

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: 478.43(1),(4) FS.

LAW IMPLEMENTED: 478.45 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Electrolysis Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-51.001 Manner of Application.

(1) All persons applying for licensure as an electrologist shall submit a signed application to the Executive Director of the Council on forms provided by the Council and approved and incorporated herein by reference by the Board as Form DOH/MQA/EO APP/ Rev-04/03 ~~Rev-01/01~~, entitled "Application for Electrologist Licensure," effective 12-23-97, which can be obtained from the Council. The initial application must be accompanied by the application fee.

(2) through (4) No change.

Specific Authority 478.43(1),(4) FS. Law Implemented 478.45 FS. History--New 5-31-93, Formerly 21M-76.001, Amended 11-10-93, Formerly 61F6-76.001, Amended 5-29-96, Formerly 59R-51.001, Amended 12-23-97, 5-28-00, 8-9-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 4, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 3, 2003

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Continuing Education on Prevention of Medical Errors RULE NO.: 64B8-52.005

PURPOSE AND EFFECT: The Board proposes a new rule to allow the Council to accept medical errors courses that are accepted and approved by other Department of Health Boards.

SUMMARY: The proposed new rule approves medical errors courses that are used by other Department of Health Boards for required continuing education credit hours.

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(7), 478.50(4)(c) FS.

LAW IMPLEMENTED: 456.013(7) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Electrolysis Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-52.005 Continuing Education on Prevention of Medical Errors.

Two (2) hour prevention of medical error courses as required in Section 456.013(7), Florida Statutes, approved by any Board within the Division of Medical Quality Assurance of the Department of Health pursuant to Chapter 456, F.S., are recommended by the Council and approved by the Board.

Specific Authority 456.013(7), 478.50(4)(c) FS. Law Implemented 456.013(7) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 4, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 3, 2003

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NO.: 6E-1.0032 RULE TITLE: Fair Consumer Practices

NOTICE OF CHANGE

Notice is hereby given that the following information has been added to the notice of additional public hearing published in Vol. 29, No. 41, issue of the Florida Administrative Weekly:

TIMES AND DATE: 9:00 a.m., November 13-14, 2003

PLACE: Marriott Hotels and Resorts, Tampa International Airport, Tampa, Florida 33607

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Samuel Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: RULE CHAPTER TITLE:

14-19 Management
Right of Way Property

RULE NOS.: RULE TITLES:

14-19.003 Definitions
14-19.004 Real Property Conveyances
14-19.005 Payments Due to the Department on
Sales, Leases, and Demolition
and Removal Contracts
14-19.006 Demolition and Removal
Contracting
14-19.012 Appraisal/Title Certification
Requirements
14-19.013 Leasing of Department Owned
Property
14-19.016 Asbestos Management
14-19.017 Outdoor Advertising Signs
14-19.019 Recreational Trail Leases

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 29, No. 27, July 3, 2003, Florida Administrative Weekly, has been withdrawn.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF CORRECTIONS

RULE NOS.: RULE TITLES:
33-209.101 Staff Development – Definitions

33-209.1015 Training Development and
Delivery

33-209.104 Training Requests and Assignments

SECOND NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 33, (August 15, 2003), and in Vol. 29, No. 38, (September 19, 2003) issue of the Florida Administrative Weekly:

33-209.101 Staff Development – Definitions.

For the purposes of this chapter:

(1) through (22) No change.

(23) "Office of Staff Development" means the office responsible for development and management of training, within the Department of Corrections.

(23) through (27) renumbered (24) through (28) No change.

(28) ~~"Staff Development" means the office, located within the Office of Human Resources of the Department of Corrections, responsible for development and management of training, within the Department of Corrections.~~

(29) through (32) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 943.10, 943.13, 943.135, 943.17, 943.175, 943.22, 944.09 FS. History—New 8-26-87, Formerly 33-25.001, Amended.

33-209.1015 Training Development and Delivery.

(1) No change.

(2) ~~The Office of Staff Development in the Office of Human Resources~~ will develop the department's master training plan. The master training plan will be reviewed and updated annually based on an annual needs assessment which identifies current job related training needs. In addition, the plan will provide for on-going written evaluations of all departmental training courses including orientation, pre-service, in-service, mandatory, and specialized training. The plan will also identify resources to facilitate career development and provide a formal evaluation of the training program.

