

(d) Whenever construction plans are disapproved, a certificate is denied, suspended or revoked or the department takes similar action that affects the substantial interests of a food service establishment certificate holder, the department shall notify the certificate holder of their right to request a hearing on the matter. Notification shall be in writing, and it shall indicate that a hearing must be requested within 30 days of the certificate holder's receipt of the notice. The department shall grant or deny a hearing request within 10 days of receipt. All notices and hearings shall conform to the provisions of Chapter 120, F.S.

(3) Fees.

(a) No change.

(b) Except for establishments specifically exempted from fees in subsection (4), all food service establishments shall pay an annual or prorated fee to the department according to the following schedule:

Annual Fee per Food Service Establishment;	Fee Surcharge	Total
1. Hospital	\$ 200.00 + 10.00	210.00
2. Nursing Home	\$ 200.00 + 10.00	210.00
3. Detention Facility	\$ 200.00 + 10.00	210.00
4. Bar/Lounge	\$ 150.00 + 10.00	160.00
5. Fraternal/Civic Organization	\$ 150.00 + 10.00	160.00
6. Movie Theater	\$ 150.00 + 10.00	160.00
7. School Cafeteria		
a. Operating for 9 months out of a year	\$ 120.00 + 10.00	130.00
b. Operating for more than 9 months	\$ 150.00 + 10.00	160.00
8. Residential Facility	\$ 100.00 + 10.00	110.00
9. Other Food Service	\$ 150.00 + 10.00	160.00
10. Child Care Center	\$ 75.00 + 10.00	85.00
11. Limited Food Service	\$ 75.00 + 10.00	85.00

(c) through (e) No change.

(4) Exemptions. The following limited food service establishments are exempted from the ~~certificate and~~ fee requirements of this section:

(a) Food service establishments that only serve catered meals which have been prepared in an approved food establishment and where no warewashing, and no storage, re-heating, or re-service of the catered food takes place onsite; such as satellite kitchens at schools and other institutions, and similar operations.

(b) Child care facilities and other institutions that serve ~~prepare~~ only snacks or that require individuals in attendance to bring their own meals to the facility, which do not require any food preparation.

Specific Authority 381.0072 FS. Law Implemented 381.0072(2) FS. History—New 2-21-91, Amended 5-12-92, Retained here and Transferred to 7C-4.024, Amended 6-1-93, 11-30-93, 8-28-96, Formerly 10D-13.038, Amended 3-15-98, _____.

64E-11.014 Mobile Food Units.

(1) through (6) No change.

(7) Mobile food units which are limited to the sale of non-potentially hazardous pre-packaged food only shall be exempt from:

(a) The requirements of employee hand washing sink; and

(b) A utensil washing sink will not be required when all necessary washing and sanitizing of utensils and equipment are conducted at a designated approved commissary or fixed food establishment. An adequate supply of spare preparation or serving utensils shall be maintained on the unit and used to replace any utensils that become contaminated.

Specific Authority 381.0072 FS. Law Implemented 381.0072 FS. History—New 3-15-98, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ric Mathis

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Padraic Juarez, Environmental Administrator, Bureau of Facility Programs

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 15, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 1, 2002

Section II Proposed Rules

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

RULE TITLE: Claims
RULE NO.: 2A-2.002

PURPOSE AND EFFECT: The proposed rule amendment is intended to incorporate an updated claim form in the rule.

SUMMARY: The rule amendment incorporates an updated claim form in the rule.

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: 960.045(1) FS.

LAW IMPLEMENTED: 960.065, 960.07, 960.13(1)(b), 960.198 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: Gwen Roache, Chief, Bureau of Victim Compensation, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gwen Roache, Chief, Bureau of Victim Compensation, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE FULL TEXT OF THE PROPOSED RULE IS:

THE FULL TEXT OF THE PROPOSED RULE IS:

2A-2.002 Claims.

Application and benefit payment criteria, limitations and procedures for victim assistance are provided in the publication entitled "Victim Compensation Assistance," BVC-P001 (January 2000), effective 2-3-00, which is incorporated into these rules by reference. In addition, the following documents are incorporated into this rule by reference:

2A-3.002 Application and Payment Procedures.

Application and payment procedures for sexual assault examinations are provided on the form entitled "Sexual Battery Claim Form," DVS-201, (Rev. 8/02) (~~Rev. 11/99~~), effective _____ ~~2-3-00~~, which is incorporated in this rule by reference.

(1) BVC 100, entitled "Victim Compensation Claim Form," (rev. 7/02) (~~rev. 11/99~~), effective _____ ~~2-3-00~~.

Specific Authority 960.045(1) FS. Law Implemented 960.28 FS. History--New 11-1-92, Amended 9-13-94, 9-26-95, 6-19-96, 9-24-97, 2-3-00, _____.

(2) through (12) No change.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gwen Roache, Chief, Bureau of Victim Compensation

Specific Authority 960.045(1) FS. Law Implemented 960.065, 960.07, 960.13(1)(b), 960.198 FS. History--New 1-1-92, Amended 11-1-92, 9-13-94, 1-8-96, 6-25-96, 10-1-96, 9-24-97, 8-17-99, 2-3-00, 10-23-01, _____.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rodney Doss, Division Director, Division of Victim Services and Criminal Justice Programs

NAME OF PERSON ORIGINATING PROPOSED RULE: Gwen Roache, Chief, Bureau of Victim Compensation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 16, 2002

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rodney Doss, Division Director, Division of Victim Services and Criminal Justice Programs

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 27, 2002

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 16, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 27, 2002

REGIONAL PLANNING COUNCILS

North Central Florida Regional Planning Council

RULE TITLES:	RULE NOS.:
Organization	29C-1.001
Definitions	29C-1.002
Objectives and Purposes	29C-1.003
Membership, Representation, Voting and Finances	29C-1.004
Council	29C-1.005
Officers – Duties – Term of Office	29C-1.006
Board of Directors	29C-1.0071
Executive Director	29C-1.0072
Standing and Special Committees	29C-1.008
Waiver of Notice	29C-1.010
Disclosure; Legal Defense	29C-1.011
Amendments	29C-1.012
Proxy	29C-1.013
Removal from Office	29C-1.014
Adoption	29C-1.015
Procedure	29C-1.017
Information Inquiries and Public Access	29C-1.018

PURPOSE AND EFFECT: To repeal the Organizational Rule of the Council.

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

RULE TITLE: Application and Payment Procedures RULE NO.: 2A-3.002

PURPOSE AND EFFECT: The proposed rule amendment is intended to incorporate an updated form in the rule.

SUMMARY: The proposed rule amendment incorporates a revised sexual battery claim form in the rule.

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: 960.045(1) FS.

LAW IMPLEMENTED: 960.28 FS.

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

SUMMARY: Repeal Rule No.: 29C-1.001-29C-1.018.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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: 120.54, 186.505, 186.507, 186.511, FS.

LAW IMPLEMENTED: 186.511 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: 8:00 p.m., February 27, 2003

PLACE: Holiday Inn Restaurant, Lake City, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Charles F. Justice, Executive Director, North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Suite A, Gainesville, FL 32653-1603

THE FULL TEXT OF THE PROPOSED RULE IS:

29C-9.001 Strategic Regional Policy Plan.

There is hereby adopted, for the North Central Florida Region, the Strategic Regional Policy Plan of the North Central Florida Regional Planning Council, dated ~~_____ May 23, 1996, amended October 16, 1997,~~ which is incorporated herein by reference and copies of which are kept at the Council office at: 2009 N. W. 67 Place, Suite A, Gainesville, FL 32653-1603.

Specific Authority 186.508(1), 186.511 FS. Law Implemented 120.535(1), 185.501(1), 186.507, 186.511 FS. History—New 7-14-96, Amended 10-16-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Charles F. Justice, Executive Director

NAME OF SUPERVISOR OF PERSON WHO APPROVED THE PROPOSED RULE: North Central Florida Regional Planning Council

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 5, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 15, 2002

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLE: _____ RULE NO.:

Minimum Surface Water Levels and Flows and Groundwater Levels 40C-8.031

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to establish minimum water levels for the following lakes in the following counties: Emma and Lucy, Lake County; Charles and Halfmoon, Marion County; Avalon, Orange County; and South Como Park, Putnam County. The proposed rule amendment would also establish minimum water levels for a wetland system known as “The Savannah” in Volusia County. Additionally the proposed

rule amendment will revise minimum water levels for the following lakes in the following counties: Apshawa South, Lake County; and Silver, Putnam County.

SUMMARY: The proposed rule would establish or revise minimum water levels for the above listed lakes and wetland pursuant to the mandate of Section 373.042, Florida Statutes. Each of these levels would have an associated hydroperiod category. The terms herein are already defined in Chapter 40C-8, F.A.C. As with all minimum levels established by the District, if adopted, the minimum levels in this rule amendment would be used as a basis for imposing limitations on withdrawals of groundwater and surface water in the consumptive use permit regulatory process and for reviewing proposed surface water management systems in the environmental resource permit regulatory process.

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: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.042, 373.0421 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: 1:00 p.m. March 11, 2003 (following the regularly scheduled regulatory meeting)

PLACE: St. Johns River Water Management District Headquarters, 4049 Reid Street, Palatka, Florida 32178

Any person decides to appeal any decision with respect to any matter considered at the above listed public hearing, such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Anyone requiring special accommodations to participate in this meeting is requested to advise the District at least 5 work days before the meeting by contacting: Ann Freeman, (386)329-4101 or (386)329-4450 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Norma K. Messer, Rules Coordinator, St. Johns River Water Management District, Office of General Counsel, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4459, Suncom 860-4459, email: nmesser@sjrwmd.com

THE FULL TEXT OF THE PROPOSED RULE IS:

40C-8.031 Minimum Surface Water Levels and Flows and Groundwater Levels.

(1) No change.

(2) The following minimum surface water levels are established:

LAKE NAME	COUNTY	HYDROPERIOD CATEGORY	MINIMUM INFREQUENT <u>HIGH</u>	MINIMUM FREQUENT <u>HIGH</u>	MINIMUM AVERAGE <u>LEVEL</u>	MINIMUM FREQUENT <u>LOW</u>	MINIMUM INFREQUENT <u>LOW</u>
(a) No change.							
(b) APSHAWA SOUTH	Lake	Seasonally Flooded Typically Flooded Semipermanently Flooded		86.0 86.8	84.7		83.2
(c) through (d) No change.							
(e) AVALON	Orange	<u>Seasonally Flooded</u> <u>Typically Saturated</u> <u>Semipermanently Flooded</u>		90.0	88.3		86.3
(e) through (n) renumbered (f) through (o) No change.							
(p) CHARLES	Marion	<u>Seasonally Flooded</u> <u>Typically Saturated</u> <u>Semipermanently Flooded</u>		40.6	39.3		37.9
(o) through (ff) renumbered (q) through (hh) No change.							
(ii) EMMA	Lake	<u>Seasonally Flooded</u> <u>Typically Saturated</u> <u>Semipermanently Flooded</u>		94.1	92.5		91.1
(gg) through (nn) renumbered (jj) through (qq) No change.							
(rr) HALFMOON	Marion	<u>Seasonally Flooded</u> <u>Typically Saturated</u> <u>Semipermanently Flooded</u>		49.7	47.9		46.5
(oo) through (yy) renumbered (ss) through (ccc) No change.							
(ddd) LUCY	Lake	<u>Seasonally Flooded</u> <u>Typically Saturated</u> <u>Semipermanently Flooded</u>		94.1	92.5		91.1
(zz) through (xxx) renumbered (eee) through (cccc) No change.							
(dddd) SAVANNAH	Volusia	<u>Seasonally Flooded</u> <u>Typically Saturated</u> <u>Semipermanently Flooded</u>		31.1	29.5		28.0
(yyy) through (zzz) renumbered (eeee) through (ffff) No change.							
(gggg) (aaaa) SILVER Putnam		Seasonally Flooded Typically Saturated Semipermanently Flooded		36.8 36.5	35.1		33.7 34.0
(hhhh) (bbbb) No change.							
(iii) SOUTH COMO PARK	Putnam	<u>Seasonally Flooded</u> <u>Typically Saturated</u> <u>Semipermanently Flooded</u>		38.1	36.7		35.3

(cccc) through (hhhh) renumbered (jjjj) to (xxxx) No change.

