 p.m., Eastern Time, 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. The Board shall consider all recommended orders and written arguments and enter the appropriate final orders.

(7) For those Applicants that have filed a petition pursuant to subsection (5) above, the Corporation shall, if any such Applicant ultimately obtains a final order that demonstrates that its Application would have been in the funding range of the applicable final ranking, provide the requested allocation from the next available allocation, whether in the current year or a subsequent year. Nothing contained herein shall affect any applicable credit underwriting requirements. The filing of a petition pursuant to subsection (5) above shall not stay the Corporation's provision of funding to Applicants per the final rankings referenced in subsection (4) above.

Specific Authority 420.507, 420.508 FS. Law Implemented 120.57, 120.569(2)(b), 420.502, 420.507, 420.508 FS. History--New 11-14-99, Amended 2-11-01, 3-17-02, 10-8-02, 12-4-02, 4-6-03,\_\_\_\_\_.

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:

(1) Twenty percent of the residential units in the Development shall be occupied by or reserved for occupancy by one or more persons or a family whose Annual Household Income does not exceed 50 percent of the area median income limits adjusted for Family size (the 20/50 Set-Aside); or

(2) Forty percent of the residential units in the Development shall be occupied by or reserved for occupancy by one or more persons or a family whose Annual Household Income does not exceed 60 percent of the area median income limits adjusted for Family size (the 40/60 Set-Aside).

(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 one or more persons or 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 91-21.004, Amended 1-26-99, 11-14-99, 2-11-01, 3-17-02, Repromulgated 4-6-03,\_\_\_\_\_.

67-21.0041 Public Policy Criteria Requirements and Qualified Resident Programs.

(1) An Applicant may commit to provide Qualified Resident Programs as provided for in the Universal Application Package.

(2) An Applicant may irrevocably commit to Set-Aside units in the Development for a longer period of time than that required by Rule 67-21.004, F.A.C.

(3) All Public Policy Criteria and Qualified Resident Programs and factors selected by the Applicant shall be verified beginning with Credit Underwriting and continuing through the Qualified Project Period. Any proposed changes to the Public Policy Criteria and Qualified Resident Programs selected by the Applicant and identified in its Application may be only changed to other Public Policy Criteria and Qualified Resident Programs set forth in Rule 67-21.0041, F.A.C., and the Universal Application Package and must be submitted to Florida Housing for prior approval. Florida Housing may grant such approval only if it would not alter the Application ranking.

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 2-11-01, Amended 3-17-02, Repromulgated 4-6-03,\_\_\_\_\_.

67-21.0045 Determination of Method of Bond Sale.

(1) Florida Housing may sell Bonds for the purpose of financing a proposed Development through a negotiated sale, competitively bid sale or Private Placement. Prior to the sale of Bonds for a Development, the Board shall authorize a resolution specifying the method of sale.

(2) ~~With the exception of Applicants who are seeking a Private Placement, F~~ollowing receipt of the Credit Underwriting Report, staff shall provide Florida Housing's

Financial Advisor copies of such report for review and preparation of a written recommendation for the method of Bond sale.

(3) In preparing a recommendation for the method of sale to the Board, the Financial Advisor shall consider the following:

(a) The cost components of the sale, including interest costs and financing costs. The purpose of the analysis is to determine how these costs are affected by the alternative forms of sale.

(b) The anticipated credit and security structure of the transaction.

(c) The proposed financing structure of the transaction.

(d) The financing experience of the Applicant.

(e) Florida Housing's programmatic objectives.

(f) Market stability.

(g) Other factors identified by staff, counsel, or the Applicant.

(4) The written recommendation shall include an identification of the Development, the recommended method of sale, and a summary statement as to why the particular method of sale is being recommended.

(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), F.A.C.

(6) For those transactions that Florida Housing's Financial Advisor recommends for a negotiated sale, Florida Housing shall appoint an investment banker.

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 91-21.0045, Amended 1-26-99, Repromulgated 11-14-99, 2-11-01, Amended 3-17-02, Repromulgated 4-6-03, Amended.

67-21.005 Selection of Qualified Lending Institutions as Credit Underwriters, Originators or Servicers.

(1) Qualified Lending Institutions shall be selected by Florida Housing to credit underwrite, participate in the origination of and service eligible Mortgage Loans.

(2) The criteria which shall be considered by Florida Housing for selection of Qualified Lending Institutions to participate in the Program shall include:

(a) The statutory requirement that the lending institution be a bank or trust company, mortgage banker, savings banker, savings bank, credit union, national banking association, building and loan association, insurance company, the Florida Housing Development Corporation, or other financial institution or governmental agency that is authorized to transact business in the State of Florida pursuant to statutory

authority and which customarily provides service or otherwise aids in the financing of mortgages on real property located in the State of Florida.

(b) The credit underwriting and loan servicing experience and financial condition of the Qualified Lending Institution.

(c) Marketability of the Bonds using the Qualified Lending Institution as Credit Underwriter and servicer.

(d) Requirements of any rating agency rating the Bonds applicable to a Credit Underwriter and servicer.

Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.502(20), 420.507(4), (6), (13), (18), (19), (20), (21), 420.508 FS. History--New 12-3-86, Amended 9-25-96, 1-7-98, Formerly 91-21.005, Amended 1-26-99, Repromulgated 11-14-99, 2-11-01, Amended 3-17-02, Repromulgated 4-6-03, \_\_\_\_\_.

67-21.006 Development Requirements.

A Development shall at a minimum meet the following requirements or an Applicant shall be able to certify that the following requirements shall be met with respect to a Development:

(1) Must provide safe, sanitary and decent multifamily residential housing for lower, middle and moderate income persons or families.

(2) Must be owned, managed and operated as a Development to provide multifamily residential rental property comprised of a building or structure or several proximate buildings or structures, each containing five ~~four~~ or more dwelling units and functionally related facilities, in accordance with section 142(d) of the Code.

(3) The Development shall consist of similar units, containing complete facilities for living, sleeping, eating, cooking and sanitation for a Family.

(4) None of the units in the Development shall be used on a transient basis, nor shall they be knowingly leased for a period of less than 180 days unless a determination is made by Florida Housing that there is a specific need in that particular area for leasing arrangements of less than 180 days, but in no event shall a lease be for a period less than 30 days, nor shall a Development be used as a hotel, motel, dormitory, fraternity house, sorority house, rooming house, hospital, sanitarium, nursing home or rest home or trailer court or park.

(5) All of the dwelling units shall be rented or shall be available for rent on a continuous basis to members of the general public, and the Applicant 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 occupied in compliance with the Code or are being held for Elderly Persons, Commercial Fishing Workers, Homeless Persons or Farmworkers.

(6) The Applicant shall have no present plan to convert the Development to any use other than the use as affordable residential rental property.

(7) None of the units shall at any time be occupied by the owner of the Development or an individual related to the owner as such terms are defined by the Code; provided, however, that in Developments containing more than 50 residential units, such owner or related person may occupy up to one unit per each 100 units in a Development and such owner or related person must reside in a unit that is in a building or structure which contains at least five residential units.

(8) Commencing with the date on which at least 10 percent of the units in the Development are occupied:

(a) At least 20 percent or 40 percent, whichever is applicable based on Applicant's selection of the minimum federal Set-Aside, of the occupied and completed residential units in the Development shall be occupied by Lower Income Residents, prior to the satisfaction of which no additional units shall be rented or leased, except to a Family that is also a Lower Income Resident;

(b) All of the Public Policy Criteria and Qualified Resident Programs selected in the Application must be met; and

(c) After initial rental occupancy of such residential units by Lower Income Residents, at least 20 percent or 40 percent, whichever is applicable based on Applicant's selection of the minimum federal Set-Aside, of the completed residential units in the Development at all times shall be rented to and occupied by Lower Income Residents as required by section 142(d) of the Code, if the Development is financed with the proceeds of Tax-exempt Bonds, or as required by the Act, if the Development is financed with the proceeds of Taxable Bonds, or held available for rental if previously rented to and occupied by a Lower Income Resident.

(9) The Applicant shall obtain and maintain on file income certifications from each Lower Income Resident immediately prior to initial occupancy and at least annually thereafter.

(10) The Applicant shall not take, permit, or cause to be taken any action which would adversely affect the exemption from federal income taxation of the interest on Tax-exempt Bonds, nor shall the Applicant fail to take any action which is necessary to preserve the exemption from federal income taxation of the interest on Tax-exempt Bonds.

(11) The Applicant shall take such action or actions as shall be necessary to comply fully with the Code, F.S., and Florida Housing Rules.

(12) The Applicant may limit the leasing of units in a Development to Elderly Persons, Commercial Fishing Workers, Homeless Persons or Farmworkers as permitted hereby.

(13) In the event that the Applicant has determined that the market no longer supports the Development as Elderly Housing and desires to rent to younger persons or families, the following criteria must be met:

(a) A viable marketing plan is submitted to and is acceptable to Florida Housing showing a good faith effort to market the unit as Elderly Housing.

(b) The Applicant demonstrates that a good faith effort was made to lease the unit as Elderly Housing and that such effort was made for at least six months after the certificate of occupancy for the relevant unit was issued.

(c) The Applicant has requested and received Board approval that the Development no longer qualifies as Elderly Housing.

(14) The Applicant and Developer of a proposed Rehabilitation Development shall make every effort to rehabilitate existing housing (i) without displacing existing tenants or (ii) by temporarily moving existing tenants to unaffected units within the Development until the renovation of affected units is completed.

(15) The owner of a Development must notify Florida Housing of an intended change in the management company. Florida Housing must approve, pursuant to subsection 67-21.016(3), F.A.C., the Applicant's selection of a management agent prior to such company assuming responsibility for the Development. A key management company representative must attend a Florida Housing-sponsored training workshop on certification and compliance procedures prior to the leasing of any units in the Development.

(16) The Applicant shall use cost certifications with respect to each Development as required by the United States Department of Housing and Urban Development ("HUD") in connection with Developments financed by HUD, including the HUD Risk Sharing Program.

(17) The Applicant shall provide annually to the Trustee not later than 120 days after the end of the Applicant's fiscal year, audited financial statements prepared by an independent certified public accounting firm, consolidated or consolidating, on the Development and any other information required by Florida Housing to comply with continuing disclosure requirements imposed by law.

(18) Unless otherwise approved by the Board, Cross-collateralization shall not be allowed.

Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.502, 420.507(9), (11), (14), (18), (19), (20), (21), 420.508 FS. History--New 12-3-86, Amended 2-22-89, 12-4-90, 9-25-96, 1-7-98, Formerly 9I-21.006, Amended 1-26-99, 11-14-99, 2-11-01, 3-17-02, Repromulgated 4-6-03, Amended \_\_\_\_\_.

67-21.007 Fees.

In addition to the fees specified in the Universal Application Package, Florida Housing shall collect the following fees and charges in conjunction with the Program:

(1) TEFRA Fee: Applicants shall submit a non-refundable TEFRA fee to Florida Housing in the amount of \$500 by the Application Deadline. This fee shall be applied to the actual cost of publishing required newspaper advertisements and



Florida Administrative Weekly notices of TEFRA Hearings. If the actual cost of the required publishing exceeds \$500.00, Applicant shall be invoiced for the difference. If a Local Public Fact Finding Hearing is requested, the Applicant shall be responsible for payment of any fees incurred by Florida Housing. If the first TEFRA approval period has expired and a second TEFRA notice and hearing are required, Applicant is responsible for all costs associated with the additional TEFRA process.

(2) Credit Underwriting and Appraisal Fee: Applicants shall submit the required non-refundable Credit Underwriting and Appraisal Fee for each Development to the Credit Underwriter designated by Florida Housing within seven Calendar Days of the date of the invitation by Florida Housing to enter the Final Credit Underwriting process and prior to final credit review by the Credit Underwriter. The Final Credit Underwriting fee shall be determined pursuant to a contract between Florida Housing and the Credit Underwriter.

(3) Good Faith Deposit: The Applicant shall pay a total deposit equal to one percent of the aggregate principal amount of proposed Taxable and Tax-Exempt Bonds, or \$75,000 ~~\$50,000~~, whichever is greater, to Florida Housing, which deposit may be applied toward the Cost of Issuance Fee. The maximum Good Faith Deposit required is \$175,000. The Good Faith Deposit is payable in two equal installments: the first installment (one-half of one percent) is due within seven Calendar Days of the date the Board approves the Credit Underwriting Report. The balance is payable no later than the date when the Applicant executes the Loan Commitment. In the event the Loan does not close, the unused portion of the Good Faith Deposit shall be refunded to the Applicant. Notwithstanding the foregoing, the Applicant is responsible for all expenses incurred in preparation for loan closing. Any and all costs of Florida Housing will be deducted from the Good Faith Deposit prior to refunding any unused funds to the Applicant. In the event that additional invoices are received by Florida Housing subsequent to a determination that the Loan will not close and refunding any unused funds to the Applicant, which invoices related to costs incurred prior to such determination and refunding, Applicant shall be responsible for payment of the balance due as invoiced.

(4) Cost of Issuance Fee: Florida Housing shall require Applicants or participating Qualified Lending Institutions selected for participation in the Program, to deliver to Florida Housing, or, at the request of Florida Housing, directly to the Trustee, before the date of delivery of the Bonds, a Cost of Issuance Fee in an amount determined by Florida Housing to be sufficient to pay the costs and expenses relating to issuance of the Bonds, which amount shall be deposited into an account to be held by the Trustee. Florida Housing shall provide the Applicant with a good faith estimate of the Cost of Issuance Fee prior to closing. The Applicant shall pay all costs and expenses incurred by Florida Housing in connection with the

issuance of the Bonds, the expenditure of the Loan proceeds, and provision of Credit Enhancement, if any, even if such costs and expenses exceed the Cost of Issuance Fee. Any amounts remaining in this account at the time the balance is transferred and the account closed pursuant to the Trust Indenture shall be returned to the Applicant.

(5) HUD Risk Sharing Fees: Applicants also using the HUD Risk Sharing Program for the Development shall be responsible for associated fees, as follows:

(a) Format II Environmental Review Fee – The fee the Applicant shall pay will be determined by contract between Florida Housing and the environmental professional.

(b) Subsidy Layering Review Fee – The fee the Applicant shall pay will be determined by the contract between Florida Housing and the Credit Underwriter.

(c) Fees of the Florida Housing Finance Corporation Affordable Housing Guarantee Program pursuant to Rule Chapter 67-39, F.A.C.

(6) Compliance Monitoring Fees: The annual monitoring fee the Applicant shall pay will be determined by contract between Florida Housing and the monitoring agent.

(7) Permanent Loan Servicing Fees: The annual servicing fee the Applicant shall pay will be determined by contract between Florida Housing and the servicer.

(8) Financial Monitoring Fees: The annual financial monitoring fee the Applicant shall pay will be determined by contract between Florida Housing and the monitoring agent.

(9) Other Florida Housing Program Fees:

(a) Housing Credit Fees – If Housing Credits are used for the Development, the Compliance Monitoring Fee for that program shall be collected from the Applicant in conjunction with the Compliance Monitoring Fee for the Program.

(b) Florida Affordable Housing Guarantee Program Fees – If the Guarantee Program is used in the Development, the same fee schedule described in Rule Chapter 67-39, F.A.C., shall apply and be paid by the Applicant to Florida Housing.

(10) Development Cost Pro Forma: All of the fees set forth above with respect to the Program and other Florida Housing programs are part of the Total Development Cost. These costs must be included in the Development cost pro forma.

Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.507(4), (19) FS. History—New 12-3-86, Amended 1-7-98, Formerly 91-21.007, Amended 1-26-99, 11-14-99, 2-11-01, 3-17-02, 4-6-03, \_\_\_\_\_.

67-21.008 Terms and Conditions of Loans.

(1) Each Mortgage Loan for a Development made by Florida Housing shall:

(a) Be evidenced by a properly executed Note or other evidence of indebtedness and be secured by a recorded Mortgage;

(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 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;

(c) Not exceed 95 percent of the Total Development Cost;

(d) If the Mortgage Loan is to provide financing for the construction of a Development, have each advance thereof secured, insured, or guaranteed in such manner as Florida Housing determines shall protect its interest and those of the Bond holders;

(e) Have the initial review, approval, and origination process accomplished by a Qualified Lending Institution;

(f) Be serviced by such Qualified Lending Institution or other private entity engaged in the business of servicing mortgage loans in Florida as Florida Housing shall approve; and

(g) Require the submission to Florida Housing of an annual audited financial statement for the Development, and for the Applicant if revenue from multiple projects is being pledged. An annual financial statement compiled or reviewed by a licensed Certified Public Accountant may be submitted in lieu of an audited financial statement for the Development prior to the issuance of a certificate of occupancy for any unit in the Development, provided that the subsequent annual audited financial statement shall include all operations since inception.

(2) Upon approval, execution, and satisfaction of the terms of the Program Documents by the Applicant and Florida Housing, the Bond sale and the Loan shall be scheduled for closing.

(3) The Applicant may obtain construction financing from an alternative source with the Bond proceeds being invested in accordance with an investment agreement subject to the requirements of the Code for Tax-exempt Bonds.

(4) The Applicant shall also establish and maintain escrow deposits sufficient to pay any insurance premiums and applicable taxes.

(5) Florida Housing shall charge such Program administration fees as are required to pay the cost of administering the Program during the life of the Bonds and Loan.

(6) The interest rate on the Loan shall be determined by Florida Housing at the time of sale of the Bonds based on the financing structure and the interest rate on the Bonds.

(7) Prepayments shall be permitted only in accordance with the terms and conditions of the Program Documents.

(8) Florida Housing shall appoint a trustee and servicing agent when necessary to administer the Program and service the Loan.

(9) All Florida Housing Loans are contingent upon:

(a) The sale, issuance and delivery of the Bonds and the availability of Bond proceeds.

(b) The Applicant obtaining title insurance on the property.

(c) The Applicant obtaining all governmental approvals for constructing and operating the Development as a multifamily housing Development.

(d) The Applicant providing to Florida Housing, Bond Counsel and Special Counsel the Note, Mortgage, financing statements, survey, hazard insurance policies, liability insurance policies, escrow agreement, investment agreements, opinions of counsel including preference opinions, if required, and such other documents as are necessary to ensure that Florida Housing has a properly secured Mortgage as required under the Act and to protect the holders of the Bonds.

(e) If required by Bond Counsel in order to deliver their opinion in connection with the issuance of the Bonds or at the request of Florida Housing, the Bonds being validated pursuant to Chapter 75, F.S., and a certificate of no appeal issuing.

(f) Receipt of TEFRA approval for Tax-exempt Bonds.

(10) All Loans shall be reviewed and originated by a servicer designated by Florida Housing, in conformance with the Act.

(11) The Applicant shall agree to execute or cause to be executed all of the Program Loan Documents required by Florida Housing to secure the unconditional payment of the Loan and to retain the Tax-exempt status of the Bonds, if Bonds are issued as Tax-exempt Bonds.

(12) The Applicant shall, prior to the requested date for funding, or as requested during Credit Underwriting, supply in draft form to Florida Housing the following documents with respect to the Development being financed, together with any other documents required by the Loan Agreement:

(a) A survey, as described in the Application, dated within 90 days of the date submitted showing the location of all improvements, encroachments, easements and rights-of-way, and a site plan which has been approved by all governmental authorities.

(b) A fully completed, executed and sealed surveyors' certification to Florida Housing.

(c) Written evidence of appropriate zoning and governmental approvals.

(d) Plans and specifications bearing the seal of a licensed engineer.

(e) Policies of insurance and evidence of payment of premiums.

(f) Required opinions of counsel necessary for the issuance of the Bonds.

(g) A commitment for mortgagee title insurance in favor of Florida Housing or its Trustee or designated servicer, with only standard exceptions and such other exceptions as are usually permitted in mortgage loans of this nature and that are

acceptable to Florida Housing. Such policy shall be in an amount not less than the Loan amount plus an amount sufficient to cover any debt service reserve required by Florida Housing.

(h) A copy of the deed or form of deed conveying the land for the Development to the Applicant, or a copy of the lease creating a long-term leasehold in favor of the Applicant acceptable to the Corporation and the Credit Underwriter.

(i) Evidence as to the status of liens, including mechanic's liens, recorded against the property and the permission of Florida Housing to allow any liens to remain recorded against the land or the Development.

(j) Such other documents as shall be reasonably required by Florida Housing, by the Loan Commitment, or by Florida Housing's respective counsel to protect the interest of Florida Housing in the financing.

(13) The Borrower shall not sell, transfer, nor otherwise assign any of its interest in the Development without the prior written consent of Florida Housing.

(14) Florida Housing shall require all Loans to be secured to the extent necessary to protect Florida Housing and Bond holders.

(15) Any Loan financed with proceeds of Tax-exempt Bonds, except for 501(c)(3) Bonds, shall provide that the portion of any debt service reserve fund associated therewith to be financed with Tax-exempt Bonds shall not exceed six months of debt service on the Bonds.

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 91-21.008, Amended 1-26-99, 11-14-99, 2-11-01, 3-17-02, 4-6-03,\_\_\_\_\_.

#### 67-21.009 Interest Rate on Mortgage Loans.

Florida Housing shall establish the interest rate on Mortgage Loans at the time of sale of the Bonds. The interest rate shall in no event exceed the arbitrage limit which is legally allowed without jeopardizing the tax exempt status of the Bonds, if Bonds are issued as Tax-exempt Bonds.

Specific Authority 420.507(12), 420.508(3)(c) FS. Law Implemented Chapter 75, 420.507, 420.508 FS. History—New 12-3-86, Amended 1-7-98, Formerly 91-21.009, Amended 1-26-99, 11-14-99, Repromulgated 2-11-01, 3-17-02, 4-6-03,\_\_\_\_\_.

#### 67-21.010 Issuance of Revenue Bonds.

Florida Housing shall fund Mortgage Loans with the proceeds from the sale of Revenue Bonds. The issuance and sale of the Bonds shall be governed by resolutions adopted by Florida Housing and by applicable law and rule. If Bonds cannot be sold or cannot be sold in an amount or at an interest rate or under conditions which satisfy the Credit Underwriting Report, as the same may be amended, Florida Housing shall terminate its Loan Commitment and such other agreements as were executed in conjunction with the proposed Loan.

Specific Authority 420.507(12), 420.508(3)(c) FS. Law Implemented 420.507(6), 420.508, 420.509 FS. History—New 12-3-86, Amended 1-7-98, Formerly 91-21.010, Amended 1-26-99, 11-14-99, 2-11-01, 3-17-02, Repromulgated 4-6-03,\_\_\_\_\_.

#### 67-21.011 No Discrimination.

Florida Housing, its staff or agents, Applicants, or participants under the Program shall not discriminate against any person or family, on the basis of race, creed, national origin, age, religion, handicap, familial status or sex, against persons or families on the basis of their having minor children, except that nothing herein shall be deemed to preclude a Developer from discrimination based on age in renting Elderly Housing, from compliance with the provisions hereof with respect to a Farmworker Development, Commercial Fishing Worker or Homeless Development, or to preclude a Developer from discrimination based on income in renting units Set-Aside for Lower Income Residents in compliance with the requirements of the Code or with the requirements of Section 420.509(19), F.S., for Tax-exempt Bonds.

Specific Authority 420.507(12), 420.508(3)(c) FS. Law Implemented 420.502, 420.507(14) FS. History—New 12-3-86, Amended 2-22-89, 12-4-90, 1-7-98, Formerly 91-21.011, Amended 1-26-99, 11-14-99, 2-11-01, 3-17-02, Repromulgated 4-6-03,\_\_\_\_\_.

#### 67-21.012 Advertisements.

Florida Housing shall require the Applicant to withdraw from circulation advertisements with respect to the Development determined by Florida Housing to violate or be inconsistent with its policy of providing safe and sanitary affordable housing for low, moderate and middle income persons, families or persons or families with minor children.

Specific Authority 420.507(12), 420.508(3)(c) FS. Law Implemented 420.507(9), (14) FS. History—New 12-3-86, Amended 1-7-98, Formerly 91-21.012, Amended 1-26-99, 11-14-99, Repromulgated 2-11-01, 3-17-02, 4-6-03,\_\_\_\_\_.

#### 67-21.013 ~~Non-Credit Enhanced Private Placements of~~ Multifamily Mortgage Revenue Bonds.

Any issuance of ~~non-Credit Enhanced r~~Revenue Bonds ~~by means of a negotiated Private Placement~~ shall be sold only to a Qualified Institutional Buyer. Such non-Credit Enhanced revenue Bonds ~~Private Placements~~ may only be utilized for financings where the Applicant has demonstrated that the ~~issuance utilization of a Private Placement~~ produces a substantial benefit to the Development not otherwise available from ~~Credit Enhancement~~ structures. The analysis of the substantial benefit must be provided in a format acceptable to Florida Housing and shall include the initial issuer cost of issuance, underwriter's discount or placement agent fee, annual debt service, total debt service and any other factors necessary and appropriate to demonstrate that the issuance produces a substantial benefit to the Development. This analysis must be provided both prior to the review of the method of bond sale conducted by Florida Housing's financial advisor, and again prior to the pricing of the bonds, showing any changes affecting the original estimated substantial

benefit. Florida Housing shall designate the underwriter or placement agent with respect to such Bonds, who shall be on Florida Housing's approved bond underwriters list. ~~A Qualified Institutional Buyer who is an underwriter may contract to immediately resell such Bonds to other Qualified Institutional Buyers, which transaction shall continue to constitute an underwriting a Private Placement. The amount of any placement agent fee and any amounts paid by any third party to an initial Qualified Institutional Buyer which is an underwriter shall be subject to the approval of Florida Housing or its designee. Florida Housing, in its discretion, will allow only an underwriting discount or a placement agent fee, but not both.~~ Unless such Bonds are rated in one of the ~~four~~ three highest rating categories by a nationally recognized rating service, such Bonds shall not be held in a full book-entry system (but may be DTC-Eligible) and shall comply with at least one of the following criteria:

(1) The Bonds shall be issued in minimum denominations of \$100,000 (subject to reduction by means of redemption) and each purchaser of such Bond, including subsequent purchasers unless the requirements of (2) or (3) below are met, shall certify to Florida Housing prior to any purchase or transfer of any Bond that such purchaser is a Qualified Institutional Buyer; or

(2) The Bonds shall be issued in minimum denominations of \$250,000 (subject to reduction by means of redemption) and an investment letter satisfactory to Florida Housing and its counsel shall be obtained from each initial purchaser of the Bonds (including any purchaser purchasing such Bonds in an immediate resale from an underwriter), but shall not be required of subsequent purchasers of the Bonds, to the effect that, among other things, such purchaser is a Qualified Institutional Buyer, is purchasing such Bonds for its own account and not for immediate resale to other than another Qualified Institutional Buyer, and has made an independent investment decision as a sophisticated or institutional investor; or

(3) The Bonds shall be issued in minimum denominations of \$250,000 (subject to reduction by means of redemption) and an investment letter satisfactory to Florida Housing and its counsel shall be obtained from each initial purchaser of the Bonds and from each subsequent transferee of the Bonds prior to any transfer thereof, to the effect that such purchaser is a Qualified Institutional Buyer.

Specific Authority 420.507(12), 420.508(3)(c) FS. Law Implemented 420.507(4), (5), (6), (9), (11), (14), (16), (18), (19), (20), (21) FS. History—New 11-23-94, Amended 1-7-98, Formerly 9I-21.013, Amended 1-26-99, 11-14-99, 2-11-01, 3-17-02, 4-6-03, \_\_\_\_\_.

#### 67-21.014 Credit Underwriting Procedures.

(1) An invitation into Credit Underwriting shall require that the Applicant submit the Credit Underwriting and Appraisal Fee and information required to complete the Credit Underwriting, to the Credit Underwriter in accordance with the

schedule established by Florida Housing upon the recommendation of the Credit Underwriter. Failure to submit the Credit Underwriting and Appraisal Fee or meet the deadlines as set forth in the schedule shall result in the immediate termination of Credit Underwriting activities and the Application shall be moved to the bottom of the ranked list.

(2) The Credit Underwriter shall in Credit Underwriting analyze and verify all information in the Application, or any proposed changes made subsequent thereto, 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.

(a) If the Credit Underwriter determines that special expertise is required to review information submitted to the Credit Underwriter which is beyond the scope of normal underwriting procedures, the cost of such expertise shall be borne by the Applicant.

(b) The Credit Underwriter shall review the proposed financing structure to determine whether the Loan is feasible.

(c) In addition to operating expenses, the Credit Underwriter must include an estimate for replacement reserves when calculating the final net operating income available to service the debt. A minimum amount of \$200 per unit must be deposited annually in the replacement reserve account for all Developments. An Applicant may choose to fund a portion of the replacement reserves at closing from moneys other than the proceeds of the Bonds. This partial funding cannot exceed 50 percent of the required replacement reserves for two years and must be placed in escrow with the Bond Trustee at closing. Applicants with Credit Enhancement may employ a different replacement reserve structure with Florida Housing's approval.

(d) Florida Housing shall consider the following when determining the need for construction completion guarantees based on the recommendations of the Credit Underwriter:

1. Liquidity of any guarantee provider.
2. Applicant's, Developer's and General Contractor's history in successfully completing Developments of similar type.
3. The past performance of the Applicant, Developer, General Contractor, or management agent, in developing, constructing or managing Developments financed by Florida Housing or its predecessor, including, by way of example and not limitation, nonpayment of fees and noncompliance with program requirements.

4. Percentage of Florida Housing funds utilized compared to Total Development Costs. At a minimum, the corporate general partner of the borrowing entity shall provide a personal guarantee for completion of construction. In addition, a letter of credit or payment and performance bond shall be required if Florida Housing determines upon recommendation of the Credit Underwriter after evaluation of conditions in subparagraphs 1. through 3., above, that additional surety is needed.

(e) The Credit Underwriter shall review and make a recommendation to Florida Housing whether the number of existing loans and construction commitments of the Applicant and its principals will impede its ability to proceed with the successful development of each proposed Florida Housing Development.

(f) The Credit Underwriter shall consider the appraisal of the Development and other market study documentation to make a recommendation as to whether the market exists to support both the demographic and income restriction Set-Asides committed to within the Application. The Credit Underwriter shall consider the market study and other documentation to make a recommendation of whether to approve or disapprove an allocation when the proposed Development would financially impair an existing Development previously funded by Florida Housing.

(g) If the Credit Underwriter requires additional clarifying materials in the course of the underwriting process to complete the Credit Underwriting Report, the Credit Underwriter shall notify Florida Housing and request the information from the Applicant. Such requested information shall be submitted within ten business days of receipt of the request therefor. Failure for any reason to submit required information on or before the specified deadline shall result in the Application being moved to the bottom of the ranked list.

(h) At a minimum, the Credit Underwriter shall require the following information during Credit Underwriting:

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 by a licensed Certified Public Accountant 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 Part III, Sections 604 through 607, of the Fannie Mae Multifamily Delegated Underwriting and Servicing (DUS) Guide, effective January 7, 2002, 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 by a licensed Certified Public Accountant 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 by a licensed Certified Public Accountant 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.

(i) The Credit Underwriter shall require an operating deficit guarantee. The operating deficit guarantee will be released when the Development achieves a minimum 1.10 debt service coverage ratio on the MMRB loan and 90% occupancy and 90% of the gross potential rental income, all for six consecutive months as certified by an independent certified public accountant.

(j) The Credit Underwriter shall also require environmental indemnity and recourse obligation guarantees.

(k)(+) Required appraisals, market studies, pre-construction analyses, and environmental studies (other than Phase I Environmental Site Assessments) shall be completed by professionals approved by Florida Housing's Credit Underwriters. Approval of appraisers and contractors to complete market and environmental studies shall be based upon review of qualifications, professional designations held, references and prior experience with similar types of Developments.

(l)(+) 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.

(m)(+) Appraisals and separate market studies which have been ordered and submitted by third party Credit Enhancers or syndicators and which meet the above requirements and are acceptable to the Credit Underwriter may be used instead of the appraisal or market study referenced above.

(3) The Applicant shall review and provide written comments on the draft Credit Underwriting Report to Florida Housing and the Credit Underwriter within the time frame established by Florida Housing. Florida Housing shall provide comments on the draft report and, as applicable, on the Applicant's comments to the Credit Underwriter. The Credit Underwriter shall then review and incorporate Florida Housing's and, if deemed appropriate, the Applicant's comments and release the revised report to Florida Housing and the Applicant. Any additional comments from the Applicant shall be received by Florida Housing and the Credit Underwriter within the established time frame. Then, the Credit Underwriter shall provide a final report, which shall address comments made by the Applicant to Florida Housing.

(4) After approval by the Board following presentation of the Credit Underwriting Report and payment of one-half of the Good Faith Deposit, the Board of Directors, Florida Housing staff and Florida Housing Counsel shall begin negotiations of the Loan Commitment.

(5) At a minimum, a 10% retainage will be held by the trustee or the servicer administering the construction loan funds until the Development is 50% complete. At 50% completion, no additional retainage will be held from the remaining draws. The total retainage dollars will be held by the trustee or the servicer and released pursuant to the terms of the construction loan agreement.

Specific Authority 420.507(12), 420.508(3)(c) FS. Law Implemented 420.507, 420.508, 420.508(3)(b)3., 420.509 FS. History—New 1-7-98, Formerly 9I-21.014, Amended 1-26-99, 11-14-99, 1-26-00, 2-11-01, 3-17-02, 4-6-03,

67-21.015 Use of Bonds with Other Affordable Housing Finance Programs.

(1) Applicants may submit one Application for the MMRB Program, SAIL, competitive housing credits and non-competitive housing credits, subject to the restrictions set forth in the Universal Application Package.

(2) Applicants that receive funding from other programs and the Multifamily Mortgage Revenue Bond Program shall comply with the requirements of the applicable program rule and this rule.

Specific Authority 420.507(12), 420.508(3)(c) FS. Law Implemented 420.507, 420.508 FS. History—New 1-7-98, Formerly 9I-21.015, Amended 1-26-99, 11-14-99, 2-11-01, 3-17-02. Repromulgated 4-6-03,

67-21.016 Compliance Procedures.

(1) Any duly authorized representative of Florida Housing shall be permitted at any reasonable time to inspect and monitor Development and tenant records and facilities. All tenant records shall be maintained by the owner of the Development within 50 miles of the Development site.

(2) Florida Housing or its representative shall conduct on-site Development inspections at least annually.

(3) Florida Housing must approve the selection or replacement of a management company prior to such company assuming responsibility for the Development, using the following criteria:

(a) Review of company information including key management personnel, management experience and procedures;

(b) Review of company forms such as application for apartment residence, income verification forms, lease, etc.;

(c) Key management company representative attendance at a Florida Housing compliance workshop; and

(d) A meeting between Florida Housing compliance staff and the key management company representative.

(4) Florida Housing shall document approval of the management company to the owner of the Development after successful completion of items (3)(a)-(d).

(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:

(a) The tenant's application containing the name or names of each household member, employment and income information for each household member, and other information required by the owner of the Development;

(b) An executed lease agreement listing the term of the tenancy and all of the tenants residing in the unit;

(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;

(d) Information as to the assets owned by each tenant; and

(e) Income Certification Form TIC-1 for each tenant.

(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, and 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, 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.

(8) Florida Housing shall monitor compliance of all terms and conditions of the Loan and in the Land Use Restriction Agreement, which Land Use Restriction Agreement shall be recorded in the public records of the county wherein the Development is located. The Land Use Restriction Agreement shall be recorded first. Violation of any term or condition of the documents evidencing or securing the Loan shall constitute a default during the term of the Loan. Florida Housing shall take legal action to effect compliance if a violation of any term or condition relative to the Set-Aside of units for Lower Income Residents is discovered during the course of compliance monitoring or by any other means.

(9) Borrowers shall annually certify that the household gross income of each household occupying a unit set aside for Lower Income Residents meets income requirements specified

in the Code. Should the annual recertification of such households result in noncompliance with income occupancy requirements, the next available unit must be rented to a qualifying household in order to ensure continuing compliance of the Development.

(10) The compliance monitoring for MMRB will begin following loan closing or, if the Development is occupied, prior to loan closing.

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-21.018, Amended 1-26-99, 11-14-99, 2-11-01, 3-17-02, 4-6-03, Repromulgated \_\_\_\_\_.

#### 67-21.017 Transfer of Ownership.

(1) Any transfer of ownership of any Development shall be subject to compliance with the provisions of Rule 67-21.017, F.A.C., provided that transfers of the limited partnership interest or limited liability company interest in the owner 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.

(2) A request for transfer of ownership shall be submitted to Florida Housing in writing and include evidence that the current owner has agreed to the proposed sale. A detailed opinion letter from the Applicant's legal counsel describing the scope of the proposed transaction must also be provided. Florida Housing shall notify the current owner and potential purchaser of any additional information necessary for the Board to make an informed decision.

(3) Upon demonstration of compliance with the provisions of 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.

(4) Prior to the transfer of ownership:

(a) The prospective purchaser and the conditions of the assumption of the Program Documents must be approved by the Credit Underwriter as meeting the terms of its Credit Underwriting Report, Bond Counsel and Special Counsel as complying with all applicable legal requirements, and Florida Housing as meeting the stated purposes of Florida Housing,

(b) All outstanding fees owing to Florida Housing shall be paid,

(c) The Development shall be in compliance with all existing regulatory requirements imposed by Florida Housing or its predecessor, and

(d) If the Set-Aside requirements in the Land Use Restriction Agreement are expired or have less than 12 months remaining, such agreement shall be extended for a minimum of two years from the date of closing. The Credit Underwriter shall conduct a credit underwriting of the new owner upon any transfer of ownership. Additionally, the new owner shall be notified that any refunding of bonds associated with such Development shall require a full Credit Underwriting of the Development. All transfer of ownership transactions shall require a guarantee of recourse obligations and an environmental indemnity from the assuming owner.