(3) through (4) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 943.10, 943.13, 943.135, 943.17, 943.175, 943.22, 944.09 FS. History—New

33-209.104 Training Requests and Assignments.

All employees may request training to satisfy minimum training requirements, and appropriate Department authorities may assign employees to any training at any location to meet the needs of the employee or the Department, subject to the following:

(1) All training shall be obtained through the following procedures:

(a) through (b) No change.

(c) The availability of funds and relief staff as well as the relevance and suitability of the training shall be considered at all stages of approval and processing of requests and assignments. An employee whose training request has been disapproved based on lack of relevance or suitability may request a review by his or her supervisor, who is encouraged to seek and input from the next level supervisor appropriate senior manager.

(d) through (3) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 943.10, 943.13, 943.135, 943.17, 943.175, 943.22, 944.09 FS. History—New 8-26-87, Formerly 33-25.004, Amended.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-302.109
 RULE TITLE: Offender Orientation
 NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing on the above referenced proposed rule, as noticed in the Florida Administrative Weekly, Vol. 29, No. 40, October 3, 2003, will be held at 10:00 a.m. on Tuesday, November 4, 2003, at the Department of Corrections Central Office, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-501.301
 RULE TITLE: Law Libraries
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 36, (September 5, 2003), issue of the Florida Administrative Weekly:

33-501.301 Law Libraries.

(1) No change.

(2) Definitions.

(a) Central office library services: ~~where used herein~~, refers to library services section in the bureau of programs, office of classification and programs, in the department's central office headquarters.

(b) Deadline: ~~where used herein~~, refers to any requirement imposed by law, court rule or court order that imposes a maximum time limit on the filing of legal documents with the court.

(c) ~~Functionally~~ Illiterate: ~~where used herein~~, refers to inmates who demonstrate academic competence below the 9th grade level, as measured by the Test of Adult Basic Education as provided in Rule 6A-6.014, F.A.C., means approved for this purpose by the Florida State Board of Education.

(d) Incompetence or incompetent: ~~where used herein~~, refers to oral or written statements or conduct that demonstrates to departmental staff that an inmate law clerk does not have ability or knowledge to research and use the law library collection, to provide inmates with accurate information on the law and civil or criminal procedure, or to assist inmates in the preparation of legal documents or legal mail.

(e) Inmate law clerk: ~~where used herein~~, refers to any inmate that an institution has assigned to work in a law library in departmental inmate work assignment codes L04 and L09. Inmate law clerks have successfully completed the

department's law clerk training program, or have equivalent legal training, and have "LEGAL" or "LAW" certificate entries recorded in the department's offender database.

(f) Inmate law clerk trainee: ~~where used herein~~, refers to any inmate that an institution has assigned to work in a law library in departmental inmate work assignment codes L03 and L08. Inmates must meet all of the qualifications established in paragraph (7)(d) to be assigned as a law clerk trainee.

(g) Inmate library clerk: ~~where used herein~~, refers to any inmate that an institution has assigned to work in the law library in departmental work assignment codes L01 and L06.

(h) Interstate Corrections Compact: ~~where used herein~~, refers to an interstate agreement that permits the State of Florida to transfer custody of Florida inmates to other state correctional systems in accordance with Sections 941.55-941.57, F.S.

(i) Law library supervisor: ~~where used herein~~, refers to a library program specialist, librarian specialist, library technical assistant, and, whenever these positions are vacant, any other employee that the warden or designee appoints to oversee operation of the institution's law library program.

(j) Legal assistance: ~~where used herein~~, refers to those services that the law library program or inmate law clerks provide to the inmate population. They include: providing inmates access to law library materials; assisting inmates in conducting legal research; assisting inmates with the preparation of legal documents and legal mail associated with the filing of post-conviction petitions filed in the state or federal courts, civil rights actions filed in the state or federal courts, and administrative actions filed with the Florida Parole Commission or the Florida Bar; assisting inmates with the preparation of grievances filed with the Department of Corrections; providing inmates with access to grievance and court forms; providing indigent inmates with access to legal writing supplies pursuant to Rule 33-210.102, F.A.C.; and providing copying services to inmates pursuant to Rule 33-501.302, F.A.C.