(3) through (4) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 272.0421, 373.103, 373.415 FS. History—New 9-16-92, Amended 8-17-94, 6-8-95, 1-17-96, 8-20-96, 10-20-96, 11-4-98, 6-27-00, 2-13-01, 3-19-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sonny Hall, Technical Program Manager, Department of Resource Management, St. Johns River Water Management District, P. O. Box 1329, Palatka, Florida 32178-1429, (386)329-4368, suncom 860-4368

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 8, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2002

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Individual Environmental
 RULE CHAPTER NO.: 40D-4

RULE TITLE: Resource Permits
 RULE NO.: 40D-4.041

PURPOSE AND EFFECT: The purpose and effect of the proposed amendments is to require entities conducting mining or mining related activities that were previously exempt from permitting under Part IV of Chapter 373, F.S., pursuant to Rule 40D-45.051, F.A.C., to obtain an environmental resource permit.

SUMMARY: The proposed amendments require environmental resource permitting of mining and mining related activities previously exempt under Chapter 40D-45, F.A.C. The amendments also provide the conditions under which such activities may continue during the permitting process.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rule 40D-4.041, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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, 373.118, 373.149, 373.171, 373.413, 373.416, 373.426, 373.427 FS.

LAW IMPLEMENTED: 373.413, 373.416, 373.426, 373.427 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 E. West, Deputy General Counsel, 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-4.041 Permits Required.

(1) through (5) No change.

(6)(a) The owner/operator of any system for a mining or mining related activity that has an exemption confirmation letter issued by the District or the Department pursuant to Rule 40D-45.051, F.A.C., as that Rule existed prior to October 9, 2001, must apply for an Environmental Resource Permit from the District or the Department in accordance with the division of responsibilities outlined in the Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., and Aquaculture General Permits Under Section 403.814, F.S., Between Southwest Florida Water Management District and Department of Environmental Protection, dated October 27, 1998. The application shall be provided no later than May 1, 2004, and be completed no later than May 1, 2005, and shall include the system for mining, mining related activities, and reclamation activities.

(b) During the application period the system for a mining or mining related activity previously exempt under Rule 40D-45.051, F.A.C., shall be operated in accordance with any plans, terms and conditions approved in the exemption confirmation letter and shall not affect the quality of receiving waters such that the applicable water quality standards set forth in Chapters 62-4, 62-302, 62-520, 62-522, and 62-550, F.A.C., including any antidegradation provisions of paragraphs 62-4.242(1)(a) and (b), subsections 62-4.242(2) and (3), and Rule 62-302.300, F.A.C., and any special standards for Outstanding Florida Waters and Outstanding National Resource Waters set forth in subsections 62-4.242(2) and (3), will be violated, and shall not otherwise harm the water resources. If an owner/operator proposes modifications to a system at any time, such modification shall be immediately subject to permitting under Chapter 40D-4, F.A.C., as provided in Rule 40D-4.054, F.A.C.

Specific Authority 373.044, 373.113, 373.118, 373.149, 373.171 FS. Law Implemented 373.413, 373.416, 373.426, 373.427 FS. History—Readopted 10-5-74, Amended 12-31-74, 9-4-77, 6-7-78, Formerly 16J-4.04, 16J-4.10(1),(2),(4), Amended 10-1-84, 3-1-88, 10-3-95, 7-23-96, 10-16-96, 4-17-97, 10-11-01, 7-16-02, 9-26-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board, Southwest Florida Water Management District
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June, 6, 2002
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 17, 2003

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Individual Environmental Resource Permits
 RULE CHAPTER NO.: 40D-4
 RULE TITLE: Publications and Agreements
 RULE NO.: 40D-4.091
 Incorporated by Reference

PURPOSE AND EFFECT: The purpose and effect of the proposed amendment is to incorporate by reference revisions to the Memorandum of Understanding Between the Southwest Florida Water Management District and the Florida Department of Agriculture and Consumer Services for the Non-binding Review of Disputed Environmental Resource Permitting Exemption Claims under 373.406(2), Florida Statutes, dated September 20, 2000, (MOU). The effect of the proposed revision to the MOU will provide for a written recommendation to the Governing Board only where authorization for a Consent Order or litigation is being requested by District Staff.

SUMMARY: The amendment incorporates by reference revisions to the Memorandum of Understanding Between the Southwest Florida Water Management District and the Florida Department of Agriculture and Consumer Services for the Non-binding Review of Disputed Environmental Resource Permitting Exemption Claims under s. 373.406(2), Florida Statutes, dated September 20, 2000. Currently, paragraph 2 of the MOU provides that, upon receipt of the FDACS non-binding opinion, District staff will prepare a written recommendation for action to be considered by the Governing Board at its next meeting for which proper notice can be provided. Compliance with this requirement is not always practical or advisable. The revised paragraph will require preparation of a written recommendation regarding a dispute only when authorization for a Consent Order or litigation is being requested by District staff.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rule 40D-4.091, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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, 373.046, 373.113, 373.171, 373.414 FS.

LAW IMPLEMENTED: 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 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 E. West, Deputy General Counsel, 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-4.091 Publications and Agreements Incorporated by Reference.

The following documents are hereby incorporated into this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) through (3) No change.

(4) Memorandum of Understanding Between the Southwest Florida Water Management District and the Florida Department of Agriculture and Consumer Services for the Non-Binding Review of Disputed Environmental Resource Permitting Exemption Claims Under Section 373.406(2), Florida Statutes, dated ~~September 20, 2000~~. This document is available from the District upon request.

Specific Authority 373.044, 373.046, 373.113, 373.171, 373.414 FS. Law Implemented 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS. History—New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-99, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, 7-28-99, 8-3-00, 9-20-00, 6-12-01, 10-11-01, 2-27-02, 7-29-02, 9-26-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 29, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 8, 2002

Jennison (internet: jjenniso@sfwmd.gov), at South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6294, or (561)682-6294

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLES:	RULE NOS.:
Policy and Purpose	40E-24.011
Definitions	40E-24.101
Year-Round Landscape Irrigation Measures	40E-24.201
Local Government Option	40E-24.301
Enforcement	40E-24.401

PURPOSE AND EFFECT: The purpose and effect of the rule development is to create Mandatory Year Round Landscape Irrigation Measures for Lee and Collier Counties and that portion of Charlotte county within the South Florida Water Management District.

SUMMARY: Proposed measures include regulations, procedures, local government options, and specific day of the week and time of day irrigation restrictions for residential and commercial landscape irrigation uses, golf courses, and recreation areas.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None 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: 120.54, 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 120.54, 373.042, 373.0421, 373.103, 373.117, 373.223, 373.609 FS.

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

TIME AND DATE: 9:00 a.m., March 13, 2003

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

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

Persons with disabilities or handicaps who need assistance may contact Garrett Wallace, District Clerk, (561)682-6371, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: For technical issues contact, Bruce Adams (internet: badams@sfwmd.gov), at South Florida Water Management District, 1(800)432-2045, Extension 6785, or (561)682-6785. For procedural issues contact: Julie

THE FULL TEXT OF THE PROPOSED RULES IS:

MANDATORY YEAR-ROUND LANDSCAPE IRRIGATION MEASURES FOR LEE, COLLIER AND CHARLOTTE COUNTIES

40E-24.011 Policy and Purpose.

(1) This Chapter comprises the South Florida Water Management District’s (District) Mandatory Year-Round Landscape Irrigation Measures for the area within Lee, Collier and that portion of Charlotte County within the South Florida Water Management District. These mandatory measures are intended to provide a framework for consistent implementation to ensure the long-term sustainability of the water resources of the region, increase water use efficiency and prevent and curtail wasteful water use practices through regulatory means for landscape irrigation by all users. Local governments are encouraged to implement these measures through the adoption of ordinances that would include these measures, variance and enforcement provisions. These measures are in addition to Chapter 40E-2, F.A.C., provisions and non-regulatory measures, such as education and incentive programs, which are also utilized by the District to promote water conservation. These measures prohibit landscape irrigation during those periods of the day when irrigation efficiency significantly decreases, and limit landscape irrigation water use to a maximum number of three days per week unless specified otherwise herein.

(2) This Chapter applies to all water users unless specified otherwise herein.

(3) This Chapter only applies to landscape irrigation as defined herein. This Chapter does not apply to agricultural irrigation.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421, 373.171, 373.223 FS. History—New _____.

40E-24.101 Definitions.

When used in this Chapter:

(1) “Address” means the “house number” (a numeric or alphanumeric designation) that, together with the street name, describes the physical location of a specific property. This includes “rural route” numbers but excludes post office box numbers. If a lot number in a mobile home park or similar community is used by the U.S. Postal Service to determine a delivery location, the lot number shall be the property’s address. If a lot number in a mobile home park or similar residential community is not used by the U.S. Postal Service (e.g., the park manager sorts incoming mail delivered to the

community's address), then the community's main address shall be the property's address. If a property has no address it shall be considered "even-numbered".

(2) "Athletic play area" means all golf course fairways, tees, and greens, and other athletic play surfaces; including, football, baseball, soccer, polo, tennis and lawn bowling fields, and rodeo, equestrian and livestock arenas.

(3) "Consumptive Use Permit (CUP)" means a permit issued pursuant to Chapter 40E-2 or 40E-20, F.A.C., authorizing the consumptive use of water.

(4) "Even Numbered Address" means an Address, ending in the numbers 0, 2, 4, 6, 8, or no address, or the letters A-M.

(5) "Hand Watering" means the watering of landscape by one person, with one hose, fitted with a self-canceling or automatic shutoff nozzle.

(6) "Landscape Irrigation" means the delivery of water to shrubbery, trees, lawns, grass, ground covers, plants, vines, ornamental gardens, and such other flora which are planted and established for more than sixty (60) days and are situated in such diverse locations as residential landscapes, recreation areas, cemeteries, public, commercial, and industrial establishments, public medians, and rights-of-way except athletic play areas as defined in subsection 40E-24.101(2), F.A.C.

(7) "Odd Numbered Address" means the address ending in the numbers 1, 3, 5, 7, 9 or the letters N-Z.

(8) "Reclaimed Water" means wastewater that has received at least secondary treatment and basic disinfection and is reused after flowing out of a wastewater treatment facility.

(9) "User" means any person, individual, firm, association, organization, partnership, business trust, corporation, company, agent, employee or other legal entity whether natural or artificial, the United States of America, and the State and all political subdivisions, regions, districts, municipalities, and public agencies thereof, which directly or indirectly takes water from the water resource, including uses from private or public utility systems, uses under water use permits issued pursuant to Chapter 40E-2 or 40E-20, F.A.C., or uses from individual wells or pumps.

(10) "Wasteful and unnecessary" means allowing water to be dispersed without any practical purpose to the water use; for example, excessive landscape irrigation, leaving an unattended hose on a driveway with water flowing, allowing water to be dispersed in a grossly inefficient manner, regardless of the type of water use; for example, allowing landscape irrigation water to unnecessarily fall onto pavement, sidewalks and other impervious surfaces; allowing water flow through a broken or malfunctioning water delivery or landscape irrigation system.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421, 373.171, 373.223 FS. History--New

40E-24.201 Year-Round Landscape Irrigation Measures.

(1) The year-round landscape irrigation measures contained in this Chapter are applicable to all users as defined in subsection 40E-24.101(9), F.A.C., including permitted and exempt users under Chapter 40E-2, F.A.C., unless indicated otherwise herein. These measures apply to all water sources, except that landscape irrigation accomplished using reclaimed water is subject to only paragraph (5)(a) of this section. In addition to the requirements of this section, all permitted users under Chapter 40E-2, F.A.C., are required to maintain compliance with all CUP conditions and terms, including those designed to require the implementation of water conservation practices.

