

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

THE FULL TEXT OF THE PROPOSED RULES IS:

69L-7.020 Florida Workers' Compensation Health Care Provider ~~Fee for Service~~ Reimbursement Manual.

(1) The Florida Workers' Compensation Health Care Provider ~~Fee for Service~~ Reimbursement Manual, ~~2004~~ ~~2002~~ Edition, is adopted by reference as part of this rule. The manual contains reimbursement policies, guidelines, codes and maximum reimbursement allowances for medical physician services, non-physician services, pharmaceutical and medical supplies, provided by health care providers as well as basic instructions and information for all providers and insurance carriers in the preparation and reimbursement of bills for medical services. The manual provides reimbursement policies and payment methodologies for pharmacists and medical suppliers. The Florida Workers' Compensation Health Care Provider ~~Fee for Service~~ Reimbursement Manual, incorporated above 2002 Edition, is available for inspection during normal business hours at the State of Florida Department of Financial Services, Division of Workers' Compensation, Document Processing Section Center, 200 East Gaines Street, Tallahassee, Florida 32399-03114230, or via the Department's Division's web site at <http://www.fldfs.com> <http://www2.myflorida.com/les/wc/>.

(2) The Physicians' Current Procedural Terminology (CPT®), 2003 Professional Edition Fourth Edition, Copyright ~~2002~~ ~~2001~~, American Medical Association (~~cover states "Current Procedural Terminology CPT® 2002, Standard Edition"~~); the Current Dental Terminology (CDT-43), Fourth Third Edition, Copyright ~~2002~~ ~~1999~~, American Dental Association (~~cover states "Current Dental Terminology (CDT-3), Version 2000"~~); and for D codes and for injectable J codes, and the other medical services and supply codes, the American Medical Association "Healthcare Common Procedure Coding System, Medicare's National Level II Codes, HCPCS 2003", 2002 HCPCS Level II Professional (HCPCS), Fifteenth Thirteenth Edition, Copyright ~~2002~~ ~~2001~~, Ingenix Publishing Group, are adopted by reference as part of this rule. When a health care provider performs a procedure or service ~~is performed~~, which is not listed in the Florida Workers' Compensation Health Care Provider ~~Fee for Service~~ Reimbursement Manual, incorporated in subsection (1) above 2002 Edition, the provider must use a code contained in either the CPT®, CDT-43 or HCPCS section as specified.

Specific Authority 440.13(7),(8),(11),(14), 440.591 FS. Law Implemented 440.13(11),(12),(14), (6),(8),(11),(14) FS. History—New 10-1-82, Amended 3-16-83, 11-6-83, 5-21-85, Formerly 38F-7.020, Amended 4-1-88, 7-20-88, 6-1-91, 4-29-92, 2-18-96, 9-1-97, 12-15-97, 9-17-98, 9-30-01, 7-7-02, Formerly 38F-7.020, 4L-7.020, Amended \_\_\_\_\_.

69L-7.501 Florida Workers' Compensation Reimbursement Manual for Hospitals.

(1) The Florida Workers' Compensation Reimbursement Manual for Hospitals, ~~2004~~ ~~1999~~ Edition, ~~and replacement pages 4, 9, and 22 is~~ are adopted by reference as part of this rule. The manual contains reimbursement policies and per diem rates for hospital services and supplies ~~as well as basic instructions and information for all hospitals and carriers in the preparation and reimbursement of bills for hospital services.~~

(2) Form DWC-90, also known as the UB-92, or HCFA-1450, is hereby incorporated by reference as part of this rule. The Florida Workers' Compensation Health Care Provider Reimbursement Manual 2004 Edition is incorporated by reference as part of this rule also. The reimbursement policies, billing codes and maximum reimbursement allowances for physical therapy, radiology, occupational therapy, speech therapy, radiology and clinical laboratory services contained in the manual shall be applied to hospital services provided on an outpatient basis only.

(3) The Florida Workers' Compensation Reimbursement Manual for Hospitals, incorporated in Subsection (1) above, is 2002 Edition, and Form DWC-90, are available for inspection during normal business hours, at the State of Florida Department of Financial Services, Division of Workers' Compensation, Document Processing Section Center, 200 East Gaines Street, Tallahassee, Florida 32399-03114230, or via the Department's Division's website home page at <http://www.fldfs.com> <http://www2.myflorida.com/les/wc/>.

Specific Authority 440.13(4)(b),(6),(11),(12),(14) FS. Law Implemented 440.13(4)(b),(6),(11),(12),(14) FS. History—New 6-9-87, Amended 6-1-92, 10-27-99, 7-3-01, Formerly 38F-7.501, 4L-7.501, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Don Davis, Office of Data Quality and Collection, Division of Workers' Compensation, Department of Financial Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dan Sumner, Deputy Division Director, Division of Workers' Compensation, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 7, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 17, 2003

### Section III Notices of Changes, Corrections and Withdrawals

#### DEPARTMENT OF STATE

#### Division of Library and Information Services

RULE NO.:

RULE TITLE:

1B-2.011

Library Grant Programs

NOTICE OF CHANGE

In accordance with subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule which was published in the Florida Administrative Weekly, Vol. 29, No. 32, on August 8, 2003. The rule incorporates by reference guidelines and forms relating to the State Aid to Libraries Grant Program. Changes have been made to the guidelines and forms for the State Aid to Libraries Grant Program to reflect comments made by the Joint Administrative Procedures Committee (JAPC) and in response to comments received.

Copies of the full text of the changes may be obtained by contacting: Judith Ring, Director, Division of Library and Information Services, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, (850)245-6600, Suncom 205-6600.