(k) Library services administrator: ~~where used herein~~, refers to departmental employee in the bureau of programs who is responsible for statewide coordination of library and law library services.

(l) Major collection: ~~where used herein~~, refers to a law library that includes the following legal publications: an annotated edition of the Florida Statutes; an annotated edition of the U.S. Constitution and federal statutes governing habeas corpus and prisoner's rights; Florida and federal case reporters; Florida and federal Shepard's citation indexes; Florida and federal practice digests; forms manuals; and secondary source materials providing research guidance in the areas of federal habeas corpus, Florida post-conviction and post-sentence remedies, and prisoner's rights. Major collection law libraries also maintain current copies of departmental rules and regulations as provided in paragraph (4)(b).

(m) Minor collection: ~~where used herein~~, refers to a law library that includes the following legal publications: an annotated edition of the Florida Statutes; Florida case reporters; Shepards Florida Citations; Florida and federal practice digests; an annotated edition of the U.S. Constitution and federal statutes governing habeas corpus and prisoner's rights; forms manuals; and secondary source materials providing research guidance in the areas of federal habeas corpus, Florida post-conviction and post-sentence remedies, and prisoner's rights. Minor collection law libraries also maintain current copies of departmental rules and regulations as provided in paragraph (4)(b).

(n) Official state holiday: ~~where used herein~~, refers to any day that the governor or the state legislature of the state of Florida designates a state holiday.

(o) Open population inmates: ~~where used herein~~, refers to inmates housed in general population at a institution or unit with a major or minor collection law library and any inmates housed at satellite correctional facilities if major or minor collection law libraries are not located there.

(p) Personal legal papers: ~~where used herein~~, refers to legal documents, legal correspondence, research notes, and transcripts relating to ongoing civil or criminal litigation where the inmate is a named plaintiff or defendant.

(q) Priority access: ~~where used herein~~, refers to the act of providing an inmate with exceptional access to the law library collection, inmate law clerks, interlibrary loan services, or to copying services.

(r) Research items: ~~where used herein~~, refers to photocopies of cases and statutes, and tables of contents, sections, or chapters from other reference titles in the institution's law library collection, which are loaned to inmates for legal research purposes. These do not include the inmate's personal legal papers, pleadings, or transcripts.

(s) Satellite correctional facilities: ~~where used herein~~, refers to a medium or minimum custody correctional facility, such as an annex, work camp, road prison, forestry camp, or drug treatment center. Satellite correctional facilities do not include work release centers.

(t) Starter collection: ~~where used herein~~, refers to a law library that includes the following legal publications: an annotated edition of the Florida Statutes; an annotated edition of the Title 42, United States Code, Section 1983; the Florida and federal rules of court; and a legal dictionary.

(u) Working day, ~~where used herein~~, refers to any weekday, i.e., Monday to Friday, except when the day is an official state holiday.

(3) Law Library Access – General.

(a) through (d) No change.

(e) Inmates who are ~~functionally~~ illiterate or have disabilities that hinder their ability to research the law and prepare legal documents and legal mail, and need research assistance, shall be provided access to the law library and to inmate law clerks. These inmates may request legal assistance by making an oral request for same to the correctional staff working in their housing or confinement units, classification staff, work supervisors, mental health staff, or to the law library supervisor. Staff shall relay oral requests for legal assistance to the law library supervisor. Upon receipt of an oral request or Form DC6-236, Inmate Request, the law library supervisor shall schedule the inmate for a visit to the law library or a visit with an inmate law clerk.

(f) through (4)(e) No change.

(f) Inmates shall be limited to possession of no more than 15 research items from the law library. Research items shall be loaned for a maximum of 21 days. If research items are not returned to the law library within 21 days, then the inmate's privilege to borrow research items from the law library shall be suspended until the material is returned. Institutions shall also limit the accumulation of research materials when possession of same in an inmate's cell creates a safety, sanitation or security hazard.

(5) through (6) No change.

(7) Use of inmates as clerks in law libraries.

(a) through (o) No change.