(5) The prospective purchaser or current owner shall be responsible for payment of all fees for professional services rendered in association with the transfer of ownership.

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, 2-11-01, 3-17-02. Repromulgated 4-6-03, Amended \_\_\_\_\_.

#### 67-21.018 Refundings and Troubled Development Review.

(1) Refunding of previously issued Bonds shall in all instances be at the option of Florida Housing and not an obligation of Florida Housing.

(2) Florida Housing shall endeavor where feasible to refund Bonds which are either in default or face a pending default.

(3) Approval by Florida Housing for a refunding of an issue of Bonds for reasons related to pending default shall be subject to the following:

(a) Determination of the likelihood of the impending default;

(b) Submission of a sworn certificate of impending default by the Developer or Credit Enhancer;

(c) Submission of sworn certificate from the Developer or Credit Enhancer that conditions causing default are likely to continue;

(d) Submission of certified information from a certified public accountant concerning cash contributions to the Development, financial condition of the Development, including analysis of tax benefits derived from Development losses, and the financial condition of the Developer or Credit Enhancer;

(e) Independent evidence of market conditions in the Development location;

(f) Evidence of effort by the Developer or Credit Enhancer to procure other sources of capital infusion;

(g) Statement by the Developer or Credit Enhancer of the continued public purpose to be achieved by refunding;

(h) Agreement by the Developer or Credit Enhancer to update the Land Use Restriction Agreement, including retention of state and federal income limits;

(i) New Credit Underwriting by Florida Housing, with new Bond amount determined by Florida Housing based upon real estate underwriting criteria and equal to the lesser of the amount determined by Florida Housing or the Credit Enhancer, to provide assurance that a similar default condition will not present itself in the future;

(j) The full risk of refunding is taken by the Credit Enhancer through full indemnification of Florida Housing; with consideration given to personal indemnification from the Developer if sufficient financial strength can be demonstrated;

(k) All costs of refunding are paid by the Developer or the Credit Enhancer outside of Bond proceeds, including all applicable fees;

(l) Retention of annual fees by Florida Housing;

(m) Provision of other evidence of the immediacy of default;

(n) Retention of the Credit Enhancement; and

(o) Management of the Development is reviewed and approved by Florida Housing.

(p) The Set-Aside of an additional 10 percent of units for Lower Income Residents beyond the requirements of subsection 67-21.0041(1), F.A.C.

(4) In connection with all refundings, the following shall apply:

(a) All outstanding fees of Florida Housing shall be paid in connection with the refunding;

(b) The Set-Asides required by the original Land Use Restriction Agreement shall be extended for a period determined by Florida Housing;

(c) A Credit Underwriting and an existing property valuation report shall be required, which may incorporate any Credit Underwriting undertaken within the past twelve months in connection with a transfer of ownership of the same Development;

(d) A guarantee of recourse obligations and an environmental indemnity shall be required;

(e) Additional operating deficit or other guarantees and establishment of replacement reserves or increase in existing reserves may be required as specified in the Credit Underwriting report;

(f) The loan shall immediately on the earlier of 24 months after closing or stabilized occupancy in the case of major rehabilitation begin full amortization over the remaining life of the Bonds; and in no event shall exceed the economic remaining life of the property, provided that, in the case of a refunding relating to a pending default, such amortization may be delayed to the extent recommended in the Credit Underwriting Report;

(g) Any material changes to the underlying documents shall be deemed to constitute a refunding for purposes hereof.

(h) Any extension or extensions of maturity cumulatively exceeding 60 months shall be deemed to constitute a refunding for purposes hereof; and

(i) The owner of the Development must provide a written request for the refunding and a detailed opinion from Applicant's counsel describing the scope of the transaction. It shall not be necessary to complete an Application in connection with a refunding request.

Specific Authority 420.507(12), 420.508(3)(a) FS. Law Implemented 420.507, 420.508 FS. History--New 1-7-98, Formerly 91-21.018, Amended 1-26-99, 11-14-99, 2-11-01, 3-17-02. Repromulgated 4-6-03, \_\_\_\_\_

67-21.019 Issuance of Bonds for 501(c)(3) Entities.

(1) Florida Housing shall entertain requests for it to serve as the issuer of Tax-exempt Bonds for the acquisition or construction of multifamily housing to be owned by a not-for-profit entity organized under section 501(c)(3) of the Code.

(2) In connection with all Bonds issued pursuant to Rule 67-21.019, F.A.C., Applicants shall be required to comply with the provisions of Rules 67-21.003, 67-21.0041 and 67-21.0045 through 67-21.018, F.A.C., as if the section 501(c)(3). Bonds are being issued as Tax-exempt Bonds under section 141 of the Code, except that at least one Qualified Resident Program shall be committed to in addition to the minimum federal Set-Aside.

(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 section 501(c)(3) status of the Applicant. A copy of IRS Form 1023 is available on the IRS web site at [www.irs.gov](http://www.irs.gov); and

(b) An opinion from Applicant's counsel at Applicant's sole expense evidencing the Applicant's qualifications as a section 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 section 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 2-11-01, 3-17-02. Repromulgated 4-6-03, \_\_\_\_\_

NAME OF PERSON ORIGINATING PROPOSED RULE: Wayne Conner, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Orlando Cabrera, Executive Director, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197



DATE PROPOSED RULE CHAPTER APPROVED BY  
 AGENCY HEAD: December 12, 2003  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: Vol. 29, No. 39, September 26, 2003

**FLORIDA HOUSING FINANCE CORPORATION**

RULE TITLES:	RULE NOS.:
Purpose and Intent	67-48.001
Definitions	67-48.002
Application and Selection Procedures for Developments	67-48.004
Applicant Administrative Appeal Procedures	67-48.005
Compliance and Reporting Requirements	67-48.006
Fees	67-48.007
SAIL General Program Procedures and Restrictions	67-48.009
Additional SAIL Application Ranking and Selection Procedures	67-48.0095
Terms and Conditions of SAIL Loans	67-48.010
Sale, Refinancing or Transfer of a SAIL Development	67-48.0105
SAIL Credit Underwriting and Loan Procedures	67-48.012
SAIL Construction Disbursements and Permanent Loan Servicing	67-48.013
HOME General Program Procedures and Restrictions	67-48.014
Match Contribution Requirement for HOME Allocation	67-48.015
Eligible HOME Activities	67-48.017
Eligible HOME Applicants	67-48.018
Eligible and Ineligible HOME Development Costs	67-48.019
Terms and Conditions of Loans for HOME Rental Developments	67-48.020
Sale or Transfer of a HOME Development	67-48.0205
HOME Credit Underwriting and Loan Procedures	67-48.021
HOME Disbursements Procedures and Loan Servicing	67-48.022
Housing Credits General Program Procedures and Requirements	67-48.023
Qualified Allocation Plan	67-48.025
Housing Credit Underwriting Procedures	67-48.026
Tax-Exempt Bond-Financed Developments	67-48.027
Carryover Allocation Provisions	67-48.028
Extended Use Agreement	67-48.029
Sale or Transfer of a Housing Credit Development	67-48.030
Termination of Extended Use Agreement and Disposition of Housing Credit Developments	67-48.031

PURPOSE AND EFFECT: The purpose of this Rule Chapter is to establish the procedures by which the Corporation shall:

(1) Administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the State Apartment Incentive Loan (SAIL) Program

authorized by Section 420.5087, Florida Statutes; and the HOME Investment Partnerships (HOME) Program authorized by Section 420.5089, Florida Statutes; and  
 (2) Administer the Application process, determine Housing Credit amounts and implement the provisions of the Housing Credit (HC) Program authorized by Section 42 of the Code and Section 420.5099, Florida Statutes.

The intent of this Rule Chapter is to encourage public-private partnerships to invest in residential housing; to stimulate the construction and rehabilitation of residential housing which in turn will stimulate the job market in the construction and related industries; and to increase and improve the supply of affordable housing in the State of Florida.

SUMMARY: Prior to the opening of an Application Cycle, the Corporation (1) researches the market need for affordable housing throughout the state of Florida and (2) evaluates prior Application Cycles to determine what changes or additions should be added to the Rule, Application and/or QAP. The proposed amendments to the Rule and adopted reference material include changes that will create a formulated process for selecting Developments that will apply in the 2004 Application Cycle.

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: 420.507 FS.

LAW IMPLEMENTED: 420.5087, 420.5089, 420.5099 FS.

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

TIME AND DATE: 9:30 a.m., January 20, 2004

PLACE: Tallahassee City Hall, Commission Chambers, 891 South Adams Street, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kerey Carpenter, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

THE FULL TEXT OF THE PROPOSED RULES IS:

**PART I ADMINISTRATION**

67-48.001 Purpose and Intent.

The purpose of this rule chapter is to establish the procedures by which the Corporation shall:

(1) Administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the State Apartment Incentive Loan (SAIL) Program

authorized by Section 420.5087, F.S., and the HOME Investment Partnerships (HOME) Program authorized by Section 420.5089, F.S.; and

(2) Administer the Application process, determine Housing Credit amounts and implement the provisions of the Housing Credit (HC) Program authorized by Section 42 of the Code and Section 420.5099, F.S.

Specific Authority 420.507 FS. Law Implemented 420.5087, 420.5089(2), 420.5099 FS. History—New 7-22-96, Amended 12-23-96, 1-6-98, Formerly 9I-48.001, Amended 11-9-98, Repromulgated 2-24-00, 2-22-01, Amended 3-17-02, Repromulgated 4-6-03.

#### 67-48.002 Definitions.

(1) “Act” means the Florida Housing Finance Corporation Act as found in Chapter 420, Part V, F.S., as in effect on the date of this rule chapter.

(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 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.

(4) “Affiliate” means any person that, (i) directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with the Applicant, (ii) serves as an officer or director of the Applicant or of any Affiliate of the Applicant, or (iii) is the spouse, parent, child, sibling, or relative by marriage of a person described in (i) or (ii) above.

(5) “Allocation Authority” means the total dollar volume of Housing Credits available for distribution by the Corporation and authorized pursuant to Section 42 of the Code.

(6) “Annual Owner Compliance Certification Form” or “Form AOC-1” means, with respect to a Housing Credit Development, a report format which is required to be completed and submitted to the Corporation, pursuant to subsection 67-48.006(7), F.A.C., and is adopted and incorporated herein by reference, effective 1/2001. A copy of such form is available on FHFC’s web site [www.floridahousing.org](http://www.floridahousing.org).

(7) “Applicable Fraction” means the fraction, the numerator of which is the number of Housing Credit Rent-Restricted Units and the denominator of which is the total number of residential rental units less any unit exempted by Internal Revenue Ruling 92-61, or the fraction, the numerator of which is the floor space of the Housing Credit Rent-Restricted Units and the denominator of which is the total floor space of the residential rental units less any unit

exempted by Internal Revenue Ruling 92-61, whichever is less. The Applicable Fraction is applied to the eligible basis of a building to determine the qualified basis of a building for Housing Credit purposes.

(8) “Applicant” means any person or entity, public or private, for-profit or not-for-profit, proposing to build or rehabilitate affordable rental housing (i) with respect to the SAIL and HOME Program(s) for Low-Income or Very Low-Income persons or households, and (ii) with respect to the HC Program for qualified tenants, as defined in Section 42 of the Code.

(9) “Application” means, with respect to the SAIL, HOME and HC Programs, the completed forms from the Universal Application Package together with all exhibits submitted to the Corporation in accordance with this rule chapter and the Universal Application Package instructions in order to apply for the SAIL, HOME or HC Program(s).

(10) “Application Deadline” means 5:00 p.m., Eastern Time, on the final day of the Application Period.

(11) “Application Period” means a period during which Applications shall be accepted as posted on Florida Housing’s web site and with a deadline no less than thirty days from the beginning of the Application Period.

(12) “Assisted Living Facility” or “ALF” means a Florida licensed living facility that complies with Sections 400.401 through 400.454, F.S., and Chapter 58A-5, F.A.C.

(13) “Binding Commitment” means, with respect to a Housing Credit Development, an agreement between the Corporation and an Applicant by which the Corporation allocates and the Applicant accepts Housing Credits from a later year’s Allocation Authority in accordance with Section 42(h)(1)(C) of the Code.

(14) “Board of Directors” or “Board” means the Board of Directors of the Corporation.

(15) “Building Identification Number” means, with respect to a Housing Credit Development, the number assigned by the Corporation to describe each building in a Housing Credit Development, pursuant to Internal Revenue Service Notice 88-91.

(16) “Calendar Days” means, with respect to computing any period of time allowed by this rule, the day of the event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday.

(17) “Carryover” means the provision under Section 42 of the Code which allows a Development, under certain conditions allowed by Section 42 of the Code, to receive a Housing Credit Allocation in a given calendar year and be placed in service within a period of two calendar years from the date the Applicant qualifies for Carryover, pursuant to Rule 67-48.028, F.A.C.

(18) "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, F.S.

(19) "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.

(20) "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.

(21) "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.

(22) "Community Housing Development Organizations" or "CHDOs" means organizations that are organized pursuant to the "CHDO" definition in 24 CFR Part 92.

(23) "Competitive Housing Credits" or "Competitive HC" means those Housing Credits which come from Florida Housing's annual Allocation Authority.

(24) "Compliance Period" means, with respect to a SAIL Development, a minimum period of 15 years from the date the first residential unit is occupied; with respect to a HOME Development, a minimum period of 15 years for rehabilitation Developments and 20 years for new construction Developments, beginning from the date the first residential unit is occupied. However, for SAIL and HOME Developments which contain occupied units to be rehabilitated, the Compliance Period shall begin not later than 60 days from the termination of the lease in effect at the time of ~~at~~ closing of the SAIL or HOME loan. With respect to any building that is included in a Housing Credit Development, "Compliance Period" means a minimum period of 15 years beginning on the first day of the first taxable year of the Housing Credit Period with respect thereto in which a Housing

Credit Development shall continue to maintain the Housing Credit Set-Aside chosen by the Applicant in the Application, pursuant to Section 42 of the Code.

(25) "Consolidated Plan" means the plan prepared in accordance with HUD Regulations, 24 CFR § 91, 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.

(26) "Contact Person" means the person with whom the Corporation will correspond concerning the Application and the Development. This person cannot be a third-party consultant.

(27) "Corporation" or "Florida Housing" or "FHFC" means the Florida Housing Finance Corporation created pursuant to the Act.

(28) "Credit Underwriter" means the independent contractor under contract with the Corporation having the responsibility for providing stated credit underwriting services. Such services shall include 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, the evidence of need for affordable housing in order to determine that the Development meets the program requirements and determine a recommended SAIL or HOME loan amount, housing credit allocation amount or a combined SAIL or HOME loan amount and a housing credit allocation amount, if any.

(29) "Default Interest Rate" means the rate of interest charged when the borrower is in default of the terms and conditions of the loan documents.

(30) "Department" or "DCA" means the Department of Community Affairs of the State of Florida.

(31) "Developer" means any individual, association, corporation, joint venturer, or partnership which possesses the requisite skill, experience, and credit worthiness to successfully produce affordable multifamily housing pursuant to this rule chapter. The Developer, as identified in an Application, may not change until the construction of the Development is complete.

(32) "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, 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.

(33) "Development Cash Flow" means, with respect to SAIL Developments, 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.

(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 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 subsection 67-48.010(4), F.A.C., the term does not include extraordinary capital expenses, developer fees and other non-operating expenses.

(36) "Difficult Development Area" or "DDA" 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. ~~A list of the 2003 Florida DDAs is adopted and incorporated herein by reference. A copy of such list is available on FHFC's web site [www.floridahousing.org](http://www.floridahousing.org). The United States Department of Housing and Urban Development maintains the official DDA list. The incorporated Florida DDA list is designed to assist the Applicant in the Application process.~~ Applicants are responsible for providing Florida Housing with accurate DDA information.

(37) "Document" means any written or graphic matter of any kind whatsoever, however produced or reproduced, including but not limited to records, reports, memoranda, minutes, notes, graphs, maps, charts, contracts, opinions, studies, analysis, photographs, financial statements and correspondence as well as any other tangible thing on which information is recorded.

(38) "Draw" means the disbursement of funds to a Development under the SAIL and HOME Programs.

(39) "Elderly" means a person 62 years of age or older. With respect to the SAIL, HOME and HC Programs, persons meeting the Federal Fair Housing Act requirements for Elderly shall be considered Elderly.

(40) "Eligible Persons" or "Eligible Household" means one or more natural persons or a family, irrespective of race, creed, national origin, or sex, determined by the Corporation to be of low or very low income. In determining the income standards of eligible persons for its various programs, the Corporation shall take into account the following factors:

- (a) Requirements mandated by federal law.
- (b) Variations in circumstances in the different areas of the state.
- (c) Whether the determination is for rental housing.
- (d) The need for family size adjustments to accomplish the purposes set forth in this rule chapter.

With respect to the HC Program, an "Eligible Person" or "Eligible Household" shall mean one or more persons or a family having a combined income which meets the income eligibility requirements of the Program and Section 42 of the Code.

(41) "Executive Director" means the Executive Director of the Corporation.

(42) "Extended Use Agreement," "Extended Low-Income Housing Agreement" or "EUA" means, with respect to the HC Program, an agreement between the Corporation and the Applicant which sets forth the Set-Aside requirements and other Development requirements, if any, under the HC Program.

(43) "Family" or "Family Household" describes a household composed of one or more persons.

(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 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:

- (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.

(45) "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.

(46) "Farmer's Home" or "FmHA" means the Farmer's Home Administration of the United States Department of Agriculture, which is now known as "USDA - Rural Development" or "RD" and formerly known as "Rural Economic and Community Development" or "RECD".

(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 ~~January 2003 August 2001~~, 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 subsections 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 Form FCCA is available on FHFC's web site [www.floridahousing.org](http://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.

(48) "Final Housing Credit Allocation" means, with respect to a Housing Credit Development, the issuance of Housing Credits to an Applicant upon completion of construction or rehabilitation of a Development and submission to the Corporation by the Applicant of a completed and executed Form FCCA pursuant to subsections 67-48.023(6)-(7), F.A.C.

(49) "Financial Beneficiary" means any Developer and its principals and 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.

This 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 subsection 67-48.002(53), F.A.C.

(50) "Financial Institution" means a state or federal association, bank, trust company, international bank agency, representative office or international administrative office, or credit union.

(51) "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.

(52) "Funding Cycle" means the period of time commencing with the Notice of Funding Availability or Notice of Credit Availability pursuant to this rule chapter and concluding with the issuance of Allocations or loans to Applicants who applied during a given Application Period.

(53) "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) A 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) 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 subcontracted to any one entity unless otherwise approved by the Board for a specific Development.

(54) "Geographic Set-Aside" means the amount of Allocation Authority or funding which has been designated by the Corporation to be allocated for Developments located in specific geographical regions within the State of Florida.

(55) "HC" or "Housing Credit Program" means the Low-Income or Very Low-Income rental housing program administered by the Corporation pursuant to Section 42 of the Code and Section 420.5099, F.S., under which the Corporation is designated the Housing Credit agency for the State of Florida within the meaning of Section 42(h)(7)(A) of the Code, and this rule chapter.

(56) "HOME" or "HOME Program" means the HOME Investment Partnerships Program administered by the Corporation pursuant to HUD Regulation 24 CFR § 92, which is adopted and incorporated herein by reference, and Section 420.5089, F.S.

(57) "HOME-Assisted Unit" means the specific units that are funded with HOME funds. HOME units shall adhere to rent controls and income targeting requirements pursuant to 24 CFR § 92.252.

(58) "HOME Development" means any Development which receives financial assistance from the Corporation under the HOME Program.

(59) "HOME Minimum Set-Aside Requirement" means the minimum set-aside requirement of 20% of the HOME-Assisted Units in the Development shall be rented to persons at 50% of the median income adjusted for family size and 80% of the HOME-Assisted Units in the Development shall be rented to persons at 60% of the median income adjusted for family size.

(60) "HOME Rental Development" means a Development proposed to be constructed or rehabilitated with HOME funds. A Development which is under construction may be eligible to apply for HOME funds only if the final building permit is dated no earlier than 6 months prior to the Application Deadline, the Development is able to provide evidence of compliance with federal labor standards (if 12 or more HOME-Assisted Units are developed under a single contract) for any work already completed, and compliance with HUD environmental requirements as well as all other federal HOME regulations as listed in Rule 67-48.014, F.A.C., and 24 CFR Part 92. The federal requirements may require completion of activities prior to submission of an Application for HOME funding.

(61) "HOME Rent-Restricted Unit" means the maximum allowable rents designed to ensure affordability on the HOME-Assisted Units:

(a) High HOME rent means 80% of the HOME-Assisted Units in a Development must have rents set at no more than the lesser of the Section 8 Fair Market Rent (FMRs) or rents that are 30% for a Family at 65% of median income limit, minus resident-paid utilities.

(b) Low HOME rent means 20% of the HOME-Assisted Units in a Development must have rents set at no more than the lesser of the Section 8 Fair Market Rent (FMRs), or 30% of the gross income of a Family at 50% of the area median income, minus resident-paid utilities.

(62) "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.

(63) "Housing Credit" means the tax credit issued in exchange for the development of rental housing pursuant to Section 42 of the Code and the provisions of this Rule Chapter 67-48, F.A.C.

(64) "Housing Credit Allocation" means the amount of Housing Credits determined by the Corporation as necessary to make a Development financially feasible and viable throughout the Development's Housing Credit Compliance Period pursuant to Section 42(m)(2)(A) of the Code.

(65) "Housing Credit Development" means the proposed or existing rental housing Development(s) for which Housing Credits have been applied or received.

(66) "Housing Credit Extended Use Period" or "Extended Use Period" means, with respect to any building that is included in a Housing Credit Development, the period that begins on the first day of the Compliance Period in which such building is part of the Development and ends on the later of: (i) the date specified by the Corporation in the Extended Use Agreement or (ii) the date that is the fifteenth anniversary of the last day of the Compliance Period, unless earlier terminated as provided in Section 42(h)(6) of the Code.

(67) "Housing Credit Period" means with respect to any building that is included in a Housing Credit Development, the period of 10 years beginning with:

(a) The taxable year in which such building is placed in service, or

(b) At the election of the Developer, the succeeding taxable year.

(68) "Housing Credit Rent-Restricted Unit" means, with respect to a Housing Credit Development, a unit for which the gross rent does not exceed 30% of the imputed income limitation (Low-Income or Very Low-Income) applicable to such unit as chosen by the Applicant in the Application and in accordance with the Code. Gross rent must be determined from the rent charts included in the Application and must correspond to the percentage of area median income committed to by the Applicant in the Application.

(69) "Housing Credit Set-Aside" means the number of units in a Housing Credit Development necessary to satisfy the percentage of Low-Income or Very Low-Income units chosen by the Applicant in the Application.

(70) "Housing Credit Syndicator" means a person, partnership, corporation, trust or other entity that regularly engages in the purchase of interests in entities that produce Qualified Low Income Housing Projects [as defined in Section 42(g) of the Internal Revenue Code] and provides at least one written reference in the Application that such person, partnership, corporation, trust or other entity has performed its obligation under the partnership agreements and is not currently in default under those agreements.

(71) "Housing Provider" means, with respect to a HOME Development, local government, consortia approved by HUD under the HUD Regulations, for-profit and non-profit Developers, and qualified CHDOs, with demonstrated capacity to construct or rehabilitate affordable housing.

(72) "HUD" means the U.S. Department of Housing and Urban Development.

(73) "HUD Regulations" means, with respect to the HOME Program, the regulations of HUD in 24 CFR § 92, together with subsequent amendments thereto, as in effect on the date of this rule chapter.

(74) "Income Certification", "Tenant Income Certification" or "Form TIC-1" means the Form TIC-1, which is adopted and incorporated by reference, effective January 2004 ~~6/2002~~, 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 web site [www.floridahousing.org](http://www.floridahousing.org).

(75) "Land Use Restriction Agreement," or "LURA" means, with respect to the SAIL or HOME Program, an agreement between the Corporation and the Applicant which sets forth the Set-Aside requirements and other Development requirements, if any, under the SAIL or HOME Program.

(76) "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 of Continuum of Care Plan, in accordance with Section 420.624, F.S.

(77) "Local Government" means a unit of local general-purpose government as defined in Section 218.31(2), F.S.

(78) "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, F.S.

(79) "Low Income" means, with respect to the HOME Program, income which does not exceed 80% of the median income for the area, as determined by HUD, with adjustments for family size, except that HUD may establish income ceilings higher or lower than 80% of the median for the area on the basis of HUD findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes, provided; however, with respect to the HC Program, "Low Income" shall mean income which is at or below 50% or 60% of the area median income, adjusted for family size, whichever is elected.

(80) "Match" means non-federal contributions to a HOME Development eligible pursuant to the HUD Regulations.

(81) "Non-Profit" means a qualified non-profit entity as defined in Section 42(h)(5)(C), subsection 501(c)(3) or 501(c)(4) of the Code and organized under Chapter 617, F.S., if a Florida Corporation, or organized under similar state law if organized in a jurisdiction other than Florida, to provide housing and other services on a not-for-profit basis, which owns at least 51% of the ownership interest in the Development held by the general partner entity and which entity is acceptable to federal and state agencies and financial institutions as a Sponsor for affordable housing. For purposes of the foregoing, in accordance with Section 42 of the Code, a for-profit entity wholly owned by one or more qualified non-profit organizations will constitute a Non-Profit entity. The purpose of the Non-Profit must be, in part, to foster low-income housing and such purpose must be reflected in the Articles of Incorporation of the Non-Profit entity. Qualification as a Non-Profit entity must be evidenced to the corporation by the receipt from the Applicant, upon Application, of a written

opinion from legal counsel. The total cost of securing this written legal opinion will be borne entirely by the Applicant. A Non-Profit entity shall own an interest in the Development, either directly or indirectly; shall not be affiliated with or controlled by a for-profit corporation; and shall materially participate in the development and operation of the Development throughout the total affordability period as stated in the Land Use Restriction Agreement and the Extended Use Agreement. If an Applicant submits Application to the Corporation as a Non-Profit entity but does not qualify as such, the Application will be rejected and the Applicant will be disqualified from participation for the current cycle.

(82) "Note" means a unilateral agreement containing an express and absolute promise to pay to the Corporation 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.

(83) "Portfolio Diversification" means a distribution of SAIL and HOME Program loans to Developments in varying geographic locations with varying design structures and size and with different types and identity of Sponsors.

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

(85) "Preliminary Determination" means an initial determination by the Corporation of the amount of Housing Credits outside the Corporation's Allocation Authority needed from the Treasury to make a Tax-Exempt Bond-Financed Development financially feasible and viable.

(86) "Principal" means an Applicant, any general partner of an Applicant, and any officer, director, or any shareholder of any Applicant or shareholder of any general partner of an Applicant.

(87) "Program" or "Programs" means the SAIL, HOME and/or HC Program(s) as administered by the Corporation.

(88) "Program Report" or "Form PR-1" means the report format which is required to be completed and submitted to the Corporation pursuant to Rule 67-48.006, F.A.C., and is adopted and incorporated herein by reference, effective June 2003 ~~October 2002~~. A copy of such form is available on FHFC's web site [www.floridahousing.org](http://www.floridahousing.org).

(89) "Progress Report" or "Form Q/M Report" means, with respect to a Housing Credit Development, a report format that is required to be completed and submitted to the Corporation pursuant to subsection 67-48.028(4), F.A.C., and is adopted and incorporated herein by reference, effective January 2003 ~~August 1997~~. A copy of such form is available on FHFC's web site [www.floridahousing.org](http://www.floridahousing.org).

(90) "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, 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.

(91) "Qualified Allocation Plan" or "QAP" means, with respect to the HC Program, the ~~2004~~ ~~2003~~ Qualified Allocation Plan which is adopted and incorporated herein by reference, effective upon approval 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 web site [www.floridahousing.org](http://www.floridahousing.org).

(92) "Qualified Census Tract" or "QCT" 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. ~~A list of the 2003 Florida QCTs is adopted and incorporated herein by reference. A copy of such list is available on FHFC's web site [www.floridahousing.org](http://www.floridahousing.org). The United States Department of Housing and Urban Development maintains the official QCT list. The incorporated Florida QCT list is designed to assist the Applicant in the Application process.~~ Applicants are responsible for providing Florida Housing with accurate QCT information.

(93) "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.

(94) "Rehabilitation" means, with respect to the HOME Program, the alteration, improvement or modification of an existing structure. It also includes moving an existing structure to a foundation constructed with HOME funds. Rehabilitation may include adding rooms outside the existing walls of a structure, but adding a housing unit is considered new construction. "Rehabilitation" means, with respect to the Housing Credit Program, what is stated in Section 42(e) of the Code, with the exception of Section 42(e)(3)(A)(ii)(II), which, for the purposes of Competitive HC, is changed to read: "II. The requirement of this subclause is met if the qualified basis attributable to such amount, when divided by the number of low-income units, in the building, is \$20,000 or more," and, for the purposes of all other HC, is changed to read: "II. The requirement of this subclause is met if the qualified basis attributable to such amount, when divided by the number of low-income units, in the building, is \$10,000 or more."

(95) "Review Committee" means a committee of FHFC staff persons and one DCA staff person appointed by the Board who will make recommendations to the Board regarding Program participation.

(96) "Rural Development" or "RD" or "USDA-RD" (previously called "Farmer's Home Administration" or "FmHA") the United States Department of Agriculture – Rural Development or other agency or instrumentality created or chartered by the United States to which the powers of the RD have been transferred.

(97) "SAIL" or "SAIL Program" means the State Apartment Incentive Loan Program created pursuant to Section 420.507(22) and 420.4087, F.S.

(98) "SAIL Development" means a residential development comprised of which provides one or more buildings, each containing five or more dwelling housing units and functionally related facilities, proposed to be newly constructed or substantially rehabilitated with SAIL funds for Eligible Persons or Eligible Households or a residential development comprised of one or more buildings containing dwelling units and functionally related facilities proposed to be substantially rehabilitated with SAIL funds for Eligible Persons or Eligible Households. If a Development received a tentative allocation or tentative funding commitment of Housing Credits or Multifamily Mortgage Revenue Bonds from a prior cycle, it may be considered for the SAIL Program funding only if:

(a) The pro forma in the prior Housing Credit or Multifamily Mortgage Revenue Bonds Application submitted for the Development reflected SAIL funding, unless otherwise specified in the Universal Application Package; and

(b) Permanent financing of the costs associated with construction or rehabilitation of the Development, including tax-exempt bonds with conversion clauses, has not closed as of the Application Deadline, or if financed with Multifamily Mortgage Revenue Bonds or Local Government-issued tax-exempt bonds, the bonds did not close prior to January 1, ~~2003~~ ~~2002~~, or if the Development received an allocation of Housing Credits, the IRS Forms 8609 have not been issued, unless otherwise specified in the Universal Application Package; 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. The Developments has not that are not eligible to obtain SAIL funds are those Developments that have already received funding through the SAIL Program, unless otherwise specified in the Universal Application.~~

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.

(99) "SAIL Minimum Set-Aside Requirement" means the least number of set-aside units in a SAIL Development which must be held for Very Low-Income persons or households pursuant to the category (i.e., Family, Elderly, Homeless, or Farmworker and Commercial Fishing Worker) under which the Application has been made. The SAIL Minimum Set-Aside Requirement shall be:

(a) 20% of the SAIL Development's units set-aside for residents with annual household incomes at or below 50% of the area, metropolitan statistical area ("MSA") or state or county median income, whichever is higher, adjusted for family size, or

(b) 40% of the SAIL Development's units set-aside for residents with annual household incomes at or below 60% of the area, MSA or state or county median income, whichever is higher, adjusted for family size. Sponsors of SAIL-funded Developments shall have the option of selecting this minimum set-aside only if the SAIL Development is scheduled to be assisted with Housing Credits, in addition to the SAIL loan, or

(c) 100% of the SAIL Development's units set aside for residents with annual household incomes below 120% of the state or local median income, whichever is higher, adjusted for family size. Sponsors of SAIL-funded Developments shall have the option of selecting this minimum set aside only if the SAIL Development is located in the Florida Keys Area.

(100) "Scattered Sites" for a single Development means a Development consisting of more than one parcel in the same county where two or more of the parcels (i) are not in the same county, contiguous to one another or are divided by a street or easement and (ii) it is readily apparent from the proximity of the sites, chain of title, or other information available to the Corporation that the properties are part of a common or related scheme of development, 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.

(101) "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.

(102) "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.

(103) "Sponsor" means any individual, association, corporation, joint venture, partnership, trust, local government, or other legal entity or any combination thereof which:

(a) Has been approved by the Corporation as qualified to own, construct, acquire, rehabilitate, reconstruct, operate, lease, manage, or maintain a Development; and

(b) Except for a local government, has agreed to subject itself to the regulatory powers of the Corporation.

(104) "State Office on Homelessness" means the office created within the Department of Children and Family Services under Section 420.622, F.S.

(105) "Student" means, with respect to SAIL and Housing Credit Developments, for the purposes of income certification, any individual who is, or will be, a full-time student at an educational institution during 5 months of the year, or a correspondence school with regular facilities. "Student" shall not be construed to include persons participating in an educational or training program approved by the Corporation.

(106) "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 Cost. To be considered "Substantial Rehabilitation," there must be at least the foundations remaining from the previous structures, suitable to support the proposed construction.

(107) "Tax Exempt Bond-Financed Development" means a Development which has been financed by the issuance of tax-exempt bonds subject to applicable volume cap pursuant to Section 42(h)(4) of the Code.

(108) "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 a Development which consists of Scattered Sites, this means Developments the Applicant must select a single point on one of the Scattered Sites which comprise the Development site that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development. In addition, the Tie-Breaker Measurement Point must be located on the site with the most units if any of the Scattered Sites has more than 4 units.

(109) "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. However, offsite improvements are not eligible to be paid with HOME funds.

(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.

(110) "Treasury" means the United States Department of Treasury or other agency or instrumentality created or chartered by the United States to which the powers of the Department of Treasury have been transferred.

(111) "Universal Application Package" or "UA1016 (Rev. 2-04) (Rev. 4-03)" means the 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, HOME 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.

(112) "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, a HUD-approved Neighborhood Revitalization Strategy, Florida Enterprise Zone, area designated under a Community Development Block Grant (CDBG), area designated as 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.

(113) "Very Low-Income" means.

(a) With respect to the SAIL Program,

1. If using tax-exempt bond financing for the first mortgage, income which meets the income eligibility requirements of Section 8 of the United States Housing Act of 1937, as in effect on the date of this rule chapter; or

2. If using taxable financing for the first mortgage, total annual gross household income which does not exceed 50% of the median income adjusted for family size, or 50% of the median income adjusted for family size for households within the MSA, within the county in which the person or family resides, or within the State of Florida, whichever is greater; or

3. If used in a Development using Housing Credits, income which meets the income eligibility requirements of Section 42 of the Code; or

(b) With respect to the HOME Program, income which does not exceed 50% of the median income for the area, as determined by HUD, with adjustments for family size, except that HUD may establish income ceilings higher or lower than 50% of the median for the area on a basis of HUD findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes.

(c) With respect to the HC Program, if residing in a Development using the Housing Credit, income which is at or below 40% or 45% of the area median income whichever is selected in the Application.

Specific Authority 420.507 FS. Law Implemented 420.5087, 420.5089(2) FS. History—New 7-22-96, Amended 12-23-96, 7-10-97, 1-6-98, Formerly 91-48.002, Amended 11-9-98, 2-24-00, 2-22-01, 3-17-02, 4-6-03.

67-48.004 Application and Selection Procedures for Developments.

(1) All Applications must be complete, legible and timely when submitted, except as described below. Corporation staff may not assist any Applicant by copying, collating, or adding documents to an Application nor shall any Applicant be permitted to use the Corporation's facilities or equipment for purposes of compiling or completing an Application.

(2) Failure to submit an Application completed in accordance with the Application instructions and these rules will result in rejection of the Application or a score less than the maximum available in accordance with the instructions in the Application and this rule chapter.

(3) Each submitted Application shall be evaluated and preliminarily scored using the factors specified in the Application Package and these rules. Preliminary scores shall be transmitted to all Applicants.

(4) Applicants who wish to notify the Corporation of possible scoring errors relative to another Applicant's Application must file with the Corporation, within 7 Calendar Days of the date of receipt of the preliminary scores, a written Notice of Possible Scoring Error (NOPSE). Each NOPSE must specify the assigned Application number and the scores in question, as well as describe the alleged deficiencies in detail. Each NOPSE is limited to the review of only one Application's score. Any NOPSE that seeks the review of more than one Application's score will be considered improperly filed and ineligible for review. There is no limit to the number of NOPSEs that may be submitted. The Corporation's staff will review each written NOPSE timely Received.

(5) The Corporation shall transmit to each Applicant the NOPSEs submitted by other Applicants with regard to its Application. The notice shall also include the Corporation's decision regarding the NOPSE, along with any other items identified by the Corporation to be addressed by the Applicant.

(6) Within 9 Calendar Days of receipt of the notice set forth in subsection (5) above, each Applicant shall be allowed to cure its Application by submitting additional documentation, revised pages and such other information as the Applicant deems appropriate to address the issues raised pursuant to subsections (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).