(2) Any restrictions or other measures declared pursuant to Chapter 40E-21, F.A.C., or related Board or Executive Director orders which are more restrictive than a measure contained within this Chapter, shall supersede this rule for the duration of the applicable water shortage declaration.

(3) It shall be the duty of each water user to keep informed as to the landscape irrigation measures presented within this Chapter, which affect each particular water use.

(4) In addition to the specific measures enumerated below, all wasteful and unnecessary water use as defined in subsection 40E-24.101(10), F.A.C., is prohibited.

(5) The following requirements or exceptions shall apply to all users unless specified otherwise herein:

(a) Landscape irrigation shall be prohibited daily between the hours of 10:00 a.m. and 4:00 p.m., except as otherwise provided herein.

(b) Even addresses as defined in subsection 40E-24.101(4), F.A.C., may accomplish necessary landscape irrigation only on Tuesday, and/or Thursday and/or Sunday.

(c) Odd addresses as defined in subsection 40E-24.101(7), F.A.C., and rights-of-way or other locations without an address may accomplish necessary landscape irrigation only on Monday, and/or Wednesday and/or Saturday.

(d) Landscape irrigation systems may be operated during restricted days and/or times for cleaning and maintenance purposes with an attendant on site in the area being tested. Landscape irrigation systems may routinely be operated for such purposes no more than once per week, and the run time for any one test should not exceed 10 minutes.

(e) Landscape irrigation for the purpose of watering in insecticides, fungicides and herbicides, where such watering-in is required by the manufacturer, or by federal, state or local law, shall be allowed under the following conditions:

1. Such watering-in shall be limited to one application in the absence of specific alternative instructions from the manufacturer; and

2. Such watering-in shall be accomplished during normally allowable watering days and times unless a professional licensed applicator has posted a temporary pesticide sign containing the date of application and the date(s) of needed watering-in activity.

(f) Any plant material may be watered using low-volume hand watering methods without regard to the watering days or times allowed pursuant to this section.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421, 373.171, 373.223 FS. History—New

40E-24.301 Local Government Option.

(1) Local governments that wish to enforce alternative landscape irrigation measures, shall be considered to be in substantial compliance with this rule upon the enactment of an ordinance establishing landscape irrigation measures which achieve water conservation and which allow no more cumulative time for landscape irrigation than subsection 40E-24.201(5), F.A.C. Such ordinance shall provide for variance procedures that do not diminish the effectiveness of the measures.

(2) In order to evaluate the effectiveness of the alternative measures, such local governments shall provide an annual report to the District which includes any variances granted or denied, enforcement actions taken and any measures proposed to be amended in the next reporting period. The first report shall be submitted no later than September 30, 2004.

(3) Users within the jurisdiction or customers of such local governments shall comply with the alternative measures contained within the ordinance implementing that program and are not subject to the measures contained in subsection 40E-24.201(5), F.A.C.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421, 373.171, 373.223 FS. History—New

40E-24.401 Enforcement.

(1) As required by Section 373.609, F.S., each county and city commission, state and county attorney, sheriff, police officer and other appropriate local government official in the region covered by this Chapter which is not implementing alternative measures pursuant to a local government ordinance, shall respond to address-specific or location-specific violations of this Chapter upon request from the District.

(2) Irrigation of landscapes, as defined above, may be further restricted by local governments only in response to concerns directly related to the local water supply system or as provided in Rule 40E-24.301, F.A.C., above.

(3) In enforcing the provisions of this Chapter the District will utilize any of the enforcement remedies available pursuant to Chapters 120 or 373, F.S., or applicable District rule. The Executive Director may take appropriate action pursuant to Sections 373.119, 373.175(4), 373.246(7) and 120.69, F.S., to enforce the provisions of this Chapter.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.119, 373.171, 373.175, 373.246, 373.603 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kenneth G. Ammon, Director, Water Supply Division
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Governing Board of the South
Florida Water Management District
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: January 9, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: October 25, 2002, November 15, 2002

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Board of Employee Leasing Companies

RULE TITLE: Requirements for Evidence of Workers' Compensation Coverage

RULE NO.: 61G7-10.0014

PURPOSE AND EFFECT: The Board is amending this rule to remove the words under oath from the statement attesting to coverage and to clean up other areas of the rule.

SUMMARY: This rule sets the requirements for coverage and explains what will meet the requirements and what evidence is necessary to show proof that the workers' compensation is in place for each leased employee at the time of application for licensure or at the time of renewal of licensure.

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

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

SPECIFIC AUTHORITY: 468.522, 468.525, 468.529 FS.

LAW IMPLEMENTED: 468.525, 468.529 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diana Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, FL 32399-0350

THE FULL TEXT OF THE PROPOSED RULE IS:

61G7-10.0014 Requirements for Evidence of Workers' Compensation Coverage.

(1) through (2)(b) No change.

(c) Through the clients of the employee leasing company via an insurance carrier that is admitted in the State of Florida to provide workers' compensation coverage to leased employees or through a lawful plan of self-insurance which provides workers' compensation to leased employees so long

as such an arrangement is permitted by the Board approved employee leasing contract and the employee leasing company is named as a certificate holder by the client on its workers' compensation policy and; in addition, so long as the employee leasing company's notice to leased employees, required under s. 468.525(4)(f), F.S., includes notice to the leased employee that workers' compensation coverage has been provided by the client. Nothing contained herein shall be construed as permitting a client of an employee leasing company to provide workers' compensation coverage to any employees other than those leased from the employee leasing company by the client pursuant to a Board approved employee leasing contract between the employee leasing company and the client.

(3) Evidence which meets the requirements of subsection (2) above shall consist of:

(a) A statement, initially filed with the application and thereafter filed annually quarterly at the same time that the statements provided for in Rule 61G7-10.0011, 61G7-10.001 F.A.C., are submitted, which is signed by all of the controlling persons of the applicant or licensee and which attests that all leased employees in the State are covered by methods (2)(a) or (b) above; or

(b) If the employee leasing company performs its duties regarding workers' compensation coverage utilizing method (2)(c) either alone or in combination with methods (2)(a) or (b), by submitting a written statement to the Department, initially filed with the application and thereafter filed annually quarterly at the same time that the statements provided for in Rule 61G7-10.0011, 61G7-10.001, F.A.C., are submitted, which has been executed by all of the controlling persons, the CEO, the CFO, and the Chairman of the Board of the employee leasing company. The statement shall include an attestation made under oath by the signing parties that the statement was executed after due inquiry of the employee leasing company's books and records and that, after making such an inquiry, the signing persons have taken reasonable steps to ascertain that all leased employees have workers' compensation coverage under methods (2)(a)-(c) above. The term "Reasonable Steps" as used herein is defined as requiring those persons making the above attestation, at a minimum,

1. To receive and review a workers' compensation certificate from all clients who which are maintaining their own workers' compensation policy, which certification on its face provides workers' compensation coverage to such clients' leased employees and,

2. No change.

(c) No change.

3. Moreover, if the client of the employee leasing company changes or cancels the policy issued to it by the client's insurance carrier or if the client ceases providing workers' compensation coverage under a lawful plan of self insurance, the employee leasing company shall file an additional statement with the Department which shall be in the

same form as that provided for in subparagraph (3)(b)1. herein within 30 days of the change or cancellation of the policy or cessation of coverage under the lawful plan of self insurance.

(d) No change.

Specific Authority 468.522, 468.525, 468.529 FS. Law Implemented 468.525, 468.529 FS. History--New 11-25-02, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Employee Leasing Companies

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Employee Leasing Companies

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 6, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE: Examination for Licensure by Endorsement for Embalmers

RULE NO.: 61G8-16.003

PURPOSE AND EFFECT: This content of this rule will be encompassed by Rule 61G8-16.004, F.A.C.

SUMMARY: This rule is being repealed.

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: 470.005, 470.007, 455.217 FS.

LAW IMPLEMENTED: 470.007, 455.217 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Leon Biegalski, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G8-16.003 Examination for Licensure by Endorsement for Embalmers.

Specific Authority 470.005, 470.007, 455.217 FS. Law Implemented 470.007, 455.217 FS. History--New 11-11-79, Amended 6-3-81, Formerly 21J-16.03, 21J-16.003, Amended 10-29-97, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Funeral Directors and Embalmers
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Funeral Directors and
Embalmers
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: November 13, 2002

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Board of Professional Surveyors and Mappers

RULE TITLE: Approved Schools and Colleges RULE NO.: 61G17-1.010
PURPOSE AND EFFECT: To clarify language related to
which foreign colleges and universities are approved.
SUMMARY: The Board proposes language to identify under
what circumstances education earned at a foreign college and
university will be approved by the Board.
SUMMARY OF STATEMENT OF ESTIMATED
REGULATORY COST: No Statement of Estimated
Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 472.013(4) FS.

LAW IMPLEMENTED: 472.013(4) 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: Leon Biegalski, Executive Director,
Board of Professional Surveyors and Mappers, Northwood
Centre, 1940 N. Monroe Street, Tallahassee, Florida
32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G17-1.010 Approved Schools and Colleges.

(1) No change.

(2) Foreign colleges and universities accredited or
approved by the national government of the country where the
college or university is located, or by any national or regional
entity approved or recognized by said government, are deemed
approved by the Board. For purposes of Section 472.013(2)(b),
F.S., colleges and universities accredited by a regional

~~association of colleges and universities recognized by the
United States Department of Education are deemed approved
by the Board.~~

(3) Foreign colleges and universities which offer a course
of study in surveying and mapping that meet or substantially
equivalently for accredited in surveying by the Accreditation
Board for Engineering and Technology (ABET) are deemed
approved by the Board.

Specific Authority 472.013(4) FS. Law Implemented 472.013(4) FS. History—
New 1-3-80, Formerly 21HH-1.10, 21HH-1.010, Amended 5-31-95, 12-31-00,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Surveyors and Mappers
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Professional Surveyors
and Mappers
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: July 17, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: June 28, 2002

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Board of Professional Surveyors and Mappers

RULE TITLE: Disciplinary Guidelines RULE NO.: 61G17-2.0015
PURPOSE AND EFFECT: To promulgate a new rule
stipulating the disciplinary grounds and penalties for
Professional Surveyors and Mappers.
SUMMARY: The Board proposes to set forth the disciplinary
guideline criteria for Professional Surveyors and Mappers
pursuant to s. 455.2273, 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 cost regulatory alternative must do so in writing within
21 days of this notice.

SPECIFIC AUTHORITY: 455.2273(1), 472.008 FS.

LAW IMPLEMENTED: 455.2273, 472.018 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: Leon Biegalski, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G17-2.0015 Disciplinary Guidelines.

(1) The Board sets forth below a range of disciplinary guidelines from which disciplinary penalties will be imposed upon practitioners and applicants for licensure guilty of violating Chapters 472 and 455, F.S. The purpose of the disciplinary guidelines is to give notice to licensees and applicants of the range of penalties which will normally be imposed upon violations of particular provisions of Chapters 472 and 455, F.S. The disciplinary guidelines are based upon a single count violation of each provision listed. Multiple counts of violations of the same provision of Chapters 472 and 455, F.S., or the rules promulgated thereto, or other unrelated violations will be grounds for enhancement of penalties as outlined below. All penalties set forth in the guidelines include lesser penalties, i.e., reprimand and or course-work which may be included in the final penalty at the Board's discretion.

(2) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Sections 120.57(1) and (2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

(a) Violation of any provision of s. 472.031 or s. 455.227(1), F.S. (472.033(1)(a), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	<u>reprimand, \$250 fine</u>	<u>denial or probation and \$500 fine</u>
<u>SECOND OFFENSE</u>	<u>probation and \$500 fine</u>	<u>denial or suspension followed by a term of probation and \$750 fine</u>
<u>THIRD OFFENSE</u>	<u>suspension followed by a term of probation and \$750 fine</u>	<u>revocation and \$1000 fine</u>

(b) Attempting to obtain, obtaining, or renewing a license to practice a profession by bribery, by fraudulent misrepresentation, or through an error of the department or the board.