(p) Central office library services shall suspend the law clerk certificate of an inmate when ~~4~~ 2 years have passed since he or she worked in a law library as an inmate law clerk. Whenever a law clerk certificate is suspended, central office library services shall remove the certificate entry from the offender database. ~~Provided that no more than 5 years have passed since an inmate has worked as an inmate law clerk, a law library supervisor may request that an inmate's suspended law clerk certificate be reinstated. In such cases, Central office library services shall~~ reinstate the law clerk certificate if ~~require that the inmate demonstrates, through successful completion of a written examination, that he or she still possesses current knowledge of the law, knowledge of legal research materials and how to use them, and can communicate effectively in writing. If the inmate demonstrates to central office library services that he or she still has the requisite knowledge and skills to work as an inmate law clerk, the suspension shall be lifted and the law clerk certificate shall be re-entered in the offender database.~~

(q) No change.

(r) Inmate law clerks ~~normally~~ shall not be permitted to conduct legal research or prepare legal documents and legal mail on personal legal matters during work hours unless. ~~However, law library supervisors are authorized to make exceptions when:~~

1. through 2. No change.
(8) through (10) No change.

(11) Forms. The following forms ~~relevant to this section~~ are hereby incorporated by reference. A copy of any of these forms is available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

- (a) through (b) No change.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

FLORIDA HOUSING FINANCE COPORATION

RULE NOS.:	RULE TITLES:
67-45.001	Definitions
67-45.005	Terms and Conditions of Loans
67-45.006	Loan Processing
67-45.007	Fees

NOTICE OF CHANGE

Notice is hereby given that in response to recommendations made by the Joint Administrative Procedures Committee, the following changes have been made to Rule Chapter 67-45, Florida Administrative Code, as published in Vol. 29, No. 37 of the Florida Administrative Weekly on September 12, 2003.

67-45.001 Definitions.

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

(2) "Construction Loan" means a loan to a non-profit sponsor or developer under the Homeownership Loan Program as more fully described in Rule Chapter 67-50, F.A.C.

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

(4) "Down Payment Assistance Loan" ~~or "Loan"~~ means a Florida Home Ownership Assistance Program loan for which no interest is charged and which shall be limited to the lesser of 25 percent of the purchase price of the Home or the amount necessary to enable an Eligible Borrower to meet credit underwriting criteria. ~~The loan shall not exceed 30 years or the term of the First Mortgage of principal is deferred until the expiration of the term of the First Mortgage, or in the event of sale, transfer, refinancing or failure to occupy the Home as the primary residence as outlined in Rule Chapter 67-25.014, F.A.C., in which case the Loan is due and payable in full at that time. The Down Payment Assistance Loan may be used for down payment and closing costs associated with the purchase of the Home financed with Single Family Bond Program funds.~~

(5) "Eligible Borrower" means a person or persons or family or families:

(a) Who intend to permanently reside as a household in the Home as their principal single-family residence;

(b) Whose total annual family income at time of closing does not exceed 80 percent of the State or local median income, whichever is greater, adjusted for family size.

(c) Who are participating in the Corporation's Single-Family Bond Program.

(6) Fannie Mae" means the Federal National Mortgage Association, a corporation organized and existing under the Federal National Mortgage Association Charter Act, 12 U.S.C. 1716 ~~et seq., or any successor thereto.~~

(7) through (9) No change.

(10) "Freddie Mac" means the Federal Home Loan Mortgage Corporation, ~~or any successor thereto.~~

(11) "Home" means a residential unit used as a single-family residence, which is taxed as real property under the laws of the State of Florida and is located within the State, including a condominium unit and a manufactured home meeting conventional or FHA standards, which is acceptable to any insurer providing private mortgage insurance, FHA, VA or RD. The dwelling structure may consist of two-, three- or four-family dwelling units one unit of which is to be occupied by the mortgagor of the units and all of which units were first occupied as homes at least five (5) years before the Loan with respect to such Home which:

(a) Is designed and intended primarily for residential housing;

(b) Is determined by a qualified appraisal to have an expected useful life of not less than 30 years or the term of the First Mortgage, whichever is less;

(c) Will be occupied by the owner as his or her principal residence within 60 days after financing is provided;

(d) Has a sales price which does not exceed the Maximum Acquisition Price as defined in subsection 67-45.001(12), F.A.C., of this rule.

(e) Maintains the basic livability of the residence and will not be used for business purposes to generate additional income for the Eligible Borrower (including child care services, on a regular basis for compensation) unless such income is used to qualify the borrower for the loan.