(7) Within 7 Calendar Days of the deadline for receipt by the Corporation of the documentation set forth in subsection (6) above, all Applicants may submit to the Corporation a Notice of Alleged Deficiencies (NOAD) in any other Application. Each NOAD is limited only to issues created by documents revised and/or added by the Applicant submitting the Application pursuant to subsection (6) above. Each NOAD must specify the assigned Application number, the pages and

the documents in question, as well as describe the alleged deficiencies in detail. Each NOAD is limited to the review of only one Applicant's submission. However, there is no limit to the number of NOADs which may be submitted. NOADs which seek the review of more than one Applicant's submission will be considered improperly filed and ineligible for review. The Corporation will only review each written NOAD timely Received.

(8) The Corporation shall transmit a copy of all NOADs to the affected Applicant.

(9) Following the receipt and review by the Corporation's Staff of the documentation described in subsections (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 subsections (3), (4) and (5) above. However, inconsistencies created by the Applicant as a result of information provided pursuant to subsections (6) and (7) 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 subsection (14) below can be identified at any time prior to sending the final scores to Applicants and will result in rejection of the Application. The Corporation shall then transmit final scores to all Applicants.

(10) The availability of any remaining funds or Allocation Authority shall be noticed or offered to a Development as approved by the Board of Directors. With respect to the HC Program, in the event there remains Allocation Authority after the Corporation has exhausted its waiting list of Applications during a Funding Cycle and time requirements preclude an Application Period and notice thereof, the Corporation shall allocate any unused Allocation Authority to any eligible Development meeting the requirements of the Code and in accordance with the Qualified Allocation Plan.

(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 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 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. The Application with the lowest lottery number will still be rejected even if the Applicant withdraws the Application with the highest (worst) lottery number. Two Applications by Applicants with common Financial

Beneficiaries for Developments that are contiguous, or that are divided by a street or easement, or that are otherwise part of a common or related scheme of development, will not be considered to be submissions for the same Development site if one of the Applicants applies for SAIL only.

(12) If the Board determines that any Applicant or any Affiliate of an Applicant:

- (a) Has engaged in fraudulent actions;
- (b) Has materially misrepresented information to the Corporation regarding any of its Developments, or within the current Application or in any previous 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;

And 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 proceeding conducted pursuant to Sections 120.569 and 120.57, F.S., or as a result of a finding by a court of competent jurisdiction.

(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 subsection (6) above:

- (a) The Development is inconsistent with the purposes of the SAIL, HOME and/or HC Program(s) or 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;
- (c) The Applicant fails to file all applicable Application pages and exhibits which 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 or any agent or assignee of the Corporation. For purposes of the SAIL and/or HOME Program, this rule subsection does not include permissible deferral of SAIL and/or HOME interest.

(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 each ~~the~~ Developer, including all co-Developers;
- (c) Program(s) applied for;
- (d) Applicant applying as a Non-Profit or for-profit organization entity;
- (e) Site for the Development;
- (f) ~~Type of Development~~ Type category;
- (g) Designation selection;
- (h) County;
- (i) Total number of units;
- (j) With regard to the SAIL and HC Programs, the Total Set-aside Percentage as stated in the last row of the total set-aside breakdown chart for the Program(s) applied for in the total set-aside commitment section of the Application. With regard to the HOME Program, the Total Set-Aside Percentage as stated in the Total Set-Aside Percentage section of the Application, unless the change results from the revision allowed under (l) below;

(k) CHDO election for the HOME Program;

(l) Funding Request (except for Taxable Bonds) 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);

- (m) Submission of one original hard copy with the required number of photocopies of the Application by the Application Deadline;
- (n) Payment of the required Application fee by the Application Deadline.

All other items may be submitted as cures pursuant to subsection (6) above.

(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 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.

(17) With respect to the SAIL, HOME and HC Program Applications, when two or more Applications receive the same numerical score, the Applications will be ranked as outlined in the Application instructions.

(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 the issuance of the final scores as set forth in subsection (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.

(19) Applicants may withdraw an Application from consideration only by submitting a written notice of withdrawal to the Corporation Clerk. Applicants may not rescind any notice of withdrawal that was submitted to the Corporation Clerk. For ranking purposes, Florida Housing shall disregard any withdrawal that is submitted after 5:00 p.m., Eastern Time, on the Friday preceding Board approval of the final ranking of the Applications and such Application shall be included in the ranking as if no notice of withdrawal had been submitted. After the Board has approved the final ranking, any notice of withdrawal submitted after that Friday and before the Board approves the final ranking, shall be deemed withdrawn immediately after Board approval of the final ranking. If an Applicant has applied for two or more Programs, the withdrawal by the Applicant from any one Program will be deemed by Florida Housing to be a withdrawal of the Application from all Programs.

~~(20)(19)~~ The name of the Development provided in the Application may not be changed or altered after submission of the Application during the history of the Development with the Corporation unless the change is ~~mandated by local, state or federal governmental authorities, or otherwise approved by the Corporation. Evidence of such mandate must be submitted to the Corporation within 30 Calendar Days of notification by the local, state or federal authorities.~~

(21) If an Applicant or any Affiliate of an Applicant has offered or given consideration, other than the consideration to provide affordable housing, with respect to a local contribution and this is discovered prior to Board approval of the final ranking, Florida Housing shall reject the Application and any

other Application submitted by the same Applicant and any affiliate of the Applicant. If discovered after the Board approves final ranking, any tentative funding or allocation for the Application and any other Application submitted in the same cycle by the same Applicant and any Affiliate of the Applicant will be withdrawn. Such Applicant and any of such 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 the date the Board issues a Final Order on such matter, in a proceeding conducted pursuant to Sections 120.569 and 120.57, F.S.

Specific Authority 420.507 FS. Law Implemented 420.5087, 420.5089 FS. History--New 7-22-96, Amended 12-23-96, 7-10-97, 1-6-98, Formerly 91-48.004, Amended 4-7-98, 11-9-98, 2-24-00, 2-22-01, 3-17-02, 4-6-03,

67-48.005 Applicant Administrative Appeal Procedures.

(1) At the conclusion of the review and scoring process established by Rule 67-48.004, F.A.C., each Applicant will be provided with its final score and notice of rights, which shall constitute the point of entry to contest any issue related to the Applicant's Application for the SAIL Program, the HOME Program or the HC Program.

(2) Each Applicant that wishes to contest its final score must file a petition with the Corporation on or before the 21st Calendar Day after the date Applicant receives its notice of rights. The petition must conform to subsection 28-106.201(2) or 28-106.301(2), and 67-52.002(3), F.A.C., and specify in detail each issue and score sought to be challenged. ~~Submission by facsimile or other electronic means will not be accepted.~~ If the petition does not raise a disputed issue of material fact, the challenge will be conducted pursuant to Section 120.57(2), F.S. If the petition raises one or more disputed issues of material fact, a formal administrative hearing will be conducted pursuant to Section 120.57(1), F.S. At the conclusion of any administrative hearing, a recommended order shall be entered by the designated hearing officer which will then be considered by the Board.

(3) Any Applicant who wishes to challenge the findings and conclusions of the recommended order entered pursuant to a Section 120.57(2), F.S., proceeding concerning its own Application shall be allowed the opportunity to submit written arguments to the Board. Any written argument should be typed and 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 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, no later than 5:00 p.m., Eastern Time, 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. The Board shall consider all recommended orders and written arguments and enter the appropriate final orders.

(4) Following the entry of final orders in all petitions filed pursuant to Section 120.57(2), F.S., and in accordance with the prioritization of the QAP and Rule Chapter 67-48, F.A.C., the Corporation shall issue final rankings. For an Applicant that filed a petition pursuant to Section 120.57(1), F.S., which challenged the scoring of its own Application but has not had a final order entered as of the date the final rankings are approved by the Board, the Corporation shall, if any such Applicant ultimately obtains a final order that modifies the score so that its Application would have been in the funding range of the applicable final ranking had it been entered prior to the date the final rankings were presented to the Board, provide the requested funding and/or allocation (as applicable) from the next available funding and/or allocation, whether in the current year or a subsequent year. Funding refers to SAIL or HOME and allocation refers to HC. Nothing contained herein shall affect any applicable credit underwriting requirements.

(5) Each Applicant will be provided with a final ranking of all Applications and notice of rights, which shall constitute the point of entry to contest any ranking or scoring issue related to any other Applications for the SAIL Program, the HOME Program or the HC Program. An Applicant that wishes to contest the final ranking or score of another Applicant may do so only if:

(a) The competing Applicant files a petition on or before the 21st Calendar Day after the receipt of the notice of rights pursuant to this subsection (5). ~~Submission by facsimile or other electronic means will not be accepted.~~ The petition must conform to subsection 28-106.201(2) or 28-106.301(2), and 67-52.002(3), F.A.C., as applicable, and specify in detail each issue, score or ranking sought to be challenged.

(b) For any Application cycle closing after January 1, 2002, if the contested issue involves an error in scoring, the contested issue must (i) be one that could not have been cured pursuant to subsection 67-48.004(14), F.A.C., or (ii) be one that could have been cured, if the ability to cure was not solely within the Applicant's control. The contested issue cannot be one that was both curable and within the Applicant's sole control to cure. With regard to curable issues, a petitioner must prove that the contested issue was not feasibly curable within the time allowed for cures in subsection 67-48.004(6), F.A.C.

(c) The competing Applicant alleges facts in its petition sufficient to demonstrate that, but for the specifically identified threshold, scoring or ranking errors in the challenged Application, its Application would have been in the funding range at the time Florida Housing provided the Applicant with its final ranking.

(d) If the petition does not raise a disputed issue of material fact, the appeal will be conducted pursuant to Section 120.57(2), F.S. If the petition raises one or more disputed issues of material fact, a formal administrative hearing will be conducted pursuant to Section 120.57(1), F.S. At the conclusion of any administrative hearing, a recommended order shall be entered which will then be considered by the Board.

(6) Any Applicant who wishes to challenge the findings and conclusions of the recommended order entered pursuant to a Section 120.57(2), F.S., proceeding as described in subsection (5) above concerning the final ranking of another Application, shall be allowed the opportunity to submit written arguments to the Board. Any written arguments should be typed and 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 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, no later than 5:00 p.m., Eastern Time, 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. The Board shall consider all recommended orders and written arguments and enter the appropriate final orders.

(7) For those Applicants that have filed a petition pursuant to subsection (5) above, the Corporation shall, if any such Applicant ultimately obtains a final order that demonstrates that its Application would have been in the funding range of the applicable final ranking, provide the requested funding and/or allocation (as applicable) from the next available funding and/or allocation, whether in the current year or a subsequent year. Funding refers to SAIL or HOME and allocation refers to HC. Nothing contained herein shall affect any applicable credit underwriting requirements. The filing of a petition pursuant to subsection (5) above shall not stay the Corporation's provision of funding to Applicants per the final rankings referenced in subsection (4) above.

Specific Authority 420.507 FS. Law Implemented 120.569, 120.57, 420.5087, 420.5089, 420.5099 FS. History—New 7-22-96, Amended 12-23-96, 1-6-98, Formerly 9I-48.005, Amended 4-7-98, 11-9-98, 2-24-00, 2-22-01, 3-17-02, 10-8-02, 12-4-02, 4-6-03.

#### 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) 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.

(4) The Corporation must approve the selection or replacement of a management company prior to such company assuming responsibility for the Development, using the following criteria:

(a) Review of company information including key management personnel, management experience and procedures;

(b) Review of company forms such as application for apartment residence, income verification forms, lease, etc.;

(c) Key management company representatives attendance at a Corporation compliance workshop; and

(d) A meeting between Corporation compliance staff and the key management company representative.

(5) The Corporation will document approval of the management company to the owner of the Development after successful completion of items (4)(a)-(d).

(6) The owner of the Development shall maintain complete and accurate income records pertaining to each resident occupying a Low-Income or Very Low-Income unit. Records for each occupied Low-Income or Very Low-Income unit shall contain the following documentation:

(a) The resident's rental application containing the name or names of each household member, employment and income information for each household member, and other information required by the owner of the Development;

(b) An executed lease agreement listing the term of the tenancy and all of the residents residing in the unit;

(c) Verification of the income of each resident as is acceptable to prove income under Section 8 of the United States Housing Act of 1937, as in effect on the date of this rule chapter;

(d) Information as to the assets owned by each resident; and

(e) Income Certification Form TIC-1 for each resident.

(7) 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 days following the leasing of any unit. Subsequent Program Reports shall be submitted each year of the Housing Credit Compliance Period and shall be due no later than the dates assigned by the Corporation. The Program Reports shall be accompanied by copies of Tenant Income Certifications executed since the last Program Report for at least 10% of the Housing Credit Set-Aside units in the Development (to be sent to the monitoring agent only); and ~~With respect to the HC Program,~~ the Annual Owner Compliance Certification Form, to be signed by the owner of the Development, certifying that for the preceding 12 month period the Development met its Housing Credit Set-Aside requirements (to be sent to the Corporation only). Forms PR-1 and AOC-1 shall be provided by the Corporation and shall be submitted for all Developments receiving Housing Credit Allocations since January 1, 1987.

(b) The failure of the initial or any subsequent HC Program Reports to confirm compliance as required in subsection (a) above, shall, upon written notice of such failure from Florida Housing or its agent to the Applicant, require correction of the failure within 90 days of such written notice. This shall be deemed the "correction period." During the correction period:

1. An Applicant may request a 60-day extension of the correction period by submitting a written request to the Compliance Department Administrator. Such written request must be Received by the Compliance Department Administrator at least 7 days prior to the expiration of the correction period.

2. Florida Housing shall consider the nature of the failure of compliance and the Applicant's past compliance history in determining whether to grant a 60-day extension of the correction period.

The Development shall not be deemed non-compliant prior to the expiration of the correction period, unless otherwise required by 26 CFR 1.42-5. If the failure to comply is not, however, corrected within the correction period, or any extension of the correction period, such Development shall then be deemed to be in non-compliance and be reported to the Board.

(c)(b) If the Development is occupied at loan closing, the initial HOME Program Report shall be submitted prior to the pre-loan closing review and an updated Program Report shall be submitted as of the date 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 days following the leasing of any unit. HOME Program Reports shall confirm compliance as follows:

1. If the Development is not occupied at loan closing, the initial HOME Program Report and all subsequent Program Reports shall confirm compliance with the set-aside requirements and other Development requirements, if any, as set forth in the LURA.

2. If the Development is occupied at loan closing, compliance with the set-aside requirements and other Development requirements, if any, as set forth in the LURA, shall be confirmed by the first HOME Program report submitted 12 months following the expiration of the last then-existing tenant lease, without regard to any extension of the term of any then-existing tenant lease. The calculation of the above 12-month period shall begin with the date of the HOME loan closing.

3. Subsequent Program Reports shall be submitted each year of the period of affordability and the Compliance Period and shall be due no later than annually on the dates assigned by the Corporation. All subsequent HOME Program Reports shall confirm compliance with the set-aside requirements and other Development requirements, if any, as set forth in the LURA.

4. The Program Reports shall be accompanied by copies of Tenant Income Certifications executed since the last Program Report for at least 10% of the HOME-Assisted Units in the Development (to be sent to the monitoring agent only).

5. The failure of the initial or any subsequent HOME Program Reports to confirm compliance as required in this subsection, shall, upon written notice of such failure from Florida Housing or its agent to the borrower, require correction of the failure within 90 days of such written notice. This shall be deemed the "correction period." During the correction period:

a. A borrower may request a 60-day extension of the correction period by submitting a written request to the Compliance Department Administrator. Such written request must be Received by the Compliance Department Administrator at least 7 days prior to the expiration of the correction period.

b. Florida Housing shall consider the nature of the failure of compliance and the borrower's past compliance history in determining whether to grant a 60-day extension of the correction period.

The Development shall not be deemed non-compliant prior to the expiration of the correction period. If the failure to comply is not, however, corrected within the correction period, or any extension of the correction period, such Development shall then be deemed to be in non-compliance and be reported to the Board.

(d)(e) If the Development is not occupied at loan closing, the initial SAIL Program Report shall be prepared as of the 15th of the month after the first unit is occupied and submitted

by the 25th of that month. If the Development is occupied at the time of loan closing, the initial SAIL Program Report shall be submitted prior to the time of the pre-loan closing review and an updated Program Report shall be submitted as of the date of the loan closing. SAIL Program Reports shall confirm compliance as follows: if the Development is occupied, or by the 25th of the month following rental of the initial unit in the Development.

1. If the Development is not occupied at loan closing, the initial SAIL Program Report and all subsequent Program Reports shall confirm compliance with the set-aside requirements and other Development requirements, if any, as set forth in the LURA.

2. If the Development is occupied at the time of loan closing, compliance with the Set-Aside requirements and other Development requirements, if any, as set forth in the LURA, shall be confirmed by the first SAIL Program Report submitted 12 months following the expiration of the last then-existing tenant lease, without regard to any extension of the term of any then-existing tenant leases. The calculation of the above 12-month period shall begin with the date of the loan closing.

3. Subsequent Program Reports shall be prepared as of the 15th of submitted each month and are due no later than the 25th of each month thereafter. All subsequent SAIL Program Reports shall confirm compliance with the set-aside requirements and other Development requirements, if any, as set forth in the LURA.

4. The Program Reports shall be accompanied by copies of all Tenant Income Certifications executed since the last Program Report for at least 10% of the Development's SAIL set-aside units (to be sent to the monitoring agent).

5. The failure of the initial or any subsequent SAIL Program Reports to confirm compliance as required in this subsection, shall, upon written notice of such failure from Florida Housing or its agent to the borrower, require correction of the failure within 90 days of such written notice. This shall be deemed the "correction period." During the correction period:

a. A borrower may request a 60-day extension of the correction period by submitting a written request to the Compliance Department Administrator. Such written request must be Received by the Compliance Department Administrator at least 7 days prior to the expiration of the correction period.

b. Florida Housing shall consider the nature of the failure of compliance and the borrower's past compliance history in determining whether to grant a 60-day extension of the correction period.

The Development shall not be deemed non-compliant prior to the expiration of the correction period. If the failure to comply is not, however, corrected within the correction period, or any



extension of the correction period, such Development shall then be deemed to be in non-compliance and be reported to the Board.

(8) 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 the first taxable year in which the Housing Credits were claimed and the fiscal operating year for the property.

(9) Compliance monitoring for each program will begin:

(a) For the SAIL Program, regardless of whether the Development also received an HC allocation, following the SAIL loan closing or, if the Development is occupied, prior to the SAIL loan closing.

(b) For the HOME Program, regardless of whether the Development also received an HC allocation, following the HOME loan closing or, if the Development is occupied, prior to the HOME loan closing.

(c) For Developments receiving an allocation of non-competitive HC without any FHFC-issued loans, following Final Housing Credit Allocation.

(d) For Developments receiving Competitive HC without any FHFC-issued loans, following execution of the Carryover Allocation Agreement.

Specific Authority 420.507 FS, Law Implemented 420.5087, 420.5089, 420.5099 FS. History--New 7-22-96, Amended 12-23-96, 1-6-98, Formerly 91-48.006, Amended 11-9-98, 2-24-00, 2-22-01, 3-17-02, 4-6-03, \_\_\_\_\_.

67-48.007 Fees.

The Corporation, the Credit Underwriter or the environmental provider shall collect via check or money order the following fees and charges in conjunction with the SAIL, HOME and/or HC Program:

- (1) Universal Application Package fee.
- (2) Application fee.
- (3) Credit Underwriting fees.
- (4) Administrative fees.
- (5) Commitment fees.
- (6) Compliance monitoring fees.
- (7) Loan servicing fees.
- (8) Construction inspection fees.
- (9) Financial monitoring fees.
- (10) Tax-exempt mortgage financing.
- (11) HUD environmental fee.

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.

Specific Authority 420.507 FS, Law Implemented 420.5087, 420.5099 FS. History--New 7-22-96, Amended 12-23-96, 1-6-98, Formerly 91-48.007, Amended 11-9-98, 2-24-00, 2-22-01, 3-17-02, 4-6-03, Repromulgated

PART II STATE APARTMENT INCENTIVE LOAN PROGRAM

67-48.009 SAIL General Program Procedures and Restrictions.

(1) Loans shall be in an amount not to exceed 25% of the Total Development Cost except as described in subsection (2) below, or the minimum amount required to make the Development economically feasible, whichever is less, as determined by the Credit Underwriter.

(2) 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), F.S.:

(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 Section 420.503(18), F.S., Commercial Fishing Workers as defined in Section 420.503(5), F.S., or the Homeless as defined ~~as defined~~ in Section 420.621(4), F.S., over the life of the loan.

(3) At a minimum, the percentage of set-aside units committed to in the Application must be held for Very Low-Income persons or households for a period of time equal to the greater of the following:

- (a) The term of the SAIL loan; or
- (b) 12 years; or
- (c) Such longer term agreed to by the Applicant in the Application.

(4) Applicants cannot request additional SAIL funding for the same Development, unless otherwise specified in the Universal Application.

(5) Developer fee shall be limited to 16% of Development 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 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. However, the Developer fee shall be limited to 10% of Development Cost for those Developments involving rehabilitation of buildings which have received a Florida Housing funding commitment

or a Preliminary Allocation/Determination for other construction work within fourteen years of the Application Deadline.

(6) The General Contractor's fee shall be limited to a maximum of 14% of the actual construction cost.

(7) SAIL loan proceeds shall not be used to fund any contingency reserves.

(8) Unless otherwise provided in the Universal Application Instructions Except for small county requests, Applicants may not request SAIL funding for Developments receiving priority in FHFC's multifamily bond program for having no other FHFC funding.

Specific Authority 420.507 FS. Law Implemented 420.5087 FS. History--New 7-22-96, Amended 12-23-96, 7-10-97, 1-6-98, Formerly 91-48.009, Amended 11-9-98, 2-24-00, 2-22-01, 3-17-02, 4-6-03, \_\_\_\_\_.

67-48.0095 Additional SAIL Application Ranking and Selection Procedures.

(1) During the first six months following the publication date of the first Notice of Funding Availability published each year within the State of Florida, SAIL funds shall be allocated based upon the requirements specified in Section 420.5087(3), F.S., which specifies the required funding within the four demographic categories of:

- (a) Family;
- (b) Elderly;
- (c) Homeless; and
- (d) Commercial Fishing Workers and Farmworkers and in accordance with the ranking and selection process set forth in the Universal Application Package.

(2) 10% of the funds reserved for Applicants in the Elderly category shall be reserved to provide loans to Sponsors of housing for the Elderly for the purpose of making life-safety or security-related repairs or improvements to such housing which are required by federal, state or local regulation, as further specified in Section 420.5087, F.S.

(3) The Corporation shall 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 funding distribution levels by geographic category are met, as required by Section 420.5087(1), F.S., and further described in the SAIL Notice of Funding Availability.

(4) 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 equitably distributed pursuant to the instructions included in the Universal Application Package ~~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) Based upon fund availability, the Corporation shall select Applications for participation in the SAIL Program in accordance with the instructions included in the Universal Application Package.

(6) Selection for SAIL Program participation is contingent upon fund availability at the conclusion of the appeals process as set forth in Rule 67-48.005, F.A.C.

Specific Authority 420.507 FS. Law Implemented 420.5087 FS. History--New 12-23-96, Amended 1-6-98, Formerly 91-48.0095, Amended 11-9-98, 2-24-00, 2-22-01, 3-17-02, 4-6-03, \_\_\_\_\_.

67-48.010 Terms and Conditions of SAIL Loans.

(1) The proceeds of all SAIL loans shall be used for new construction or Substantial Rehabilitation of affordable, safe and sanitary rental housing units.

(2) The SAIL loan may be in a first, second, or other subordinated lien position. For purposes of this rule, mortgages securing a letter of credit as credit enhancement for the bonds financing the first mortgage shall be considered a contingent liability and part of the first mortgage lien, provided that the Applicant's counsel furnishes an opinion regarding the contingent nature of such mortgage satisfactory to the Corporation and its counsel.

(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, Commercial Fishing Workers or Homeless, over the life of the loan;

(b) 3% simple interest per annum on loans to Developments other than those identified in paragraph (a) above;

(c) Payment on the loans shall be based upon the Development Cash Flow. Interest may be deferred as set forth in subsection 67-48.010(6), F.A.C., without constituting a default on the loan.

(4) The loans described in paragraphs 67-48.010(3)(a) and (b), 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 subsection (6) below, Development Cash Flow shall be applied to pay the following items in order of priority:

- (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 paragraph (3)(a) above and equal to 3% as stated in paragraph (3)(b) above over the life of the SAIL loan;
- (d) Interest payments on the SAIL loan deferred from previous years;
- (e) Mandatory payment on subordinate mortgages.

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 subsection (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 paragraph (3)(a) above and equal to 3% as stated in paragraph (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) Interest payments on the SAIL loan deferred from previous years;

(d) Mandatory payment on subordinate mortgages.

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) 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. 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. 12/02, 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 and shall include:

1. Comparative Balance Sheet with prior year and current year balances;
2. Statement of revenue and expenses;
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. 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. Failure to submit the required audited financial statements and certification by May 31 of each year of the SAIL loan term shall constitute an event of default on the SAIL loan. 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. Failure to submit the required audited financial statements and certification by 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 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.

(7) After maturity or acceleration, the Note shall bear interest at the Default Interest Rate from the due date until paid. Unless the Corporation has accelerated the SAIL loan, the Applicant shall pay the Corporation a late charge of 5% of any required payment that is not received by the Corporation within 15 days of the due date.

(8) Any sale, conveyance, assignment, or other transfer of interest or the grant of a security interest in all or any part of the title to the Development other than a superior mortgage shall be subject to the Corporation's prior written approval.

(9) The final billing for the purpose of payoff of the SAIL loan shall also include a billing for compliance fees to cover monitoring of SAIL Program requirements beyond the maturity date of the Note, as applicable. Such fees shall be computed by determining the present value of the annual compliance monitoring fee and multiplying that by the number of years for which the Development will have a set-aside for Very Low-Income persons or households beyond the repayment date. ~~For Developments with perpetual set asides, the period for which compliance fees shall be collected shall be limited to 50 years.~~ The present value discount rate shall be 2.75% per annum. Such amount shall be reduced by the amount of any compliance monitoring fees for other programs collected by the Corporation for the Development provided:

(a) The compliance monitoring fee covers some or all of the period following the anticipated SAIL loan repayment date; and

(b) The Development has substantially equivalent set-asides for Very Low-Income persons or households mandated through another Corporation program for which the compliance monitoring fee was collected.

(10) The SAIL loans shall be serviced either directly by the Corporation or by the servicer on behalf of the Corporation.

(11) The Corporation shall monitor compliance of all terms and conditions of the SAIL loan and shall require that certain terms and conditions be embodied in the Land Use Restriction Agreement and recorded in the public records of the county wherein the Development is located. The Land Use Restriction Agreement will be recorded first. Violation of any term or condition of the documents evidencing or securing the SAIL loan shall constitute a default during the term of the SAIL loan. The Corporation shall take legal action to effect compliance if a violation of any term or condition relative to the set-asides of units for Very Low-Income persons or households is discovered during the course of compliance monitoring or by any other means.

(12) 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 November 3, 2003 ~~September 10, 2002~~, which is adopted and incorporated herein by reference.

(13) The SAIL loan shall be for a period of not more than 15 years. 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) Upon maturity of the SAIL loan, the Corporation may renegotiate and extend the loan in order to extend the availability of housing for the target population. Such extensions shall be based upon:

(a) Performance of the Applicant during the SAIL loan term;

(b) Availability of similar housing stock for the target population in the area;

(c) Documentation and certification by the Applicant that funds are not available to repay the Note upon maturity;

(d) A plan for the repayment of the loan at the new maturity date; and

(e) Assurance that the security interest of the Corporation will not be jeopardized by the extension.

(15) After accepting a preliminary commitment, 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. However, an Applicant may reduce the interest rate on any superior or inferior mortgage loan without the Board's permission, provided that no other terms of the loan are changed. Florida Housing must be notified of any such change.

(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 paragraph 67-48.010(15)(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, but the current balance is \$3,000,000, 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 \$1,800,000, 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 \$594,000. This \$594,000 would be applied first to accrued interest and then to principal.

(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 paragraph 67-48.010(15)(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) 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.

(17) Rent controls shall not be allowed on any Development except as required in conjunction with the issuance of tax-exempt bonds or federal Housing Credits; however, rents must be determined to be reasonable by the Credit Underwriter.

(18) The documents creating, evidencing or securing each SAIL loan must provide that any violation of the terms and conditions described in Chapter 67-48, F.A.C., constitutes a default under the SAIL loan documents allowing the Corporation to accelerate its loan and to seek foreclosure as well as any other remedies legally available to it.

(19) 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), F.S., in order to ensure continuing compliance of the Development.

(20) The Corporation must approve the Applicant's selection of a management company prior to such company assuming responsibility for the Development. The Applicant, its designated representative, or the managing agent of the Development must attend a Corporation-sponsored training workshop on certification and compliance procedures prior to the leasing of any units in the Development.

(21) A failure to pay any principal or interest due under the terms of this section shall constitute a default on the SAIL loan.

(22) 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 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 restriction.

(a) The written request must provide documentation of marketing efforts implemented over the past four-month period which demonstrate the inclusion of sources of potential

residents, advertising to be used, other means of encouraging residents to rent at the Development, and priority to the original targeted group of residents. If the Corporation determines that prior marketing efforts were insufficient, a revised plan which is satisfactory to the Corporation must be submitted and implemented for a four-month period prior to reconsideration.

(b) The Board will require Applicants to provide additional amenities or resident programs suitable for the proposed resident population.

(c) The Board will require Applicants with 1% loans, as described in paragraph 67-48.010(3)(a), F.A.C., to modify loan documents to conform to the terms and conditions of 3% loans, as described in paragraph 67-48.010(3)(b), F.A.C., or to accelerate payments of SAIL loan principal or interest.

(23) The Applicant shall provide to the Corporation an annual budget of income and expenses for the Development, certified as accurate by an officer of the Development, no later than 30 days prior to the beginning of the Development's fiscal year.

(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.

(25) For SAIL loans applied for prior to March 17, 2002, at the borrower's request, Florida Housing will include up to 20% of total Developer fees per year as a Development Expense when calculating the interest due on the SAIL loan for the 2003 calendar year for the billing issued in 2004 pursuant to paragraph 67-48.010(6)(b), F.A.C., and for the billing for interest due each calendar year thereafter. Development Expense will not include Developer fees for determination of payment of interest on SAIL loans applied for prior to March 17, 2002 for the 2002 calendar year or any previous calendar year. For purposes of this paragraph, Development Expense has the same meaning as Project Expense and Eligible Project Expense as those terms are used in SAIL loans applied for prior to March 17, 2002.

Specific Authority 420.507 FS. Law Implemented 420.5087 FS. History—New 7-22-96, Amended 12-23-96, 7-10-97, 1-6-98, Formerly 91-48.010, Amended 11-9-98, 2-24-00, 2-22-01, 3-17-02, 4-6-03,\_\_\_\_\_.

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;

(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:

- (a) First mortgage debt service, first mortgage fees;
- (b) SAIL compliance and loan servicing fees;

(c) An amount equal to the present value of the compliance monitoring fee, as computed by the Corporation and its servicer, times the number of payment periods for which the Development will have a set-aside for Very Low-Income persons or households beyond the repayment date. The present value discount rate shall be 2.75% per annum. ~~For Developments with set-asides in perpetuity, the period for which compliance fees shall be collected shall be limited to 50 years.~~ Such amount shall be reduced by the amount of any compliance monitoring fees collected by the Corporation for the Development, provided:

- 1. The compliance monitoring fee covers some or all of the period following the anticipated SAIL repayment date; and
- 2. The Development has substantially equivalent set-asides for Very Low-Income persons or households mandated through another program of the Corporation for which the compliance monitoring fee was collected.

- (d) Unpaid principal balance of the SAIL loan;
- (e) Any interest due on the SAIL loan;
- (f) Expenses of the sale;

(g) If there will be insufficient funds available from the proposed sale of the Development to satisfy paragraphs (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. A certification from the Applicant that there are no Development funds available to repay the SAIL loan, including any interest due, and the Applicant knows of no source from which funds could or would be forthcoming to pay the SAIL loan; and
- 4. A certification from the Applicant detailing the information needed to determine the final billing for SAIL loan interest. Such certification shall require submission of financial statements and other documents that may be required by the Corporation and its servicer.

Specific Authority 420.507 FS. Law Implemented 420.5087 FS. History--New 12-23-96, Amended 1-6-98, Formerly 91-48.0105, Amended 11-9-98, Repromulgated 2-24-00, Amended 2-22-01, 3-17-02, Repromulgated 4-6-03, Amended \_\_\_\_\_.

67-48.012 SAIL Credit Underwriting and Loan Procedures.

(1) Following the appeals process, the Corporation shall issue preliminary commitment letters to those Applicants whose Developments were awarded final scores and rankings which placed them into the funding range.

(a) The preliminary commitment shall be subject to a positive recommendation by the Corporation's Credit Underwriter and approval by the Corporation's Board of Directors.

(b) The invitation to credit underwriting shall require that the Applicant submit the credit underwriting fee to the Credit Underwriter within 7 Calendar Days of the date of the invitation. The Corporation will, within the specified 7 Calendar Days, submit a copy of the Applicant's Application to the Credit Underwriter. Unless a written extension is obtained from the Corporation, failure to submit the fee by the specified deadline shall result in rejection of the Application.

(2) The Credit Underwriter shall verify all information in the Application, including information relative to the Applicant, Developer, Syndicator, General Contractor, and, if an ALF, the service provider, as well as other members of the Development team.

(a) The Credit Underwriter shall report any inconsistencies or discrepancies or changes made to the Applicant's Application during credit underwriting. If the Board determines at any time 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 the market to be served by the Development or if any discrepancy or misrepresentation is found, the Application will be rejected.

(b) If the Credit Underwriter determines that special expertise is required to review information submitted to the Credit Underwriter which is beyond the scope of the Credit Underwriter's expertise, the fee for such services shall be borne by the Applicant.

(c) The Credit Underwriter shall review the interest rate and terms of other proposed financing as provided in the Application to determine whether or not such loans are feasible and to determine if a SAIL loan is needed.

(d) Required appraisals studies shall be completed by professionals approved by the Corporation's Credit Underwriters. Approval of appraisers shall be based upon review of qualifications, professional designations held, references and prior experience with similar types of Developments.

(e) A full or self-contained appraisal as defined by the Uniform Standards of Professional Appraisal Practice and a separate market study shall be ordered by the Credit Underwriter, at the Applicant's expense, from an appraiser qualified for the geographic area and product type not later than completion of credit underwriting. The Credit Underwriter shall review the appraisal to properly evaluate the loan request in relation to the property value. Appraisals and separate market studies which have been ordered and submitted by third party credit enhancers, first mortgagors or syndicators and which meet the above requirements and are acceptable to the Credit Underwriter may be used instead of the appraisal or market study referenced above.

(f) Except as provided in Section 420.5087(5), F.S., the amount of any superior mortgages combined with the SAIL mortgage shall be less than the appraised value of the Development. Any debt service reserve requirement associated with a superior mortgage shall be excluded from the amount of the superior mortgage for purposes of this calculation.

(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 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.

(h) In addition to operating expenses, the Credit Underwriter must include an estimate for replacement reserves and operating expense reserves deemed appropriate by the Credit Underwriter when calculating the final net operating income available to service the debt. A minimum amount of \$200 per unit must be used for all Developments. However, the amount may be increased based on a physical needs assessment. An Applicant may choose to fund a portion of the replacement reserves at closing. The amount cannot exceed 50% of the required replacement reserves for 2 years and must be placed in escrow at closing.

(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 guarantors, audited financial statements or financial statements compiled or reviewed by a licensed Certified Public Accountant 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 by a licensed Certified Public Accountant are not available, unaudited financial statements prepared within the last 90 days and reviewed by the credit underwriter in accordance with Part III, Sections 604 through 607, of the Fannie Mae Multifamily Delegated Underwriting and Servicing (DUS) Guide, effective January 7, 2002, which is adopted and incorporated herein by reference, and the two most recent year's tax returns.

3. For the General Contractor, audited financial statements or financial statements compiled or reviewed by a licensed Certified Public Accountant 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 by a licensed Certified Public Accountant 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 Total Development Cost.

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 ~~6 six~~ consecutive months for the combined permanent first mortgage and SAIL loan. An operating deficit guarantee, to be released upon achievement of 1.00 debt service coverage for a minimum of 6 consecutive months for the combined permanent first mortgage and SAIL loan will be required for Developments receiving first mortgage funding from the United States Department of Agriculture Rural Development (RD) 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. Developments receiving United States 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 Total Development Cost for Application and underwriting purposes. Contingency reserves shall not be paid from SAIL funds.

(m) The Credit Underwriter shall review and determine if the number of loans and/or construction commitments of the Applicant and its Principals will impede its ability to proceed with the successful development of each proposed Corporation Development.

(n) The Credit Underwriter shall consider the appraisal of the Development and other market study documentation to determine if the market exists to support both the demographic and income restriction set-asides committed to within the Application. The Credit Underwriter shall consider the market study and other documentation to make a recommendation of whether to approve or disapprove funding when the proposed Development would financially impair an existing Development previously funded by Florida Housing.