(472.033(1)(b) & 455.227(1)(h), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	<u>reprimand, \$250 fine</u>	<u>denial or suspension followed by a term of probation and \$750 fine</u>
<u>SECOND OFFENSE</u>	<u>denial or suspension followed by a term of probation and \$750 fine</u>	<u>revocation and \$1000 fine</u>

(c) Having a license to practice surveying and mapping revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(472.033(1)(c), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	<u>\$100 fine and same penalty imposed by the other jurisdiction</u>	<u>denial of licensure or \$250 fine and suspension followed by probation</u>
<u>SECOND OFFENSE</u>	<u>\$250 fine and same penalty imposed by the other jurisdiction which at a minimum must include a term of probation</u>	<u>denial of licensure or \$500 fine and revocation</u>
<u>THIRD OFFENSE</u>	<u>\$500 fine and same penalty imposed by the other jurisdiction which at a minimum must include a term of suspension</u>	<u>denial of licensure or \$750 fine and permanent revocation</u>

(d) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of surveying and mapping or the ability to practice surveying and mapping.
(472.033(1)(d), & 455.227(1)(b), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	<u>\$250 fine</u>	<u>denial of licensure or \$500 fine and suspension to be followed by a term of probation</u>
<u>SECOND OFFENSE</u>	<u>\$500 fine and probation</u>	<u>denial of licensure or \$1000 fine and revocation</u>

(e) Making or filing a report or record that the licensee knows to be false, willfully failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records shall include only those that are signed in the capacity of a registered surveyor and mapper.
(472.033(1)(e) & 455.227(1)(l), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	<u>\$250 fine</u>	<u>\$500 fine and suspension to be followed by probation</u>
<u>SECOND OFFENSE</u>	<u>\$500 fine and probation</u>	<u>\$750 fine and suspension to be followed by probation</u>
<u>THIRD OFFENSE</u>	<u>\$750 fine and suspension to be followed by probation</u>	<u>\$1000 fine and revocation</u>

(f) Advertising goods or services in a manner that is fraudulent, false, deceptive, or misleading in form or content.
(472.033(1)(f), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	<u>\$100 fine</u>	<u>\$250 fine and probation</u>
<u>SECOND OFFENSE</u>	<u>\$250 fine</u>	<u>\$500 fine and suspension to be followed by probation</u>

<u>THIRD OFFENSE</u>	<u>\$500 fine and probation</u>	<u>\$750 fine and suspension to be followed by probation</u>
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(g) Upon proof that the licensee is guilty of fraud or deceit, or of negligence, incompetency, or misconduct, in the practice of surveying and mapping.
(472.033(1)(g), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	<u>\$250 fine and probation</u>	<u>\$750 fine and suspension to be followed by a term of probation</u>
<u>SECOND OFFENSE</u>	<u>\$750 fine and suspension to be followed by a term of probation</u>	<u>\$1000 fine and revocation</u>

(h) Failing to perform any statutory or legal obligation placed upon a licensed surveyor and mapper; violating any provision of this chapter, a rule of the board or department, or a lawful order of the board or department previously entered in a disciplinary hearing; or failing to comply with a lawfully issued subpoena of the department.
(472.033(1)(h) & 455.227(1)(k), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	<u>\$250 fine and compliance with legal obligation</u>	<u>\$500 fine and suspension until compliance with legal obligation</u>
<u>SECOND OFFENSE</u>	<u>\$500 fine and suspension until compliance with legal obligation</u>	<u>\$750 and suspension until compliance with legal obligation plus extended probation</u>
<u>THIRD OFFENSE</u>	<u>\$750 fine and until compliance with legal obligation plus extended probation</u>	<u>\$1000 fine and revocation</u>

(i) Practicing on a revoked, suspended, inactive, or delinquent license.
(472.033(1)(i), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	\$500 and probation	\$750 fine, denial or suspension followed by probation or if already suspended and extended suspension followed by probation

(l) Having a license or the authority to practice the regulated profession revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law.
(455.227(1)(f), F.S.)

<u>SECOND OFFENSE</u>	\$750 fine, denial or suspension followed by probation or if already suspended and extended suspension followed by probation	\$1000 fine and revocation
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	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	\$100 and same penalty imposed by the other jurisdiction	denial of licensure or \$250 fine and suspension followed by probation
<u>SECOND OFFENSE</u>	\$250 fine and same penalty imposed by the other jurisdiction which at a minimum must include a term of probation	denial of licensure or \$500 fine and revocation

(j) Making misleading, deceptive, or fraudulent representations in or related to the practice of the licensee's profession.
(455.227(1)(a), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	\$250 fine	denial of licensure or \$500 fine and suspension to be followed by a term of probation
<u>SECOND OFFENSE</u>	\$500 fine and probation	denial of licensure or \$1000 fine and revocation

<u>THIRD OFFENSE</u>	\$500 fine and same penalty imposed by the other jurisdiction which at a minimum must include a term of suspension	denial of licensure or \$750 fine and permanent revocation
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(k) Intentionally violating any rule adopted by the board or the department, as appropriate.
(455.227(1)(b), F.S.)

(m) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department ag, F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	\$250 fine and compliance with rule	\$500 fine and suspension until compliance with rule
<u>SECOND OFFENSE</u>	\$500 fine and suspension until compliance with rule	\$750 fine and suspension until compliance with rule followed by probation
<u>THIRD OFFENSE</u>	\$750 fine and suspension until compliance with rule followed by probation	\$1000 fine and revocation

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	\$500 fine and probation	\$750 fine, denial or suspension to be followed by a term or probation
<u>SECOND OFFENSE</u>	\$750 fine, denial or suspension to be followed by a term or probation	\$1000 fine and denial or revocation

(n) Failing to report to the department any person who the licensee knows is in violation of this chapter, the chapter regulating the alleged violator, or the rules of the department or the board.
(455.227(1)(i), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	\$100 fine	\$250 fine and probation
<u>SECOND OFFENSE</u>	\$250 fine	\$500 fine and suspension to be followed by a term of probation
<u>THIRD OFFENSE</u>	\$500 fine and probation	\$750 fine and suspension to be followed by a term of probation

(o) Aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to this chapter, the chapter regulating the profession, or the rules of the department or the board.
(455.227(1)(j), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	\$250 fine	denial of licensure or \$500 fine and suspension to be followed by a term of probation
<u>SECOND OFFENSE</u>	\$500 fine and probation	denial of licensure or \$1000 fine and revocation

(p) Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession.
(455.227(1)(m), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	\$250 fine	\$500 fine and suspension to be followed by probation
<u>SECOND OFFENSE</u>	\$500 fine and probation	\$750 fine and suspension to be followed by probation
<u>THIRD OFFENSE</u>	\$750 fine and suspension to be followed by probation	\$1000 fine and revocation

(q) Exercising influence on the patient or client for the purpose of financial gain of the licensee or a third party.
(455.227(1)(n), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	\$250 fine and probation	\$500 fine and denial or suspension followed by probation
<u>SECOND OFFENSE</u>	\$750 fine and probation	\$1000 fine and denial or permanent revocation

(r) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform.
(455.227(1)(p), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	\$250 fine and probation	\$500 fine and denial or suspension followed by probation
<u>SECOND OFFENSE</u>	\$750 fine and probation	\$1000 fine and denial or permanent revocation

(s) Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance of such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization when required to perform them.
(455.227(1)(p), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	\$250 fine and probation	\$500 fine and denial or suspension followed by probation
<u>SECOND OFFENSE</u>	\$750 fine and probation	\$1000 fine and denial or permanent revocation

(t) Violating any provision of this chapter, the applicable professional practice act, a rule of the department or the board, or a lawful order of the department or the board, or failing to comply with a lawfully issued subpoena of the department.
(455.227(1)(q), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	<u>\$250 fine and compliance with rule or terms of prior order</u>	<u>\$500 fine and suspension until compliance with rule or terms of prior order</u>
<u>SECOND OFFENSE</u>	<u>\$500 fine and suspension until compliance with rule or terms of prior order</u>	<u>\$750 and suspension until compliance with rule or terms of prior order plus extended probation</u>
<u>THIRD OFFENSE</u>	<u>\$750 fine and suspension until compliance with rule or terms of prior order plus extended probation</u>	<u>\$1000 fine and revocation</u>

(u) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding.
(455.227(1)(r), F.S.)

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	<u>\$250 fine</u>	<u>denial of licensure or \$500 fine and suspension to be followed by a term of probation</u>
<u>SECOND OFFENSE</u>	<u>\$500 fine and probation</u>	<u>denial of licensure or \$1000 fine and revocation</u>

(3) When the board finds any surveyor and mapper guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

- (a) Denial of an application for licensure.
- (b) Revocation or suspension of a license.
- (c) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.
- (d) Issuance of a reprimand.
- (e) Placement of the surveyor and mapper on probation for a period of time and subject to such conditions as the board may specify.
- (f) Restriction of the authorized scope of practice by the surveyor and mapper.

(4) When either the petitioner or respondent is able to demonstrate aggravating or mitigating circumstances to the board, the board shall be entitled to deviate from the above guidelines in imposing discipline upon an applicant or licensee. Absence of any such evidence of aggravating or mitigating circumstances before the administrative law judge

prior to the issuance of a recommended order shall not relieve the board of its duty to consider evidence of mitigating or aggravating circumstances. The Board shall consider as mitigating or aggravating circumstances the following:

- (a) The degree of harm to the consumer or public;
- (b) The number of counts in the administrative complaint;
- (c) The disciplinary history of the applicant or licensee;
- (d) The status of the applicant or licensee at the time the offense was committed;
- (e) The degree of financial hardship incurred by a licensee as a result of the imposition of the fines or suspension of his practice;
- (f) The length of time the licensee has practiced;
- (g) The deterrent effect of the discipline imposed;
- (h) Any efforts at rehabilitation;
- (i) Actual knowledge of the licensee pertaining to the violation;
- (j) Any other mitigating or aggravating circumstances.

Specific Authority 472.008, 472.033 FS. Law Implemented 472.033 FS. History—New _____.

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

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 28, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE TITLE: Application for Retired Status
RULE NO.: 61G17-3.004

PURPOSE AND EFFECT: The Board proposes to create a rule that would establish recognized Retired Status among licensees.

SUMMARY: The rule creates a Retired Status for Professional Surveyors and Mappers.

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

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

SPECIFIC AUTHORITY: 472.008, 472.019 FS.

LAW IMPLEMENTED: 472.019 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: Leon Biegalski, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G17-3.004 Application for Retired Status.

(1) A person wishing to apply for Retired Status shall submit a completed application to the Board. The instructions and application entitled "Application For Retired Status," which is incorporated by reference, effective July 18, 2002, copies of which may be obtained from the Board office. The Board shall certify as eligible for Retired Status any applicant who has completed the application form and who has chosen to relinquish or not to renew his or her license.

(2) Professional Surveyors and Mappers on Retired Status may use the term "Professional Surveyor and Mapper or PLS Retired;" however, such engineer shall refrain from any practice of Surveying and Mapping and the use of his or her seal. Any Professional Surveyor and Mapper in Retired Status who wishes to become active shall make application for licensure and meet the licensure criteria in effect at the time of application.

Specific Authority 472.008, 472.019 FS. Law Implemented 472.019 FS. History--New _____.

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

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 16, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE TITLE: Definitions
RULE NO.: 61G17-6.002

PURPOSE AND EFFECT: To remove unnecessary and obsolete language from the rule.

SUMMARY: The rule eliminates survey terms no longer used.

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

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

SPECIFIC AUTHORITY: 472.008, 472.027 FS.

LAW IMPLEMENTED: 472.027 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Leon Biegalski, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G17-6.002 Definitions.

(1) through (3) No change.

(4) Map of Survey (or Survey Map): a graphical or digital depiction of the facts of size, shape, identity, geodetic location, or legal location determined by a survey. The term "Map of Survey" (Survey Map) includes the terms: Sketch of Survey, Plat of Survey, ~~Right of Way Survey~~, or other similar titles. "Map of Survey" or "Survey Map" may also be referred to as "a map" or "the map."

(5) through (8)(h) No change.