(12) "Maximum Acquisition Price" means the maximum purchase price of a Single Family Residence, as prescribed in the IRS Revenue Procedures 94-55, hereby incorporated by reference. The Acquisition Price Limits are also subject to the FHA/VA/RD limits for the counties, hereby incorporated by reference. Copies of these A copy of this documents may be obtained by contacting the Single Family Bonds Administrator at 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1397. Acquisition Price limits are also subject to the applicable FHA/VA/RD limits for the Counties.

(13) "Participating Lender" means the entity signing a Master Mortgage Purchase Agreement and the Supplements to the Master Mortgage Purchase Agreement, hereby incorporated by reference. A copy of this document may be obtained by contacting the Single Family Bonds Administrator at 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1397. By which, by virtue of executing the Master Mortgage Purchase Agreement the Participating Lender represents that it is a home mortgage lending institution or entity:

(a) Participating in the local private home lending market;

(b) That is an FHA-approved mortgagee (with direct endorsement underwriting authority preferred), or a VA-approved lender (with automatic approval authority preferred), or an RD approved lender (unless waived by the Corporation or its designee);

(c) With respect to Conventional Mortgage loans, is a Fannie Mae or Freddie Mac approved lender in good standing, has errors and omissions coverage of at least \$300,000, meets the requirements of the Corporation or its designee with respect to financial status and is acceptable to a Fannie Mae or Freddie Mac PMI Insurer, ~~if applicable~~;

(d) Which can make the representations and warranties and covenants set forth in the Master Mortgage Purchase Agreement; and

(e) Which has agreed to and will originate Mortgage Loans itself or through correspondent mortgage lending institutions.

(14) "Permanent Loan" ~~or "Loan"~~ means a loan to a borrower under the Homeownership Loan Program as more fully described in Rule Chapter 67-50, F.A.C.

(15) "RD" means Rural Development Services (formerly the Farmer's Home Administration) of the United States Department of Agriculture, ~~its successors and assigns~~.

(16) "Second Mortgage" means the recorded mortgage securing the Down Payment Assistance Loan, which is subordinate only to the lien of the First Mortgage.

(17) "Single-Family Bond Program" means the Single-Family Mortgage Revenue Bond Program implemented pursuant to Rule Chapter 67-25, F.A.C., or any other public or private loan program approved by the Corporation's Board of Directors as a substitute for the Single-Family Mortgage Revenue Bond Program.

(18) "VA" means the U.S. Department of Veterans Affairs, an agency of the United States of America, ~~or any successor to its functions~~.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.507(23), 420.5088 FS. History--New 8-7-95, Formerly 91-45.001, Amended 12-26-99, 10-29-01, _____.

67-45.005 Terms and Conditions of Loans.

(1) All Down Payment Assistance Loans must be in compliance with the Act and shall adhere to the terms and conditions outlined in Rule Chapter 67-50, F.A.C.

(2) The loan shall not exceed 30 years or the term of the First Mortgage of principal is deferred until the expiration of the term of the First Mortgage, or in the even of sale, transfer, refinancing or failure to occupy the Home as the primary residence as outlined in Rule Chapter 67-25.014, F.A.C., in which case the Loan is due and payable in full at that time.

(3) The Down Payment Assistance Loan may be used for down payment and closing costs associated with the purchase of the Home financed with Single-Family Bond Program funds.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.507(23), 420.5088 FS. History--New 8-7-95, Formerly 91-45.005, Amended _____.

67-45.006 Loan Processing.

(1) All applications and Loans ~~are shall be~~ processed by the Participating Lenders in accordance with each Participating Lender's standard underwriting criteria and any additional criteria imposed by FHA, VA, FannieMae, Freddie Mac, RD or other parties insuring or guaranteeing the First Mortgage loan.

(2) No change.

(3) If sufficient funds are not available in the full amount of the Loan as requested, the application shall be deferred to a waiting list maintained by the Corporation or its designee on a first-come, first-served basis. Such application shall be considered as soon as sufficient funds become available to finance the Loan.

Specific Authority 420.507(12),(23) FS. Law Implemented 429.5088 FS. History--New 8-7-95, Formerly 91-45.006, Amended 12-26-99, 10-29-01, _____.