(o) If the Credit Underwriter requires additional clarifying materials in the course of the underwriting process, the Credit Underwriter shall request same from the Applicant and shall specify deadlines for the submission of same. Failure to submit required information by the specified deadline, unless a written extension of time has been approved by the Corporation's Board and the Credit Underwriter, shall result in rejection of the Application. If the Application is rejected, the Corporation will select additional Application(s) as outlined in the Universal Application instructions.

(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 Florida Housing, 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.

(4) The Credit Underwriter shall complete its analysis and submit a written draft report and recommendation to the Corporation. Upon receipt, the Corporation shall provide to the Applicant the section including supporting information and schedules from the written draft report. The Applicant shall review and provide written comments to the Corporation and Credit Underwriter within 48 hours of receipt. After the 48 hour period, the Corporation shall provide comments on the draft report and, as applicable, on the Applicant's comments to the Credit Underwriter. Then the Credit Underwriter shall review and incorporate the Corporation's and Applicant's comments and release the revised report to the Corporation and the Applicant. Any additional comments from the Applicant shall be received by the Corporation and the Credit Underwriter within 72 hours of receipt of revised report. Then, the Credit Underwriter will provide a final report, which will address comments made by the Applicant, to the Corporation.

(5) After approval of the Credit Underwriter's recommendation by the Board of Directors or a committee appointed by the Board, the Corporation shall issue a firm SAIL loan commitment.

(6) Other mortgage loans related to the Development and the SAIL loan must close within 60 Calendar Days of the date of the firm SAIL loan commitment unless an extension is approved by the Board. All extension requests must be submitted in writing to the program administrator and contain the specific reasons for requesting an extension and shall detail the time frame to close the loan. The written request will then be submitted to the Corporation's Board of Directors for consideration. The Corporation shall charge an extension fee of one-half of one percent of the SAIL loan amount if the Board approves the requested extension to extend the SAIL commitment beyond the period outlined in this rule chapter.

(7) The Corporation's servicer shall conduct at the Applicant's expense a preconstruction analysis and review of all the Development's costs prior to the closing of the SAIL loan.

(8) It is the responsibility of the Applicant to comply with any part of this section and to request in writing and show cause for any waiver. Failure to comply will result in the disqualification of the Applicant and withdrawal of the SAIL commitment. The Corporation shall then offer a preliminary



SAIL commitment to the next eligible Applicant or, with approval of the Board, retain available funds for use in the next Application Period.

(9) At least 5 Calendar Days prior to attending any closing:

(a) The Applicant must provide evidence of all necessary consents or required signatures from first mortgagees or subordinate mortgagees to the Corporation and its counsel, and

(b) The Credit Underwriter must have received all items necessary to release its letter confirming that all closing contingencies have been met, including the finalized sources and uses of funds and Draw schedule.

Specific Authority 420.507 FS. Law Implemented 420.5087, 420.5087(6)(e) FS. History--New 7-22-96, Amended 12-23-96, 7-10-97, 1-6-98, Formerly 9I-48.012, Amended 11-9-98, 2-24-00, 2-22-01, 3-17-02, 4-6-03, \_\_\_\_\_.

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 Total Development cost, unless approved by the Credit Underwriter.

(2) Ten business days prior to each Draw, the Applicant shall supply the Corporation's servicer, as agent for the Corporation, with a written request executed by the Applicant for a Draw. The request shall set forth the amount to be paid and shall be accompanied by documentation specified by the Corporation's servicer including claims for labor and materials to date of the last inspection.

(3) The Corporation and its servicer shall review the request for a Draw, and the servicer shall provide the Corporation with approval of the request or an alternative recommendation, after the title insurer provides an endorsement to the policy of title insurance updating the policy to the date of the current Draw and increasing the insurance coverage to an amount equal to the sum of all prior Draws and the current Draw, without additional exceptions, except those specifically approved in writing by the Corporation.

(4) The Corporation will disburse construction Draws through Automated Clearing House (ACH). The Applicant may request disbursement of construction Draws via a wire transfer. The Applicant will be charged a fee of \$10 for each wire transfer requested. This charge will be netted against the Draw amount.

(5) The Corporation shall elect to withhold any Draw or portion of any Draw, notwithstanding any documentation submitted by the Applicant in connection with the request for a Draw, if

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

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

(6) The servicer may request submission of revised construction budgets.

(7) If the Corporation determines that further analysis by the Credit Underwriter is required prior to the release of the final Draw, the Applicant shall pay to the Credit Underwriter a fee based on an hourly rate determined pursuant to the contract between the Corporation and the Credit Underwriter.

(8) Retainage in the amount of 10% per Draw shall be held by the servicer during construction until the Development is 50% complete. At 50% completion, no additional retainage shall be held from the remaining Draws. Release of funds held by the Corporation's servicer as retainage shall occur pursuant to the SAIL loan agreement.

Specific Authority 420.507 FS. Law Implemented 420.5087 FS. History--New 7-22-96, Amended 12-23-96, 7-10-97, 1-6-98, Formerly 9I-48.013, Amended 11-9-98, 2-24-00, 2-22-01, 3-17-02, Repromulgated 4-6-03, \_\_\_\_\_.

PART III HOME INVESTMENT PARTNERSHIPS PROGRAM

67-48.014 HOME General Program Procedures and Restrictions.

(1) Unless otherwise provided in the Application instructions, the Corporation shall utilize up to 10% of the HOME allocation for administrative costs pursuant to the HUD Regulations.

(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. 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 and other Corporation requirements identified in the CHDO Checklist. The CHDO Checklist is adopted and incorporated herein by reference, effective 11/02, and is available on FHFC's web site [www.floridahousing.org](http://www.floridahousing.org).

(3) Within the rental cycle administered pursuant to Chapter 67-48, F.A.C., the Corporation will distribute funds as provided in the Universal Application instructions.

(4) The maximum per-unit subsidy amount of HOME funds that the Corporation shall invest on a per-unit basis in affordable housing shall not exceed the per-unit dollar limits established by the Corporation as identified in the current Application instructions and included on the HUD Subsidy Limits chart, which is adopted and incorporated by reference, effective ~~12-8-03~~ ~~12-31-02~~. A copy of such chart is available on FHFC's web site [www.floridahousing.org](http://www.floridahousing.org).

(5) The minimum amount of HOME funds that must be invested in a Rental Development is \$1,000 times the number of HOME-Assisted Units in the Development.

(6) A Development qualifies as affordable housing and for HOME funds if, with respect to income and occupancy:

(a) 80% of the HOME-Assisted Units are occupied by families whose annual income does not exceed 60% of the median family income for the area, as determined by HUD, with adjustments for family size, and

(b) 20% of the HOME-Assisted Units are occupied by families whose annual income does not exceed 50% of the median family income for the area, as determined by HUD, with adjustments of family size.

(c) When the income of a resident increases above 80% of area median income, the next unit that becomes available in the Development must be rented to a HOME income-eligible resident. If the income of a Very Low-Income household increases above the limits for a Very Low-Income household, then the Developer must rent the next available unit to a Very Low-Income household. The amount of rent the resident whose income has increased must pay is the lesser of the amount payable by resident under state or local law or 30% of the adjusted monthly income for rent and utilities.

(d) With respect to rent limits, the HOME Rent Chart at 65% or 50%, or the Fair Market Rent, less the applicable utility allowance, is the maximum rent that can be charged for a HOME Rent-Restricted Unit. HOME-Assisted Units with Section 8 subsidy must compare the Section 8 gross rent (resident rent, subsidy amount, and utility allowance) to the maximum applicable HOME high or low rent limit minus utilities. However, Developments with project-based rental assistance may utilize the project-based rents as compared to the HOME High and Low rents. Compliance with the HOME rent restrictions will take precedence over the Developer's acceptance of a full Section 8 (resident-based) subsidy for the HOME-Assisted Units.

(e) The minimum period of affordability for rehabilitation Developments is 15 years.

(f) The minimum period of affordability for newly-constructed rental housing is 20 years. The period of affordability will be extended until the loan is repaid as enumerated in subsection 67-48.020(1), F.A.C.

(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 Total 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.

(h) The Development will remain affordable, pursuant to commitments documented within the executed Land Use Restriction Agreement without regard to the term of the mortgage or to transfer of ownership.

(7) The Development must comply with all applicable provisions of 24 CFR Part 92.

(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-276-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 (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 C),

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 24 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 983.6(b), which is adopted and incorporated herein by reference.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History--New 7-22-96, Amended 12-23-96, 1-6-98, Formerly 91-48.014, Amended 11-9-98, Repromulgated 2-24-00, Amended 2-22-01, 3-17-02, 4-6-03, \_\_\_\_\_.

67-48.015 Match Contribution Requirement for HOME Allocation.

(1) The Corporation is required by HUD to match non-federal funds to the HOME allocation as specified in the HUD Regulations.

(2) A Match Credit Fund funded by the State of Florida has been appropriated to the Corporation. The funds are to be used for demonstration Developments, pilot programs, or other Developments selected and approved by the Corporation's Board of Directors. Such pilot programs or Developments shall be counted as the Corporation's required match for HUD purposes and may be any eligible activity acceptable to HUD regulations and approved by the Corporation's Board of Directors.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(4) FS. History--New 7-22-96, Amended 12-23-96, 1-6-98, Formerly 91-48.015, Amended 11-9-98, Repromulgated 2-24-00, Amended 2-22-01, 3-17-02, 4-6-03, \_\_\_\_\_.

67-48.017 Eligible HOME Activities.

HOME funds may be used for acquisition (must include new construction and/or rehabilitation), new construction, reconstruction, or moderate or substantial rehabilitation of non-luxury housing with suitable amenities pursuant to the HUD Regulations. In addition, HOME funds may be used for any activity found to be eligible by HUD in Match credit and/or disaster developments.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(3) FS. History--New 7-22-96, Repromulgated 12-23-96, 1-6-98, Formerly 91-48.017, Amended 11-9-98, Repromulgated 2-24-00, 2-22-01, 3-17-02, Amended 4-6-03, \_\_\_\_\_.

67-48.018 Eligible HOME Applicants.

Applicants for HOME loans may include CHDO's, public housing authorities, local governments, Non-Profit organizations, and private for-profit organizations. The Applicant must be a legally-formed, existing entity at the time of Application Deadline. Pursuant to the HUD Regulations, Applicants may not request additional HOME funding during the period of affordability. However, additional funds may be committed to a Development up to one year after Development completion provided the amount does not exceed the maximum per-unit subsidy and the additional amount is not used to pay for Developer fees.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(3) FS. History--New 7-22-96, Amended 12-23-96, 1-6-98, Formerly 91-48.018, Amended 11-9-98, Repromulgated 2-24-00, 2-22-01, Amended 3-17-02, 4-6-03, \_\_\_\_\_.

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:

(a) Development hard costs as they directly relate to the identified HOME Assisted Units only for:

1. New construction, the costs necessary to meet local and State of Florida building codes and the Model Energy Code referred to in the HUD Regulations;

2. Rehabilitation, the costs necessary to meet local and State of Florida rehabilitation building codes and at a minimum, the Section 8 Housing Quality Standards under the HUD Regulations;

3. Both new construction and rehabilitation, costs to demolish existing structures, improvements to the Development site and utility connections;

(b) The cost of acquiring improved or unimproved real property. A HOME Development and HOME loan that involves acquisition must include rehabilitation or new construction in order to be an eligible Development.

(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:

1. Architectural, engineering or related professional services required to prepare plans, drawings, specifications or work write-ups;
2. Costs to process and settle the HOME financing for a Development, such as credit reports, fees for evidence of title, recordation, building permits, attorney fees, cost certifications, and estimates;
3. Developer fee shall be limited to 16% of Development Cost. A Developer fee on the building acquisition cost shall be limited to 4% of the cost of the building exclusive of land. However, the Developer fee shall be limited to 10% of Development Cost for those Developments involving rehabilitation of buildings which have received a Florida Housing funding commitment or a Preliminary Allocation/Determination for other construction work within fourteen years of the Application Deadline.
4. Impact fees;
5. Costs of Development audits required by the Corporation;
6. Affirmative marketing and fair housing costs;
7. Temporary relocation costs as required under HUD Regulations;
8. The General Contractor's fee shall be limited to a maximum of 14% of the actual construction cost.

(2) HOME funds shall not be used to pay for the following ineligible costs:

- (a) Development reserve accounts for replacements, unanticipated increases in operating costs, or operating subsidies, except as described in subparagraph 67-48.021(2)(f)2., F.A.C.;
- (b) Resident-based rental assistance except for pilot or demonstration Developments as approved by the Board of Directors;
- (c) Public housing;
- (d) Administrative costs;
- (e) Developer fees unless the HOME funds include rehabilitation or new construction; or
- (f) Any other expenses not allowed under 24 CFR Part 92.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(3) FS. History--New 7-22-96, Amended 12-23-96, 7-10-97, 1-6-98, Formerly 9I-48.019, Amended 11-9-98, 2-24-00, Repromulgated 2-22-01, Amended 3-17-02, 4-6-03, Repromulgated

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.

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

(a) All for-profit Applicants that own 100% of the ownership interest in the Development held by the general partner entity will receive a 3% per annum interest rate loan.

(b) All qualified non-profit Applicants that own 100% of the ownership interest in the Development held by the general partner entity will receive a 0% interest rate loan. For purposes of determining the annual HOME interest rate, the definition of Non-Profit found at Rule 67-48.002, F.A.C., shall not apply; instead, qualified non-profit Applicants shall be those entities defined in the HUD Regulations, Section 42(h)(5)(c), subsection 501(c)(3) or 501(c)(4) of the Code and organized under Chapter 617, F.S., if a Florida corporation, or organized under similar state law if organized in a jurisdiction other than Florida.

(c) All Applicants consisting of a non-profit and for-profit partnership will receive a 0% interest rate loan on the portion of the loan amount equal to the qualified non-profit's ownership interest in the Development held by the general partner entity. A 3% interest rate shall be charged for loans on the portion of the loan amount equal to the for-profit's interest in the Development held by the general partner entity. After closing, should the Applicant sell any portion of the Development ownership, the loan interest rate ratio will be adjusted to conform to the new percentage of ownership.

(3) The loans shall be non-amortizing and repayment of principal shall be deferred until maturity, unless otherwise recommended by the Credit Underwriter and approved by the Corporation. Interest payments on the loan shall be paid to the Corporation's servicer annually on the date specified in the Note.

(4) As approved by the Board of Directors, loans which finance demonstration Developments or Developments located in a state or federally declared disaster area may be provided with forgivable terms.

(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.

(6) Before disbursing any HOME funds, there must be a written agreement with the Applicant ensuring compliance with the requirements of the HOME Program pursuant to this rule chapter and the HUD Regulations.

(7) A representative of the Applicant and the managing agent of the Development must attend a Corporation-sponsored training session on income certification and compliance procedures.

(8) If the Development has 12 or more HOME-Assisted Units to be developed under a single contract, the General Contractor and all available subcontractors shall attend a Corporation-sponsored preconstruction conference regarding federal labor standards provisions.

(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 Part V, Section 106 of the Fannie Mae DUS Guide, effective November 3, 2003 ~~September 10, 2002~~, which is adopted and incorporated herein by reference.

(10) All loans must provide that any violation of the terms and conditions described in this rule chapter or the HUD Regulations constitute a default under the HOME loan documents allowing the Corporation to accelerate its loan and seek foreclosure as well as any other remedies legally available to it.

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

(12) The Corporation or its servicer shall monitor the compliance of each Development with all terms and conditions of the HOME loan and shall require that such terms and conditions be recorded in the public records of the county where the Development is located. Violation of any term or condition shall constitute a default during the term of the HOME loan.

(13) The Applicant shall not refinance, increase the principal amount, or alter any terms or conditions of any mortgage superior or inferior to the HOME mortgage without prior approval of the Corporation's Board of Directors. However, an Applicant may reduce the interest rate on any superior or inferior mortgage loan without the Board's permission, provided that no other terms of the loan are changed. Florida Housing must be notified of any such change.

(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 paragraph 67-48.020(13)(a), F.A.C., are met, the original combined loan to value ratio for the superior mortgage and the HOME mortgage is maintained or improved, and a proportionate amount of the increase in the superior mortgage is used to reduce the outstanding HOME loan balance. To calculate the proportionate amount of the increase in the superior mortgage which must be paid toward the reduction of the HOME loan balance, the following calculation shall be used: divide the amount of the original HOME mortgage by the combined amount of the original HOME 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 HOME mortgage is \$2,000,000, the original superior mortgage is \$4,000,000, but the current balance is \$3,000,000, 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 \$1,800,000, and the proportionate amount of the increase in the superior mortgage which must be paid toward the reduction of the HOME loan balance would be \$594,000. This \$594,000 would be applied first to accrued interest and then to principal.

(c) The Board shall deny requests for mortgage loan refinancing which require extension of the HOME loan term or otherwise adversely affect the security interest of the Corporation unless the criteria outlined in paragraph 67-48.020(13)(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.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(7), (8), (9) FS. History—New 7-22-96, Amended 12-23-96, 7-10-97, 1-6-98, Formerly 91-48.020, Amended 11-9-98, 2-24-00, 2-22-01, 3-17-02, 4-6-03, \_\_\_\_\_.

#### 67-48.0205 Sale or Transfer of a HOME Development.

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

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

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

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

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

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

(b) A certification from the 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 income reported to the Corporation during the term of the loan was true and accurate; and

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

Specific Authority 420.507(12) FS. Law Implemented 420.5089(7),(8),(9) FS. History—New 12-23-96, Amended 1-6-98, Formerly 91-48.0205, Amended 11-9-98, Repromulgated 2-24-00, Amended 2-22-01, Repromulgated 3-17-02, 4-6-03, \_\_\_\_\_.

#### 67-48.021 HOME Credit Underwriting and Loan Procedures.

(1) After the administrative appeal procedures have been completed, the Corporation shall assign a tentative loan amount to the Applicants ranked within funding range in accordance with the Universal Application instructions.

(2) Based upon availability of funds, the Corporation shall issue a preliminary commitment notifying each Applicant of selection for participation in the HOME Program.

(3) 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.

(4) 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 Florida Housing, 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.

(5) The Credit Underwriter shall verify all information in the Application, including information relative to the Applicant, Developer, Syndicator, General Contractor, and, if an ALF, the service provider, as well as other members of the Development team. The Credit Underwriter shall complete its analysis and submit a written draft report and recommendation to the Corporation. Upon receipt, the Corporation shall provide to the Applicant the section including supporting information and schedules from the written draft report. The Applicant shall review and provide written comments to the Corporation and Credit Underwriter within 48 hours after receipt. After the 48-hour period, the Corporation shall provide comments on the draft report and, as applicable, on the Applicant's comments to the Credit Underwriter. Then the Credit Underwriter shall review and incorporate the Corporation's and Applicant's comments and release the revised report to the Corporation and the Applicant. Any additional comments from the Applicant shall be received by the Corporation and the Credit Underwriter within 72 hours of receipt of revised report. Then, the Credit Underwriter will provide a final report, which will address comments made by the Applicant, to the Corporation.

(6) The underwriters may request additional information but at a minimum the following will be required during the underwriting process:

(a) 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.

(b) For Principals and guarantors, audited financial statements or financial statements compiled or reviewed by a licensed Certified Public Accountant 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 by a licensed Certified Public Accountant are not available, unaudited financial statements prepared within the last 90 days and reviewed by the credit underwriter in accordance with Part III, Sections 604 through 607, of the Fannie Mae Multifamily Delegated Underwriting and Servicing (DUS) Guide, effective January 7, 2002, which is adopted and incorporated herein by reference, and the two most recent year's tax returns.

(c) For the General Contractor, audited financial statements or financial statements compiled or reviewed by a licensed Certified Public Accountant, 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.

(d) For the Applicant and general partner, audited financial statements or financial statements compiled or reviewed by a licensed Certified Public Accountant, 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.

(7) The Credit Underwriter shall report any inconsistencies or discrepancies or changes made to the Applicant's Application during credit underwriting. If the Board determines at any time 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 the market to be served by the Development or if any discrepancy or misrepresentation is found, the Application will be rejected. The Corporation shall bear the cost of the underwriting review under contract with the Credit Underwriter. However, if the HOME commitment is canceled for failure to adhere to rule deadlines or for reasons within Applicant's control, the Development will be responsible for reimbursing the Corporation for fees incurred for credit underwriting and environmental review processing.

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

(a) 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 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.

(b) Minimum replacement reserve of \$200 per unit for all Developments. However, the amount may be increased based on a physical needs analysis. An Applicant may choose to fund a portion of the replacement reserves at closing. The amount cannot exceed 50% of the required replacement reserves for 2 years and must be placed in escrow at closing.

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

(d) 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.
4. Problems encountered previously with contractor.
5. Exposure of Corporation funds compared to Total Development Costs. At a minimum, the Credit Underwriter shall require a personal guarantee for completion of construction from the principal individual or the corporate general partner of the borrowing entity.

In addition, a letter of credit payment and performance bond will be required in an amount as determined by the Credit Underwriter if the Credit Underwriter determines after evaluation of subparagraphs 1.-5. above that the additional surety is needed.

(e) Require an operating deficit guarantee, to be released upon achievement of 1.10 debt service coverage for a minimum of ~~6~~ 6 consecutive months for the combined permanent first mortgage and HOME loan. An operating deficit guarantee, to be released upon achievement of 1.00 debt service coverage for a minimum of 6 consecutive months for the combined permanent first mortgage and HOME loan will be required for Developments receiving first mortgage funding from the United States Department of Agriculture Rural Development (RD) 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.

(f) 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. Contingency reserves shall not be paid from HOME funds.

(g) Review the appraisal and other market documentation to determine if the market exists to support both the demographic and income restriction set-asides committed to within the Application.

(9) A full or self-contained appraisal as defined by the Uniform Standards of Professional Appraisal Practice and a separate market study shall be ordered by the Credit Underwriter, at the Applicant's expense, from an appraiser qualified for the geographic area and product type not later than completion of credit underwriting. The Credit Underwriter shall review the appraisal to properly evaluate the loan request in relation to the property value. Appraisals and separate market studies which have been ordered and submitted by third party credit enhancers, first mortgagors or syndicators and which meet the above requirements and are acceptable to the Credit Underwriter may be used instead of the appraisal or market study referenced above. The Credit Underwriter shall consider the market study and other documentation to make a recommendation of whether to

approve or disapprove funding when the proposed Development would financially impair an existing Development previously funded by Florida Housing.

(10) If the Credit Underwriter requires additional clarifying materials in the course of the underwriting process, the Credit Underwriter shall request same from the Applicant and shall specify deadlines for the submission of same. Failure to submit required information by the specified deadline, unless a written extension of time is approved by the Corporation's Board, shall result in the Application being rejected and the Corporation funding additional Applications as outlined in the Universal Application instructions.

(11) A preconstruction analysis and review of the Development's costs shall be required prior to the closing of the HOME loan.

(12) The Applicant will bear the cost of all documentation submitted to the Credit Underwriter for review (i.e., appraisal, credit report, environmental study, etc.). The Applicant may reimburse itself for these costs with HOME funds from the first Draw.

(13) After approval of the Credit Underwriter's recommendation by the Board of Directors, or a committee appointed by the Board, the Corporation shall issue a firm HOME loan commitment.

(14) The HOME loan shall close within 60 Calendar Days from the date of the firm commitment letter.

(15) The Applicant must submit a written request for any extensions needed or any changes to the Development or its financing from the original Application. All requests must be submitted in writing to the program administrator and contain the specific reasons for requesting an extension and shall detail the time frame to close the loan. The written request must be submitted to the Corporation Board of Directors for consideration.

(16) At least 5 Calendar Days prior to attending any closing:

(a) The Applicant must provide evidence of all necessary consents or required signatures from first mortgagees or subordinate mortgagees to the Corporation and its counsel, and

(b) The Credit Underwriter must have received all items necessary to release its letter confirming that all closing contingencies have been met, including the finalized sources and uses of funds and Draw schedule.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History--New 7-22-96, Amended 12-23-96, 7-10-97, 1-6-98, Formerly 91-48.021, Amended 11-9-98, 2-24-00, 2-22-01, 3-17-02, 4-6-03, \_\_\_\_\_.

67-48.022 HOME Disbursements Procedures and Loan Servicing.

(1) HOME loan proceeds shall be disbursed during the construction/rehabilitation phase in an amount per Draw on a pro-rata basis with the other financing unless otherwise approved by the Corporation or the Credit Underwriter.

(2) Ten business days prior to each Draw, the Applicant shall supply the Corporation's servicer, as agent for the Corporation, with a written request executed by the Applicant for a Draw in a form and substance acceptable to the Corporation's servicer.

(3) The request shall set forth the amount to be paid and shall be accompanied by documentation as specified by the Corporation's servicer. Such documentation shall include invoices for labor and materials to date of the last inspection.

(4) The Corporation's servicer and the Corporation shall review the request for Draw and the Corporation's servicer shall provide the Corporation with approval of the request or an alternative recommendation of an amount to be paid after the title insurer provides an endorsement to the policy of title insurance updating the policy to the date of the current Draw and increasing the insurance coverage to an amount equal to the sum of all prior Draws and the current Draw, without additional exceptions, except those specifically approved in writing by the Corporation. For all Developments consisting of 12 or more HOME-Assisted Units to be developed under a single contract, the borrower shall submit weekly payrolls of the General Contractor and subcontractors in accordance with Federal Labor Standards as enumerated in 24 CFR 92.354.

(5) Retainage in the amount of 10% per Draw shall be held by the servicer during construction until the Development is 50% complete. At 50% completion, no additional retainage shall be held from the remaining draws. Release of funds held as retainage shall occur in accordance with the HOME loan documents.

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

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

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

(c) Developments subject to and not in compliance with Federal Labor Standards.

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

(8) If 100% of the loan proceeds have not been expended within six months prior to the HUD deadline pursuant to 24 CFR § 92.500, the funds shall be recaptured by the Corporation.

(9) The request for final disbursement of HOME funds, excluding retainage, shall be submitted within 60 days of completion of construction as evidenced by certificates of occupancy.



Specific Authority 420.507(12) FS. Law Implemented 420.5089(1) FS. History—New 7-22-96, Amended 12-23-96, 7-10-97, 1-6-98, Formerly 91-48.022, Amended 11-9-98, 2-24-00, 2-22-01, 3-17-02, 4-6-03, Repromulgated \_\_\_\_\_.

PART IV HOUSING CREDIT PROGRAM

67-48.023 Housing Credits General Program Procedures and Requirements.

In order for a Development to qualify for Housing Credits it shall, at a minimum, meet or comply with the following:

(1) Each Applicant shall comply with this rule chapter and with Section 42 of the Code and federal regulations issued pursuant thereto and in effect at the time of the Funding Cycle. Noncompliance by an Applicant, or any Principal, Affiliate or Financial Beneficiary of an Applicant or Developer shall result in disqualification from participation in the current HC Funding Cycle and for a period of not less than one year. The Applicant and its Principals, Affiliates and Financial Beneficiaries will continue to be ineligible to participate in future HC Funding Cycles until such time as all noncompliance issues are cured.

(2) Each Housing Credit Development shall comply with the minimum Housing Credit Set-Aside provisions, as specified in Section 42(g)(1) of the Code, with respect to the reservation of 20% of the units for occupancy by persons or families whose income does not exceed 50% of the area median income, or the reservation of 40% of the units for occupancy by persons or families whose income does not exceed 60% of the area median income. Further, each Housing Credit Development shall comply with any additional Housing Credit Set-Aside chosen by the Applicant in the Application.

(3) The gross monthly rents for the Housing Credit Set-Aside units shall not exceed 30% of the imputed income limitation applicable to such unit. The monthly rents used must correspond to the Housing Credit Set-Aside chosen by the Applicant in the Application as shown on the rent charts provided by FHFC.

(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.

(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.

(6) Each Housing Credit Development shall complete the Final Cost Certification Application, ~~which is incorporated by reference~~, by the earlier of the following two dates. ~~A copy of such form is available on FHFC's web site [www.floridahousing.org](http://www.floridahousing.org).~~

(a) The date that is 60 Calendar Days after all the buildings in the Development have been placed in service, or

(b) The date that is 30 Calendar Days before the end of the calendar year for which the Final Housing Credit Allocation is requested.

The Corporation may grant extensions for good cause upon written request.

(7) The completed Final Cost Certification Application shall include an unqualified audit report prepared by an independent certified public accountant. The Corporation will issue only one complete set of Forms 8609 per Development which will be no earlier than total Development completion and the Corporation's acceptance and approval of the Development's Final Cost Certification.

(8) After the final evaluation and determination of the Housing Credit Allocation amount has been made by the Corporation Executive Director and the ~~recorded~~ Extended Use Agreement has been ~~executed~~ received in accordance with Rule 67-48.029, F.A.C., the Forms 8609 are issued to the Applicant of the Housing Credit Development.

Specific Authority 420.507(12) FS. Law Implemented 420.5099 FS. History—New 7-22-96, Amended 12-23-96, 7-10-97, 1-6-98, Formerly 91-48.023, Amended 11-9-98, 2-24-00, 2-22-01, 3-17-02, Repromulgated 4-6-03, Amended \_\_\_\_\_.

67-48.025 Qualified Allocation Plan.

(1) Pursuant to Section 420.507(12), F.S., the Corporation is responsible for the allocation and distribution of Housing Credits in this state. As the allocating agency for the state, distribution of Housing Credits to Applicants shall be in accordance with the Corporation's Qualified Allocation Plan.

(2) The specific criteria of the Qualified Allocation Plan as mandated by Congress and addressed at Section 42(m)(1)(B) of the Internal Revenue Code, as amended, have been approved by the Governor and are adopted by reference herein.

Specific Authority 420.507(12) FS. Law Implemented 420.5099 FS. History—New 7-22-96, Repromulgated 12-23-96, Amended 1-6-98, Formerly 91-48.025, Amended 11-9-98, 2-24-00, 2-22-01, Repromulgated 3-17-02, 4-6-03, \_\_\_\_\_.

67-48.026 Housing Credit Underwriting Procedures.

(1) After the final rankings are approved by the Board, the Corporation shall offer all Applicants within the funding range the opportunity to enter credit underwriting.

(2) A response to the invitation to enter credit underwriting must be received by the Corporation and the Credit Underwriter not later than 7 Calendar Days after the date of the letter of invitation.

(3) If the credit underwriting invitation is accepted:

(a) The Applicant shall submit the credit underwriting fee in accordance with Rule 67-48.007, F.A.C., to the Credit Underwriter within 7 Calendar Days of the date of the letter of invitation, and

(b) All information required by the Credit Underwriter must be provided to the Credit Underwriter within 35 Calendar Days of the date of the invitation to enter credit underwriting. The Credit Underwriter shall complete its report within 56 Calendar Days from the date of the credit underwriting invitation. The appraisal, survey and final plans are acceptable contingency items to the credit underwriting report.

(4) Unless an extension is obtained from Florida Housing, failure to submit the required credit underwriting information or fees by the specified deadline shall result in withdrawal of the invitation and issuance of an invitation to the next eligible Applicant.

(5) The Corporation shall select the Credit Underwriter for each Development.

(6) The Credit Underwriter shall verify all information in the Application, including information relative to the Applicant, Developer, Syndicator, General Contractor, and, if an ALF, the service provider, as well as other members of the Development team.

(7) The Credit Underwriter shall report any inconsistencies or discrepancies or changes made to the Applicant's Application during credit underwriting. If the Board determines at any time 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 the market to be served by the Development or if any discrepancy or misrepresentation is found, the Application will be rejected.

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

(a) The Credit Underwriter, in determining the amount of housing credits a Development is eligible for when using the qualified basis calculation, shall use a housing credit percentage of:

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

2. Fifteen (15) basis points over the percentage as of the date of invitation to credit underwriting up to four percent (4%) for four percent (4%) credits for acquisition and federally subsidized Developments. A percentage of fifteen (15) basis points over the percentage as of the date of invitation to final credit underwriting up to four percent (4%) will be used for Developments receiving tax-exempt bonds.

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

(c) Developer fee shall be limited to 16% of Development 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, 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. However, the Developer fee shall be limited to 10% of Development Cost for those Developments involving rehabilitation of buildings which have received a Florida Housing funding commitment or a Preliminary Allocation/Determination for other construction work within fourteen years of the Application Deadline.

(d) The General Contractor's fee shall be limited to a maximum of 14% of the actual construction cost.

(e) Costs such as syndication fees and brokerage fees cannot be included in eligible basis. All consulting fees must be paid out of the Developer fee. Consulting fees cannot cause the Developer fee to exceed the maximum allowable fee as set forth in paragraph (c) above.

(f) All contracts for hard or soft Development Costs must be itemized for each cost component.

(g) A full or self-contained appraisal as defined by the Uniform Standards of Professional Appraisal Practice and a separate market study shall be ordered by the Credit Underwriter, at the Applicant's expense, from an appraiser qualified for the geographic area and product type not later than completion of credit underwriting. The Credit Underwriter shall review the appraisal to properly evaluate the proposed property's financial feasibility. Appraisals which have been ordered and submitted by third party credit enhancers, first mortgagors or syndicators and which meet the above requirements and are acceptable to the Credit Underwriter may be used instead of the appraisal referenced above. The market study must be completed by a disinterested party which is approved by the Credit Underwriter. The Credit Underwriter shall consider the market study and other documentation to make a recommendation of whether to approve or disapprove an allocation when the proposed Development would financially impair an existing Development previously funded by Florida Housing.

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

(i) If the Credit Underwriter determines that special expertise is required to review information submitted to the Credit Underwriter which is beyond the scope of the Credit Underwriter's expertise, the fee for such services shall be borne by the Applicant.

(j) In addition to operating expenses, the Credit Underwriter must include an estimate for replacement reserves and operating expense reserves deemed appropriate by the Credit Underwriter when calculating the final net operating income available to service the debt. A minimum amount of \$200 per unit must be used for all Developments. However, the amount may be increased based on a physical needs assessment.

(k) 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) 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) 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 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) 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) 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.

(9) After the completion of its analysis, the Credit Underwriter shall submit its draft recommendation including a detailed report of the Development's credit worthiness,

feasibility, ability to proceed and viability to the Corporation. Upon receipt, the Corporation shall provide to the Applicant the section including supporting information and schedules from the written draft report. The Applicant shall review and provide written comments to the Corporation and Credit Underwriter within 48 hours. After the 48 hour period, the Corporation shall provide comments on the draft report and, as applicable, on the Applicant's comments to the Credit Underwriter. Then the Credit Underwriter shall review and incorporate the Corporation's and Applicant's comments and release the revised report to the Corporation and the Applicant. Any additional comments from the Applicant shall be received by the Corporation and the Credit Underwriter within 72 hours of receipt of revised report. Then, the Credit Underwriter will provide a final report, which will address comments made by the Applicant, to the Corporation.

(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. 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 can be obtained from the United States 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.

Specific Authority 420.507(12) FS. Law Implemented 420.5099 FS. History—New 7-22-96, Amended 12-23-96, 7-10-97, 1-6-98, Formerly 91-48.026, Amended 11-9-98, 2-24-00, 2-22-01, 3-17-02, 4-6-03, Repromulgated

67-48.027 Tax-Exempt Bond-Financed Developments.

(1) Tax-Exempt Bond-Financed Developments, as defined in Section 42(h)(4)(B) of the Code, which applied for 4% Housing Credits when applying for tax exempt bonds from Florida Housing in calendar year 2000 or later shall:

(a) Have 50% or more of the aggregate basis of any building and the land on which the building is located financed by tax-exempt bonds;

(b) Be subject to the monitoring and credit underwriting fees as stated in Chapter 67-21, F.A.C.;

(c) Be deemed to have met all HC Program scoring threshold requirements upon the closing of the bonds with Florida Housing;

(d) Receive a Preliminary Determination from the Corporation upon Florida Housing's issuance of a loan commitment in reference to the tax-exempt bonds;

(e) Be subject to the provisions of this rule chapter, specifically the applicable provisions of Part I and Part IV, except for Rules 67-48.026 and 67-48.028, F.A.C.;

(f) Receive Building Identification Numbers from the Corporation upon satisfying the requirements of this section and the Final Cost Certification requirements of Rule 67-48.023, F.A.C.;

(g) Provide an IRS Form 8821 for each Financial Beneficiary of the Development prior to Final Housing Credit Allocation; and

(h) Pay the assigned Credit Underwriter for a comprehensive market study of the housing needs of Low Income individuals in the area to be served by the Development. The market study must be completed by a disinterested third party and a copy of the completed market study must be on file with Florida Housing prior to the Final Housing Credit Allocation.

(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:

(a) Have 50% or more of the aggregate basis of any building and the land on which the building is located financed by tax-exempt bonds;

(b) Be subject to the Application fee specified in this rule chapter;

(c) Meet the HC Program threshold requirements pursuant to the Qualified Allocation Plan and shall have completed loan closings on all required financing;

(d) Participate in the credit underwriting process pursuant to this rule chapter, unless such Development has received its tax-exempt bond financing through the Corporation, in which case the Development must be underwritten to the extent necessary to determine Development feasibility and Housing Credit need;

(e) Be subject to the credit underwriting fees as set forth in this rule chapter;

(f) Be subject to the administrative fee specified in this rule chapter;

(g) Receive a Preliminary Determination from the Corporation upon satisfying the requirements of paragraphs (a) through (f) above. A Development may receive a Preliminary Determination prior to the bonds being issued and the submission of an Application, if the Corporation receives a credit underwriting report prepared by one of the Corporation's contracted Credit Underwriters which recommends a Housing Credit Allocation and the issuance of tax-exempt bonds, and receives evidence of a loan commitment in reference to the tax-exempt bonds. The administrative fee must be paid within seven days of the date of the Preliminary Determination;

(h) Be subject to a Developer fee limitation as specified in this rule chapter;

(i) Be subject to the provisions of this rule chapter, specifically the applicable provisions of Part I and Part IV, except for Rule 67-48.028, F.A.C.;

(j) Provide an IRS Form 8821 for each Financial Beneficiary of the Development prior to Final Housing Credit Allocation;

(k) Be subject to the provisions in this rule chapter, pertaining to the required Extended Use Agreement;

(l) Be subject to the monitoring fee specified in this rule chapter, unless such Development has received tax-exempt bond financing through the Corporation;

(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) Receive Building Identification Numbers from the Corporation upon satisfying the requirements of this section and the Final Cost Certification requirements of Rule 67-48.023, F.A.C.