(i) Record Survey: a survey performed to obtain horizontal ~~or~~ and vertical dimensional data so that constructed improvements may be located and delineated; also known as an As-Built Survey.

Specific Authority 472.008, 472.027 FS. Law Implemented 472.027 FS. History--New 9-1-81, Formerly 21HH-6.02, Amended 12-18-88, Formerly 21HH-6.002, Amended 12-25-95, 5-25-99, 3-25-01, _____.

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

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 16, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE TITLE: Penalties
RULE NO.: 61G17-9.0025

PURPOSE AND EFFECT: To eliminate language contained in other sections of these rules.

SUMMARY: This Rule is being repealed.

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: 455.2273(1), 472.008 FS.

LAW IMPLEMENTED: 455.2273, 472.018 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: Leon Biegalski, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G17-9.0025 Penalties.

Specific Authority 455.2273(1), 472.008 FS. Law Implemented 455.2273, 472.018 FS. History--New 2-20-96, Amended 10-1-97, Repealed.

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

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 28, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE TITLE: Aggravating or Mitigating Circumstances RULE NO.: 61G17-9.003

PURPOSE AND EFFECT: To eliminate language contained in other sections of these rules.

SUMMARY: This Rule is being repealed.

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: Section 2, Chapter 86-90, Laws of Florida.

LAW IMPLEMENTED: Section 2, Chapter 86-90, Laws of Florida.

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: Leon Biegalski, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G17-9.003 Aggravating or Mitigating Circumstances.

Specific Authority Section 2, Chapter 86-90, Laws of Florida. Law Implemented Section 2, Chapter 86-90, Laws of Florida. History--New 12-29-86, Formerly 21HH-9.003, Amended 7-11-02, Repealed.

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

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 28, 2002

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: List of Approved Forms; Incorporation RULE NO.: 64B8-1.007

PURPOSE AND EFFECT: The Board proposed rule amendment is intended to incorporate two new forms by reference.

SUMMARY: The proposed rule amendment incorporates the ARNP Protocol form and the Dispensing Practitioner Registration form in the rule.

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: 120.55(1)(a), (4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.351(6) FS.

LAW IMPLEMENTED: 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.351 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:

64B8-1.007 List of Approved Forms; Incorporation.

The following forms used by the Board in its dealings with the public are listed as follows and are hereby adopted and incorporated by reference, and can be obtained from the Board office by writing to the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753, or by telephoning (850)245-4131:

(1) through (17) No change.

(18) DH-MQA 1069, entitled "Advanced Registered Nurse Practitioner (ARNP) Protocol Form," 10/02.

(19) DH-MQA 1070, entitled "Dispensing Practitioner Registration," 1/03.

(18) through (22) renumbered (20) through (24) No change.

Specific Authority 120.55(1)(a),(4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.312(4), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.351(6) FS. Law Implemented 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.312, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.351 FS. History—New 4-17-01, Amended 11-20-01, 8-13-02, 11-10-02.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules 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 7, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 27, 2002

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Physician Assistant Licensure Renewal and Reactivation

RULE NO.: 64B8-30.005

PURPOSE AND EFFECT: The proposed rule amendments are intended to address reactivation of licensure and voluntary relinquishments.

SUMMARY: The proposed rule amendments set forth criteria for the reactivation of licensure and for voluntary relinquishments.

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: 456.013, 456.031(1)(a), 456.033(1), 458.309, 458.347 FS.

LAW IMPLEMENTED: 456.013, 456.031(1), 456.033, 458.347 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:

64B8-30.005 Physician Assistant Licensure Renewal and Reactivation.

(1) A Physician Assistant must renew his licensure on a biennial basis. Upon request by the Board or Department, the licensee must submit satisfactory documentation of compliance with the requirements set forth below.

(2) No change.

~~(3) Upon request by the Board or Department, the licensee must submit satisfactory documentation of compliance with the requirements set forth above.~~

~~(3)(4) Renewal of Licensure as a Prescribing Physician Assistant. In addition to the requirements of paragraph (2) above, a prescribing physician assistant shall attest to having completed a minimum of 10 hours of continuing education in the specialty area(s) of the supervising physician(s), during the previous 2 years. These hours may be utilized to meet the general continuing education requirement.~~

(4) Reactivation of Inactive License. To reactivate an inactive license, the licensee must submit to the Department the following:

(a) Original of inactive license;

(b) Licensure verification from each state in which the licensee is licensed to practice as a physician assistant, or a statement that the licensee is licensed only in Florida;

(c) Statement of medical activities from the date the licensee became inactive to the present; or, if the licensee has not practiced as a physician assistant for at least 2 of the 4 years preceding application for reactivation, proof of recertification by NCCPA;

(d) Statement of any criminal or disciplinary actions pending in any jurisdiction;

(e) Proof of completion of the continuing medical education requirements in compliance with paragraphs 64B8-30.005(2)(c), (d), (e), (f) and (g), F.A.C., for each biennium in which the license was inactive;

(f) Appropriate fees.

(5) Licensure Renewal or Reactivation Applications.

(a) Application for renewal as a licensed Physician Assistant and as a Prescribing Physician Assistant or for reactivation must be made upon forms supplied by the Council.

(b) Renewal or reactivation application forms submitted to the Council must be complete in every detail and must be typed or legibly printed in black ink.

(6) The renewal and reactivation fees are found in Rule 64B8-30.019 or 64B15-6.013, F.A.C.

(7) The failure of any license holder to either renew the license or elect inactive status before the license expires shall cause the license to become delinquent.

(a) The delinquent status licensee must affirmatively apply for active or inactive status during the licensure cycle in which the license becomes delinquent. The failure by the delinquent status licensee to cause the license to be renewed or made inactive before the expiration of the licensure cycle in which the license became delinquent shall render the license null and void without further action by the Board or the Department.

(b) The delinquent status licensee who applies for license renewal or inactive status shall:

1. File with the Department the completed application for either license renewal as required by Section 458.347 or inactive status as required by Section 456.036, Florida Statutes;

2. Pay to the Board either the license renewal fee or the inactive status fee, the delinquency fee, and if applicable, the processing fee; and

3. If renewal is elected, demonstrate compliance with the continuing education requirements found in Rule 64B8-30.005, F.A.C.

(8) Voluntary Relinquishment of License.

(a) If a licensee wishes to voluntarily relinquish a license at a time when no investigation has been initiated against the licensee, no investigation against the licensee is anticipated, and no disciplinary action is pending, and the licensee is not under any current restrictions by the Board of this state or any other jurisdiction, then the licensee's request for voluntary relinquishment may be acted upon by staff without further action by the Board. In such a case, the voluntary relinquishment shall not be considered action against the license as that term is used in Section 456.072, 458.331(2), or 459.015, Florida Statutes.

(b) If a licensee wishes to voluntarily relinquish a license, but the licensee or the license is currently under any of the constraints set forth in (a) above, then the licensee may relinquish the license only with the approval of the Board. If the voluntary relinquishment is accepted by the Board at the time an investigation is underway, or is anticipated, or when a disciplinary action is in progress, then the acceptance of the voluntary relinquishment of the license shall be considered

action against the license as that term is used in Section 456.072, 458.331(2), or 459.015, Florida Statutes, and shall be reported as such by the Board.

Specific Authority 456.013, 456.031(1)(a), 456.033(1), 458.309, 458.347 FS. Law Implemented 456.013, 456.031(1), 456.033, 458.347 FS. History--New 5-13-87, Amended 1-9-92, Formerly 21M-17.0035, Amended 9-21-93, Formerly 61F6-17.0035, Amended 11-30-94, Formerly 59R-30.005, Amended 6-7-98, 3-3-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Council on Physician Assistants

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 7, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 27, 2002

DEPARTMENT OF HEALTH

Board of Opticianry

RULE TITLE: Reexamination Fees

RULE NO.: 64B12-11.004

PURPOSE AND EFFECT: The Board proposes to repeal the existing rule text.

SUMMARY: The Board has decided to repeal this unnecessary rule.

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

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

SPECIFIC AUTHORITY: 455.574(2), 484.005, 484.007 FS.

LAW IMPLEMENTED: 455.574(2), 484.007 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: 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:

64B12-11.004 Reexamination Fees.

Specific Authority 455.574(2), 484.005, 484.007 FS. Law Implemented 455.574(2), 484.007 FS. History--New 12-6-79, Amended 6-30-82, Formerly 21P-11.04, Amended 7-7-87, 3-30-89, Formerly 21P-11.004, 61G13-11.004, 59U-11.004, Amended 12-27-00, Repealed _____.

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: May 8, 2002

DEPARTMENT OF HEALTH

Board of Opticianry

RULE TITLE: Examination Review Fee RULE NO.: 64B12-11.0045

PURPOSE AND EFFECT: The Board proposes to repeal the existing rule text.

SUMMARY: The Board has decided to repeal this unnecessary rule.

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

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

SPECIFIC AUTHORITY: 455.574(2), 484.005 FS.

LAW IMPLEMENTED: 455.574(2) FS., Chapter 89-162, Laws of Florida.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNED 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:

64B12-11.0045 Examination Review Fee.

Specific Authority 455.574(2), 484.005 FS. Law Implemented 455.574(2) FS., Chapter 89-162, Laws of Florida, History--New 4-22-90, Formerly 21P-11.0045, 61G13-11.0045, 59U-11.0045, Repealed.

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: May 8, 2002

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-50.005
Fees	67-50.010
General Program Eligible Activities	67-50.030
General Program Restrictions	67-50.040
HAP Program Restrictions	67-50.050
HOME Program Restrictions	67-50.060
Application and Selection Procedures	67-50.070
Credit Underwriting Procedures	67-50.080

PURPOSE, EFFECT AND SUMMARY: The purpose of this Rule Chapter is to refine the procedures by which the Corporation shall:

(1) Administer the Application process, determine loan amounts, and service loans to Developers for the construction of affordable housing under the Florida Homeownership Assistance Program (HAP)/Construction Loan Program and provide purchase assistance to Eligible Homebuyers under the HAP Permanent Loan Program, authorized by Sections 420.507 and 420.5088, Florida Statutes (F.S.); and

(2) Administer the Application process, determine loan amounts, and service loans to Developers for the construction of affordable housing and provide purchase assistance to Eligible Homebuyers under the HOME Investment Partnerships (HOME) Homeownership Loan Program, authorized by Section 420.5089, F.S. and HUD regulations, 24 CFR § 92, which is adopted and incorporated herein by reference.

(3) Prior to the opening of an Application Cycle, the Corporation researches the market need for affordable housing throughout the State of Florida and evaluates prior Application Cycles to determine the necessary changes or additions to the existing rules and applications. This proposed new Rule and adopted reference materials establishes the procedures by which the Florida Housing Finance Corporation shall administer the Homeownership Loan Program, which combines funding from the HAP Construction, HAP Permanent, and HOME Homeownership Loan Programs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 420.507(12),(23),(14) FS.

LAW IMPLEMENTED: 420.5088, 420.5089 FS.

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

TIME AND DATE: 10:00 a.m., February 18, 2003

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

Any person requiring special accommodation at this hearing because of a disability or physical impairment should contact Shirley Alfsen at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay system, which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

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

THE FULL TEXT OF THE PROPOSED RULES IS:

67-50.005 Definitions.

(1) "Act" means the Florida Housing Finance Corporation Act, as found in Chapter 420, Part V, Florida Statutes, as in effect on the date of this Rule Chapter.

(2) "Address" means the address assigned by the United States Postal Service (USPS), which must include address number, street name, city, state and zip code. If the USPS has not yet assigned an address, include, at a minimum, street name and closest designated intersection and the city, state and zip code.

(3) "Adjusted Income" means the gross income from wages or assets, cash or non-cash contributions, and any other resources and benefits determined to be income by the U.S. Department of Housing and Urban Development (HUD), adjusted for household size, as defined in 24 CFR § 5.609, formerly known as Section 8, which is adopted and incorporated herein by reference.