67-45.007 Fees.

In connection with the origination of a Down Payment Assistance Loan, the Lender may collect and retain from the Eligible Borrower a \$75.00 ~~\$150.00~~ application fee, payable at the time of application.

Specific Authority 420.507(4),(12),(23) FS. Law Implemented 420.507(19) FS. History--New 8-7-95, Formerly 91-45.007, Amended 10-29-01, _____.

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:

67-51.001

67-51.004

67-51.005

67-51.007

RULE TITLES:

Definitions

Application Procedures

Terms and Conditions of Loans

Fees

NOTICE OF CHANGE

Notice hereby given that in response to recommendations made by the Joint Administrative Procedures Committee, the following changes have been made to Rule Chapter 67-51, Florida Administrative Code, as published in Vol. 29, No. 37 of the Florida Administrative Weekly on September 12, 2003.

67-51.001 Definitions.

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

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

(3) "Down Payment Assistance Loan" ~~or "Loan"~~ means a Florida Homeownership Assistance for Moderate Income Program loan in the amount up to \$5,000. ~~The loan is amortized for a 10-year period with the interest rate to set between a minimum of 3 percent and a maximum interest rate of 5 percent, which shall be adjusted to be competitive with market rates. Repayment is due in the event of sale, transfer, refinancing or failure to occupy the Home as the primary residence without prior approval by the Corporation as outlined in Rule Chapter 67-25.014, F.A.C., in which case the Loan is due and payable in full at that time. The Down Payment Assistance Loan shall be used for down payment and closing costs associated with the purchase of the Home financed with Single Family Bond Program funds.~~

(4) "Eligible Borrower" means a person or persons or family or families:

(a) Who intend to permanently reside as a household in the Home as their principal single-family residence;

(b) Whose total annual family income at time of closing is equal to or greater than 80.01 percent of the State or local median income, whichever is greater and does not exceed 120 percent of the local median income in targeted areas and 115 percent of the local median income in all other areas ~~limits.~~

(c) Who are ~~may or may not be~~ participating in the Corporation's Single-Family Bond Program.

(5) "Fannie Mae" means the Federal National Mortgage Association, a corporation organized and existing under the Federal National Mortgage Association Charter Act, 12 U.S.C. 1716 *et seq.*, ~~or any successor thereto.~~

(6) "FHA" means the Federal Housing Administration of the U.S. 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.~~

(7) "First Mortgage" means the recorded mortgage secured via the Corporation's First Time Home Buyer Program to which the Down Payment Assistance Loan is subordinated and which is superior to any other lien or encumbrance on the property.

(8) "Freddie Mac" means the Federal Home Loan Mortgage Corporation ~~or any successor thereto.~~

(9) "Home" means a residential unit used as a single-family residence, which is taxed as real property under the laws of the State of Florida and is located within the State, including a condominium unit and a manufactured home meeting conventional or FHA standards, which is acceptable to any insurer providing private mortgage insurance, FHA, VA or RD. The dwelling structure shall consist of two-, three- or four-family dwelling units, one unit of which is to be occupied by the mortgagor of the units and all of which units were first occupied as homes at least five (5) years before the Loan with respect to such Home which:

(a) Is designed and intended primarily for residential housing;

(b) Is determined by a qualified appraisal to have an expected useful life of not less than 30 years or the term of the First Mortgage, whichever is less;

(c) Will be occupied by the owner as his or her principal residence within 60 days after financing is provided.

(d) Has a sales price which does not exceed the Maximum Acquisition Price as defined in subsection 67-51.001(10), F.A.C., of this rule.

(e) Maintains the basic livability of the residence and will not be used for business purposes to generate additional income for the Eligible Borrower (including child care services on a regular basis for compensation) unless such income is used to qualify the borrower for the loan.