Specific Authority 420.507(12) FS. Law Implemented 420.5099 FS. History—New 7-22-96, Amended 12-23-96, 1-6-98, Formerly 91-48.027, Amended 11-9-98, 2-24-00, 2-22-01, 3-17-02, Repromulgated 4-6-03,\_\_\_\_\_.

67-48.028 Carryover Allocation Provisions.

(1) If an Applicant cannot complete its Development by the end of the year in which the Preliminary Allocation is issued, the Applicant must enter into a Carryover Allocation Agreement with the Corporation by December 29th of the year in which the Preliminary Allocation is issued. The Carryover Allocation allows the Applicant up to the end of the second year following the Carryover Allocation to have the Development placed-in-service.

(2) An Applicant shall have tax basis in the Housing Credit Development which is greater than 10% of the reasonably expected basis in the Housing Credit Development within six months of the date of the execution of the Carryover Allocation Agreement or the Housing Credits will be deemed to be returned to the Corporation. Certification that the

Applicant has met the greater than 10% basis requirement shall be signed by the Applicant's attorney or certified public accountant.

(3) All supporting Carryover documentation and the signed certification evidencing the required basis must be submitted to the Corporation within six months of the date of the execution of the Carryover Allocation Agreement or the Housing Credits will be deemed to be returned.

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

Specific Authority 420.507(12) FS. Law Implemented 420.5099 FS. History—New 7-22-96, Repromulgated 12-23-96, Amended 1-6-98, Formerly 91-48.028, Amended 11-9-98, 2-24-00, 2-22-01, 3-17-02, 4-6-03, Repromulgated \_\_\_\_\_.

#### 67-48.029 Extended Use Agreement.

(1) Pursuant to Section 42(h)(6) of the Code, the Applicant and the Corporation shall enter into an Extended Use Agreement. The purpose of the Extended Use Agreement is to set forth the Housing Credit Extended Use Period, the Compliance Period, and to evidence commitments made by the Applicant in the Application. Such commitments, for example, include the Housing Credit Set-Aside commitment, resident programs, and Development amenities.

(2) The following provisions shall be included in the Extended Use Agreement:

(a) The Applicable Fraction for Housing Credit Set-Aside units for each taxable year in the extended use period shall not be less than the Applicable Fraction;

(b) Eligible Persons occupying set-aside units shall have the right to enforce in any State of Florida court the extended use requirement for set-aside units;

(c) The Extended Use Agreement shall be binding on all successors and assigns of the Applicant; and

(d) The Extended Use Agreement shall be executed prior to the issuance of a Final Housing Credit Allocation to an Applicant. Following execution, the Extended Use Agreement shall be ~~and~~ recorded pursuant to Florida law as a restrictive covenant ~~prior to the issuance of a Final Housing Credit Allocation to an Applicant.~~

Specific Authority 420.507(12) FS. Law Implemented 420.5099 FS. History—New 7-22-96, Repromulgated 12-23-96, 1-6-98, Formerly 91-48.029, Amended 11-9-98, 2-24-00, Repromulgated 2-22-01, 3-17-02, 4-6-03, Amended \_\_\_\_\_.

#### 67-48.030 Sale or Transfer of a Housing Credit Development.

An owner of a Housing Credit Development, its successor or assigns which has been granted a Final Housing Credit Allocation shall not sell the Housing Credit Development without having first notified the Treasury of the impending sale and complying with the Treasury's procedure or procedures for completing the transfer of ownership and utilizing the Housing Credit Allocation. The owner of a Housing Credit Development shall notify the Corporation in writing of an impending sale and of compliance with any requirements by the Treasury for the transfer of the Housing Credit Development. The owner of a Housing Credit Development shall notify the Corporation in writing of the name and address of the party or parties to whom the Housing Credit Development was sold within 14 Calendar Days of the transfer of the Housing Credit Development.

Specific Authority 420.507(12) FS. Law Implemented 420.5099 FS. History—New 7-22-96, Repromulgated 12-23-96, Amended 1-6-98, Formerly 91-48.030, Amended 11-9-98, Repromulgated 2-24-00, Amended 2-22-01, Repromulgated 3-17-02, 4-6-03, \_\_\_\_\_.

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

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

(1) After the fourteenth year of the Compliance Period, unless otherwise obligated under the Extended Use Agreement, an Applicant may submit a written request to the Corporation to find a buyer to acquire the Applicant's interest in the Housing Credit Set-Aside portion of the building.

(2) The Corporation shall have one year from the receipt of the request to obtain a qualified buyer for the Development.

(3) The Corporation shall actively seek to obtain a qualified buyer for acquisition of the Housing Credit Set-Aside portion of the building for an amount not less than the Applicable Fraction as specified in the Extended Use Agreement of:

- (a) The sum of the outstanding indebtedness secured by the building;
- (b) The adjusted investor equity in the building; and
- (c) Other capital contributions not reflected in the amounts above, and reduced by cash distributions from the Development.

(4) In the event no buyer is found to acquire the Housing Credit Set-Aside portion of the building within one year, the Housing Credit Extended Use Period shall be terminated, and the units converted to market-rate.

(5) Pursuant to Section 42(h)(6)(E)(ii) of the Code, the termination of an Extended Use Agreement shall not be construed to permit the termination of a tenancy, the eviction of any existing resident of any set-aside unit, or any increase in the gross rent with respect to any set-aside unit before the close of the three-year period following such termination. In no case shall any portion of a Housing Credit Development be disposed of prior to the expiration of the Extended Use Agreement.

Specific Authority 420.507(12) FS. Law Implemented 420.5099 FS. History--New 7-22-96, Repromulgated 12-23-96, 1-6-98, Formerly 91-48.031, Amended 11-9-98, Repromulgated 2-24-00, 2-22-01, 3-17-02, 4-6-03,

NAME OF PERSON ORIGINATING PROPOSED RULE: Kery Carpenter, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Orlando Cabrera, Executive Director, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 29, No. 39, September 26, 2003

**DEPARTMENT OF INSURANCE**

**Division of Worker's Compensation**

RULE TITLES:	RULE NOS.:
Cancellation of Workers' Compensation Insurance by an Insurer	69L-6.008
Policy Information Filing Requirements for Insurers	69L-6.014

PURPOSE AND EFFECT: These proposed rule changes amend the filing timeframes for electronic reporting of workers' compensation policy information, and address the new requirement for cancellation of a workers' compensation insurance policy for non-payment of premium.

SUMMARY: This rule change amends the filing timeframes for electronic reporting of workers' compensation policy information, and includes the new requirement for canceling a policy for non-payment of premium.

The notice of cancellation timeframe is being amended to carve out an exception for cancellation due to non-payment of premium. This change is to conform the rule to §440.42(3), F.S. as amended by Chapter Law 2003-405, (SB-50A). A method of reporting such cancellations to the Department is also proposed.

The proposed Rule 69L-6.014, F.A.C., was revised subsequent to the workshop. Based upon comments received, Rule 69L-6.014, F.A.C., has been changed from draft available at the workshop to retain the existing standard of 30 days instead of 21 days for submissions in subsections (1),(2) and (3).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 440.185(7),(9), 440.42(3), 440.591, 440.593(5) FS.

LAW IMPLEMENTED: 440.185(7),(9), 440.42(3), 440.593 FS.

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

TIME AND DATE: 10:30 a.m., January 21, 2004  
PLACE: Room 104J, Hartman Building, 2012 Capital Circle, Southeast, 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 the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Linda Yon, Insurance Administrator, Office of Data Quality and Collection, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4226, (850)413-1702 or (850)413-1702, e-mail: yonl@dfs.state.fl.us

## THE FULL TEXT OF THE PROPOSED RULES IS:

69L-6.008 Cancellation of Workers' Compensation Insurance by an Insurer.

(1) Except as hereinafter provided, an insurer shall not cancel a workers' compensation insurance policy or contract of insurance for any reason other than non-payment of premium shall not be cancelled by an insurer until and unless 30 days have elapsed after the insurer has electronically filed directly with the Division or through a third party vendor a Notice of Cancellation. When an insurer files an electronic Notice of Cancellation directly with the Division for any reason other than non-payment of premium, the 30-day deadline shall be calculated from the first day following the date the Division received the electronic Notice of Cancellation cancellation. The electronic Notice of Cancellation cancellation must include the minimum information required to identify the transmission as a cancellation for a specific policy as referenced in Rule Chapter 69L-56, F.A.C. If the insurer files an electronic Notice of Cancellation electronically through a third party vendor for any reason other than non-payment of premium, the 30-day deadline shall be calculated from the first day following the "Jurisdiction Designee Received Date," and the electronic Notice of Cancellation must include the minimum information required to identify the transmission as a cancellation for a specific policy as referenced in Rule Chapter 69L-56, F.A.C.

(2) For any workers' compensation insurance policy, contract of insurance, or renewal with a policy effective date prior to October 1, 2003, an insurer shall not cancel the policy for non-payment of premium until and unless 30 days have elapsed after the insurer has electronically filed with the Division or through a third party vendor a Notice of Cancellation. When an insurer files an electronic Notice of Cancellation directly with the Division, the 30-day deadline shall be calculated from the first day following the date the Division received the electronic Notice of Cancellation. The electronic Notice of Cancellation must include the minimum information required to identify the transmission as a cancellation for a specific policy as referenced in Rule Chapter 69L-56, F.A.C. If the insurer files an electronic Notice of Cancellation through a third party vendor, the 30-day deadline shall be calculated from the first day following the "Jurisdiction Designee Received Date", and must include the minimum information required to identify the transmission as a cancellation for a specific policy as referenced in Rule Chapter 69L-56, F.A.C.

(3) For any workers' compensation insurance policy, contract of insurance, or renewal with a policy effective date on or after October 1, 2003, an insurer shall not cancel the policy for non-payment of premium until and unless the insurer has mailed notification of the cancellation to the employer at least 10 days prior to the effective date of the cancellation. Notification to the Division is not necessary to cancel a policy

or contract of insurance for non-payment of premium; however, the filing requirements to advise the Division of the cancellation due to non-payment of premium shall be pursuant to and in accordance with Rule 69L-6.014, F.A.C. When duplicate or dual coverage exists because two different insurers each issued policies to the same employer, and both policies have the same effective date, secure the same liability, and proof of coverage for both policies was duly filed by the insurers as required by this rule chapter, then, one of those policies may be cancelled by one of the insurers as of the date a Notice of Cancellation is electronically filed by that insurer.

(4)(2) A workers' compensation insurance policy may be cancelled by the insurer the same day it became effective if the insurer electronically files a Notice of Cancellation directly with the Division or through a third party vendor and serves a copy of a notice of cancellation upon the employer in person or by mail, stating therein the reason for such cancellation, Prior to filing the electronic Notice of Cancellation, if the policy must have has been rewritten by the same insurer, with the same effective date, and electronically filed with the Division in accordance with the provisions of Rule Chapter 69L-56, F.A.C.

(5)(4) When duplicate or dual coverage exists because two different insurers each issued policies with different effective dates to the same employer, and both of those policies secure the same liability, the insurer policy with the later effective date shall be in force and the insurer with the earlier policy which was first on the risk (the canceling insurer) may cancel its policy by electronically filing a Notice of Cancellation reflecting a reason of "Duplicate Coverage" with the Division in accordance with the provisions of Rule Chapter 69L-6.014 and 69L-56, F.A.C. Prior to filing the electronic Notice of Cancellation, the policy with the later effective date must have been electronically filed with the Division, in accordance with Rule Chapter 69L-6.014 and 69L-56, F.A.C. Once such notice is filed the cancellation date of the policy being cancelled shall become the same as the effective date of the policy not being cancelled, unless a later cancellation date is specified by the canceling insurer.

Specific Authority 440.185(7), 440.42(3), 440.591, 440.593(5), FS. Law Implemented 440.185(7), 440.42(3), 440.593 FS. History--New 11-20-79, Amended 4-15-81, 1-2-86, Formerly 38F-6.008, Amended 12-28-97, 2-2-00, 3-5-02, Formerly 38F-6.008, 4L-6.008, Amended \_\_\_\_\_.

69L-6.014 Policy Information Electronic Filing Requirements for Insurers.

Pursuant to Section 440.593(1), F.S., the department may establish different deadlines for filing required reports electronically than are otherwise required when reporting information by other means. Accordingly, notwithstanding the deadlines for filing policy information by other means as set forth in s. 440.185(7), F.S., an Every insurer, other than an individual self-insurer approved under Section 440.38, F.S. Florida Statute, must electronically file the required shall file directly with the Division, or through a third party vendor the

~~following electronic information in accordance with the provisions of Rule Chapter 69L-56, F.A.C. form equivalents and shall have received a "Transaction Accepted" (TA) Acknowledgement Code by the Division within the following deadlines time frames noted:~~

(1) Within thirty days of the effective date of each policy or contract for workers' compensation insurance issued, every insurer shall transmit the electronic Certificate of Insurance form equivalent of the Proof of Coverage.

(2) Within thirty days of the effective date of each endorsement to a policy or contract for workers' compensation insurance issued, every insurer shall transmit the electronic form equivalent of a Notice of Endorsement.

(3) Within thirty days of the effective date of each reinstatement to a cancelled policy or contract for workers' compensation insurance issued, every insurer shall transmit the electronic ~~form equivalent of a~~ Notice of Reinstatement.

(4) Within thirty days prior to the cancellation of a policy or contract for workers' compensation insurance coverage other than a cancellation for non-payment of premium, every insurer shall transmit the electronic ~~form equivalent of a~~ Notice of Cancellation.

(5) Within thirty days prior to the cancellation of any policy, renewal, or contract for workers' compensation insurance with a policy effective date prior to October 1, 2003, that is being cancelled for non-payment of premium, every insurer shall transmit the electronic Notice of Cancellation (Triplicate Code 00-41-59).

(6) Within ten days prior to the cancellation of any policy, renewal, or contract for workers' compensation insurance with a policy effective date on or after October 1, 2003, that is being cancelled for non-payment of premium, every insurer shall transmit the electronic Notice of Cancellation (Triplicate Code 00-41-59).

Specific Authority 440.185(7),(9), 440.42(3), 440.591, 440.593(5) FS. Law Implemented 440.185(7),(9), 440.42(3), 440.593 FS. History--New 2-2-00, Amended 3-5-02, Formerly 38F-6.014, 4L-6.014, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Linda Yon, Insurance Administrator, Office of Data Quality and Collection, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Don Davis, Bureau Chief, Office of Data Quality and Collection, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 11, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 17, 2003

### Section III Notices of Changes, Corrections and Withdrawals

#### DEPARTMENT OF EDUCATION

##### Florida School for the Deaf and the Blind

RULE NO.: 6D-3.002  
RULE TITLE: Admission and Enrollment Requirements

#### NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment published in The Florida Administrative Weekly, Vol. 29, No. 45, November 7, 2003, has been withdrawn.

#### DEPARTMENT OF EDUCATION

##### Florida School for the Deaf and the Blind

RULE NO.: 6D-3.0021  
RULE TITLE: Individual Educational Plan

#### NOTICE OF CHANGE

The Florida School for the Deaf and the Blind hereby gives notice of change to the above proposed rule published in the Florida Administrative Weekly, Vol. 29, No. 45, November 7, 2003. These changes are in response to comments received from the Florida Department of Education, Bureau of Instructional Support and Community Service.

The changes of the rule shall be as follows:

Subsection (1)(c)4(c)2.b. At least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment). The regular education teacher of a student with a disability must, to the extent appropriate, participate in the development, review, and revision of the student's IEP, including assisting in the determination of:

1. Appropriate positive behavioral interventions and strategies for the student; and

2. Supplementary aids and services, classroom accommodations, modifications or supports for school personnel that will be provided for the student consistent with SBE paragraph 6A-6.03028(7)(c), F.A.C.

Subsection (1)(c)4 h. The student, beginning by the student's fourteenth birthday or younger if determined appropriate by the IEP team, when the purpose of the meeting is to consider the student's transition service needs, as described in paragraphs (7)(i)-(j) of SBE Rule 6A-6.03028, F.A.C. If the student does not attend, the School shall take other steps to ensure that the student's preferences and interests are considered.

Specific Authority 1002.36(4)(c) FS. Law Implemented 1002.36(4)(d) FS. History--New 5-5-87, Amended 9-16-93, 3-25-96, \_\_\_\_\_.



**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are 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 CORRECTIONS**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
33-209.101	Staff Development – Definitions
33-209.1015	Training Development and Delivery
33-209.102	Minimum Training Requirements
33-209.103	Firearms Training and Other Certification Requirements
33-209.104	Training Requests and Assignments
33-209.105	Training Attendance, Performance and Conduct
33-209.106	Contracting for Training Services

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rules, as noticed in Vol. 29, No. 33, (August 15, 2003), Vol. 29, No. 43, (October 24, 2003), Vol. 29, No. 44, (October 31, 2003) and Vol. 29, No. 47, (November 21, 2003) issues of the Florida Administrative Weekly have been withdrawn.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
40D-3.502	Construction Methods

**NOTICE OF CHANGE**

Notice is hereby given in accordance with subparagraph 120.54(3)(d)1., F.S., that the following changes have been made to the proposed Rule 40D-3.502, F.A.C. published in Vol. 29, No. 44, October 31, 2003, issue of the Florida Administrative Weekly:

The Southwest Florida Water Management District does not discriminate on the basis of any individual’s disability status. Anyone requiring reasonable accommodation as provided for in the American’s With Disability Act should contact: Dianne Lee, (352)796-7211 or 1(800)423-1476, Extension 4658, TDD only number 1(800)231-6103, Fax (352)754-6878, Suncom 663-6878.

40D-3.502 Construction Methods.

(1) No change.

(2) For wells constructed using the combination method of drilling a borehole and then driving the casing, the borehole shall be equal to or smaller in diameter than the inside diameter of the casing and shall be sealed by adding dry bentonite to the casing string at land surface and allowing that material to be carried down the outside of the casing as the casing is driven to

completion. Dry bentonite shall be applied to maintain a grout seal around the casing. The first length of water bearing casing, excluding the attached drive shoe, shall not exceed 21 feet in length and must be driven into the ground before any additional borehole is constructed.

During construction of a well in a delineated area, as defined in Rule 62-524.200, F.A.C., or a public supply well using the combination drilling method, the minimum acceptable grout seal shall be accomplished by undercutting or underreaming the last five feet of hole before sealing the casing. A minimum of one foot of such enlarged hole must be into the consolidated formation in which the casing is seated. The entire enlarged portion of the hole shall be filled with cement grout and then the casing shall be driven through the cement grout and seated into the enlarged portion of the consolidated formation. The top 20 feet of casing shall be sealed with no less than a 2-inch nominal thickness of cement grout. ~~No other minimum seal shall be acceptable unless approved by the District or delegated permitting authority.~~ Except as described above, the use of a drilling tool, such as an eccentric bit or an underreamer bit, that is capable of drilling a hole larger than the inside diameter of the casing is prohibited when constructing a well by combination method.

(2) through (7) renumbered (3) through (8) No change.

Specific Authority 373.044, 373.171, 373.309, 373.337 FS. Law Implemented 373.306, 373.308, 373.309 FS. History–New 7-1-90, Amended 9-3-91, 12-31-92.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
61G4-15.015	Certification of Specialty Structure Contractors

**NOTICE OF PUBLIC HEARING**

The Construction Industry Licensing Board hereby gives notice of a public hearing on the above-referenced rule(s) to be held on January 16, 2004, at 8:00 a.m., or soon thereafter, at the Casa Monica Hotel, 95 Cordova Street, St. Augustine, Florida. This public hearing is being held in response to a request received from Woody Watters, President of Southeast Glass Association. The rule notice was originally published in Vol. 29, No. 44, of the October 31, 2003, issue of the Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Timothy Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors' Licensing Board**

RULE NO.:                   RULE TITLE:  
61G6-10.007                Probation

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. 29, No. 42, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures committee (JAPC). The Board, at its meeting held on November 21, 2003, voted to make changes to the rule to address the JAPC concerns.

The changes are as follows:

61G6-10.007 Probation.

All probation imposed by the Board for violations of Sections 489.531, F.S. and 489.533, F.S. shall require the probationer to file with the Board, quarterly reports every ninety (90) days from the date of the final order entered by the Board. The quarterly reports must be filed using DBPR ECLB 4458 Rev. 11-7-2003, titled Probation and Quarterly Report Form, which is hereby incorporated by reference and will be effective 11-7-2003, copies of which may be obtained from the Board office.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Knapp, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-1039

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are 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**

**Board of Medicine**

RULE NO.:                   RULE TITLE:  
64B8-5.001                Examinations

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. 29, No. 26, of the June 27, 2003, issue of the Florida Administrative Weekly. The Credentials Committee reviewed the written comments submitted by the staff of the Joint Administrative Procedures Committee (JAPC), and recommended changes to the Board. The Board, at its meeting on December 6, 2003, voted to make the following changes to the rule:

1. Subsection (2)(b) shall be changed to read: "the applicant must have passed each step of the USMLE in no more than 5 attempts unless the applicant complies with subsection (5) of this rule; and"

2. Subsection (3)(c) shall be changed to read: "the applicant must have passed each part/component/step of the exam combinations listed in subsection 3(a) in no more than five attempts unless the applicant complies with subsection (5) of this rule."

3. The reference in subsection (6) to 458.313(10)(c) shall be changed to 458.313(1)(c).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.:                   RULE TITLE:  
64B8-13.005                Continuing Education for Biennial  
Renewal

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 29, No. 48, of the Florida Administrative Weekly, November 26, 2003, has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.:                   RULE TITLE:  
64B15-14.009               Standards for Office Based Opioid  
Addiction Treatment

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. 29, No. 40, of the October 3, 2003, issue of the Florida Administrative Weekly. The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Board reviewed the Committee's comments at its meeting held on December 6, 2003, in Orlando, Florida, and voted to make the following changes. The changes are as follows:

1. Subsection (5)(a) shall be deleted. The subsequent subsections (b) through (f) shall be renumbered as (a) through (e).

2. Subsection (5)(g), shall be renumbered as (5)(f) and shall read: "(f) Medical Records. The medical record shall document the suitability of the patient for office-based treatment based upon recognized diagnostic criteria. Records should remain current and be maintained in an accessible

manner and readily available for review. The physician must adhere to confidentiality requirements which apply to the treatment of drug and alcohol addiction, including the prohibition against release of records or other information, except pursuant to a proper patient consent or court order, or in cases of true medical emergency or for the mandatory reporting of child abuse. The prescribing physician must keep accurate and complete records to include:”

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

### Section IV Emergency Rules

#### BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are 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 THE LOTTERY

RULE TITLE: Instant Game Number 518,  
WINNER TAKE ALL  
SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 518, “WINNER TAKE ALL,” 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, value, and number of prizes in the game.

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:

53ER03-64 Instant Game Number 518, WINNER TAKE ALL.


(1) Name of Game. Instant Game Number 518, “WINNER TAKE ALL.”

(2) Price. WINNER TAKE ALL lottery tickets sell for \$1.00 per ticket.

(3) WINNER TAKE ALL 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 under the latex area on the ticket. To be a valid winning WINNER TAKE ALL 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 WINNER TAKE ALL lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

(4) The “YOUR NUMBERS” play symbols and play symbol captions are as follows:

<b>1</b> ONE	<b>2</b> TWO	<b>3</b> THREE	<b>4</b> FOUR	<b>5</b> FIVE	<b>6</b> SIX
<b>7</b> SEVEN	<b>8</b> EIGHT	<b>9</b> NINE	<b>10</b> TEN	<b>11</b> ELEVEN	<b>12</b> TWELVE
<b>13</b> THIRTEEN	<b>14</b> FOURTEEN	<b>15</b> FIFTEEN	<b>16</b> SIXTEEN	<b>17</b> SEVENTEEN	<b>18</b> EIGHTEEN
		<b>19</b> NINETEEN	 WIN ALL		

(5) The “WINNING NUMBERS” play symbols and play symbol captions are as follows:

<b>1</b> ONE	<b>2</b> TWO	<b>3</b> THREE	<b>4</b> FOUR	<b>5</b> FIVE	<b>6</b> SIX
<b>7</b> SEVEN	<b>8</b> EIGHT	<b>9</b> NINE	<b>10</b> TEN	<b>11</b> ELEVEN	<b>12</b> TWELVE
<b>13</b> THIRTEEN	<b>14</b> FOURTEEN	<b>15</b> FIFTEEN	<b>16</b> SIXTEEN	<b>17</b> SEVENTEEN	<b>18</b> EIGHTEEN
		<b>19</b> NINETEEN			

(6) The prize symbols and prize symbol captions are as follows:

<b>TICKET</b>	<b>\$1.00</b>	<b>\$2.00</b>	<b>\$4.00</b>	<b>\$5.00</b>	<b>\$10.00</b>
TICKET	ONE	TWO	FOUR	FIVE	TEN
<b>\$20.00</b>	<b>\$25.00</b>	<b>\$50.00</b>	<b>\$100</b>	<b>\$1,000</b>	<b>\$5,000</b>
TWENTY	THIRTY FIVE	FIFTY	ONE HUNDRED	ONE THOUSAND	FIVE THOUSAND

(7) The legends are as follows:

YOUR NUMBERS      WINNING NUMBERS

(8) Determination of Prizewinners.

(a) A ticket having a number in the “YOUR NUMBERS” play area that matches either number in the “WINNING NUMBERS” play area shall entitle the claimant to the corresponding prize shown for that number. A ticket may have up to five sets of matching numbers. The prizes are: TICKET, \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$1,000, and \$5,000. A claimant who is entitled to a prize of a “TICKET” shall be entitled to a prize of a \$1.00 ticket, except as follows. A person who submits by mail a WINNER TAKE ALL lottery ticket that entitles the claimant to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.



(b) A ticket having a “WIN ALL” symbol in the “YOUR NUMBERS” play area shall entitle the claimant to all five prizes shown.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 518 are as follows:

GAME PLAY TICKET	WIN \$1 TICKET	ODDS OF 1 IN	NUMBER OF
			WINNERS IN 56 POOLS OF 180,000 TICKETS PER POOL
\$1	\$1	15.00	1,008,000
\$2	\$2	25.00	672,000
\$4	\$4	100.00	403,200
\$1 + (\$2 x 2)	\$5	150.00	100,800
\$1 x 5 (MONEYBAG)	\$5	50.00	67,200
\$5	\$5	150.00	201,600
\$2 x 5 (MONEYBAG)	\$10	300.00	67,200
\$10	\$10	300.00	33,600
\$5 + (\$10 x 2)	\$25	720.00	33,600
\$5 x 5 (MONEYBAG)	\$25	900.00	14,000
\$25	\$25	1,200.00	11,200
\$10 x 5 (MONEYBAG)	\$50	12,000.00	8,400
\$25 x 2	\$50	15,000.00	840
\$50	\$50	9,000.00	672
\$20 x 5 (MONEYBAG)	\$100	80,640.00	1,120
(\$25 x 2) + \$50	\$100	201,600.00	125
\$100	\$100	144,000.00	50
\$1,000	\$1,000	672,000.00	70
\$1,000 x 5 (MONEYBAG)	\$5,000	5,040,000.00	15
\$5,000	\$5,000	5,040,000.00	2
			2

(10) The estimated overall odds of winning some prize in Instant Game Number 518 are 1 in 3.84. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 518, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a WINNER TAKE ALL lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(13) Payment of prizes for WINNER TAKE ALL 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.

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 12-12-03.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: December 12, 2003

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are 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.”

**Section V  
Petitions and Dispositions Regarding Rule  
Variance or Waiver**

**DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE IS HEREBY GIVEN that the Petition for Waiver received on October 13, 2003, from the Town of Callahan has been dismissed with prejudice by the Petitioner. The petition was assigned the number DCA03-WAI-279.

A copy of the dismissal may be obtained from: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

**BOARD OF TRUSTEES OF THE INTERNAL  
IMPROVEMENT TRUST FUND**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are 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.”

**PUBLIC SERVICE COMMISSION**

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that Progress Energy Florida’s petition for waiver of subparagraph 25-17.0832(4)(e)5., Florida Administrative Code, filed August 27, 2003, in Docket No. 030866-EQ, was approved by the Commission at its November 3, 2003 Agenda Conference. Order No. PSC-03-1329-PAA-EQ, issued November 21, 2003, memorialized the decision. The rule addresses the requirement that the open solicitation period for a utility’s Standard Offer Contract must terminate prior to its issuance of a notice of Request for Proposal based on the standard offer contract’s avoided unit. The petition was approved on the basis that the purpose of the underlying statute would be achieved by other means and application of the rule would create substantial hardship. Notice of the petition was published in the FAW on September 19, 2003.

A copy of the Order can be obtained from either the Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770 or the Commission’s Homepage at <http://www.floridapsc.com>.

**WATER MANAGEMENT DISTRICTS**

NOTICE IS HEREBY GIVEN that on December 4, 2003, South Florida Water Management District (District) received a petition for waiver from Broward County Parks and Recreation Division, Application No. 03-1030-3, for utilization of Works or Lands of the District known as the C-14 Canal, Broward County for a proposed parking lot, entrance drive and stormwater swale, all associated with a proposed trailhead located immediately west of the Sawgrass Expressway, approximately ¼ mile south of the western terminus of West Atlantic Boulevard, within the north right of way of C-14, Broward County, Sections 31, Township 48 South, Range 41 East. The petition seeks relief from paragraph 40E-6.221(2)(j), Fla. Admin. Code, which prohibits the parking of vehicles, vehicular access, and placement drainage treatment facilities within Works or Lands of the District.

A copy of the petition may be obtained from Jan Sluth at (561) 682-6299 or e-mail at [jsluth@sffwmd.gov](mailto:jsluth@sffwmd.gov).

The District will accept comments concerning the petition for 14 days from the date of publication of this notice.

To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The Board of Architecture and Interior Design hereby gives notice that it has received a petition, filed on November 18, 2003 on behalf of Octavio J. Venegas, seeking a waiver of Rule 61G1-24.001 and/or 61G1-24.002, Florida Administrative Code, with respect to continuing education for architects. Comments on this petition should be filed with the Board of Architecture and Interior Design, 1940 North Monroe Street, Northwood Centre, Tallahassee, FL 32399-0750, within 14 days of publication of this notice.

For a copy of the petition, contact: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, at the above address.

The Board of Professional Engineers hereby gives notice that it has received an emergency petition, filed on November 3, 2003, from Rubin Ramirez Colon seeking a waiver or variance of Rule 61G15-21.004, F.A.C., with respect to the requirement of a score of 70 to pass the NCEES Fundamentals and Principles and Practice examination.

Comments on this petition should be filed with Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, FL 32303, within 14 days of publication of this notice.

For a copy of the petition, contact: Natalie Lowe, Executive Director, Board of Professional Engineers, at the above address or telephone (850)521-0500.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are 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 Massage Therapy hereby gives notice that it has received a petition, filed on December 16, 2003, from Sandra Weinrib seeking a waiver of subsection 64B7-31.001(2), Florida Administrative Code, with respect to colonic irrigation training and examination requirements.

Comments on this petition should be filed with the Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399.

For a copy of the petition, contact: Pamela King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Tallahassee, Florida 32399.

The Board of Medicine hereby gives notice that it has received a petition filed on December 2, 2003, by Monica Kharbanda, M.D., seeking a variance/waiver from Rule 64B8-5.001, F.A.C., with regard to the time frames imposed for passage of the USMLE.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

The Board of Medicine hereby gives notice that it has received a petition filed on October 10, 2003, on behalf of Eric J. Leichter, M.D., seeking a variance/waiver from subsection 64B8-2.001(2), F.A.C., with regard to the requirements for passage of the FLEX.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver filed by Peter Mosienko, M.D. The Notice of Petition for Waiver was published in Volume 29, No. 40, of the October 3, 2003, Florida Administrative Weekly. The Surgical Care Committee considered the Petition at its meeting held on December 1, 2003, and the Board considered the Committee's recommendation at its meeting held on December 6, 2003, in Tampa, Florida. The Board's Order, filed on December 16, 2003, denies the petition for waiver finding that the underlying purpose of the statute, as implemented by sub-subparagraph 64B8-9.009(6)(b)1.a., F.A.C., has not been met.

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 Medicine hereby gives notice that it has issued an Order on the Petition for Waiver filed by Frank X. Venzara, M.D. The Notice of Petition for Waiver was published in Volume 29, No. 8, of the February 21, 2003, Florida Administrative Weekly. The Surgical Care Committee considered the Petition at its meeting held on December 1, 2003, and the Board considered the Committee's recommendation at its meeting held on December 6, 2003, in Tampa, Florida. The Board's Order, filed on December 16, 2003, grants the petition for waiver finding that the underlying purpose of the statute, as implemented by sub-subparagraph 64B8-9.009(6)(b)1.a., 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 the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

---

Notice is hereby given that the Department of Health received a Petition for Waiver on September 19, 2003, from Fish Haven Lodge at Bartow for relief from the requirements that require recreational vehicle parks to have at least one set of sanitary facilities for their patrons. The petition seeks relief from subsections 64E-15.005(2) and 64E-15.005(4), F.A.C., which specifies requirements for toilets, urinals, handwashing fixtures and showers for males and for females and are required to maintain a minimum number of sanitary facilities for its patrons.

Comments on the petition should be filed with Sam Power, Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703, within 14 days of publication of this notice.

A copy of this petition may be obtained from David B. Wolfe, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin #A08 Tallahassee, Florida 32399-1710 or telephone (850)245-4277.

---

#### **FLORIDA HOUSING FINANCE CORPORATION**

NOTICE IS HEREBY GIVEN that on December 12, 2003, Florida Housing Finance Corporation received an Petition for Waiver from The Housing League, Inc., requesting a waiver of subsection 67-50.005(8), F.A.C., which states that all development site related documentation be submitted to the credit underwriter within sixty days of entering into credit underwriting.

A copy of the Petition can be obtained from: Sherry Green, 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 **Department of State, Division of Historical Resources** announces a Public Notice Historic Marker Conference Call to which all interested persons are invited to participate.

DATE AND TIME: Friday, January 16, 2004, 2:00 p.m. EST  
PLACE: Room 409, R. A. Gray Building, 500 S. Bronough St., Tallahassee, FL 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: To Review Historical Marker applications.

A copy of the agenda may be obtained by writing: Florida State Historical Marker Program, Bureau of Historic Preservation, Division of Historical Resources, 500 S. Bronough St., Tallahassee, FL 32399-0250.

Should any person wish to appeal any decision made with respect to the above referenced meeting, she or he may need to ensure verbatim recording of the proceedings in order to provide a record for 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 **Department of State, Division of Elections** announces a public meeting to which all persons are invited:

DATE AND TIME: January 6, 2004, 10:00 a.m.

PLACE: Room 116, Knott Building, 414 West St. Augustine Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Presidential Candidate Selection Committee pursuant to Section 103.101 of the Florida Statutes. The Secretary of State will submit the list of presidential candidates to the Committee. The name of each candidate submitted by the political parties to the Secretary of State will appear on the presidential preference primary ballot unless all Committee members of the same political party as the candidate agree at this meeting to delete the candidate's name from the list.

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should contact Peggy Taff, (850)245-6200, at least three days in advance of the meeting.

---

#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Department of Agriculture and Consumer Services** announces a meeting of the Pest Control Enforcement Advisory Council.

DATE AND TIME: January 20, 2004, 10:00 a.m.

PLACE: Mid-Florida Research and Education Center, 2725 Binion Road, Apopka, Florida 32703, (407)884-2034

GENERAL SUBJECT MATTER TO BE DISCUSSED: To discuss the business of the Council.

A copy of the agenda may be obtained by calling: Steven Dwinell, Florida Department of Agriculture and Consumer Services, (850)488-7447.

---

The Florida **Department of Agriculture and Consumer Services** announces the meeting of the Florida Tropical Fruit Advisory Council:

DATE AND TIME: Thursday, January 15, 2004, 11:00 a.m.

PLACE: Miami-Dade Extension Office, 18710 S. W. 288 Street, Homestead, FL 33030

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting. The purpose of this meeting is to conduct the general business of the Florida Tropical Fruit Advisory Council.

For additional information or if you need special accommodations, call: Louise King, (305)246-8460.

#### DEPARTMENT OF EDUCATION

The **Florida Alliance for Assistive Services and Technology**, Inc., Board of Directors announces a public meeting to which all persons are invited to attend:

DATE AND TIME: Wednesday, January 14, 2004, 8:00 a.m. – 2:00 p.m.

PLACE: Disney's Coronado Springs Resort, 1000 West Buena Vista, FL 32830, (407)939-1020

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors will meet to conduct such business as specifically on the agenda. Time will be set aside to solicit input from the public concerning assistive technology needs and services.

If you have any questions, please contact: FFAST, Inc., 325 John Knox Road, Bldg. B., Tallahassee, FL 32303, (850)487-3278.