(4) "Affiliate" means any person that:

(a) Directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with the Applicant;

(b) Serves as an officer or director of the Applicant or of any Affiliate of the Applicant; or

(c) Is the spouse, parent, child, sibling, or relative by marriage of a person described in (a) or (b) above.

(5) "Applicant" means a legally formed entity in existence at the time of Application, which is authorized to conduct business in the state of Florida, and:

(a) With respect to the HAP Program, is a Non-Profit Developer or a Non-Profit Sponsor proposing to build affordable homeownership housing;

(b) With respect to the HOME Program, is a Community Housing Development Organization (CHDO), a public housing authority, a local government, a Non-Profit organization, or a private for-profit organization (including a corporation, limited partnership, limited liability company, partnership and a sole proprietorship) proposing to build affordable homeownership housing.

(6) "Application" means the completed forms from the Application Package together with all exhibits submitted to the Corporation in order to apply for either HAP or HOME Loan funds, in accordance with this Rule Chapter and the Application Package instructions, which is adopted and incorporated herein by reference.

(7) "Application Deadline" means 5:00 p.m., Eastern Time, on the final day of the Application Period.

(8) "Application Package" means the forms and instructions obtained from the Corporation, at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329 and available on the Corporation's website at www.floridahousing.org, which shall be completed and

submitted to the Corporation in order to apply for either HAP or HOME funds, which is adopted and incorporated herein by reference and effective on the date of the latest amendment to this Rule Chapter.

(9) "Application Period" means the period during which Applications shall be accepted, ~~with a deadline of no less than thirty (30) days from the beginning of the Application Period,~~ as noticed in the Florida Administrative Weekly and posted on Florida Housing's web site at www.floridahousing.org.

(10) "Area Median Income" (AMI) means the median income for an area, with adjustments made for household size, as determined by the United States Department of Housing and Urban Development (HUD).

(11) "Board" means the Board of Directors of the Florida Housing Finance Corporation.

(12) "Code" 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 by the Treasury or the Internal Revenue Service of the United States, which is adopted and incorporated herein by reference.

(13) "Community Based Organization" means a private non-profit corporation, organized under Chapter 617, F.S., if a Florida Corporation, or under similar state law if organized in a jurisdiction other than Florida, authorized to conduct business in Florida, and certified by the Corporation to receive priority when applying for HAP funds.

(14) "Community Housing Development Organization" (CHDO) means an organization that is organized pursuant to HUD Notice CPD 97 11, which is adopted and incorporated herein by reference.

(15) "Consolidated Plan" means a plan which describes the needs, resources, priorities and proposed activities to be undertaken which is prepared by the Department of Community Affairs, in accordance with HUD Regulation, 24 CFR § 91, which is adopted and incorporated herein by reference.

(16) "Construction Loan" means a loan made available to a Developer in an amount not to exceed thirty three percent (33%) of the Total Development Cost, which utilizes either HAP or HOME Construction funds.

(17) "Contact Person" means the person with decision-making authority with whom the Corporation will correspond concerning the Application and the Development, as designated by the Applicant.

(18) "Contractor" means a person or entity duly licensed by the State of Florida who provides services in accordance with Chapter 489, F.S.

(19) "Corporation" means the Florida Housing Finance Corporation.

(20) "Credit Underwriter" means the independent contractor under contract with the Corporation having the responsibility for providing credit underwriting services,

including, but not limited to, 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 HAP or HOME loan amount.

(21) "Developer" means an individual, association, corporation, joint venture, limited partnership, limited liability company, or partnership, possessing the requisite skill, experience, and credit worthiness to successfully produce single-family housing pursuant to this Rule Chapter.

(22) "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 which is:

(a) Designed and intended for the primary purpose of providing decent, safe, and sanitary residential housing for persons or households;

(b) Consists of at least four (4) homes; and

(c) Meets the minimum set-aside requirements and sales price limits of either the HAP or HOME Program, as applicable.

(23) "Development Cost" means the total of all costs incurred in the completion of a Development, as shown in the Development Cost line item on the development cost pro forma within the Application, subject to the approval by the Credit Underwriter and the Corporation, and pursuant to 24 CFR § 92.206 where applicable.

(24) "Difficult to Develop Area" means any area designated by the Secretary of Housing and Urban Development as having high construction, land, and utility costs relative to area median gross income in accordance with Section 42(d)(5), Internal Revenue Code.

(25) "Document" means a written, electronic media, 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 item on which information is recorded.

(26) "Draw" means the disbursement of funds to a Development under the HAP or HOME Program.

(27) "Elderly" means, with respect to the HAP Program, a person 62 years of age or older, and with respect to the HOME Program, a person meeting the Federal Fair Housing Act requirements for the Elderly.

(28) "Eligible Homebuyer" means one or more natural persons or a household, irrespective of race, creed, religion, national origin, or sex, determined by the Corporation to be of very low to moderate income and who will utilize the home as their primary residence. 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 state and federal law;
- (b) Targeted areas of special need in the state; and
- (c) The need for household size adjustments to accomplish the purposes set forth in this Rule Chapter.

(29) "Executive Director" means the Executive Director of the Florida Housing Finance Corporation.

(30) "F.A.C." means the Florida Administrative Code.

(31) "F.S." means the Florida Statutes.

(32) "FannieMae" means the Federal National Mortgage Association.

(33) "FHA" means the Federal Housing Administration of the United States Department of Housing and Urban Development or other Agency or instrumentality created or chartered by the United States government to which the powers of the Federal Housing Administration have been transferred.

(34) "Financial Institution" means a state or federal association, bank, trust company, international bank agency, representative office or international administrative office, or credit union.

(35) "First Mortgage" means the recorded mortgage to which the HAP or HOME Construction Loan and the HAP or HOME Permanent Loan is subordinate.

(36) "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.

(37) "HOME-Assisted Units" mean the specific units that are funded with HOME funds, pursuant to 24 CFR § 92.254.

(38) "Homeownership Loan Program" means the combined Rule and Application, incorporating the HAP Construction, HAP Permanent, and HOME Homeownership Loan Programs.

(39) "HUD" means the United States Department of Housing and Urban Development.

(40) "HUD Regulations" means the regulations of HUD in 24 CFR § 92, incorporated herein by reference, together with subsequent amendments, as in effect on the date of this Rule Chapter.

(41) "Land Use Restriction Agreement" means the agreement between the Corporation and the Applicant, which sets forth the set-aside requirements and other Development requirements, if any, under the HAP or HOME Program.

(42) "Local Government" means a unit of local general-purpose government, as defined in Section 218.31(2), F.S.

(43) "Low Income" means the Adjusted Income for persons or households that does not exceed eighty percent (80%) AMI.

(44) "Match" means the contributions obtained from other than federally funded program contributions that are dedicated to a HOME Development, pursuant to CPD 97-03, incorporated herein by reference.

(45) "Maximum Purchase Price" means:

(a) With respect to the HAP Program, the maximum purchase price of a house in an area as determined by the Single Family Mortgage Revenue Bond Program (SF MRB), as in effect at the time of the beginning of the construction of the house; and

(b) With respect to the HOME Program, the maximum purchase price of a house in an area as determined by HUD, as in effect at the beginning of the construction of the house.

(46) "Moderate Income" means the Adjusted Income for persons or households that does not exceed one hundred fifty percent (150%) AMI.

(47) "Non-Entitlement Area" means a unit of general local government that has not been designated by HUD to receive HOME assistance.

(48) "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 Internal Revenue Code, and organized under Chapter 617, F.S., if a Florida Corporation, or under similar state law if organized in a jurisdiction other than Florida, to provide low-income housing and other services on a not-for-profit basis, which owns at least 51% of the ownership interest in the Development and is acceptable to federal and state agencies and financial institutions as a Sponsor for housing.

(49) "Non-Profit Sponsor" means, with respect to the HAP Program, a unit of local government or public housing authority, established pursuant to Chapter 421, F.S., or a Community Based Organization, as defined in subsection 67-50.005(14), F.A.C., which has agreed to sponsor an Eligible Development utilizing either a Non-Profit or for-profit Developer.

(50) "Note" means a unilateral agreement containing an express and absolute promise to pay to the Corporation a principal sum of money on a specified date, which provides the interest rate, if applicable, and is secured by a mortgage.

(51) "Permanent Loan" means a zero percent (0%) interest rate, non-amortizing second mortgage loan made to an Eligible Homebuyer, who has an Adjusted Income that does not exceed eighty percent (80%) AMI.

(52) "Predevelopment Loan Program" means the Corporation's Predevelopment Loan Program, established by Sections 420.521 through 420.529, F.S., and Rule Chapter 67-38, F.A.C.

(53) "Preliminary Allocation" means a non-binding reservation of HAP or HOME funds issued to a Development prior to the credit underwriting process.

(54) "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.

(55) "Qualified Census Tract" means any census tract that is designated by the Secretary of HUD as having either 50% or more of the households at an income that is less than sixty percent (60%) AMI or a poverty rate of at least twenty five percent (25%), in accordance with Section 42(d)(5)(C), Internal Revenue Code.

(56) "Received" means as it relates to delivery of a document by a specified deadline, delivery by hand, United States Postal Service or other courier service, unless otherwise indicated, in the office of the Corporation no later than 5:00 p.m., Eastern Time, on the deadline date.

(57) "Review Committee" means a committee of Corporation staff persons appointed by the Executive Director or assignee Board of Directors who will make recommendations to the Board regarding Program participation.

(58) "Rural Area" means an area that is eligible to receive assistance from the United States Department of Agriculture – Rural Development.

(59) "Second Mortgage" means the recorded mortgage securing the HAP or HOME Construction Loan or the HAP or HOME Permanent Loan, which is subordinate only to the First Mortgage.

(60) "Scattered Sites" means a development consisting of five or more single family residential units; however, no more than four single family residential units can dwell on any one site and any additional site or sites must be non-contiguous, do not share a common boundary at least 2,000 feet apart an individual action on a one (1) to four (4) family dwelling, unless the development is of five (5) or more units located within two thousand (2,000) feet of each other, undertaken as a single action.

(61) "Servicer" means the entity, and any subcontractors, under contract with the Corporation to provide loan servicing, including but not limited to, administration and compliance monitoring.

(62) "Single Family Bond Program" means the Single Family Mortgage Revenue Bond Program (SF MRB), pursuant to Rule Chapter 67-25, F.A.C.

(63) "Sponsor" means, with respect to the HOME Program, any individual, association, corporation, joint venture, partnership, trust, or other legal entity or combination thereof, that has been approved by the Corporation as qualified to construct a Development.

(64) "State" means the State of Florida.

(65) "Threshold" means the minimum criteria to be met for an Application to be considered complete, as required by this Rule Chapter and the Application.

(66) "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.

(67) "Unit" means a residential unit used as a single-family residence and the land appurtenant that is taxed as real property under state laws, not including a two, three or four household residence, unless each unit is owner-occupied.

(68) "Urban In-Fill Development" means a Development in:

(a) 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, a Florida Enterprise Zone, area designated under a Community Development Block Grant (CDBG), an area designated as HOPE VI or Front Porch Florida Community, a Community Redevelopment Area as described and defined in the Florida Community Redevelopment Act of 1969, as amended, or the proposed Development is located in a Qualified Census Tract and the development of which contributes to a concerted community revitalization plan; and

(b) In a site which is located in an area that is already developed and part of an incorporated area or existing urban service area.

(69) "USDA-RD" means the United States Department of Agriculture Rural Housing Services.

(70) "Very Low-Income" means the Adjusted Income of persons or households that does not exceed fifty percent (50%) AMI.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.507(23), 420.5088, 420.5089 FS. History--New 9-5-02, Amended _____.

67-50.010 Fees.

(1) The Corporation shall collect an Application submission fee ~~the following fees~~ from all Applicants when initially applying for either HAP or HOME funds.:-

- (a) ~~Application Package fee~~
- (b) ~~Application submission fee~~

(2) With respect to the HAP Program, the Applicant is responsible for the following fees, which are part of the Development Cost and must ~~can~~ be included in the Development Cost Pro Forma:

- (a) Credit Underwriting fee.
- (b) Loan Servicing fees.
- (c) Construction inspection fees.