(10) "Maximum Acquisition Price" means the maximum purchase price of a Single Family Residence, as prescribed in IRS Revenue Procedures 94-55, hereby incorporated by reference. The Acquisition Price limits are also subject to the FHA/VA/RD limits, hereby incorporated by reference. A copy ~~Copies may be obtained by contacting the Single Family Bonds Program Administrator at 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329. Acquisition Price limits are also subject to the FHA/VA/RD limits, hereby incorporated by reference.~~

(11) "Participating Lender" means the entity signing a Master Mortgage Purchase Agreement and the all applicable ~~Supplements to the Master Mortgage Purchase Agreement,~~ which by virtue of executing, represents that it is a home mortgage lending institution or entity:

(a) participating in the local private home lending market;

(b) That is an FHA – approved mortgagee (with direct endorsement underwriting authority preferred), or a VA-approved lender (with automatic approval authority preferred), or an RD approved lender (unless waived by the Corporation or its designee);

(c) That with respect to Conventional Mortgage loans, is a Fannie Mae or Freddie Mac approved lender in good standing, has errors and omissions coverage of at least \$300,000, has a minimum net worth of \$250,000, ~~meets the requirement the~~

~~Corporation or its designee with respect to financial status and is acceptable to a Fannie Mae or Freddie Mac PMI Insurer, if applicable;~~

(d) Which can make the representations and warranties and covenants set forth in Section 2 of the Mortgage Purchase Agreement; and

(e) Which has agreed to and will originate Mortgage Loans itself or through correspondent mortgage lending institutions.

(12) "RD" means Rural Development Service (formerly the Farmers Home Administration) of the United States Department of Agriculture, ~~its successors and assigns.~~

(13) "Second Mortgage" means the recorded mortgage securing the Down Payment Assistance Loan, which is subordinate only to the lien of the First Mortgage.

(14) "Single-Family Bond Program" means the Single-Family Mortgage Revenue Bond Program implemented pursuant to Rule Chapter 67-25, F.A.C., or any other public or private loan program approved by the Corporation's Board of Directors as a substitute for the Single-Family Mortgage Revenue Bond Program.

(15) "VA" means the Department of Veterans Affairs, an agency of the United States of America, ~~or any successor to its functions.~~

Specific Authority 420.507(12), 420.507(24) FS. Law Implemented 420.509, 420.509(11)(c) FS. History--New _____.

67-51.004 Application Procedures.

(1) Eligible Borrowers shall apply for a Down Payment Assistance Loan with any Participating Lender that is processing the applicant's First Mortgage Loan application.

(2) Prior to receiving funding for a Down Payment Assistance Loan, Eligible Borrowers shall meet all eligibility requirements as specified in the ~~relevant~~ Single-Family Bond Program documents as further described in subsection 67-25.006(2), F.A.C.

(3) Eligible Borrowers shall execute a note and mortgage for this loan.

Specific Authority 420.507(12), 420.507(24) FS. Law Implemented 420.509, 420.509(11)(c) FS. History--New _____.

67-51.005 Terms and Conditions of Loans.

(1) All Down Payment Assistance Loans must be in compliance with the Act and shall adhere to the terms and conditions outlined in this Rule Chapter.

(2) The loan is amortized for a 10-year period with the interest rate to set between a minimum of 3 percent and a maximum interest rate of 5 percent, which shall be adjusted to be competitive with market rates.

(3) Repayment is due in the event of sale, transfer, refinancing or failure to occupy the Home as the primary residence without prior approval by the Corporation as outlined in Rule Chapter 67-25.014, F.A.C., in which case the Loan is due and payable in full at that time.

(4) The Down Payment Assistance Loan shall be used for down payment and closing costs associated with the purchase of the Home financed with Single-Family Bond Program funds.

Specific Authority 420.507(12), 420.507(24) FS. Law Implemented 420.509, 420.509(11)(c) FS. History--New _____.

67-51.007 Fees.

In connection with the origination of a Down Payment Assistance Loan, the ~~Corporation Participating Lender~~ shall collect from the Eligible Borrower a ~~\$75 \$150~~ application and \$150 servicing fee, payable at the time of application.

Specific Authority ~~420.507(4)~~, 420.507(12), 420.507(24) FS. Law Implemented 420.509, 420.509(11)(c) FS. History--New _____.

Section IV Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Department of Community Affairs received a Petition for Waiver on October 13, 2003, from the Town of Callahan. The petitioner seeks a waiver of paragraph 9B-43.014(5)(d), Fla. Admin. Code, with respect to the demand by the Department that the Town of Callahan refund to the Department the sum of \$430,780.58 which it received under a Community Development Block Grant for housing rehabilitation. This petition for waiver is being applied for under Chapter 120.542, F.S.