If you would like to present information to the Board of Directors, or if you require reasonable accommodations due to a disability, please contact FFAST, Inc. at the above address at least 14 working days in advance of the meeting.

If a person decides to appeal any decision made by the Board of Directors with respect to any matter considered at such meetings, the person will need a record of the proceedings. Additionally, the Board of Directors conduct committee teleconferences, at the call of the committee Chairs, to accomplish the goals and objectives of the committees between full Board meetings. If you would like to present information to a FFAST committee, attend a committee teleconference, or require reasonable telecommunication accommodations due to a disability, please contact the FFAST, Inc. office in writing at the above address.

---

The **Florida Building Commission** (The Commission) announces the following meetings to which all persons are invited. The meetings will be held at:

PLACE: Adams Mark Hotel, 1500 Sand Lake Road, Orlando, Florida, (407)859-1500

DATE AND TIME: January 11, 2004, 1:00 p.m. – Meeting of the Structural Technical Advisory Committee.

DATE AND TIME: January 12, 2004, 9:00 a.m.

Meeting of the Accessibility Advisory Council to consider the following applications for waiver from the accessibility code requirements: World Jet, Inc., 6101 N. W. 10th Terrace, Fort Lauderdale; Playpen South, 23101 South Dixie Highway, Miami; Holiday Inn – Indigo Lakes, 2620 International Speedway Boulevard, Daytona Beach; SunSouth Place Renovations, 530 Meridian Avenue, Miami Beach; Belen

Jesuit Preparatory School, 500 S. W. 127th Avenue, Miami; City of Hialeah Fire Station #3, 800 West 49th Street, Hialeah; City of Hialeah Fire Station #2, 4200 East 8th Avenue, Hialeah; Hollywood 18 Real Cinemas, 2800 Oakwood Boulevard, Hollywood; Cobb 16 Theatre, Lake Victoria Garden Avenue, West Palm Beach; Berggren Building 1505 20th Street, Vero Beach; City of Miami Fire Rescue Station #1, 144 N. E. 5th Street, Miami; Mansion, 1235 Washington Avenue, Miami Beach; Flagler Holding Group Building, 4128 N. E. 2nd Avenue, Miami; Mt. Sinai Missionary Baptist Church, 5200 West South Street, Orlando; Rosen Shingle Creek Clubhouse, Orange County; Ericha Davis, 501 South Martin Luther King Boulevard, Daytona Beach; and Courthouse Center – Interior Alterations for Court Expansion, 175 N. W. 1st Avenue, Miami.

DATE AND TIME: January 12, 2004, 8:00 a.m. – Meeting of the Structural Technical Advisory Committee.

8:00 a.m. – Meeting of the Mechanical Technical Advisory Committee

8:00 a.m. – Meeting of the Plumbing Technical Advisory Committee

1:00 p.m. – Meeting of the Product Approval Program Oversight Committee

1:00 p.m. – Meeting of the Electrical Technical Advisory Committee

2:30 p.m. – Meeting of the Accessibility Technical Advisory Committee

3:00 p.m. – Meeting of the Code Administration Technical Advisory Committee

3:00 p.m. – Meeting of the Energy Technical Advisory Committee

5:30 p.m. – Budget Review Committee

DATE AND TIME: January 13, 2004, 8:30 a.m. – Meeting of the Plenary Session of the Florida Building Commission

Review and approval of November 18, 2003 Meeting Minutes, review and update Commission Workplan; Chair’s Discussion Issues and Recommendations.

9:00 a.m. – Rule Adoption Hearing on Chapter 9B-72, Product Approval Rules: 9B-72.030, 9B-72.100 and 9B-72.180, F.A.C.

9:05 a.m. – Rule adoption Hearing on Building Code Education Program Chapter 9B-70, F.A.C.

9:10 a.m. – Review and finalize Annual Report to the 2004 Legislature

9:20 a.m. – Review of pending Building Code Legislation

9:35 a.m. – Consideration of requests for waiver from accessibility code requirements: World Jet, Inc., 6101 N. W. 10th Terrace, Fort Lauderdale; Playpen South, 23101 South Dixie Highway, Miami; Holiday Inn – Indigo Lakes, 2620 International Speedway Boulevard, Daytona Beach; Sunsouth Place Renovations, 530 Meridian Avenue, Miami Beach; Belen Jesuit Preparatory School, 500 S. W. 127th Avenue, Miami; City of Hialeah Fire Station #3, 800 West 49th Street,

Hialeah; City of Hialeah Fire Station #2, 4200 East 8th Avenue, Hialeah; Hollywood 18 Real Cinemas, 2800 Oakwood Boulevard, Hollywood; Cobb 16 Theatre, Lake Victoria Garden Avenue, West Palm Beach; Berggren Building 1505 20th Street, Vero Beach; City of Miami Fire Rescue Station #1, 144 N. E. 5th Street, Miami; Mansion, 1235 Washington Avenue, Miami Beach; Flagler Holding Group Building, 4128 N. E. 2nd Avenue, Miami; Mt. Sinai Missionary Baptist Church, 5200 West South Street, Orlando; Rosen Shingle Creek Clubhouse, Orange County; Ericha Davis, 501 South Martin Luther King Boulevard, Daytona Beach; and Courthouse Center – Interior Alterations for Court Expansion, 175 N. W. 1st Avenue, Miami.

10:05 a.m. – Legal Reports and consideration of Petitions for declaratory statement:

Second Hearing:

DCA03-DEC-266 by Robert C. Duncan

DCA03-DEC-277 by T. A. Krebs of T. A. Krebs Architect, Inc.

DCA03-DEC-296 by Michael Madden of Madden Manufacturing

DCA03-DEC-298 by Paul S. Roth of Roll-A-Way Protective Pool Fence

First Hearing:

DCA03-DEC-309 – Van Gladfelder, P.E., Center for Innovative Structures

DCA03-DEC-322 – T. A. Krebs, T. A. Krebs Architect, Inc.

DCA03-DEC-331 – Randall Shackelford, P.E., Simpson Strong-Tie Company, Inc.

DCA03-DEC-330 – Dragomirecky versus the Town of Ponce Inlet, Appeal from determination of local Board of Rules and Appeals

10:35 a.m. – Consideration of Applications for Product and Entity Approval

11:05 a.m. – Consideration of Committee Reports and Recommendations: Accessibility TAC Report; Code Administration TAC Report; Electrical TAC Report; Energy TAC Report; Fire TAC Report; Mechanical TAC Report; Structural TAC Report; and Product Approval/Prototype Buildings/Manufactured Buildings Program Oversight Committee Report.

11:45 a.m. – Receive public comment.

DATE: January 13, 2004

At the conclusion of the Plenary Session – Fire Technical Advisory Committee

At the conclusion of the Plenary Session – Product Approval Workshop on Building Code Information System

DATE AND TIME: January 14, 2004, 8:30 a.m. – Meeting of the Fire Technical Advisory Committee

A copy of the Committee and Commission meeting agendas and other documents may be obtained by sending a request in writing: Barbara Bryant, 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, web site: 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 the meetings because of a disability or physical impairment should contact Ms. Barbara Bryant, 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 Florida **Department of Law Enforcement**, Region IV Criminal Justice Training Council, announces a public meeting to which all interested parties are invited:

DATE AND TIME: January 15, 2004, 1:30 p.m.

PLACE: Santa Fe Community College, Institute of Public Safety, Kirkpatrick Criminal Justice Training Center, 3737 N. E. 39th Avenue, Gainesville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of Region IV's Criminal Justice Training Trust Fund operating budget, FY 2004-2005.

A copy of the agenda may be obtained by contacting: Director Daryl Johnston, Santa Fe Community College, Institute of Public Safety, 3737 N. E. 39th Avenue, Gainesville, Florida 32609.

---

The **Criminal Justice Standards and Training Commission**, Region VI, Training Council announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, January 13, 2004, 10:00 a.m.

PLACE: Ocala Police Department, 402 South Pine Ave. Ocala, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To establish the 2004-2005 operating budget and to review the 2003-2004 expenditures to date.

A copy of the agenda may be obtained by writing: Central Florida Community College, ATTN: Steven B. Ash, 3001 S. W. College Road, Ocala, Florida 34478-1388.

---

#### DEPARTMENT OF TRANSPORTATION

The **Florida Transportation Builders' Association** has requested a rule development workshop regarding Rules 14-22.0011 – General Procedural Requirements; 14-22.002 – Regulations Covering Qualification of Contractors; 14-22.003 – Rating the Applicant; 14-22.0041 – Procedure for Qualification and Issuance of Certificate of Qualification; 14-22.005 – Period of Validity of Qualification; 14-22.012 – Suspension, Revocation, or Denial of Qualification; 14-22.0141 – Contractor Non-Responsibility; 14-22.015 – Forms. That workshop is scheduled as follows:

DATE AND TIME: January 22, 2004, 1:00 p.m.

PLACE: Florida Department of Transportation, 605 Suwannee Street, Suwannee Room (Room 250), Tallahassee, Florida

The notice of rule development was published in Florida Administrative Weekly, Vol. 29, No. 50, December 12, 2003, pages 4850-4853.

---

Notice is hereby given that the Florida **Department of Transportation**, District 7 will offer the opportunity for a public hearing, upon written request. All persons wishing to be heard on this subject are hereby notified to respond in writing to the individual listed below not later than Monday, January 22, 2004.

DATE AND TIME: January 23, 2004, 5:00 p.m. – 6:00 p.m.

PLACE: Hernando County Government Center, BOCC Meeting Chambers, 20 N. Main Street, Brooksville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This public hearing is being offered in accordance with Sections 335.02 and 335.0415, Florida Statutes, to obtain public input concerning the proposed roadway jurisdiction transfer and access management classification of U.S. 98/S.R. 700/Ponce De Leon Boulevard and CR 485/Cobb Road (Proposed U.S. 98) in the County of Hernando. The FDOT has requested the transfer of U.S. 98/S.R. 700 Ponce De Leon Blvd. from Broad Street to Cobb Road from the State Highway System to the Hernando County Road System and C.R. 485/Cobb Road from Cortez Boulevard to Ponce De Leon Boulevard from the Hernando County Road System to the State Highway System. The public hearing is in compliance with Titles VI and VIII of the Civil Rights Act and Americans with Disabilities Act. Individuals who may require special accommodations at the hearing, under ADA, should contact the person named below at least seven (7) days prior to the public hearing.

CONTACT PERSON: Mr. B. C. Beaty, Florida Department of Transportation, District Seven, Planning, 11201 N. McKinley Drive, Tampa, Florida 33612, (813)975-6283 or 1(800)226-7220, Ext. 7740.

---

The **Commercial Motor Vehicle Review Board** announces a public meeting to which all persons are invited.

DATE AND TIME: January 8, 2004, 8:30 a.m.

PLACE: Department of Highway Safety and Motor Vehicles, Neil Kirkman Building, 2900 Apalachee Parkway, Conference Room A-339, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a monthly meeting of the Commercial Motor Vehicle Review Board for the purpose of reviewing penalties imposed upon any vehicle or person under the provisions of Chapter 316, Florida Statutes, relating to weights imposed on the highway by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations.

Any person aggrieved by the imposition of a civil penalty pursuant to Sections 316.3025 or 316.550, Florida Statutes, may apply to the Commercial Motor Vehicle Review Board for a modification, cancellation, or revocation of the penalty.

Anyone needing an agenda or public hearing information or special accommodations under the Americans With Disabilities Act of 1990 should write to the address given below or call Rosa Seabrooks, (850)922-4483.

Special accommodation requests under the Americans With Disabilities Act should be made at least 48 hours prior to the public meeting.

A copy of the agenda may be obtained by writing: Rosa Seabrooks, Executive Secretary, Commercial Motor Vehicle Review Board, 1815 Thomasville Road, Tallahassee, FL 32303-5750.

The **Florida Seaport Transportation and Economic Development Council** announces a meeting in which all interested persons are invited to participate.

DATE AND TIME: January 23, 2004, 9:30 a.m. – 4:00 p.m.

PLACE: Port of Miami, Second Floor Conference Room, 1015 North America Way, Miami, Florida 33132

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

Information on the meeting may be obtained by contacting: Toy Keller, Florida Ports Council, 502 East Jefferson Street, Tallahassee, Florida 32301, (850)222-8028.

Any person wishing to appeal any decision made with respect to any matter considered at the above cited meeting will need a record of the proceedings, and for such purpose that person 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 provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this public meeting should advise Toy Keller, (850)222-8028.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the **Board of Trustees of the Internal Improvement Trust Fund** are 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 **Board of Trustees of the Internal Improvement Trust Fund** of the State of Florida, or designee, is proposing the establishment of an Erosion Control Line. Pursuant to Section 161.161, Florida Statutes, a public workshop will be held to which all interested persons are invited to participate.

DATE AND TIME: January 8, 2004, 6:00 p.m. – Public Workshop; 7:00 p.m. – Public Hearing

PLACE: Village of Baytowne Wharf Conference Center, Sandestin Resort, Walton County, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: For the purpose of considering evidence bearing on the location of a proposed Erosion Control Line for the beach erosion control project known as the Walton County Beach Restoration Project. The location of the proposed Erosion Control Line is as follows:

The proposed Erosion Control Line lies along Western Walton County, Florida for approximately 4.8 miles, fronting the Gulf of Mexico at the line of mean high water. The Erosion Control Line lies in the following areas:

- Section 27, Township 2 South, Range 21 West
- Section 30, Township 2 South, Range 21 West
- Section 31, Township 2 South, Range 21 West
- Section 32, Township 2 South, Range 21 West
- Section 33, Township 2 South, Range 21 West
- Section 34, Township 2 South, Range 21 West
- Section 35, Township 2 South, Range 21 West

Written objections to, or inquires regarding, the proposed Erosion Control Line should be submitted to the Bureau of Beaches and Wetland Resources, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, Florida 32399-3000, prior to the date mentioned above. The Board of Trustees of the Internal Improvement Trust Fund of the State of Florida reserves the right to deny establishment of the Erosion Control Line.

BY ORDER OF THE  
BOARD OF TRUSTEES OF THE INTERNAL  
IMPROVEMENT TRUST FUND  
OF THE STATE OF FLORIDA  
JEB BUSH, GOVERNOR

**FLORIDA PAROLE COMMISSION**

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: January 8, 2004, 9:00 a.m.

PLACE: 2601 Blair Stone Road, Building C, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Commission Meeting.

A copy of the agenda and subsequent agenda, if any, may be obtained by writing: Tena M. Pate, Commissioner, Florida Parole Commission, 2601 Blair Stone Road, Building C, Tallahassee, Florida 32399-2450.

If you need an accommodation in order to participate in this process, please notify the Commission in advance.

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 21, 2004, 9:00 a.m.

PLACE: Florida Parole Commission, 1313 North Tampa Street, Suite 605, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery 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, 2601 Blair Stone Road, Building C, 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. Telephone: (850)488-3417.

**PUBLIC SERVICE COMMISSION**

The staff of the Florida **Public Service Commission** will hold a telephone conference in Docket No. 030575-PU to which all interested persons are invited to participate.

DATE AND TIME: January 14, 2004, 9:30 a.m.

PLACE: Call (850)410-0960 or SUNCOM 210-0960

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the implementation of amended Rule 25-22.032, F.A.C., Customer Complaints.

Any questions regarding this teleconference should be directed to Richard Tudor at (850)413-6516.

Any person requiring some accommodation to participate at this meeting because of a physical impairment should call the Division of the Commission Clerk and Administrative Services

at (850) 413-6770 at least 48 hours prior to the meeting. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, 1(800)955-8771.

The Florida **Public Service Commission** announces a prehearing to be held in the following dockets, to which all interested persons are invited.

Docket No. 981834-TP – Petition of Competitive Carriers for Commission action to support local competition in BellSouth Telecommunications, Inc.'s service territory.

Docket No. 990321-TP – Petition of ACI Corp. d/b/a Accelerated Connections, Inc. for generic investigation to ensure that BellSouth Telecommunications, Inc., Sprint-Florida, Incorporated, and GTE Florida Incorporated comply with obligation to provide alternative local exchange carriers with flexible, timely, and cost-efficient physical collocation.

DATE AND TIME: January 15, 2004, 9:30 a.m.

PLACE: Hearing Room 152, The Betty Easley Conference Center, 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, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**EXECUTIVE OFFICE OF THE GOVERNOR**

The Board of Directors of the **Scripps Florida Funding Corporation** announces a public meeting to which all persons and interested media are invited, except as provided under Section 288.9551, Fla.Stat. (2003).

DATE AND TIME: Monday, December 29, 2003, 3:00 p.m. – 5:00 p.m.

PLACE: Teleconference 1(877)242-6519 (outside of US/Canada dial (706)679-5400)

GENERAL SUBJECT MATTER TO BE CONSIDERED: This conference call will be to discuss the contract between Scripps Florida Funding Corporation and The Scripps Research Institute and to consider the Program and Funding

Agreement between the Office of Tourism, Trade, and Economic Development and the Scripps Florida Funding Corporation.

The date, time, and/or place are subject to change.

Please check <http://www.myflorida.com/myflorida/government/governorinitiatives/ottd/index.html> for meeting date, time, place and materials.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to participate in this meeting in order to request any needed special assistance should contact [jennie.young@myflorida.com](mailto:jennie.young@myflorida.com) at least 48 hours in advance of the meeting.

---

The Board of Directors of the **Scripps Florida Funding Corporation** announces a public meeting to which all persons and interested media are invited, except as provided under Section 288.9551, Fla.Stat. (2003).

DATE AND TIME: Tuesday, January 6, 2004, 3:00 p.m. – 5:00 p.m.

PLACE: Teleconference 1(877)242-6519 (outside of US/Canada dial (706)679-5400)

GENERAL SUBJECT MATTER TO BE CONSIDERED: This conference call will be to discuss the contract between Scripps Florida Funding Corporation and The Scripps Research Institute and to consider the Program and Funding Agreement between the Office of Tourism, Trade, and Economic Development and the Scripps Florida Funding Corporation.

The date, time, and/or place are subject to change.

Please check <http://www.myflorida.com/myflorida/government/governorinitiatives/ottd/index.html> for meeting date, time, place and materials.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to participate in this meeting in order to request any needed special assistance should contact [jennie.young@myflorida.com](mailto:jennie.young@myflorida.com) at least 48 hours in advance of the meeting.

---

The Board of Directors of the **Scripps Florida Funding Corporation** announces a public meeting to which all persons and interested media are invited, except as provided under Section 288.9551, Fla.Stat. (2003).

DATE AND TIME: Wednesday, January 14, 2004, 9:00 a.m. – 12:00 Noon

PLACE: Palm Beach County, exact location to be determined or Teleconference 1(877)242-6519 (outside of US/Canada dial (706)679-5400)

GENERAL SUBJECT MATTER TO BE CONSIDERED: This conference call will be to discuss the contract between Scripps Florida Funding Corporation and The Scripps Research Institute and to consider the Program and Funding

Agreement between the Office of Tourism, Trade, and Economic Development and the Scripps Florida Funding Corporation.

The date, time, and/or place are subject to change. Please check <http://www.myflorida.com/myflorida/government/governorinitiatives/ottd/index.html> for meeting date, time, place and materials.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to participate in this meeting in order to request any needed special assistance should contact [jennie.young@myflorida.com](mailto:jennie.young@myflorida.com) at least 48 hours in advance of the meeting.

---

The Board of Directors of the **Scripps Florida Funding Corporation** announces a public meeting to which all persons and interested media are invited, except as provided under Section 288.9551, Fla.Stat. (2003).

DATE AND TIME: Friday, January 30, 2004, 3:00 p.m. – 5:00 p.m.

PLACE: Teleconference 1(877)242-6519 (outside of US/Canada dial (706)679-5400)

GENERAL SUBJECT MATTER TO BE CONSIDERED: This conference call will be to discuss the contract between Scripps Florida Funding Corporation and The Scripps Research Institute and to consider the Program and Funding Agreement between the Office of Tourism, Trade, and Economic Development and the Scripps Florida Funding Corporation.

The date, time, and/or place are subject to change. Please check

<http://www.myflorida.com/myflorida/government/governorinitiatives/ottd/index.html> for meeting date, time, place, and materials.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to participate in this meeting in order to request any needed special assistance should contact [jennie.young@myflorida.com](mailto:jennie.young@myflorida.com) at least 48 hours in advance of the meeting.

---

The **Governor's Commission on Volunteerism and Community Service**, Volunteer Florida, Executive Committee announces a public conference call to which all persons are invited.

DATE AND TIME: January 6, 2004, 2:00 p.m.

PLACE: Please call (850)921-5172 for call-in number and passcode

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Commission Business.

Please contact: Gwen Erwin, Volunteer Florida, 401 S. Monroe Street, Tallahassee, Florida 32301, for a copy of the agenda.

If you require a reasonable accommodation to participate in the conference call please contact Gwen Erwin at (850)921-5172, Voice/TTY, 72 hours in advance with your request.

**REGIONAL PLANNING COUNCILS**

The District I, **Local Emergency Planning Committee (LEPC)** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 21, 2004, 10:00 a.m. (CST)

PLACE: Washington County Tourist Development Center, 1865 State Highway 77, Chipley, FL 32428

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the District I Local Emergency Planning Committee.

A copy of the agenda may be obtained by contacting: The Executive Director, West Florida Regional Planning Council, P. O. Box 9759, Pensacola, Florida 32513-9759.

The **Central Florida Regional Planning Council** announces a public meeting of the Local Emergency Planning Committee (LEPC), and its Membership Sub-Committee, Spill Review Sub-Committee, Public Relations Sub-Committee, and Exercise Sub-Committee, to which all persons are invited.

DATE AND TIME: Wednesday, January 14, 2004, 9:00 a.m.

PLACE: Southwest Florida Water Management District, Conference Room, 170 Century Boulevard, Bartow, Florida 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Bi-Monthly Meeting of the LEPC, and Special Sub-Committees.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

The **Central Florida Regional Planning Council** will hold its public meeting and the Council's Executive Committee meeting, to which all persons are invited:

DATE AND TIME: Wednesday, January 14, 2004, 9:30 a.m.

PLACE: DeSoto County Commission Chambers, 201 East Oak Street, Suite 201, Arcadia, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Meeting of the Council and its Executive Committee.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

The **Regional Business Alliance** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 14, 2004, 2:00 p.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting to discuss regional issues impacting South Florida including transportation.

A copy of the agenda may be obtained by writing: The Broward Workshop, 2740 East Oakland Park Boulevard, Suite 206, Fort Lauderdale, Florida 33306.

The Regional Business Alliance is comprised of business and elected leaders from Monroe, Miami-Dade, Broward, Palm Beach, and Martin Counties, including members of the South Florida Regional Transportation Authority and South Florida Regional Planning Council.

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD), if you require additional information regarding the meeting above. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to 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: January 5, 2004, 8:30 a.m.

PLACE: HARTline, County Center, 601 E. Kennedy Boulevard, Planning Commission Board Room, 18th Floor, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Scheduled Board of Directors Meeting – 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, 201 E. Kennedy Boulevard, Suite 900, 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 Lauren Skiver, (813)623-5835, at least 48 hours before the meeting. If the caller is hearing impaired, contact the Authority, (813)626-9158 (TTD).

---

#### WATER MANAGEMENT DISTRICTS

The **Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.

DATE AND TIME: January 13, 2004, 9:00 a.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting – to consider District business, and conduct public hearings on regulatory and land acquisition matters.

Public hearing in accordance with Section 373.59, F.S., concerning the proposed sale of 461 acres +/- in the District's Sandlin Bay Tract, Columbia County, Florida to the United States Government, United States Department of Agriculture Forest Service.

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.

---

The **St. Johns River Water Management District** announces the following public meetings, which may be conducted by means of or in conjunction with communications technology.

MEETING(S) OF PROJECTS AND LAND COMMITTEE AND TOUR:

Projects and Land Committee public meeting

DATE AND TIME: Thursday, January 8, 2004, 6:00 p.m. – 7:00 p.m.

Projects and Land Committee business meeting followed by a tour

DATE AND TIME: Friday, January 9, 2004, 8:00 a.m. – 10:00 a.m.

PLACE: Marywood Conference Center, 1714-5 State Road 13, Jacksonville, FL 32259-9253

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public meeting forum for presentation of Lower St. Johns River Basin Projects Update and public comment. Business meeting to consider Projects and Land Committee agenda items.

An agenda can be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, FL 32178-1429, Attn: Sonia Kuecker, District website: [www.sjrwmd.com](http://www.sjrwmd.com).

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: (386)329-4500.

---

The **St. Johns River Water Management District** announces the following public meetings and hearings which may be conducted by means of or in conjunction with communications technology. All persons are invited.

MEETING OF GOVERNING BOARD AND COMMITTEE CHAIRMEN

DATE AND TIME: Tuesday, January 13, 2004, 8:15 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters.

FINANCE AND ADMINISTRATION COMMITTEE

DATE AND TIME: Tuesday, January 13, 2004, 8:45 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Finance and Administration Committee agenda items followed by committee recommendations to be approved by the full Governing Board. Staff will recommend approval of external budget amendments which affect the adopted budget.

REGULATORY COMMITTEE

DATE AND TIME: Tuesday, January 13, 2004, 10:00 a.m.  
 PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Regulatory agenda items followed by committee recommendations to be approved by the full Governing Board.  
 GOVERNING BOARD/REGULATORY MEETING AND PUBLIC HEARING ON LAND ACQUISITION

DATE AND TIME: Tuesday, January 13, 2004, 1:00 p.m.  
 PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters.

GOVERNING BOARD PLANNING MEETING  
 DATE AND TIME: Tuesday, January 13, 2004\*, following regularly scheduled Governing Board/Regulatory meeting which begins at 1:00 p.m. (\*This meeting may continue at 8:00 a.m. on Wednesday, January 14, 2004, if not completed January 13, 2004)

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Planning session for 2004 including discussion of District priorities and goals, creation of Governing Board Committees' objectives, and plans for the Annual Conference on Water Management.

A copy of the agenda may be obtained at the St. Johns River Water Management District website ([www.sjrwm.com](http://www.sjrwm.com)) or by calling (386)329-4500.  
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings and hearings is requested to advise the District at least 48 hours before the meeting or hearing by contacting: Ann Freeman, (386)329-4101.  
 If any person decides to appeal any decision with respect to any matter considered at the above-listed meetings or hearings, such person will 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 **Southwest Florida Water Management District** announces the following public meeting to which all interested persons are invited.

WELL DRILLERS ADVISORY COMMITTEE  
 DATE AND TIME: Wednesday, January 14, 2004, 1:30 p.m.  
 PLACE: Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, FL  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Committee Business.

Some members of the District's Governing and Basin Boards may attend the meeting.

A copy of the agenda for the above meeting may be obtained by writing: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604-6899.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should call 1(800)423-1476 (Florida), or (352)796-7211, Extension 4604, Fax (352)754-6874, TTD ONLY 1(800)231-6103 (Florida).

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: January 6, 2004, 9:00 a.m. – 12:00 Noon  
 PLACE: The Okeehetee Nature Center, 7715 Forest Hill Blvd., West Palm Beach, FL 33413

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is to review, solicit comments and discuss the activities outlined in the Programmatic Regulations for the Comprehensive Everglades Restoration Plan (CERP).

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, P. O. 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: Juan Diaz-Carreras, Ecosystem Restoration Department, District Headquarters, 3301 Gun Club Road, West Palm Beach, FL 33406, (561)682-6781.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Tuesday, January 6, 2004, 9:30 a.m. – completed  
 PLACE: SFWMD, Ft. Lauderdale Field Station, 2535 Davie Road, Davie, Florida 33317

GENERAL SUBJECT MATTER TO BE CONSIDERED: Land Resources Committee meeting to discuss real estate acquisition and land management issues.

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 at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 6115, P. O. 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, Deputy District Clerk, Office of District Clerk, District Headquarters, 3301 Gun Club Road, Mail Stop Code 6115 West Palm Beach, FL 33406, (561)682-6447.

---

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATES AND TIME: Thursday, January 15, 2004, 8:30 a.m.; Friday, January 16, 2004, until completed

PLACE: B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board Workshop/Meeting/Audit Committee/Human Resources Committee to discuss and consider District business including regulatory and non-regulatory matters.

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 at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 6115, P. O. 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)686-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Paula Moree, Deputy District Clerk, Office of District Clerk, District Headquarters, 3301 Gun Club Road, Mail Stop Code 6115, West Palm Beach, FL 33406, (561)682-6447.

---

NOTICE OF CHANGE – The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATES AND TIME: January 15, 2004 and/or January 16, 2004, 8:50 a.m.

PLACE: The South Florida Water Management Headquarters, B-1 Building, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Acquisition of certain lands contained within the Save Our Rivers Land Acquisition and Management Plan which lands are further described as follows:

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/gover/GovBoard/webpage/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 6115, P. O. 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: Ruth Clements, Department Director, Land Acquisition Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code, 7220 West Palm Beach, FL 33406, (561)682-6271.

---

#### DEPARTMENT OF ELDER AFFAIRS

The State of Florida, **Long Term Care Ombudsman Program** via its Executive Committee is announcing their meeting to which all interested persons are invited.

DATE AND TIME: Friday, January 9, 2004, 8:30 a.m. – 5:00 p.m.

PLACE: Tampa Sheraton Suites, 4400 Cypress Street, Tampa, FL 33607, (813)873-8675

GENERAL SUBJECT MATTER TO BE CONSIDERED: General subject (s) to be considered will be issues relating to the Long Term Care Ombudsman Program.

For any additional information, please contact: Office of the Long Term Care Ombudsman Program, (850)414-2323.

---



**AGENCY FOR HEALTH CARE ADMINISTRATION**

The **Agency for Health Care Administration** announces a meeting of the HMO Report Workgroup to which all interested parties are invited.

DATE AND TIME: Thursday, January 15, 2004, 10:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, First Floor Conference Room, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: To study available data on HMO quality indicators, member satisfaction, customer service or other data and make recommendations for publication and dissemination to consumers.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Carolyn H. Turner, (850)922-5861, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Carolyn H. Turner, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403.

**DEPARTMENT OF MANAGEMENT SERVICES**

The **Florida Black Business Support Corporation** announces teleconference meetings, for the next quarter, of its Loan Investment Committee to which all interested persons are invited.

DATES AND TIME: Thursday, January 8, 2004; Thursday, February 12, 2004; Thursday, March 11, 2004, 2:00 p.m.

PLACE: Teleconference – Call (850)487-4850

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider financing requests, receive reports relating to loan and investment activities, and approve actions taken by the Chairman and/or President under delegated authority.

A copy of the agenda may be obtained by contacting: The Florida Black Business Support Corporation, 1711 South Gadsden Street, Tallahassee, FL 32301, (850)487-4850.

If a person decides to take an appeal with respect to any matter considered at these meetings, he/she will need a record of the proceedings and, for such purpose, he/she may need to ensure that verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based.

If an accommodation is needed for a disability in order to attend these meeting, please notify the FBBSC office at 850/487-4850 at least seven (7) days prior to the meetings.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The **Department of Business and Professional Regulation, Board of Employee Leasing Companies**, announces an official general business meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 21, 2004, 10:00 a.m. or soon thereafter

PLACE: Via telephone conference – To connect, dial (850)921-2470, Suncom 291-2470

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting of the Board.

A copy of the agenda may be obtained by writing: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767, (850)487-1395.

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 the board office, (850)487-8304. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

If any person decides to appeal any decision made with respect to any matter considered at this meeting, they 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 will include the testimony and evidence upon which the appeal is to be based.

For further information, contact: Florida Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

The **Board of Professional Surveyors and Mappers** announces a Probable Cause Panel meeting. All interested parties are invited to attend at the address listed below.

DATE AND TIME: January 12, 2004, 3:00 p.m.

PLACE: Casa Monica Hotel, 95 Cordova, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To reconsider case #2001-07192.

A copy of the agenda may be obtained by writing: John Knap, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida, (850)487-1395.

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 forty-eight (48) hours before the meeting by contacting: John Knap, Executive Director, (850)487-1395. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by the Board with respect to any matter considered at this meeting, will need a record of the proceedings, which record shall include all testimony and evidence upon which the appeal is based; and, for such purpose may need to ensure that a verbatim record of the proceedings is made.

The **Board of Accountancy** announces the following public meetings to which all person are invited:

Probable Cause Panel

DATE AND TIME: Thursday, January 29, 2004, 9:00 a.m.

Meeting of the Board

DATE AND TIME: Friday, January 30, 2004, 9:00 a.m.

PLACE: Hilton Tampa Airport, 2225 Lois Avenue, Tampa, FL  
**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: John W. Johnson, Division Director, Division of Certified Public Accounting, 240 N. W. 76 Drive, Suite A, 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: John W. Johnson, (352)333-2500. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8711.

The **Florida Mobile Home Relocation Corporation** announces a meeting of its Board of Directors to consider mobile home applications for compensation and relocation due to eviction as a result of land use change.

DATE AND TIME: Wednesday, January 14, 2004, 11:30 a.m.

PLACE: Shady Lane Oaks, 15777 Bolesta Rd., Clearwater, FL 33760

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Official business of the Florida Mobile Home Relocation Corporation. Review of mobile home owner applications for compensation for relocation and/or abandonment due to

change in the use of the land, and such other business as may come before the board. A schedule of the next meeting will also be determined.

Additional information can be obtained by contacting: Connie Prince, Executive Director, FMHRC, P. O. Box 14125, Tallahassee, FL 32317-4125, (888)862-0710.

#### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the **Department of Environmental Protection** are 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 JUVENILE JUSTICE**

The Florida **Department of Juvenile Justice**, Juvenile Justice and Delinquency Prevention State Advisory Group announces a Conference Call meeting.

DATE AND TIME: Monday, January 12, 2004, 2:00 p.m. – 4:00 p.m.

PLACE: Conference Call Number 1(800)416-4132, Suncom 292-7892 or (850)922-7892

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** RFP requirements and funding allocations.

For further information please call: Ana Valdes, Office of Prevention and Victim Services, (850)410-2577.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact the Department of Juvenile Justice, Office of Prevention and Victim Services, (850)488-3302, no later than (7) days prior to the meeting at which such special accommodation is required.

#### **DEPARTMENT OF HEALTH**

The Florida **Department of Health, Division of Medical Quality Assurance** announces a workgroup as mandated by CS/SB 2D.

DATE AND TIME: Monday, January 5, 2004, 10:00 a.m. – completion of agenda

PLACE: Department of Health, Capital Center Office Complex, 4042, Bald Cypress Way, Room 301, Tallahassee, FL 32399, (850)245-4224.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The purpose is a workgroup to study the current health care practitioner disciplinary process as mandated in the CS/SB 2D.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Medical Quality Assurance, (850)245-4124, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call Florida Medical Quality Assurance using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771(TDD).

A copy of the agenda may be obtained by writing: Amy M. Jones, Director, 4052 Bald Cypress Way, Bin #C00, Tallahassee, Florida 32399-3253.

---

The **Board of Clinical Laboratory Personnel**, Rules Committee will hold a duly noticed meeting, to which all persons are invited to attend.

DATE AND TIME: Thursday, January 22, 2004, 1:00 p.m.

PLACE: Embassy Suites Hotel, 1100 S. E. 17th Street, Ft. Lauderdale 33316, (954)527-2700

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Rule Chapter 64B3, Florida Administrative Code.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Board of Clinical Laboratory Personnel, Executive Director, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257.

---

The **Board of Clinical Laboratory Personnel** will hold a duly noticed meeting and telephone conference call, to which all persons are invited to attend.

DATE AND TIME: Friday, January 23, 2004, 9:00 a.m.

PLACE: Embassy Suites Hotel, 1100 S. E. 17th Street, Ft. Lauderdale, FL 33316, (954)527-2700

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257.

---

The **Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling** announces an official Board meeting. All interested parties are invited to attend at the address listed below, which is normally open to the public.

DATES AND TIME: January 29-30, 2003, 9:00 a.m.

PLACE: Rosen Centre Hotel, 9840 International Drive, Orlando, Florida 32819

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official Board Meeting.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting. He/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made. Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster, (850)245-4474, at least a week in advance.

---

The **Department of Health, Board of Dentistry**, Dental Hygiene Council announces an official business meeting to be held via telephone conference call to discuss general business relating to the dental hygiene profession. All interested parties are invited to attend the telephone conference call, which is open to the public.

DATE AND TIME: January 16, 2004, 12:00 Noon

PLACE: Call (850)245-4474, to obtain conference call number

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business relating to the dental hygiene profession.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, 1(800)955-8771.

---

The **Department of Health, Board of Dentistry** will hold committee and general business meetings to which all persons are invited:

DATES AND TIMES: Thursday, January 22, 2004, 3:30 p.m.; Friday, January 23, 2004, 8:00 a.m. – committee meetings with general business meeting to follow

PLACE: Hilton Fort Lauderdale Sunrise, 3000 North University Drive, Sunrise, FL 33322, (954)748-7000

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general board business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he may need to ensure that a verbatim record of the proceedings is made, which records include the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Sarah Walls, (850)245-4474, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ms. Walls using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

---

The **Board of Nursing**, Central Probable Cause Panel will hold a duly noticed conference call meeting, to which all persons are invited to attend.

DATE AND TIME: January 14, 2004, 6:30 p.m.

PLACE: Department of Health, Tallahassee, FL, Meet Me Number (850)921-6455

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4125, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued. A copy of the agenda item may be obtained by writing to: Dan Coble, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

---

The **Department of Health, Board of Opticianry** announces an official Board meeting. All interested parties are invited to attend at the address listed below, which is normally open to the public.