(3) With respect to the HOME Program, these fees are paid directly by the HOME Program.

(4) Failure to pay any fee shall cause the loan commitment under any Program to be terminated or shall constitute a default on the respective loan documents.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.507(19), 420.5088, 420.5089 FS. History--New 9-5-02, Amended _____.

67-50.030 General Program Eligible Activities.

(1) Funds may be used to pay for the following eligible costs:

(a) Development hard costs as they directly relate to the identified assisted units for the costs necessary to meet local and State building codes and the Model Energy Code.

(b) Soft costs as they relate to the identified assisted units. The costs must be reasonable and necessary, as determined by the Corporation and Credit Underwriter, and associated with the financing, development, or both, ~~including, but not limited to:~~

1. Architectural, engineering or related professional services required to prepare plans, drawings, specifications or work write-ups;
2. Costs to process and close the financing for a Development, such as credit reports, fees for evidence of title, recordation, building permits, attorney fees, cost certifications, and estimates;
3. Developer fees, including administrative overhead, are limited to sixteen percent (16%) of the Total Development Cost;
4. Impact fees;
5. Costs of Development audits required by the Corporation or compliance monitoring agent;
6. Affirmative marketing and fair housing costs; and
7. Temporary relocation costs, as required for the HOME program.

(2) Funds may be used to construct one (1) speculative unit or model home for up to ten (10) units in the Development, up to two (2) speculative units or model homes for eleven (11) to twenty (20) units in the Development and a maximum of three (3) speculative units or model homes for a Development with over twenty (20) units at any period of time.

(3) Prepayment of the loan is permitted without penalty.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.5088, 420.5089 FS. History--New 9-5-02, Amended _____.

67-50.040 General Program Restrictions.

(1) An Applicant may not submit an application or cannot receive funding from both the HAP and HOME Construction Loan Programs for the same Development.

(2) Applications shall be limited to one submission per subject property, per Application Period, and funding requests shall be limited to the lesser of thirty-three percent (33%) of the total Development cost or \$1,000,000 for the HAP Program or \$2,000,000 for the HOME Program.

(3) The HAP or HOME Construction or Permanent Loan must be in a second lien position and shall not share priority with any other liens.

(4) The term of the HAP or HOME Construction Loan shall be for a period of five (5) years.

(5) The accumulation of all Development financing, including the HAP or HOME Loan and all existing debt within a Development, may not exceed the Total Development Cost, as determined by the Credit Underwriter.

(6) The proceeds from the HAP or HOME Permanent Loan made to an Eligible Homebuyer shall be used to repay the HAP or HOME Construction Loan. Upon the closing of each house, the HAP or HOME Construction Loan provided for each house shall be repaid by the Applicant.

(7) Applicants are responsible for:

(a) The construction of affordable housing;

(b) The marketing of units in the Development and providing referrals of potential Eligible Borrowers to the first mortgage lender;

(c) Meeting the pre-sale requirements established by the first mortgage lender;

(d) Assisting the Corporation and the Servicer with performing Draw inspections, collecting payments and defaults, foreclosure procedures and performing compliance monitoring; and

(e) With respect to the HOME Loan, ensuring compliance with HUD requirements, pursuant to 24 CFR § 92.

(8) Prior to disbursing any funds, there must be a written agreement with the Applicant ensuring compliance with the requirements of the HAP or HOME Program, pursuant to this Rule Chapter, Florida Statutes, and HUD Regulations, as applicable.

(9) The Corporation shall require adequate insurance to be maintained on the Development as determined by the first mortgage lender and the Corporation's Servicer, including fire, hazard and other insurance sufficient to meet mortgage standards.

(10) The Corporation or its Servicer shall monitor the compliance with all terms and conditions of the HAP or HOME Loan and any violation of any term or condition shall constitute a default of the Loan. If a default on a Loan occurs, the Corporation ~~shall may~~ commence legal action to protect the interest of the Corporation.

(11) The construction period shall be for a period of three (3) years beginning on the closing date of the Construction Loan or the date of Florida Housing's commitment for a Development utilizing purchase assistance only. With approval by the Board, a one-year extension is permissible provided that the Applicant:

(a) Requests the extension in writing at least sixty (60) days prior to the end of the construction period;

(b) States the reason the extension is needed;

(c) Provides the Applicant's past performance history;

(d) Provides a comprehensive work completion plan;

(e) Supplies an alternate financing plan in the event the original financing source withdraws; and

(f) Provides assurance that the one-year extension will result in the successful completion of the Development.

(12) The Applicant shall not refinance, increase the principal amount, or alter any terms or conditions of any construction loan superior or inferior to the HAP or HOME Loan without prior approval of the Corporation's Board of Directors.

(13) The unpaid principal balance of the Loan shall be due and payable upon the sale or transfer of the secured property.

(14) If the Board of Directors determines that any Applicant or any Affiliate of an Applicant has:

(a) ~~Has E~~engaged in fraudulent actions;

(b) ~~Has M~~aterially misrepresented information to the Corporation regarding any of its Developments, within the current Application or in any previous applications for financing or an allocation of Housing Credits administered by the Corporation;

(c) ~~Has B~~een convicted of fraud, theft or misappropriation of funds;

(d) ~~Has B~~een excluded from federal or Florida procurement programs; or

(e) ~~Has B~~een convicted of a felony, and upon a determination ~~by the Board of Directors~~ 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 two (2) years, which will begin from the date the Board of Directors makes such determination. Such determination shall be made 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.

(15) If an Applicant or any Principal, or Affiliate of an Applicant or Developer has any existing Developments participating in any Corporation programs that remain in non-compliance with the Code, the applicable Florida Statutes and Rule Chapters, and loan documents, after any applicable cure period granted for correcting such non-compliance has ended, at the time of submission of the Application or issuance of a credit underwriting report, the requested allocation will be denied, upon determination by the Board of Directors that such non-compliance substantially increases the likelihood that such Applicant will not be able to produce quality affordable housing. The Applicant and the Affiliates of the Applicant or Developer shall 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 are in compliance.

(16) 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 thirty (30) Calendar Days of notification by the local, state or federal authorities.

(17) Permanent Loans. Prior to disbursing any funds for either the HAP or HOME Permanent Loan, the Eligible Homebuyer must execute a homebuyer agreement, ensuring compliance with the requirements of this Rule Chapter, Florida Statutes and 24 CFR § 92, when applicable.

(18) The Homebuyer must maintain replacement cost hazard insurance naming the Corporation as an additional insured.

(19) A mortgagee policy of title insurance in the amount of the HAP or HOME Permanent Loan must be provided naming the Corporation as an additional insured.

(20) Loans shall be evidenced by a properly executed note and secured by a properly executed and recorded mortgage provided by the Corporation.

(21) Failure to comply with any part of this Rule Chapter without a waiver or variance being granted by the Board, pursuant to Chapter 120.542, F.S., and Rule Chapter 28-104, F.A.C., shall result in the disqualification of the Applicant and withdrawal of the preliminary commitment for Loan funds.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History—New 9-5-02, Amended.

67-50.050 HAP Program Restrictions.

(1) HAP Construction Loans shall be made available for the construction of affordable housing Developments, as defined in subsection 67-50.005(22), F.A.C. Funds shall also be made available for land acquisition, predevelopment expenses and infrastructure; however, in no event shall the funds be used solely for these purposes.

(2) A Non-Profit organization must have control of the Development and materially participate in the development and sale of the property through the construction period.

(3) Non-Profit Sponsor Applicants must:

(a) Have been in existence for at least one (1) year prior to applying for HAP funds;

(b) Own the property or have a valid contract for purchase of the property; and

(c) Utilize the services of either a Non-Profit or for-profit Developer who has a proven record of providing similar housing.

(4) The interest rate for a HAP Construction Loan is zero percent (0%).

(5) The Land Use Restriction Agreement (LURA) shall contain restrictive covenants to ensure that the Development maintains the minimum set-aside requirements of the HAP Program, as well as the specific amenities and set-asides the Applicant committed to in the Application.

(6) HAP Permanent Loan. The terms of the HAP Permanent Loan made to an Eligible Homebuyer are as follows:

(a) A HAP Permanent Loan shall be made available to an Eligible Homebuyer who purchases a home built by a Developer participating in the Homeownership Loan Program, under the HAP Program.

(b) The Eligible Homebuyer must have an Adjusted Income that does not exceed eighty percent (80%) AMI at the time of closing.

(c) A HAP Permanent Loan is available in an aggregate amount not to exceed the lesser of \$30,000, twenty five percent (25%) of the purchase price of the house, or the amount necessary to meet credit underwriting criteria, based on the monthly mortgage payment (which includes the principal, interest, taxes and insurance) to income underwriting ratio.

(d) When the HAP Permanent Loan is used in conjunction with another Corporation subordinate mortgage program, the Eligible Homebuyer's Adjusted Income may not exceed fifty percent (50%) AMI and the aggregate amount of the Corporation Loans may not exceed thirty-five percent (35%).

(e) The combined loan-to-value ratio cannot exceed one hundred five percent (105%) of the appraised value. In the 105% loan-to-value calculation, the Corporation will not include any subsidy that contains forgivable terms within a five (5) ~~seven (7)~~ year period.

(f) The HAP Permanent Loan shall be underwritten by the first mortgage lender and reviewed by the Corporation's designated Servicer.

(g) The purchase price of the house cannot exceed the appraised value or the maximum purchase price, as determined by the Single Family Mortgage Revenue Bond Program, as in effect at the time of the beginning of the construction of the house.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.507(23), 420.5088 FS. History—New 9-5-02, Amended.

67-50.060 HOME Program Restrictions.

(1) HOME funds shall be made available for construction of affordable housing and homebuyer purchase assistance for Eligible Developments, pursuant to 24 CFR § 92.

(2) The maximum per-unit subsidy amount of HOME funds that the Corporation may allocate may not exceed twenty five percent 25% of the purchase price.

(3) The annual interest rate for the construction loan will be determined as follows:

(a) All for-profit Applicants that have one hundred percent (100%) ownership interest in the Development held by the general partner entity will receive a three percent (3%) per annum interest rate loan.

(b) All qualified non-profit Applicants that have one hundred percent (100%) ownership interest in the Development held by the general partner entity will receive a zero percent (0%) interest rate loan.

(c) All Applicants consisting of a non-profit and for-profit partnership will receive a zero percent (0%) interest rate on the portion of the loan equal to the qualified non-profit's ownership interest in the Development. A three percent (3%) interest rate shall be charged on the portion of the loan equal to the for-profit's ownership interest in the Development. Should the Applicant sell, transfer, or convey any portion of the ownership in the Development, the loan interest rate ratio will be adjusted to conform with the new percentage of for-profit to non-profit ownership.

(4) The Corporation shall acquire real and personal property or any interest in the Development if that acquisition is necessary to protect any 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.

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

(6) All units must adhere to affordability requirements pursuant to 24 CFR § 92.254 and the recapture provisions described in 24 CFR § 92.254(5)(ii)(1).

(7) Funds shall not be used to pay for ineligible costs in accordance with 24 CFR § 92.214 (a) and the following ineligible costs:

(a) Development reserve accounts for replacement, anticipated increases in operating costs, or operating subsidies, except as described in this Rule Chapter;

(b) Administrative costs; and

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

(8) All contracts for the construction of a Development with 12 or more HOME-Assisted Units must contain a provision requiring that not less than the wages prevailing in the locality, as predetermined by the U.S. Secretary of Labor pursuant to the Davis-Bacon Act, 40 U.S.C. § 276a-265-a-5 (1994), 24 CFR § 92.354, 24 CFR § 70 (volunteers) and 40 U.S.C. 276c, which are adopted and incorporated herein by reference, will be paid to all laborers and mechanics employed for the construction of the Development. Such contracts shall also be subject to the overtime provisions of the Contract Work Hours and Safety Standards Act, 40 U.S.C. 327-333 (1994), and the Copeland Act (Anti-Kickback Act) 40 U.S.C. § 276c (1994) and the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et seq.), which are adopted and incorporated herein by reference.