DATE AND TIME: January 28, 2004, 9:00 a.m.

PLACE: Rosen Centre Hotel, 9840 International Drive, Orlando, Florida 32819

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official Board Meeting.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Opticianry 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting. He/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster, (850)245-4474, at least one week prior to the meeting date.

---

The **Board of Optometry**, Probable Cause Panel will hold a duly noticed meeting and telephone conference call meeting, to which all persons are invited to attend.

DATE AND TIME: Tuesday, January 27, 2004, 9:00 a.m.

PLACE: Department of Health, 4052 Bald Cypress Way, Tallahassee at Meet Me Number (850)921-6433.

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257.

---

The **Correctional Medical Authority** announces a meeting of the Budget and Personnel Committee in Tallahassee, Florida.

DATE AND TIME: January 8, 2004, 10:00 a.m. – 1:00 p.m.

PLACE: Correctional Medical Authority Conference Room, 1632 Metropolitan Circle, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continued discussion of correctional health care budget and personnel issues.

Pursuant to Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact staff at least 48 hours prior to the meeting in order to request any special assistance.

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Council on Homelessness** announces its meetings of the Application and Rule Committee to which all persons are invited.

DATES AND TIME: Friday, February 6, 2004; March 5, 2004; April 2, 2004, 10:00 a.m. – 11:00 a.m.

PLACE: Conference call in number: (850)921-2470, Suncom 221-2470

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will begin to assess how the 2004 state grant application procedure worked in ranking proposals for the Challenge Grant and the Homeless Housing Assistance Grant. The committee will begin to formulate recommendations for any changes needed for the 2005 application process.

A copy of the agenda may be obtained by contacting: Tom Pierce, State Office on Homelessness, Building 2, Room 103-A, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)922-9850, Tom\_Pierce@dcf.state.fl.us.

Pursuant to Chapter 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.

## FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a workshop and meeting of the Board of Directors to which all interested parties are invited:

Fiscal Committee; Guarantee Committee; Universal Cycle Committee; Multifamily Revenue Bond Committee; Board Meeting

DATE AND TIME: January 23, 2004, 9:00 a.m. – adjourned

PLACE: Hyatt Regency Tampa, Two Tampa City Center, Tampa, FL 33602, (813)225-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Consider, review, and take action on matters brought to the Fiscal Committee and to consider recommendations made by the Fiscal Committee to the Board.
2. Consider, review, and take action on matters brought to the Guarantee Committee and to consider recommendations made by the Guarantee Program Committee to the Board.
3. Consider, review, and take action on matters brought to the Universal Cycle Committee and to consider recommendations made by the Universal Cycle Committee to the Board.
4. Consider, review, and take action on matters brought to the Multifamily Revenue Bond Committee and to consider recommendations made by the Multifamily Revenue Bond Committee to the Board.
5. Authorize the Corporation Staff to proceed with all actions necessary for the sale of bonds of pending multifamily issues, which have satisfied the requirements for funding.
6. Consider financing and acknowledgement resolutions for various multifamily developments, under any multifamily program, including the ranking of developments.
7. Consider appointment of professionals including but not limited to trustee and/or originator/servicer for upcoming and/or past multifamily programs and single-family programs.
8. Consider approval of all bond documents for and terms of all upcoming single-family and multifamily bond sales, including those secured by third-party guarantors, letters-of-credit, insurance or other mechanisms.
9. Consider adopting resolutions authorizing negotiated or competitive sale of bonds on various single-family and multifamily issues.
10. Consider directing Staff to submit summaries of various TEFRA/Public Hearings to the Governor.
11. Consideration of policy issues concerning ongoing and upcoming single-family bond issues including initiation of request for proposals on an emergency basis, and structuring new issues.
12. Consideration of all necessary actions with regard to the Multifamily Bond Program.
13. Consideration of approval of underwriters for inclusion on approved master list and teams.
14. Consideration of all necessary actions with regard to the HOME Rental Program.
15. Consideration of all necessary actions with regard to the HC (Housing Credits) Program.
16. Consideration of all necessary actions with regard to the SAIL (State Apartment Incentive Loan) Program.
17. Consideration of all necessary actions with regard to the SHIP (State Housing Initiatives Partnership) Program.
18. Consideration of all necessary actions with regard to the PLP (Predevelopment Loan) Program.
19. Consideration of all necessary actions with regard to the Home Ownership Programs.
20. Consideration of all necessary actions, for initiating new rules or rule amendments on an emergency or non-emergency basis.
21. Consideration of Appeals from Universal Cycle ranking and grading with entry of final orders.
22. Consideration of workouts or modifications for existing projects funded by the Corporation.
23. Consideration of matters relating to the stated purpose of the Corporation to provide safe and sanitary housing that is affordable for the residents of Florida.
24. Consideration of funding additional reserves for the Guarantee Fund.
25. Consideration of audit issues.

- 26. Evaluation of Professional and Consultant performance.
- 27. Such other matters as may be included on the Agenda for the January 23, 2004, Board Workshop and Meeting.

A copy of the agenda may be obtained by contacting: Sheila Freaney, Board Liaison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Sheila Freaney, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Corporation using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

The **Fish and Wildlife Conservation Commission** announces a public meeting of the Blue Crab Advisory Board, to which all interested persons are invited:

DATES AND TIMES: January 6, 2004, 10:00 a.m. – 5:00 p.m.; January 7, 2003, 8:30 a.m. – 12:30 p.m.

PLACE: Withlacoochee Planning Council, 1241 S. W. 10th Street, Ocala, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Fish and Wildlife Conservation Commission, Division of Marine Fisheries will reconvene the Board to address recommendations for a blue crab management plan. The Board’s consensus process will be conducted as an open public advisory committee process consistent with applicable law. Board members, staff, and facilitators will be the only participants seated at the table. Only Board members may participate in discussions and vote on proposals and recommendations. The facilitators, or a Board member through the facilitators, may request specific clarification from a member of the public in order to assist the Board in understanding an issue. Observers/members of the public are welcome to speak during the public comment period provided at each meeting, and all comments submitted on the public comment forms provided in the agenda packets will be included in the facilitators’ summary reports.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting

by contacting Cindy Hoffman, ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

For further information, contact: Mark Robson, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

The Florida **Fish and Wildlife Conservation Commission**, Great Florida Birding Trail Program announces the following South Florida Birding Trail site nomination public meetings, to which all persons are invited:

DATE AND TIME: January 12, 2004, 8:00 p.m.

PLACE: First Congregational Church Fellowship Hall, 1031 South Euclid Avenue, Sarasota, FL

\*This meeting is in conjunction with the Sarasota Audubon Society’s regular monthly meeting, which begins at 7:00 p.m. and is open to the public.

DATE AND TIME: January 13, 2004, 7:30 p.m.

PLACE: Calusa Nature Center’s Iona House, 3450 Ortiz Avenue, Fort Myers, FL

DATE AND TIME: January 14, 2004, 7:00 p.m.

PLACE: Moore Haven City Council Chambers, 99 Riverside Drive, Moore Haven, FL

DATE AND TIME: January 15, 2004, 6:30 p.m.

PLACE: Florida Fish and Wildlife Regional Office, 8535 Northlake Blvd., West Palm Beach, FL

DATE AND TIME: January 16, 2004, 6:00 p.m.

PLACE: Tropical Audubon Society’s Doc Thomas House, 5530 Sunset Drive, Miami, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The site nomination period for the South Florida Birding Trail will be open from December 1, 2003 to May 15, 2004. These meetings are public information sessions on the Birding Trail program and site nomination process.

A copy of the proposed agenda for any of these meetings may be obtained by contacting: Ms. Beverly Eikeland, Great Florida Birding Trail, 620 South Meridian Street, Bryant Building, Tallahassee, Florida, 32399-1600, (850)488-8755.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should notify Cindy Hoffman, ADA Coordinator, (850)488-6411, at least five calendar days before the meeting.

**DEPARTMENT OF FINANCIAL SERVICES**

The **Enterprise Resource Planning Integration Task Force** (ERPI TF), of the Florida Financial Management Information System (FFMIS) Coordinating Council announce the following public meeting to which all persons are invited:

Task Force Meeting

DATE AND TIME: January 12, 2004, 10:00 a.m.

PLACE: CFO Conference Room, PL 12, Capitol Building, Tallahassee, Florida

Please Note: The above date, time and place of the meeting are tentative. It may be necessary to reschedule this meeting and additional interim meetings of the Task Force may be required. GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to discuss and approve the ERPI TF Annual Report.

Information regarding scheduled times and dates can be sent to: Don Northam, Staff Director, ERPI TF, Department of Financial Services, 200 E. Gaines Street, Tallahassee, FL 32399-0352, (850)413-2822, Fax (850)488-7265, e-mail: northamd@dfs.state.fl.us

The **Department of Financial Services, Division of State Fire Marshal** announces a public meeting to which all persons are invited.

DATE AND TIME: January 22, 2004, 9:00 a.m.

PLACE: Prime F. Osborn, III, Convention Center, Room(s) 206-207, 1000 Water Street, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Joint Building and Fire Technical Advisory Committee meeting to discuss the revision to the Florida Fire Prevention Code and the Florida Building Code.

A copy of the agenda may be obtained by writing: Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, FL 32399-0342.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodation to participate in this meeting, please contact: Millicent King, 200 E Gaines Street, Tallahassee, FL 32399-0342, (850)413-3619, Fax (850)922-2553, at least five calendar days before the meeting for assistance.

The **Office of Insurance Regulation** announces a public hearing to which all persons are invited:

DATE AND TIME: January 27, 2004, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Adoption of the following administrative rules:

Rule Chapter 4-154 Part III, F.A.C., Minimum Reserve Standards for Individual and Group Health Insurance Contracts, proposed in Vol. 29, No. 37 of the Florida Administrative Weekly on September 12, 2003, with Notices of Change published in Vol. 29, No. 42 on October 17, 2003, and Vol. 29, No. 46, on November 14, 2003.

Rule 4-176.013, F.A.C., Notification of Insured's Rights and Standard Disclosure Form, Personal Injury Protection Benefits, proposed in Vol. 29, No. 36, on September 5, 2003.

Rule 4-200.007, F.A.C., Motor Vehicle Service Companies, Cancellation Refunds, proposed in Vol. 29, No. 44 on October 31, 2003.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting: Michael Milnes by e-mail: milnesm@dfs.state.fl.us.

#### JUSTICE ADMINISTRATIVE COMMISSION

The **Justice Administrative Commission** announces a meeting to which all persons are invited.

DATE AND TIME: Afternoon of January 7, 2004 and Continuing Thereafter

PLACE: To be Announced – Contact: Jessica Kranert, (850)488-2415

GENERAL SUBJECT MATTER TO BE CONSIDERED: Interviewing of applicants for the position of Executive Director, Justice Administrative Commission.

In conjunction with the Americans with Disabilities Act, please contact June Hart, (850)488-2415, if special accommodations are needed. For TDD service, please use Dual Party Relay System, 1(800)955-8771.

#### MIAMI CENTER FOR PATIENT SAFETY

The **Miami Center for Patient Safety** announces a Reporting Systems Expert Conference to which reporting systems experts have been invited.

DATES AND TIMES: Wednesday, January 7, 2004, 6:00 p.m. – 9:00 p.m.; Thursday, January 8, 2004, 8:00 a.m. – 5:00 p.m.

PLACE: Hoteles Riances, 1825 Collins Ave., Miami Beach, FL 33139, 1(800)RIANDES1

GENERAL SUBJECT MATTER TO BE CONSIDERED: International experts in reporting systems and patient safety will gather to exchange ideas based on past experience in order to explore optimal reporting for Florida.

A copy of the agenda may be obtained by calling Jeff Miller, (305)585-8364 or e-mail: jmiller6@med.miami.edu.

Written comments can be submitted to Paul Barach MD, MPH, pbarach@med.miami.edu.

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. Telephone: (305)585-8364.

The **Miami Center for Patient Safety** announces a Medical Curriculum Conference to which experts have been invited.

DATES AND TIMES: Wednesday, January 9, 2004, 6:00 p.m. – 9:00 p.m.; Thursday, January 10, 2004, 8:00 a.m. – 5:00 p.m.

PLACE: Hoteles Riances, 1825 Collins Ave., Miami Beach, FL 33139, 1(800)RIANDES1

GENERAL SUBJECT MATTER TO BE CONSIDERED: Experts in the areas of medicine, nursing, pharmacy, IT, simulation and curricula design, will gather to develop core competency components to be included in health care related curricula. Discussions will center upon course content, feasible dissemination techniques, and other issues.

A copy of the agenda may be obtained by calling Jeff Miller, (305)585-8364 or via e-mail: [jmiller6@med.miami.edu](mailto:jmiller6@med.miami.edu).

Written comments can be submitted to Paul Barach, MD, MPH, [pbarach@med.miami.edu](mailto:pbarach@med.miami.edu).

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. Telephone: (305)585-8364.

The **Miami Center for Patient Safety** announces a No-Fault Demonstration Conference to which experts have been invited. DATES AND TIMES: Wednesday, January 13, 2004, 6:00 p.m. – 9:00 p.m.; Thursday, January 14, 2004, 8:00 a.m. – 5:00 p.m.

PLACE: Hoteles Riandes, 1825 Collins Ave., Miami Beach, FL 33139, 1(800)RIANDES 1

GENERAL SUBJECT MATTER TO BE CONSIDERED: To gather to discuss legal alternatives to the current malpractice crisis in Florida.

A copy of the agenda may be obtained by calling Jeff Miller, (305)585-8364 or via e-mail: [jmiller6@med.iami.edu](mailto:jmiller6@med.iami.edu).

Written comments can be submitted to Paul Barach MD, MPH, [pbarach@med.miami.edu](mailto:pbarach@med.miami.edu).

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. Telephone: (305)585-8364.

---

#### FLORIDA INDEPENDENT LIVING COUNCIL

The **Florida Independent Living Council** announces the following meetings:

MEETING: Planning Committee Meeting

DATE AND TIME: Thursday, January 8, 2004, 10:00 (EST)

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Publicity and Vendors Subcommittees Meeting

DATE AND TIME: Tuesday, January 13, 2004, 10:00 (EST)

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Planning Committee Meeting

DATE AND TIME: Thursday, January 22, 2004, 1:00 (EST)

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Orientation and Committee Meetings

DATES AND TIMES: Wednesday, January 28, 2004;

Thursday, January 29, 2004, 9:00 a.m. – 5:00 p.m. (EST);

Friday, January 30, 2004, 9:00 a.m. – 12:00 Noon (EST)

PLACE: Hilton Hotel, 350 South North Lake Boulevard, Altamonte Springs, FL 32715-9004

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the council.

A copy of the agenda may be obtained by contacting: Florida Independent Living Council, 1018 Thomasville Road, Suite 100A Tallahassee, Florida 32303-6271, (850)488-5624, toll free 1(877)822-1993.

Any person who needs an accommodation to participate in this meeting because of a disability, including alternative formats, should submit a request for such accommodation in writing at least one week before the meeting date.

COMMITTEE AND TASK FORCE MEETINGS: Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Beth Schultz at the council address.

Notices of meetings and hearing must advise that a record is required to appeal. Each board, commission or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she 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 Statutes, §286.0105)

---

## Section VII

### Notices of Petitions and Dispositions Regarding Declaratory Statements

#### DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a Petition for Declaratory Statement on December 5, 2003, from CAPRI Engineering regarding whether procedures adopted by a jurisdiction to audit the performance of building code inspection services by private providers that require reinspection by government personnel of all work passed by a private inspector prior to the work proceeding, and which may result in the jurisdiction issuing a



stop-work order and requiring reinspection are authorized pursuant to Section 553.791(17), Florida Statutes (2003). It has been assigned the number DCA03-DEC-326.

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 December 5, 2003, from KAMM Consulting, Inc. regarding requirements of the Florida Building Code as they relate to a building space above the ceiling and below the roof and whether that space can be conditioned if sufficient insulation is applied to the underside of the roof sheathing and the ventilation requirements of the Code as they apply to such a space. It has been assigned the number DCA03-DEC-325.

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 December 11, 2003, from David Peggs regarding the requirements of Section 2309.7, Florida Building Code, Building Volume (2001 as amended June 30, 2003), as applied to the use of an insulation product applied to the underside of the roof sheathing in an unvented attic space. It has been assigned the number DCA03-DEC-328.

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 December 17, 2003, from Adolf Amrhein regarding the requirements of Section 411.7.8.3, Florida Building Code, Building Volume, as applied to a residential aircraft hanger constructed as the first floor of a multistory residence, the primary living quarters being located over the hanger space. It has been assigned the number DCA03-DEC-333.

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.

---

#### **BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are 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 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, Burton Stobsky, Director; Palm Aire Condominium #2 Limited Partnership. Docket Number 2003093490.

The Petitioner requests a declaratory statement as to whether the audiotape of the board meeting must be retained and available at a subsequent board meeting that seeks to approve the minutes based on the tape and that only after approval of the minutes, the tape may be discarded under subsections 61B-23.002(5) and (6)3., Florida Administrative Code.

A copy of the Petition for Declaratory Statement, Docket Number 2003093490, 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 32399-1029.

---

#### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are 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**

Notice is hereby given that the following information has been changed in the Notice of Petition for Declaratory Statement filed by Gregg Hinz, published in Vol. 29, No. 48, issue of the Florida Administrative Weekly:

DATES AND TIME: January 30-31, 2004, 9:00 a.m.

PLACE: Ramada Inn North, 2900 North Monroe Street, Tallahassee, Florida 32303

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

## 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:**

Shirley A. Reynolds and Diann P. Bowman vs. Board of Trustee of the Internal Improvement Trust Fund and Department of Environmental Protection; Case No.: 03-4478RU

AIU Insurance Company, America Home Assurance Company, Birmingham Fire Insurance Company of Pennsylvania, Commerce and Industry Insurance Company, Granite State Insurance Company, The Insurance Company of the vs. Department of Financial Services, Office of Insurance Regulation; Case No.: 03-4486RU

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

Guido Perou vs. Department of Financial Services; Case No.: 2859RX; Rule No.: 4-211.042(8); Dismissed

Mark N. Levine vs. Florida International University; Case No.: 03-3478RX; Rule No.: 6C8-4.018; Dismissed

Florida Audubon Society, d/b/a Audubon of Florida, National Audubon Society, The Everglades Foundation, Inc. and Florida Wildlife Federation vs. Department of Environmental Protection and United States Sugar Corporation, South Florida Water Management District; Case No.: 03-2882RP; Rule No.: 62-302.540; Voluntary Dismissal

New Hope Sugar Company and Okeelanta Corporation vs. Department of Environmental Protection and South Florida Water Management District; Case No.: 03-2883RP; Rule No.: 62-302.540; Voluntary Dismissal

Photographic Arts Unlimited, Inc. and Antonio Cesar vs. Department of Environmental Protection; Case No.: 03-1278RX; Rule No.: 62D-2.014(17); Voluntary Dismissal

Richard Allen Freiberg vs. Department of Health, Board of Acupuncture; Case No.: 03-2964RX; Rule Nos.: 64B1-2.008(1),(2)(e), 64B1-6.002(8), 64B1-6.006(1),(11), 64B1-6.007(1),(2), Invalid; 64B1-2.005, 64B1-6.009, 64B1-6.010, Dismissed

Michael Arthur Dunn, D.C. vs. Department of Health, Board of Chiropractic Medicine; Case No.: 03-2939RX; Rule No.: 64B2-15.001(2)(e),(3); Dismissed

Florida Chapter, ACP-ASIM, Inc. and Florida Society of Dermatology and Dermatologic Surgery, Inc. vs. Department of Health, Board of Medicine; Case No.: 03-1752RP; Rule No.: 64B8-30.012; Withdrawn

Damian Hurtado vs. Department of Health, Board of Orthotists and Prosthetists; Case No.: 03-2475RX; Rule No.: 64B14-4.110(1)(b); Voluntary Dismissal

Luz Marina Vilar vs. Department of Health, Board of Physical Therapy Practice; Case No.: 03-2940RX; Rule No.: 64B17-3.003; Denied

Fabiola Pacheco vs. Department of Health, Board of Physical Therapy Practice; Case No.: 03-2941RX; Rule No.: 64B17-3.003; Denied

Jamie Tatis vs. Department of Health, Board of Physical Therapy Practice; Case No.: 03-2942RX; Rule No.: 64B17-3.003; Denied

Angelica Morelli vs. Department of Health, Board of Physical Therapy Practice; Case No.: 03-2943RX; Rule No.: 64B17-3.003; Denied

Patricia Noriega vs. Department of Health, Board of Physical Therapy Practice; Case No.: 03-2944RX; Rule No.: 64B17-3.003; Dismissed

Florida Psychological Association, Inc., William R. Samek, Ph.D., Carolyn Stimel, Ph.D., Keith R. D'Amato, Ph.D., Stephen Bloomfield, Ed.D. and David B.Kazar, Ph.D. vs. Department of Health, Board of Psychology; Case No.: 03-4026RP; Rule No.: 64B19-18.0025; Dismissed

Donald Colber, M.D. vs. Department of Health; Case No.: 03-4210RU; Voluntary Dismissal

Dave Taylor and Florida Compliance Specialists, Inc. vs. Office of Financial Regulation and Department of Financial Services; Case No.: 03-3958RU; Dismissed

Carole C. Pope vs. Department of Environmental Protection and Clifford S. Ray and Maria S. Ray; Case No.: 03-3861RU; Dismissed

Carole C. Pope vs. Department of Environmental Protection and Clifford S. Ray and Maria S. Ray; Case No.: 03-3860RX; Dismissed

**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**

Turner/PSA invites all trade contractors to bid on Florida A & M University, College of Law Project located in downtown Orlando, Florida.

The project consists of approximately 160,000 SF gross area, library, classroom, atrium/moot courtroom, administrative offices and clinic.

Documents are available for bidding by contacting: Gary Chadeayne Turner/PSA, (407)210-2519.

Bids will be accepted for the following trades: Temporary Toilets, Rubbish Removal, Site Fencing, Trailers, Cleaning/Labor, Carpenter's/Labor, Job Photos, Sitework, Site Furnishings, Hardscape, Landscaping and Irrigation, Foundations and Concrete Work, Masonry Work, Structural Steel and Miscellaneous Metals, Rough Carpentry and Installation of Doors and Hardware, Finish Carpentry, Waterproofing, Caulking and Sealants, Roofing, Fireproofing, Doors, Frames and Hardware, Overhead Doors, Glass and

Glazing, Metal Panels, Drywall, Stucco and Acoustical, Ceramic Tile, VCT and Carpet, Wall Panels, Painting and Wall Covering, Visual Display Surfaces, Toilet Compartments and Accessories, Miscellaneous Specialties, Signage, Metal Lockers, Postal Specialties, Mobile Storage Shelving Units (Power Assisted), Library Equipment, Projection Screens, Miscellaneous Equipment, Blinds and Window Treatments, Audience Seating, Elevators, Fire Protection, HVAC and Plumbing, Electrical, and Material and Testing. Bids are due January 26, 2004, 2:00 p.m. Please submit sealed bids (2 copies) to Turner Construction Company's office, located at 800 N. Magnolia Avenue, Suite 500, Orlando, FL 32803. Fax bids will not be accepted.

Pre-Bid meeting is scheduled for January 15, 2004 at 2:00 p.m. (location to be determined). All bidders are encouraged to attend.

Turner/PSA is committed to equal opportunity and strongly encourage all interested M/WBE and small business firms and suppliers to submit bids.

All contractors desiring to pre-qualify for consideration shall submit a pre-qualification statement prior to bidding. A copy of our pre-qualification form can be obtained by contacting: Durga Kalsi, (407)210-2523.

Turner/PSA reserves the right to reject any and all bids, waive informalities and irregularities in bidding and to accept bids which are considered by Turner/PSA to be in the best interest of the project.

**NOTICE OF CORRECTION**

**NOTICE TO PROFESSIONAL CONSULTANTS**

The University of South Florida hereby announces a Notice of Correction to the Notice to Professional Consultants that appeared in the December 19, 2003 issue of the Florida Administrative Weekly. The advertisement appears in its entirety below with a correction in the last paragraph changing the date to Wednesday, January 21, 2004 for submittals to be received in the University of South Florida, Facilities Planning and Construction Office, FPC 110 by 2:00 p.m., Eastern Standard Time.

The University of South Florida announces that Professional Services in the discipline of architecture will be required for the project listed below:

Project Number: 560

Project and Location: Marshall Center Expansion, University of South Florida, Tampa Campus, Tampa, Florida.

**PROJECT DESCRIPTION:**

The Marshall Center Expansion Project consists of a multi-phase project that includes demolition, new construction and renovation/remodeling to accommodate the projected program needs for the University to serve the students on the Tampa Campus.

Phase I includes the demolition of the existing 2,200-seat Special Events Center and the construction of a new, approximately 128,000 GSF, addition to the existing Marshall Center Building at a construction cost of approximately \$25,000,000.

Phase II would proceed after the completion of Phase I and includes the comprehensive renovation/remodeling of the vacated 90,000 GSF existing Marshall Center, including replacement of all existing mechanical, electrical, plumbing, roof, etc. systems and approximately 11,000 GSF of new space, at a construction cost of approximately \$17,000,000.

Phase III would include the expansion and renovation/remodeling of the Student Health Center, which may occur concurrent with or subsequent to Phase I and II above, at a projected construction cost to be determined.

The selected firm will provide planning, design, interior design, construction documents, construction administration and post occupancy services for the project in coordination with the USF Tampa 10 Year Master Plan and USF standards for design and construction. The University is seeking to hire a consultant team with extensive experience in student center/student union design. All disciplines required to be provided for this project including architecture, engineering disciplines, interior design and any specialty consultants, such as student center/student union design, kitchen, acoustical, etc. are to be included in the submittal for services. Consultant services for design expertise unique to student unions/student centers, etc. may be provided by specialty design consultants or joint venture partners. Firm submittals should include descriptions of experience and knowledge of sustainable design. The selected firm will be required to provide computer drawings according to the standards of the University of South Florida including computer record drawings reflecting as-built conditions. Blanket professional liability insurance will be required for this project in the amount of \$1,000,000, and will be provided as a part of Basic Services. Project development including professional services is contingent upon availability of funds. The estimated construction budget for Phase I of this project is anticipated to be approximately \$25,000,000 including site related work. If additional funding is realized, the University has the option to incorporate additional scope/funding, including Phase II and Phase III, under this contract. The construction delivery method is anticipated to be Construction Management.

Selection of finalists for interview will be made on the basis of professional qualifications of the proposed design team, including experience and ability to meet the project requirements and the goals and objectives of the University's strategic plan; past experience; design ability; volume of work; and distance from project. The distance factor for this project will provide a maximum of one-point difference in scoring for location between in-state and out-of-state applicants. As part of the University of South Florida's strategic plan, USF made a

commitment to foster a diverse community distinguished by a shared purpose, collaboration, open and timely communication, mutual respect, trust, and inclusiveness. The University of South Florida is an equal opportunity institution, and, as such, strongly encourages the lawful use of certified Minority and Women-owned Business Enterprises ("MBEs") in the provision of design and construction-related services by providing a fair and equal opportunity to compete for, or for participation in, design and/or construction-related services.

#### INSTRUCTIONS:

Firms desiring to apply for consideration shall submit a letter of application, a completed University of South Florida "Professional Qualifications Supplement, dated December 2003", for the Marshall Center Expansion, which permits specialty consultants and design consultants, and a copy of the applicant's current Professional Registration Certificate from the appropriate governing board. Applications on any other form will not be considered. Submittals are part of the public record.

All applicants must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

The plans and specifications for The University of South Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The "Professional Qualifications Supplement" and Project Fact Sheet which includes project information and selection criteria may be obtained by contacting: Kathy Bennett, Contracts Administrator, University of South Florida, Facilities Planning and Construction, 4202 East Fowler Avenue, FPC110, Tampa, Florida 33620-7550, (813)974-3098, (813)974-2625, Fax (813)974-3542 or email: kbennett@admin.usf.edu.

Interested firms are invited and encouraged to attend a pre-submittal meeting at the University of South Florida, Phyllis P. Marshall Center, to be held at 1:00 p.m., Eastern Standard Time, on Monday, January 5, 2004, in Room MC271, 4202 East Fowler Avenue, Tampa, Florida, to review the scope and requirements of this project. Requests for meetings by individual firms will not be granted.

It shall be noted that no verbal communication shall take place between the applicants and the University of South Florida except as provided at the Pre-Submittal Meeting, the

Pre-Interview Meeting and the request for the PQS and Fact Sheet. Requests for any project information must be in writing to the above address. The Selection Committee may reject all proposals and stop the selection process at any time.

Six (6) copies of the above requested data, bound in the order listed shall be addressed to: Ronald D. Hanke, Acting Director, Division of Facilities Planning and Construction, University of South Florida, FPC110, 4202 East Fowler Avenue, Tampa, Florida 33620-7550.

Submittals must be received in the University of South Florida, Facilities Planning and Construction Office, FPC110 by 2:00 p.m., Eastern Standard Time, on Wednesday, January 21, 2004.

Facsimile (FAX) submittals are not acceptable and will not be considered.

**PUBLIC ANNOUNCEMENT  
OF A/E SELECTION RESULTS**

The Florida School for the Deaf and the Blind announces its intention to negotiate, in accordance with the Consultants Competitive Negotiation Act, for the following:

PROJECT NUMBER: FSDB 20040009

PROJECT NAME: Wartmann Hall Renovations

1. Smith\*McCrary Architects Inc.
2. Ebert Norman Brady Architects
3. Akel Logan Shafer Architects / Planners
4. Design Works Architects, P.A.

**Invitation To Bid (ITB)**

For a

General or Building Contractor

Sealed bids will be received by Duval County Public Schools, Division of Facilities Services, Room 535, 1701 Prudential Drive, Jacksonville, FL 32207 until the time and date(s) recorded below and immediately thereafter publicly opened and recorded in the Duval County Public Schools, School Board Building, located at 1701 Prudential Drive, 5th Floor, Room 513D, Jacksonville, Florida.

**BIDS ARE DUE ON OR BEFORE FEBRUARY 17, 2004**

**AND WILL BE ACCEPTED UNTIL 2:00 P.M.**

OFFICIAL PROJECT TITLE: Repair and Replace Gymnasium Floor in Various Schools District Wide

DCPS PROJECT NO.: M-88460

SCOPE OF WORK: Replace Gymnasium Floor at Terry Parker High School, No. 86, Budgeted Not to Exceed \$135,000 All contractors that are interested in bidding are required to attend a mandatory pre-bid conference to be held on January 16, 2004, 2:00 p.m., at Terry Parker High School No. 86, 7301 Parker School Road, Jacksonville, Florida 32211. Failure to attend the pre-bid conference shall result in disqualification of that firm's proposal. Attendees will be required to sign an attendance register.

All bidders and subcontractors shall be licensed Contractors and registered corporations as required by the laws of the State of Florida.

Contract documents for bidding may be obtained for a refundable fee of \$100.00 for two sets at the office of:

Design Works Architects, P.A.

500 Wharfside Way

Jacksonville, Florida 32207

DCSB Point of Contact: Erika Harding, (904)858-6310

Contract documents for bidding may be examined at:

F.W. Dodge McGraw Hill Plan Room

Construction Bulletin

Construction Marker Data, Inc.

National Association of

Minority Contractors

MBE Participation Goal: 10% Overall

The Duval County Public Schools has begun prequalifying all contractors who intend to submit bids for all construction projects exceeding \$200,000 and electrical projects exceeding \$50,000. Effective May 31, 2003, all Contractors submitting bids must be prequalified with Duval County Public Schools. No bids will be accepted from Contractors who are not prequalified with Duval County Public Schools.

Prequalification forms and information may be obtained by contacting: Richard Beaudoin or Ronald A. Fagan, 1701 Prudential Dr., Jacksonville, FL 32207, (904)390-2358 or (904)390-2922, Fax (904)390-2265, Email: beaudoinr@educationcentral.org or faganr@educationcentral.org.

The Bid Award Recommendation will be posted on the first floor bulletin board at the Duval County School Board Building, 1701 Prudential Drive, Jacksonville, Florida 32207-8182.

**BOARD OF TRUSTEES OF THE INTERNAL  
IMPROVEMENT TRUST FUND**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are 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."

**WATER MANAGEMENT DISTRICTS**

WITHDRAWAL OF REQUEST FOR QUALIFICATIONS

NO. 03/04-011WR

VERTICAL CONTROL SURVEYING

The Suwannee River Water Management District (SRWMD) is withdrawing RFQ 03/04-011WR for horizontal and vertical control surveying of monitoring wells, surface water gages, and profiles of river cross sections at defined intervals within the SRWMD.

If you have questions, please direct them to: David Hornsby, SRWMD, (386)362-1001 or toll free (Florida only) 1(800)226-1066, Fax (386)362-1056.

**DEPARTMENT OF MANAGEMENT SERVICES**

**PUBLIC ANNOUNCEMENT FOR  
MECHANICAL OR AIR CONDITIONING  
CONTRACTORS TO PROVIDE CONSTRUCTION  
MANAGEMENT SERVICES, CONTINUING AREA  
CONTRACTS AREA 5 and 6 COMBINED**

The State of Florida, Department of Management Services, Division of Facilities Management and Building Construction requests qualifications from mechanical or air conditioning contractors to provide construction management services in Area 5, counties of Citrus, Hardee, Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk, Sarasota, Sumter; combined with Area 6, counties of Brevard, Lake, Orange, Osceola, Seminole, Volusia and other counties as may be determined necessary by the owner.

For details please visit the Department’s website listed below and click on “Search Advertisements – Division of Facilities Management and Building Construction.”  
[http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu)

**PUBLIC ANNOUNCEMENT FOR  
MECHANICAL OR AIR CONDITIONING  
CONTRACTORS TO PROVIDE CONSTRUCTION  
MANAGEMENT SERVICES, CONTINUING AREA  
CONTRACTS AREA 7, 8, and 9 COMBINED**

The State of Florida, Department of Management Services, Division of Facilities Management and Building Construction requests qualifications from mechanical or air conditioning contractors to provide construction management services in Area 7, Charlotte, Collier, De Soto, Glades, Hendry, Highlands, Lee, Area 8, Indian River, Martin, Okeechobee, Palm Beach, St. Lucie, Area 9, Broward, Dade, Monroe and other counties as may be determined necessary by the owner.

For details please visit the Department’s website listed below and click on “Search Advertisements – Division of Facilities Management and Building Construction.”  
[http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu)

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are 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.”

**TECHNOLOGICAL RESEARCH AND  
DEVELOPMENT AUTHORITY**

The Technological Research and Development Authority (TRDA) is soliciting proposals from qualified Economic Analysis firms to perform an IMPLAN study that will quantify the economic impact of the Space Alliance Technology

Outreach Program (SATOP) during the last fiscal year. A complete RFP for this solicitation can be found by visiting [www.trda.org/rfp](http://www.trda.org/rfp). The deadline for submission is Tuesday, January 6, 2004 at 5:00 p.m., EDT. Any questions regarding the RFP should be addressed to: Paul Secor, SATOP, Director, (321)269-6330.

**Section XII  
Miscellaneous**

**DEPARTMENT OF COMMUNITY AFFAIRS**

**NOTICE OF INTENT TO FIND  
PUBLIC SCHOOLS INTERLOCAL AGREEMENT  
CONSISTENT WITH SECTION 163.3177(2) AND (3),  
FLORIDA STATUTES  
DCA DOCKET NO. 01-01**

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) entered into by Alachua County, Alachua City, Archer, Gainesville, Hawthorne, High Springs, LaCrosse, Micanopy, Newberry, Waldo and the Alachua County School Board, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the School Board of Alachua County, 620 E. University Avenue, Gainesville, Florida 32601.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2) and (3), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Alachua County, Alachua City, Archer, Gainesville, Hawthorne, High Springs, LaCrosse, Micanopy, Newberry, Waldo and the Alachua County School Board. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the

final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

---

-s-Charles Gauthier, AICP  
 Chief of Comprehensive Planning  
 Department of Community Affairs  
 Division of Community Planning  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

---

NOTICE OF INTENT TO FIND  
 PUBLIC SCHOOLS INTERLOCAL AGREEMENT  
 CONSISTENT WITH SECTION 163.3177(2) AND (3),  
 FLORIDA STATUTES  
 DCA DOCKET NO. 03-01

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) entered into by Bay County, Callaway, Lynn Haven, Mexico Beach, Panama City, Panama City Beach, Parker, Springfield, Cedar Grove and the Bay County School Board, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Bay County School Board, 1311 Balboa Avenue, Panama City, Florida 32401-2080.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2) and (3), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Bay County, Callaway, Lynn Haven, Mexico

Beach, Panama City, Panama City Beach, Parker, Springfield, Cedar Grove and the Bay County School Board. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

---

-s-Charles Gauthier, AICP  
 Chief of Comprehensive Planning  
 Department of Community Affairs  
 Division of Community Planning  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

---

NOTICE OF INTENT TO FIND  
 PUBLIC SCHOOLS INTERLOCAL AGREEMENT  
 CONSISTENT WITH SECTION 163.31777(2) AND (3),  
 FLORIDA STATUTES  
 DCA DOCKET NO. 04-01

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) entered into by Bradford County, Brooker, Hampton, Lawtey, Starke and the Bradford County School Board, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the School Board of Bradford County, 501 West Washington Street, Starke, Florida 32091-2525.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2) and (3), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Bradford County, Brooker, Hampton, Lawtey, Starke and the Bradford County School Board. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

---

-s-Charles Gauthier, AICP  
 Chief of Comprehensive Planning  
 Department of Community Affairs  
 Division of Community Planning  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

---

NOTICE OF INTENT TO FIND  
 PUBLIC SCHOOLS INTERLOCAL AGREEMENT  
 CONSISTENT WITH SECTION 163.31777(2) AND (3),  
 FLORIDA STATUTES  
 DCA DOCKET NO. 07-01

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) entered into by Calhoun County, Altha, Blountstown and the Calhoun County School Board, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Calhoun County School Board, 20859 East Central Avenue, Room G-20, Blountstown, Florida 32424-2299.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2) and (3), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Calhoun County, Altha, Blountstown and the Calhoun County School Board. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.



If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

---

-s-Charles Gauthier, AICP  
 Chief of Comprehensive Planning  
 Department of Community Affairs  
 Division of Community Planning  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

NOTICE OF INTENT TO FIND  
 PUBLIC SCHOOLS INTERLOCAL AGREEMENT  
 CONSISTENT WITH SECTION 163.3177(2) AND (3),  
 FLORIDA STATUTES  
 DCA DOCKET NO. 20-01

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) entered into by Gadsden County, Chattahoochee, Greensboro, Gretna, Havana, Midway, Quincy and the Gadsden County School Board, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Gadsden County School Board, 35 Martin Luther King Boulevard, Quincy, Florida 32351-4400.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2) and (3), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Gadsden County, Chattahoochee, Greensboro, Gretna, Havana, Midway, Quincy and the Gadsden County School Board. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

---

-s-Charles Gauthier, AICP  
 Chief of Comprehensive Planning  
 Department of Community Affairs  
 Division of Community Planning  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

NOTICE OF INTENT TO FIND  
 PUBLIC SCHOOLS INTERLOCAL AGREEMENT  
 CONSISTENT WITH SECTION 163.3177(2) AND (3),  
 FLORIDA STATUTES  
 DCA DOCKET NO. 23-01

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) entered into by Gulf County, Port St. Joe, Wewahitchka and the Gulf County School Board, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Gulf County Planning/Building Dept., 1000 Cecil G. Costin Sr. Blvd., Room 301, Port St. Joe, Florida 32456.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2) and (3), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of

Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Gulf County, Port St. Joe, Wewahitchka and the Gulf County School Board. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

---

-s-Charles Gauthier, AICP  
Chief of Comprehensive Planning  
Department of Community Affairs  
Division of Community Planning  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

---

NOTICE OF INTENT TO FIND  
PUBLIC SCHOOLS INTERLOCAL AGREEMENT  
CONSISTENT WITH SECTION 163.31777(2) AND (3),  
FLORIDA STATUTES  
DCA DOCKET NO. 24-01

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) entered into by Hamilton County, Jasper, Jennings and the Hamilton County School Board, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the School Board of Hamilton County, 4280 SW County Road 152, Jasper, Florida 32052-1059.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2) and (3), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Hamilton County, Jasper, Jennings and the Hamilton County School Board. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

---

-s-Charles Gauthier, AICP  
Chief of Comprehensive Planning  
Department of Community Affairs  
Division of Community Planning  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

---

NOTICE OF INTENT TO FIND  
PUBLIC SCHOOLS INTERLOCAL AGREEMENT  
CONSISTENT WITH SECTION 163.3177(2) AND (3),  
FLORIDA STATUTES  
DCA DOCKET NO. 35-01

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) entered into by Lake County, Astatula, Clermont, Eustis, Fruitland Park, Groveland, Howey in the Hills, Lady Lake, Leesburg, Mascotte, Minneola, Montverde, Mount Dora, Tavares, Umatilla and the Lake County School Board, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Lake County Schools, 201 West Burleigh Boulevard, Tavares, Florida 32778.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2) and (3), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Lake County, Clermont, Eustis, Fruitland Park, Groveland, Howey in the Hills, Lady Lake, Leesburg, Mascotte, Minneola, Montverd and the Lake County School Board. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

---

-s-Charles Gauthier, AICP  
Chief of Comprehensive Planning  
Department of Community Affairs  
Division of Community Planning  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

---

NOTICE OF INTENT TO FIND  
PUBLIC SCHOOLS INTERLOCAL AGREEMENT  
CONSISTENT WITH SECTION 163.3177(2) AND (3),  
FLORIDA STATUTES  
DCA DOCKET NO. 39-01

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) entered into by Liberty County, City of Bristol and the Liberty County School Board, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Bristol City Hall, Clerks Office, Hwy. 20, Bristol, FL 32321 and at the Liberty County Courthouse, Hwy. 20, Bristol, FL 32321.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2) and (3), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Liberty County, City of Bristol and the Liberty County School Board. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

-s-Charles Gauthier, AICP  
Chief of Comprehensive Planning  
Department of Community Affairs  
Division of Community Planning  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

NOTICE OF INTENT TO FIND  
PUBLIC SCHOOLS INTERLOCAL AGREEMENT  
CONSISTENT WITH SECTION 163.3177(2) AND (3),  
FLORIDA STATUTES  
DCA DOCKET NO. 54-01

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) entered into by Putnam County, Crescent City, Palatka, Interlachen and the Putnam County School Board, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Putnam County Planning and Development Services, 515 Reid Street, Building 1D, Palatka, Florida 32178.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2) and (3), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of

Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Putnam County, Crescent City, Palatka, Interlachen and the Putnam County School Board. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

-s-Charles Gauthier, AICP  
Chief of Comprehensive Planning  
Department of Community Affairs  
Division of Community Planning  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

NOTICE OF INTENT TO FIND  
PUBLIC SCHOOLS INTERLOCAL AGREEMENT  
CONSISTENT WITH SECTION 163.31777(2) AND (3),  
FLORIDA STATUTES  
DCA DOCKET NO. 56-01

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) entered into by St. Lucie County, Fort Pierce, Port St. Lucie and the St. Lucie County School Board, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the St. Lucie County School Board, 4204 Okeechobee Road, Ft. Pierce, Florida 34947.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2) and (3), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to St. Lucie County, Fort Pierce, Port St. Lucie and the St. Lucie County School Board. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

---

-s-Charles Gauthier, AICP  
 Chief of Comprehensive Planning  
 Department of Community Affairs  
 Division of Community Planning  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

---

NOTICE OF INTENT TO FIND  
 PUBLIC SCHOOLS INTERLOCAL AGREEMENT  
 CONSISTENT WITH SECTION 163.31777(2) AND (3),  
 FLORIDA STATUTES  
 DCA DOCKET NO. 63-01

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) entered into by Union County, Lake Butler and the Union County School Board, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Union County School Board, 55 S. W. 6th Street, Lake Butler, Florida 32054.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2) and (3), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Union County, Lake Butler and the Union County School Board. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

-s-Charles Gauthier, AICP  
 Chief of Comprehensive Planning  
 Department of Community Affairs  
 Division of Community Planning  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

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, Freightliner LLC, intends to allow the establishment of Empire Truck Sales, Inc., as a dealership for the sale of Freightliner, Sterling and Western Star trucks, at 8807 Paul Starr Dr., Pensacola (Escambia County), Florida 32514, on or after January 1, 2003.

The name and address of the dealer operator(s) and principal investor(s) of Empire Truck Sales, Inc. are dealer operator(s): Gerald S. Swanson, 373 Highway 49, South, Jackson, MS 39209; principal investor(s): Gerald S. Swanson, Sharon S. Greener, Gerald Scott Swanson and Jason Stribling Greener, 373 Highway 49 South, Jackson, MS 39209.

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: Chuck Thomas, Dealer Operations Manager, Freightliner LLC, 3025 Evergreen Drive, Suite 150, Duluth, GA 30096.

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.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are 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."

**WATER MANAGEMENT DISTRICTS**

Notice of Approval of Priority Water Bodies  
 and Schedule for Establishment of  
 Minimum Flows and Levels

The Suwannee River Water Management District, pursuant to Section 373.042(2), Florida Statutes, hereby publishes its approved priority list and schedule for minimum flows and levels.

SRWMD MFL Priority Listing for 2004

Magnitude	Basin	River Reaches	Schedule
n/a	Suwannee	Lower Suwannee River	2004
n/a	Suwannee	Alapaha River	2008
n/a	Suwannee	Suwannee River above Branford	2008
n/a	Suwannee	Withlacoochee River	2008
n/a	Santa Fe	Santa Fe River above Fort White	2008
n/a	Aucilla	Aucilla River	2010
n/a	Aucilla	Wacissa	2010
n/a	Coastal	Stemhatchee River	2010
n/a	Coastal	Econfina River	2010
n/a	Coastal	Fenholloway	2010
n/a	Waccasassa	Waccasassa River	2010
		Spring System	
1	Suwannee	Madison Blue	2005
1	Alapaha	Alapaha Rise	2008
1	Santa Fe	Ichetucknee group	2008
1	Santa Fe	Blue Hole	2008
1	Santa Fe	ALA112971 (Treehouse)	2008
1	Santa Fe	Columbia	2008
1	Santa Fe	Hornsby	2008
1	Santa Fe	COL61981(Santa Fe)	2008
2	Santa Fe	COL101974 - Unnamed	2008

1	Santa Fe	Devil's Ear (Ginnie group)	2008
1	Santa Fe	July	2008
1	Santa Fe	Santa Fe Rise	2008
1	Santa Fe	GIL1012973 (Siphon Creek Rise)	2008
2	Santa Fe	Poe	2008
2	Santa Fe	Rum Island	2008
3	Santa Fe	Worthington	2008
1	Suwannee	Fanning	2008
2	Suwannee	Little Fanning	2008
1	Suwannee	Manatee	2008
1	Suwannee	Troy	2008
1	Suwannee	Lafayette Blue	2008
2	Suwannee	Ruth/Little Sulfur	2008
2	Suwannee	Bonnet	2008
2	Suwannee	Peacock	2008
2	Suwannee	SUW1017972 - Unnamed	2008
2	Suwannee	Suwannee	2008
2	Suwannee	SUW923973 (Stevenson)	2008
2	Suwannee	White	2008
2	Suwannee	Allen Mill Pond	2008
2	Suwannee	Anderson	2008
2	Suwannee	Pothole	2008
2	Suwannee	Rock Sink	2008
2	Suwannee	Lime	2008
1	Suwannee	Falmouth	2008
1	Suwannee	Holton Creek Rise	2008
1	Suwannee	Lime Run Sink	2008
2	Suwannee	Branford	2008
2	Suwannee	Charles	2008
3	Suwannee	Royal	2008
2	Suwannee	Guaranto	2008
3	Suwannee	Bell	2008
2	Suwannee	Hart	2008
2	Suwannee	Little River	2008
2	Withlacoochee	Pot	2008
2	Withlacoochee	Suwanacoochee	2008
1	Aucilla	Wacissa group	2010
1	Aucilla	Nuttall Rise	2010
2	Coastal	Big	2010
2	Coastal	IAY/6992 - Unnamed	2010
1	Steinhatchee	Steinhatchee Rise	2010
3	Waccasassa	Bronson Blue	2010
		Lakes	
n/a	Aucilla	Snead's Smokehouse	2010
n/a	Coastal	Andrews	2010

n/a	Coastal	Governor Hill	2010
n/a	Santa Fe	Palestine	2010
n/a	Santa Fe	Ocean Pond	2010
n/a	Santa Fe	Alligator	2010
n/a	Santa Fe	Butler	2010
n/a	Santa Fe	Hampton	2010
n/a	Santa Fe	Sampson	2010
n/a	Santa Fe	Crosby	2010
n/a	Santa Fe	Santa Fe	2010
n/a	Santa Fe	Altho	2010
n/a	Suwannee	Low	2010
n/a	Withlacoochee	Cherry	2010

Inquiries should be directed to Suwannee River Water Management District, 9225 CR 49, Live Oak, FL 32060, (386)362-1001.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**CERTIFICATE OF NEED**

**DECISIONS ON BATCHED APPLICATIONS**

The Agency for Health Care Administration made the following decisions on Certificate of Need applications for Hospital Beds and Facilities Batching Cycle with an application due date of September 10, 2003:

County: Escambia Service District: 1  
 CON # 9700 Decision Date: Decision: A  
 Facility/Project: Sacred Heart Hospital  
 Applicant: Sacred Heart Health System, Inc.  
 Project Description: Add eight Level III NICU beds  
 Approved Cost: \$590,234

County: Escambia Service District: 1  
 CON # 9701 Decision Date: Decision: D  
 Facility/Project: Select Specialty Hospital - Escambia, Inc.  
 Applicant: Select Specialty Hospital - Escambia, Inc.  
 Project Description: Establish a long-term care hospital of 54 beds at Sacred Heart Hospital  
 Approved Cost: \$0

County: Escambia Service District: 1  
 CON # 9702 Decision Date: Decision: D  
 Facility/Project: SemperCare Hospital of Pensacola, Inc.  
 Applicant: SemperCare Hospital of Pensacola, Inc.  
 Project Description: Establish 36 long-term care hospital beds at Baptist Hospital Pensacola  
 Approved Cost: \$0

County: Marion Service District: 3  
 CON # 9703 Decision Date: Decision: D  
 Facility/Project: Kindred Hospitals East, L.L.C.  
 Applicant: Kindred Hospitals East, L.L.C.  
 Project Description: Establish a long-term care hospital of 31 beds  
 Approved Cost: \$0

County: Alachua Service District: 3  
 CON # 9704 Decision Date: Decision: D  
 Facility/Project: Select Specialty Hospital-Alachua, Inc.  
 Applicant: Select Specialty Hospital-Alachua, Inc.  
 Project Description: Establish a long-term care hospital of 44 beds  
 Approved Cost: \$0

County: Duval Service District: 4  
 CON # 9705 Decision Date: Decision: D  
 Facility/Project: Select Specialty Hospital-Duval, Inc.  
 Applicant: Select Specialty Hospital-Duval, Inc.  
 Project Description: Establish a long-term care hospital of 36 beds at Shands-Jacksonville Medical Center  
 Approved Cost: \$0

County: Volusia Service District: 4  
 CON # 9706 Decision Date: Decision: D  
 Facility/Project: SemperCare of Volusia, Inc.  
 Applicant: SemperCare of Volusia, Inc.  
 Project Description: Establish a long-term care hospital of 43 beds at Florida Hospital Oceanside  
 Approved Cost: \$0

County: Pinellas Service District: 5  
 CON # 9708 Decision Date: Decision: D  
 Facility/Project: Palms of Pasadena Hospital, L.P.  
 Applicant: Palms of Pasadena Hospital, L.P.  
 Project Description: Establish a 20-bed comprehensive medical rehabilitation unit through the conversion of a combination of 7 acute care beds and 13 skilled nursing beds  
 Approved Cost: \$0

County: Polk Service District: 6  
 CON # 9709 Decision Date: Decision: D  
 Facility/Project: SemperCare Hospital of Lakeland, Inc.  
 Applicant: SemperCare Hospital of Lakeland, Inc.  
 Project Description: Establish a long-term care hospital of 30 beds at Lakeland Regional Medical Center  
 Approved Cost: \$0

County: Polk Service District: 6  
 CON # 9710 Decision Date: Decision: D  
 Facility/Project: Select Specialty Hospital-Marion, Inc.  
 Applicant: Select Specialty Hospital-Marion, Inc.  
 Project Description: Establish a long-term care hospital of 44 beds  
 Approved Cost: \$0

County: Orange Service District: 7  
 CON # 9711 Decision Date: Decision: A  
 Facility/Project: University Behavioral Center  
 Applicant: Orlando HMA, Inc.  
 Project Description: Add 24 IRTF beds  
 Approved Cost: \$63,780

County: Lee Service District: 8  
 CON # 9712 Decision Date: Decision: D  
 Facility/Project: Lee Behavioral Health Systems, Inc.  
 Applicant: Lee Behavioral Health Systems, Inc.  
 Project Description: Establish an adult psychiatric hospital of 55 beds  
 Approved Cost: \$0

County: Lee Service District: 8  
 CON # 9714 Decision Date: Decision: D  
 Facility/Project: Long Term Care Hospital of SW Florida, Inc.  
 Applicant: Long Term Care Hospital of SW Florida, Inc.  
 Project Description: Establish a long-term care hospital of 35 beds on campus of a Lee Memorial Health System facility  
 Approved Cost: \$0

County: Lee Service District: 8  
 CON # 9715 Decision Date: Decision: D  
 Facility/Project: Select Specialty Hospital-Lee, Inc.  
 Applicant: Select Specialty Hospital-Lee, Inc.  
 Project Description: Establish a long-term care hospital of 60 beds  
 Approved Cost: \$0

County: Sarasota Service District: 8  
 CON # 9716 Decision Date: Decision: D  
 Facility/Project: Select Specialty Hospital-Sarasota, Inc.  
 Applicant: Select Specialty Hospital-Sarasota, Inc.  
 Project Description: Establish a long-term care hospital of 44 beds  
 Approved Cost: \$0

County: Sarasota Service District: 8  
 CON # 9717 Decision Date: Decision: D  
 Facility/Project: SemperCare Hospital of Sarasota, Inc.  
 Applicant: SemperCare Hospital of Sarasota, Inc.  
 Project Description: Establish a long-term care hospital of 29 beds at Sarasota Memorial Hospital  
 Approved Cost: \$0

County: Palm Beach Service District: 9  
 CON # 9718 Decision Date: Decision: D  
 Facility/Project: Kindred Hospitals East, L.L.C.  
 Applicant: Kindred Hospitals East, L.L.C.  
 Project Description: Establish a long-term care hospital of 70 beds  
 Approved Cost: \$0



County: Palm Beach Service District: 9  
 CON # 9719 Decision Date: Decision: D  
 Facility/Project: Select Specialty Hospital-Palm Beach, Inc.  
 Applicant: Select Specialty Hospital-Palm Beach, Inc.  
 Project Description: Establish a long-term care hospital of 60 beds  
 Approved Cost: \$0

County: Dade Service District: 11  
 CON # 9722 Decision Date: Decision: D  
 Facility/Project: Villa Maria Nursing & Rehabilitation Center, Inc.  
 Applicant: Villa Maria Nursing & Rehabilitation Center, Inc.  
 Project Description: Establish a new comprehensive medical rehabilitation hospital (CMR) with 40 beds through transfer of up to 40 CMR beds at St. Catherine's Rehab. Hosp.  
 Approved Cost: \$0

County: Dade Service District: 11  
 CON # 9724 Decision Date: Decision: A  
 Facility/Project: Jackson Memorial Hospital  
 Applicant: Public Health Trust of Miami-Dade County  
 Project Description: Add 10 Level III NICU beds through delicensure of 5 Level II beds at Jackson North  
 Approved Cost: \$2,922,878

County: Dade Service District: 11  
 CON # 9725 Decision Date: Decision: A  
 Facility/Project: Miami Children's Hospital  
 Applicant: Variety Children's Hospital, Inc.  
 Project Description: Add eight Level III NICU beds through the conversion of eight acute care beds  
 Approved Cost: \$872,967

County: Dade Service District: 11  
 CON # 9726 Decision Date: Decision: D  
 Facility/Project: South Miami Hospital  
 Applicant: South Miami Hospital, Inc.  
 Project Description: Establish a Level III NICU of 6 beds through the conversion of six Level II NICU beds  
 Approved Cost: \$0

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative Weekly pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

---

CERTIFICATE OF NEED EXEMPTIONS

The Agency For Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Duval District: 4  
 ID #: 0300014 Decision: A Issue Date: 12/12/2003  
 Facility/Project: Ten Broeck Hospital  
 Applicant: Ten Broeck Jacksonville, LLC  
 Project Description: Add 10 adult psychiatric beds to the existing 36 adult psychiatric beds  
 Proposed Project Cost: \$1,350,000

---

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis provides the following public notice regarding reimbursement for nursing home facilities participating in the Florida Medicaid Program.

PURPOSE: To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for nursing home facilities, the Agency is publishing the final rates, the methodologies underlying the establishment of such rates, and justifications for the final rates. The Agency is in the process of amending its Title XIX Long-Term Care Reimbursement Plan (The Plan) to incorporate changes to the reimbursement methodology.

FINAL RATES: The purpose of the final amendment is to incorporate changes to the Florida Title XIX Long-Term Care Reimbursement Plan payment methodology, effective October 1, 2003, to provide the following changes in accordance with Senate Bill 1202, Sections 63 and 64, 2001-2002 Florida Legislature.

1. Effective for nursing home cost reports filed for periods ending on or after December 31, 2003, the cost reports shall be submitted electronically in a format and manner prescribed by the agency. The Agency will require one (1) hard copy of a cost report submitted with the first electronic cost report submission.
  2. Update to AHCA Document Number 5300-0001 incorporating a revised chart of accounts approved by the Auditor General October 2003.
- Other changes unrelated to SB 1202 are as follows:
1. A modification to the number of calendar months after the close of a provider's cost reporting year that a provider may submit a cost report to the Agency and removal of the specific extensions the Agency grants a nursing home provider for receipt of a cost report.
  2. A modification to the date that the Agency shall receive a nursing home's cost report to be used in the next rate setting semester.

**METHODOLOGIES:** The methodology underlying the establishment of the final rates for Medicaid nursing facilities will be rates resulting from the current methodology used to calculate per diems in the Long-Term Care Reimbursement Plan.

**JUSTIFICATION:** The justification for the change is based on the legislative direction provided in Senate Bill 1202, Sections 63 and 64, 2001-2002 Florida Legislature.

The Agency is proposing the above changes effective October 1, 2003. Providers, beneficiaries and their representatives, and other concerned state residents may provide written comment on the methodologies and justification underlying the establishment of such changes. Written comments may be submitted to: Robert Butler, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308.

Copies of the reimbursement plan incorporating the above changes are available from the contact person listed above.

---

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis, provides the following public notice regarding reimbursement for inpatient hospitals participating in the Florida Medicaid Program.

**PURPOSE:** To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for inpatient hospitals, the Agency is publishing the proposed rates, the methodologies underlying the establishment of such rates, and justifications for the proposed rates. The Agency is in the process of amending its Title XIX Inpatient Hospital Reimbursement Plan (Plan) to incorporate changes to the reimbursement methodology.

**PROPOSED RATES:** Upon CMS approval of this plan amendment, Medicaid rates for hospital inpatient services will be reduced by a factor effecting the elimination of price level increases over the December 31, 2003 effective rates, based upon the Florida Title XIX Inpatient Hospital Reimbursement Plan (Plan). Interim rates (i.e., not prospective) will be based upon the interim rates in effect on December 31, 2003. Budgeted rates will be subject to cost settlement as required under the Plan and an adjustment factor will be applied to these amounts to effect the elimination of price level increases over the December 31, 2003 rates.

**METHODOLOGIES:** Upon CMS approval of this plan amendment, Medicaid rates for hospital inpatient services will be reduced by a factor effecting the elimination of price level increases over the December 31, 2003 effective rates, based upon the Florida Title XIX Inpatient Hospital Reimbursement Plan (Plan). Interim rates (i.e., not prospective) will be based upon the interim rates in effect on December 31, 2003. Budgeted rates will be subject to cost settlement as required under the Plan and an adjustment factor will be applied to these amounts to effect the elimination of price level increases over the December 31, 2003 rates.

**JUSTIFICATION:** Per s. 409.908, F.S., Payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability of moneys and any limitations or directions provided for in the General Appropriations Act or Chapter 216, Laws of Florida. Further, nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act, provided the adjustment is consistent with legislative intent.

Written comments may be submitted to: Robert Butler, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308. Written comments should be submitted no later than January 9, 2004.

Copies of the proposed reimbursement plan incorporating the above changes are not available at this time. Please contact the person listed above for a copy of the Plan when available.

---

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis provides the following public notice regarding reimbursement for Intermediate Care Facilities (ICF) for the Mentally Retarded and the Developmentally Disabled Facilities not publicly owned and not publicly operated participating in the Florida Medicaid Program.

**PURPOSE:** To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for ICFs not publicly owned and not publicly operated, the Agency is publishing the proposed rates, the methodologies underlying the establishment of such rates, and justifications for the proposed rates. The Agency is in the process of amending its Title XIX Intermediate Care Facilities (ICF) for the Mentally Retarded and the Developmentally Disabled Facilities Not Publicly Owned and Not Publicly Operated Reimbursement Plan (Plan) to incorporate changes to the reimbursement methodology.

**PROPOSED RATES:** Upon CMS approval of this plan amendment, Medicaid rates for intermediate care facilities for the mentally retarded and the developmentally disabled not publicly owned and not publicly operated will be reduced by a factor effecting the elimination of price level increases over the December 31, 2003 effective rates, based upon the Florida Title XIX ICF/MR-DD Services in Not Publicly Owned and Not Publicly Operated Facilities Reimbursement Plan (Plan). Interim rates (i.e., not prospective) will be based upon the interim rates in effect on December 31, 2003. Budgeted rates and interim components will be subject to cost settlement as required under the Plan and an adjustment factor will be applied to these amounts to effect the elimination of price level increases over the December 31, 2003 rates.

**METHODOLOGIES:** Upon CMS approval of this plan amendment, Medicaid rates for intermediate care facilities for the mentally retarded and the developmentally disabled not publicly owned and not publicly operated will be reduced by a factor effecting the elimination of price level increases over the December 31, 2003 effective rates, based upon the Florida Title XIX ICF/MR-DD Services in Not Publicly Owned and Not Publicly Operated Facilities Reimbursement Plan (the Plan). Interim rates (i.e. not prospective) will be based upon the interim rates in effect on December 31, 2003. Budgeted rates and interim components will be subject to cost settlement as required under the Plan and an adjustment factor will be applied to these amounts to effect the elimination of price level increases over the December 31, 2003 rates.

**JUSTIFICATION:** Per s. 409.908, F.S., payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability of moneys and any limitations or directions provided for in the General Appropriations Act or Chapter 216, Laws of Florida. Further, nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act, provided the adjustment is consistent with legislative intent.

Written comments may be submitted to: Robert Butler, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308. Written comments should be submitted no later than January 9, 2004.

Copies of the final reimbursement plan incorporating the above changes are not available at this time. Please contact the person listed above for a copy of the Plan when available.

---

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis, provides the following public notice regarding reimbursement for nursing home facilities participating in the Florida Medicaid Program.

**PURPOSE:** To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for nursing home facilities, the Agency is publishing the proposed rates, the methodologies underlying the establishment of such rates, and justifications for the proposed rates. The Agency is in the process of amending its Title XIX Long-Term Care Reimbursement Plan (Plan) to incorporate changes to the reimbursement methodology.

**PROPOSED RATES:** Upon CMS approval of this plan amendment, Medicaid rates for long-term care facilities will be reduced by a factor effecting the elimination of price level increases over the December 31, 2003 effective rates, based upon the Florida Title XIX Long-Term Care Reimbursement Plan (Plan). Interim rates (i.e., not prospective) will be based

upon the interim rates in effect on December 31, 2003. Budgeted rates and interim components will be subject to cost settlement as required under the Plan, and an adjustment factor will be applied to these amounts to effect the elimination of price level increases over the December 31, 2003 rates.

**METHODOLOGIES:** Upon CMS approval of this plan amendment, Medicaid rates for long-term care facilities will be reduced by a factor effecting the elimination of price level increases over the December 31, 2003 effective rates, based upon the Florida Title XIX Long-Term Care Reimbursement Plan (Plan). Interim rates (i.e., not prospective) will be based upon the interim rates in effect on December 31, 2003. Budgeted rates and interim components will be subject to cost settlement as required under the Plan, and an adjustment factor will be applied to these amounts to effect the elimination of price level increases over the December 31, 2003 rates.

**JUSTIFICATION:** Per s. 409.908, F.S., Payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability of moneys and any limitations or directions provided for in the General Appropriations Act or Chapter 216, Laws of Florida. Further, nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act, provided the adjustment is consistent with legislative intent.

Written comments may be submitted to: Robert Butler, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308. Written comments should be submitted no later than January 9, 2004.

Copies of the proposed reimbursement plan incorporating the above changes are not available at this time. Please contact the person listed above for a copy of the Plan when available.

---

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis, provides the following public notice regarding reimbursement for outpatient hospitals participating in the Florida Medicaid Program.

**PURPOSE:** To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for outpatient hospitals, the Agency is publishing the proposed rates, the methodologies underlying the establishment of such rates, and justifications for the proposed rates. The Agency is in the process of amending its Title XIX Outpatient Hospital Reimbursement Plan (Plan) to incorporate changes to the reimbursement methodology.

**PROPOSED RATES:** Upon CMS approval of this plan amendment, Medicaid rates for hospital outpatient services will be reduced by a factor effecting the elimination of price level increases over the December 31, 2003 effective rates, based upon the Florida Title XIX Outpatient Hospital

Reimbursement Plan (Plan). Interim rates (i.e., not prospective) will be based upon the interim rates in effect on December 31, 2003. Budgeted rates will be subject to cost settlement as required under the Plan and an adjustment factor will be applied to these amounts to effect the elimination of price level increases over the December 31, 2003 rates.

**METHODOLOGIES:** Upon CMS approval of this plan amendment, Medicaid rates for hospital outpatient services will be reduced by a factor effecting the elimination of price level increases over the December 31, 2003 effective rates, based upon the Florida Title XIX Outpatient Hospital Reimbursement Plan (Plan). Interim rates (i.e., not prospective) will be based upon the interim rates in effect on December 31, 2003. Budgeted rates will be subject to cost settlement as required under the Plan and an adjustment factor will be applied to these amounts to effect the elimination of price level increases over the December 31, 2003 rates.

**JUSTIFICATION:** Per s. 409.908, F.S., payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability of moneys and any limitations or directions provided for in the General Appropriations Act or Chapter 216, Laws of Florida. Further, nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act, provided the adjustment is consistent with legislative intent.

Written comments may be submitted to: Robert Butler, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308. Written comments should be submitted no later than January 9, 2004.

Copies of the proposed reimbursement plan incorporating the above changes are not available at this time. Please contact the person listed above for a copy of the Plan when available.

---

#### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are 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 December 15, 2003, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Cynthia Thomas, R.N., license number RN 9176571. This Emergency Suspension 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(6), 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.

---

#### **DEPARTMENT OF FINANCIAL SERVICES**

##### **NOTICE OF FILINGS**

Notice is hereby given that the Office of Financial Regulation has received the following applications.

Comments may be submitted to the Deputy Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, 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 Services Office, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0379, pursuant to provisions specified in Rule 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., January 16, 2003:

##### **APPLICATION FOR A NEW FINANCIAL INSTITUTION**

Applicant and Proposed Location: Nature Coast Bank, Crystal River, Florida 34429

Correspondent: Richard Hunt, 324 South Hyde Park Avenue, Suite 202, Tampa, Florida 33606

Received: December 11, 2003

---

**Section XIII**  
**Index to Rules Filed During Preceding Week**

RULES FILED BETWEEN December 8, 2003  
 and December 12, 2003

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
----------	-----------	----------------	-------------------	------------------

**DEPARTMENT OF STATE**

**Division of Library and Information Services**

1B-2.011	12/8/03	12/28/03	29/32	29/45
----------	---------	----------	-------	-------

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Food Safety**

5K-4.026	12/9/03	12/29/03	29/42	
----------	---------	----------	-------	--

**DEPARTMENT OF EDUCATION**

**University of Florida**

6C1-1.200	12/11/03	12/31/03	Newspaper	
6C1-3.037	12/11/03	12/31/03	Newspaper	
6C1-3.0376	12/11/03	12/31/03	Newspaper	
6C1-3.0422	12/11/03	12/31/03	Newspaper	
6C1-3.045	12/11/03	12/31/03	Newspaper	
6C1-3.075	12/11/03	12/31/03	Newspaper	
6C1-4.004	12/11/03	12/31/03	Newspaper	
6C1-4.007	12/11/03	12/31/03	Newspaper	
6C1-4.019	12/11/03	12/31/03	Newspaper	
6C1-4.026	12/11/03	12/31/03	Newspaper	

**Florida A and M University**

6C3-11.001	12/12/03	1/1/04	Newspaper	
------------	----------	--------	-----------	--

**University of South Florida**

6C4-10.104	12/10/03	12/30/03	Newspaper	
------------	----------	----------	-----------	--

**New College of Florida**

6C11-3.001	12/12/03	1/1/04	Newspaper	
------------	----------	--------	-----------	--

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

12A-19.043	12/12/03	1/1/04	29/36	
------------	----------	--------	-------	--

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
----------	-----------	----------------	-------------------	------------------

**Division of Ad Valorem Tax**

12D-7.003	12/12/03	1/1/04	29/41	
12D-8.011	12/12/03	1/1/04	29/41	
12D-18.005	12/12/03	1/1/04	29/41	

**DEPARTMENT OF TRANSPORTATION**

14-96.0011	12/8/03	12/28/03	29/27	29/45
14-96.002	12/8/03	12/28/03	29/27	29/45
14-96.005	12/8/03	12/28/03	29/27	29/45
14-96.007	12/8/03	12/28/03	29/27	29/45

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

19B-4.002	12/8/03	12/28/03	29/44	
19B-4.003	12/8/03	12/28/03	29/44	
19B-4.005	12/8/03	12/28/03	29/44	
19B-8.001	12/8/03	12/28/03	29/44	
19B-16.004	12/8/03	12/28/03	29/44	
19B-16.005	12/8/03	12/28/03	29/44	

**PUBLIC SERVICE COMMISSION**

25-6.04364	12/10/03	12/30/03	29/39	
------------	----------	----------	-------	--

**DEPARTMENT OF CORRECTIONS**

33-208.101	12/8/03	12/28/03	29/45	
33-302.108	12/11/03	12/31/03	29/42	
33-601.605	12/10/03	12/30/03	29/39	29/44
33-601.725	12/10/03	12/30/03	29/45	
33-602.205	12/10/03	12/30/03	29/39	29/44

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

40C-3.0321	12/10/03	12/30/03	29/45	
------------	----------	----------	-------	--

**DEPARTMENT OF ELDER AFFAIRS**

**Administration of Federal Aging Programs**

58A-2.027	12/12/03	1/1/04	29/45	
58A-2.028	12/12/03	1/1/04	29/45	
58A-6.015	12/12/03	1/1/04	29/45	
58A-6.016	12/12/03	1/1/04	29/45	
58A-14.003	12/12/03	1/1/04	29/45	
58A-14.0061	12/12/03	1/1/04	29/45	
58A-14.008	12/12/03	1/1/04	29/45	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
----------	-----------	----------------	-------------------	------------------

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
----------	-----------	----------------	-------------------	------------------

**DEPARTMENT OF MANAGEMENT SERVICES**  
**Florida Commission on Human Relations**

60Y-2.001	12/11/03	12/31/03	29/35	
60Y-2.003	12/11/03	12/31/03	29/35	
60Y-2.004	12/11/03	12/31/03	29/35	29/45
60Y-2.005	12/11/03	12/31/03	29/35	29/45
60Y-2.006	12/11/03	12/31/03	29/35	
60Y-2.007	12/11/03	12/31/03	29/35	29/45
60Y-2.009	12/11/03	12/31/03	29/35	
60Y-2.011	12/11/03	12/31/03	29/35	
60Y-2.012	12/11/03	12/31/03	29/35	
60Y-3.001	12/11/03	12/31/03	29/35	29/45
60Y-7.001	12/11/03	12/31/03	29/35	29/45
60Y-7.002	12/11/03	12/31/03	29/35	
60Y-7.004	12/11/03	12/31/03	29/35	29/45
60Y-7.005	12/11/03	12/31/03	29/35	
60Y-11.001	12/12/03	1/1/04	29/35	
60Y-11.002	12/12/03	1/1/04	29/35	
60Y-11.003	12/12/03	1/1/04	29/35	29/45
60Y-11.004	12/12/03	1/1/04	29/35	
60Y-11.005	12/12/03	1/1/04	29/35	

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

62-204.800	12/12/03	1/1/04	29/46	
62-620.100	12/8/03	12/8/03	29/46	
62-620.910	12/8/03	12/8/03	29/46	

**DEPARTMENT OF HEALTH**  
**Board of Acupuncture**

64B1-2.006	12/12/03	1/1/04	29/42	
64B1-3.004	12/12/03	1/1/04	29/42	
64B1-3.007	12/12/03	1/1/04	29/42	
64B1-3.009	12/12/03	1/1/04	29/42	

**Board of Orthotists and Prosthetists**

64B14-2.001	12/12/03	1/1/04	28/36	
-------------	----------	--------	-------	--

**Division of Family Health Services**

64F-12.001	12/12/03	1/1/04	29/40	29/46
64F-12.003	12/12/03	1/1/04	29/40	
64F-12.006	12/12/03	1/1/04	29/40	
64F-12.007	12/12/03	1/1/04	29/40	
64F-12.009	12/12/03	1/1/04	29/40	
64F-12.011	12/12/03	1/1/04	29/40	
64F-12.012	12/12/03	1/1/04	29/40	29/46
64F-12.013	12/12/03	1/1/04	29/40	29/46
64F-12.015	12/12/03	1/1/04	29/40	29/46
64F-12.016	12/12/03	1/1/04	29/40	
64F-12.018	12/12/03	1/1/04	29/40	
64F-12.020	12/12/03	1/1/04	29/40	
64F-12.024	12/12/03	1/1/04	29/40	

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Workers' Compensation**

69L-7.020	12/12/03	1/1/04	29/45	
69L-7.501	12/12/03	1/1/04	29/45	