(9) If the Development has 12 or more HOME-Assisted Units, the General Contractor and all available subcontractors shall attend a Corporation-sponsored pre-construction conference regarding federal labor standards provisions.

(10) A representative of the Applicant must attend a Corporation-sponsored training session on income certification and compliance procedures.

(11) The Corporation is required by HUD to match non-federal funds to the HOME allocation as specified in 24 CFR § 92.218.

(12) 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, 42 U.S.C. 2000d et seq., 42 U.S.C. 3601-3620, 42 U.S.C. 6101, and 24 CFR § 5.105(a), which are adopted and incorporated herein by reference.

(b) Affirmative Marketing as enumerated in 24 CFR § 92.351, which is adopted and incorporated herein by reference.

(c) Environmental Review as enumerated in 24 CFR § 92.352, 24 CFR § 58 and National Environmental Policy Act of 1969, which are adopted and incorporated herein by reference.

(d) Displacement, Relocation, and Acquisition as enumerated in 24 CFR § 92.353, 42 U.S.C. 4201-4655, 49 CFR § 24, 24 CFR § 42 (Subpart B), and Chapter 104(d) "Barney Frank Amendments", which are adopted and incorporated herein by reference.

(e) Labor Standards as enumerated in 24 CFR § 92.354, 40 U.S.C. 276a-276a-5, 24 CFR § 70 (volunteers), and 40 U.S.C. 276c, which are adopted and incorporated herein by reference.

(f) Lead-based Paint as enumerated in 24 CFR § 92.355, 42 U.S.C. 4821 et seq., 24 CFR § 35 and 24 CFR § 982.401(j) (except paragraph 982.401(j)(1)(i)), which are adopted and incorporated herein by reference.

(g) 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.

(h) Debarment and Suspension as enumerated in 24 CFR § 5, which is adopted and incorporated herein by reference.

(i) 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.

(j) Handicapped Accessibility as enumerated in 24 CFR § 8 and 24 CFR § 100.205, which are adopted and incorporated herein by reference.

(k) Equal Opportunity Employment as enumerated in 41 CFR § 60, which is adopted and incorporated herein by reference.

(l) Economic Opportunity as enumerated in 24 CFR § 135, which is adopted and incorporated herein by reference.

(m) Minority/Women Employment as enumerated in 24 CFR § 85.36(e), which is adopted and incorporated herein by reference.

(13) Applicants and lenders are responsible for providing the Corporation or the Servicer with completed documentation of the homebuyer and homeownership requirements established by the Corporation and 24 CFR § 92.254 and the record keeping requirements described in 24 CFR § 92.508.

(14) A HOME-assisted unit shall qualify as affordable housing if:

(a) The value or initial purchase price of the property after construction does not exceed the Maximum Purchase Price;

(b) The combined loan-to-value ratio cannot exceed one hundred five percent (105%) of the after construction or appraised value of the HOME-Assisted unit, except when HOME funds are used with the SF MRB Program, where the combined loan-to-value of all assistance cannot exceed one hundred three (103%) of the lesser of the appraised value or the purchase price or as permitted in the applicable SF MRB issue documents. In the loan-to-value calculation, the Corporation will not include any subsidy that contains forgivable terms within a five (5) seven (7) year period;

(c) The person or household qualifies as an Eligible Homebuyer at the time of purchase and who will occupy the home acquired property as their principal residence; and

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

(15) All homes in the Development must be sold to persons or households that have an Adjusted Income that does not exceed eighty percent (80%) AMI.

(16) The Eligible Homebuyer shall adhere to the following terms and conditions:

(a) The Second Mortgage Loan shall have a zero percent (0%) interest rate and be non-amortizing with principal deferment until maturity.

(b) Repayment of Principal on the Second Mortgage Loan shall be deferred until the homebuyer sells, transfers or disposes of the home either voluntarily or involuntarily, or ceases to occupy the home as a principal residence.

(17) For units financed through the Single Family Mortgage Revenue Bond Program, the Lender is responsible for originating the HOME Permanent Loan in accordance with guidelines provided through the applicable Single Family Mortgage Revenue Bond Program.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.507(23), 420.5088 FS. History--New 9-5-02, Amended.

67-50.070 Application and Selection Procedures.

(1) All Applications must be submitted complete, legible and consistent and must be received by the Application Deadline, as specified in the NOFA.

(2) Each submitted Application will be reviewed and evaluated using the factors specified in the Application Package and this Rule Chapter.

(3) Failure to submit an Application completed in accordance with the Application instructions and this Rule Chapter 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.

(4) The Corporation shall reject an Application, as detailed in the Application Package and this Rule Chapter, if:

(a) The Development is inconsistent with the purposes of the HAP or HOME Program, as applicable.

(b) The Applicant fails to achieve the threshold requirements or the minimum score required.

(c) The Applicant or any Principal or Affiliate of an Applicant or Developer is in arrears for any financial obligation to the Corporation or any agent or assignee of the Corporation. For purposes of the HOME Program, this rule subsection does not include permissible deferral of HOME interest.

(5) When two or more Applications receive the same numerical score, the Applications will be ranked as outlined in the Application instructions.

(6) At no time during the scoring process may Applicants or their representatives contact Board members or Corporation staff concerning their own Development or any other Applicant's Development. If an Applicant or its representative does contact a Board member or staff in violation of this section, the Board may, upon a determination that such contact was deliberate, disqualify such Applicant's Application.

(7) After evaluation of the Applications received in each Application Period, the Corporation shall issue a notification letter to each Applicant disclosing whether or not the Applicant met the threshold and minimum score requirements.

(8) Applicants shall be provided with their scoring sheets, the scoring and ranking, and a notice of deficiencies, if applicable.

(9) All scores and rankings are to be approved by the Board. Those Applications which complete the threshold requirements will be presented to the Board for final approval of the preliminary allocation and the invitation to enter into credit underwriting, subject to the availability of funds.

(10) With respect to the HOME Program, a certification by the Corporation of the HUD Environmental Review is also required, pursuant to 24 CFR 92.352.

(11) The Corporation shall make HOME Permanent Loan funds in conjunction with Single Family Mortgage Revenue Bonds available to eligible Applicants in accordance with the Corporation's Single Family Mortgage Revenue Bond Program documents and Rule Chapter 67-25, F.A.C. Pending the availability of HOME funds and offering such funds to be used with a FHFC's Single Family Mortgage Revenue Bond (SF MRB) issue, the Corporation shall make HOME Second

Mortgage Loan funds available to lenders participating under the FHFC's Single-Family Mortgage Revenue Bond (SF MRB) Program on a first-come, first-served basis.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.507(23), 420.5088, 420.5089 FS. History—New 9-5-02, Amended.

67-50.080 Credit Underwriting Procedures.

(1) The type of review to be performed by the Credit Underwriter shall be determined as follows:

(a) Analytical Review. To expedite the underwriting process, the Corporation's Credit Underwriter shall perform an analytical review utilizing the lender's credit underwriting information when applicable:

1. If the first mortgage lender is not a related party, officer, or partner to the Applicant or Developer or any entity involved in the preparation of the Application or construction of the proposed Development.

2. The Corporation shall request the Applicant's authorization for the first mortgage lender to release their credit underwriting information to our Credit Underwriter.

3. Applicants requesting HAP or HOME Permanent Loan funds shall be subject to an Analytical Review.

(b) Credit Underwriting. The Applicant will be subject to a full credit underwriting by the Corporation's Credit Underwriter if the Applicant will not give authorization, the first mortgage lender will not release the information, or the information provided is determined to be insufficient.

(2) The Applicant shall submit the required information to the Credit Underwriter within sixty (60) days of the date of receipt of the notification letter. If an extension is needed, a written request substantiating the need for the extension must be provided to the Corporation prior to the sixty (60) day initial deadline, subject to approval by the Credit Underwriter and the Corporation Staff. However, the extension shall not exceed a period of sixty (60) days. In the event the time limitation expires, the Corporation will request that the Applicant relinquish the preliminary allocation and it will be made available to the next ranked Applicant.

(3) The Credit Underwriter shall verify all information in the Application, including information relative to the Applicant, Developer, Contractor and other members of the Development team. Upon receipt, the Corporation shall provide to the Applicant the section from the written draft report which includes the supporting information and schedules. 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. 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. The Corporation and the Credit Underwriter must receive any

additional comments from the Applicant within 72 hours of receipt of the revised report. The Credit Underwriter will provide a final report, which will address comments made by the Applicant, to the Corporation.

(4) The underwriters may request additional information but at a minimum the following will be required:

(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 in accordance with Statement on Standards for Accounting and Review Services (SSARS) No. 1, which is adopted and incorporated herein by reference, for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. If audited financial statements or financial statement 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 and the two most recent year's tax returns.

(c) For the Applicant and general partner, audited financial statements or financial statements compiled or reviewed in accordance with SSARS No. 1, for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. If the entities are newly formed (less than 18 months in existence as of the date that the credit underwriting information is requested), a copy of any and all tax returns with related supporting notes and schedules.

(5) 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 and the Corporation shall bear the cost of the underwriting review under contract with the Credit Underwriter. However, if the HAP or HOME commitment is cancelled for failure to adhere to rule deadlines or for reasons within Applicant's control, the Developer will be responsible for reimbursing the Corporation for fees incurred for credit underwriting and environmental review processing.

(6) The Credit Underwriter shall use the following procedures during the underwriting evaluation:

(a) 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.

(b) The Credit Underwriter shall consider the following when determining the need for construction completion guarantees:

1. Liquidity of the guarantor.
2. Developer and Contractor's history in successfully completing Developments of similar nature.
3. Problems encountered previously with Developer.
4. Problems encountered previously with Contractor.

(c) 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.

(7) 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 or first mortgagors, which meet the above requirements and are acceptable to the Credit Underwriter, may be used instead of the appraisal or market study referenced above.

(8) If the Credit Underwriter requires additional clarifying materials, the Credit Underwriter shall request that the Applicant provide them and specify a deadline for submission. Failure to submit the required information by the specified deadline shall result in the Application being rejected, unless a written extension of time is approved by the Board of Directors.

(9) A pre-construction analysis and review of the Development's costs shall be required prior to the closing of the HAP or HOME Loan.

(10) 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 HAP or HOME funds from the first Draw.

(11) After the approval of the Credit Underwriter's recommendation by the Board of Directors, or a committee appointed by the Board, the Corporations shall issue a HAP or HOME Loan commitment.

(12) Once the Board of Directors has approved the final credit underwriting report, the Applicant will have ninety (90) days from the credit underwriting approval date to close the Loan. If an extension is needed, a written request

substantiating the need for the extension must be provided to the Corporation prior to the ninety (90) day initial deadline, subject to approval by the Credit Underwriter and the Corporation Staff; however, the extension cannot exceed a period of ninety (90) days. In the event the time limitation expires, the Corporation will request that the Applicant relinquish the preliminary allocation and it will be made available to the next ranked Applicant.

(13) The Applicant must submit a written request for 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 the change. The written request must be submitted to the Corporation's Board of Directors for consideration.

(14) At least five (5) Calendar Days prior to the Loan 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 the funds and Draw schedule.

(15) Upon closing of the Loan, the Applicant will be required to commence construction within one hundred-twenty (120) days of the closing of the Loan. If additional time is needed, an extension must be filed in writing prior to the one hundred-twenty (120) day deadline, substantiating the need for the extension and an estimated date for commencement of construction, subject to approval by the Credit Underwriter and the Corporation Staff.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.507(23), 420.5088, 420.5089 FS. History—New 9-5-02, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bridget E. Warring, Homeownership Loan Program Manager,
Florida Housing Finance Corporation, 227 North Bronough
Street, Suite 5000, Tallahassee, Florida 32301-1329,
(850)488-4197

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: George Mensah, Homeownership
Loan Program Administrator, Florida Housing Finance
Corporation, 227 North Bronough Street, Suite 5000,
Tallahassee, Florida 32301-1329, (850)488-4197

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: December 6, 2002, Corporation Board Meeting

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: Vol. 28, No. 51, December 20, 2002