DEPARTMENT OF INSURANCE

RULE NO.: 4-176.013
RULE TITLE: Notification of Insured's Rights and Standard Disclosure Form; Personal Injury Protection Benefits

NOTICE OF ADDITIONAL HEARING

Notice is hereby given that Rule 4-176.013, F.A.C., has been removed from the November 12, 2003, agenda of the Financial Services Commission, which was noticed in Vol. 29, No. 43, October 14, 2003, Florida Administrative Weekly. An additional public hearing will be held on the rule, which was originally noticed in Vol. 29, No. 36, on September 5, 2003, of the Florida Administrative Weekly.

TIME AND DATE: 9:00 a.m., November 18, 2003

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

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Information Systems

RULE CHAPTER NO.: 11C-6
RULE CHAPTER TITLE: Criminal History Records Dissemination Policy

RULE NO.: 11C-6.004
RULE TITLE: Procedures for Requesting Criminal History Records

NOTICE OF CORRECTION

The Florida Department of Law Enforcement announces a correction to the Notice of Proposed Rule Making regarding the above rule which appeared in the September 5, 2003 Florida Administrative Weekly.

Specifically, the portion of the Notice regarding the date of publication of the Notice of Rule Development should read:

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 20, 2003

DEPARTMENT OF LAW ENFORCEMENT

Medical Examiners Commission

RULE CHAPTER NO.: 11G-2
RULE CHAPTER TITLE: Standard Investigation Procedures
RULE NO.: 11G-2.003
RULE TITLE: Investigation

NOTICE OF CORRECTION

The Florida Department of Law Enforcement announces a correction to the Notice of Proposed Rule Making regarding the above rule which appeared in the September 5, 2003 Florida Administrative Weekly.

Specifically, the portion of the Notice regarding the date of publication of the Notice of Rule Development should read:

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 20, 2003

DEPARTMENT OF LAW ENFORCEMENT

Office of Inspector General

RULE CHAPTER NO.: 11N-1
RULE CHAPTER TITLE: Control Strategy Implementation Account

RULE NOS.: 11N-1.0022
RULE TITLES: Matching Drug Control Investigative Funding

11N-1.0031
Limitations on Matching Drug Control Investigative Funding

11N-1.004
Procedures for Emergency Violent Crime Investigative Funding

11N-1.005
Procedures for Formal Funding Requests for Violent Crime Investigative Reimbursement Funding

11N-1.0051
Procedures for Funding Requests for Matching Drug Control Investigative Funding

11N-1.009
Victim/Witness Protection Program

NOTICE OF CORRECTION

The Florida Department of Law Enforcement announces A correction to the Notice of Proposed Rule Making regarding the above listed rules which appeared in the September 5, 2003 Florida Administrative Weekly.

Specifically, the portion of the Notice regarding the date of publication of the Notices of Rule Development should read:

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 20, 2003

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: 14-96
RULE CHAPTER TITLE: State Highway System Connection Permits

RULE NOS.:	RULE TITLES:
14-96.0011	Forms
14-96.002	Definitions
14-96.005	Application
14-96.007	Application Submittal, Review, Approval, and Conditions

NOTICE OF CHANGE

SUMMARY OF CHANGE: The following changes are in response to comments from the Joint Administrative Procedures Committee review.

1. In Rules 14-96.0011 and 14-96.005, F.A.C., Section 334.044(28), Florida Statutes, is added to the Law Implemented citations.

2. In Form 850-040-15 (Page 3), the statutory citation reference to Section 335.182(2)(b), Florida Statutes, is changed to 335.182(3), Florida Statutes.

3. In Form 850-040-16, Section (8), the "Make checks payable to the State of Florida Department of Transportation." is being deleted.

4. In Form 850-040-18 (Page 2), subparagraphs 3. and 4. Are revised as follows:

3. Comply with subsection 14-96.008(1), F.A.C., Disruption of Traffic.

4. Comply with subsection 14-96.008(7), F.A.C., on Utility Notification requirements."

NOTE: In addition, all references to "Rule Chapter" are revised to read "Rule" as the Rule Chapter itself is 14-96, F.A.C.

5. In Form 850-040-18 (Page 2), a technical correction to a rule citation is corrected.

6. In Form 850-040-18 (Page 2), a statutory citation reference is corrected. Also, in one paragraph, "may" is changed to "must" and the paragraph is reworded for clarification.

7. In Form 850-040-18 (Page 3), The first "may" is being changed to "shall" with other appropriate wording changes for clarification.

The #1 will read as follows:

"The non-conforming connection(s) described in this Permit is (are) not Permitted for Average Daily Trips exceeding the Category permitted on Page 1 of this Permit, or as specified in the Other Special Provisions below."

The #2 will read:

"All non-conforming connections, and those conditions that violate subparagraph 1. above, will be subject to closure or relocation when reasonable access becomes available in the future.

8. Form 850-040-18 Page 3 (part 6) next to the last paragraph will be changed to read:

"Mediation, pursuant to Section 120.573, Florida Statutes, will ~~may~~ be available if agreed to by all parties, and on such terms as may be agreed upon by all parties. The right to an administrative hearing is not affected when mediation does not result in a settlement."

9. In Rule subsection 14-96.007(6), the wrong form was shown as being amended. The notice of rulemaking showed an amendment to Form 850-040-24, but should have shown 850-040-18, as shown below:

(6) Issuance of Permit. A Driveway Connection Permit for All Categories, Form 850-040-18, (~~04/03 09/02~~), will be issued after the applicant provides satisfactory evidence of compliance with all conditions that must be met before issuance of a permit. A permit shall be subject to all the conditions set forth in the Proposed State Highway Access Connection Notice of Intent to Issue Permit, Form 850-040-24, (09/02). A permit authorizes construction for one year from the date of issuance and expires if construction of the connection is not completed within that period.

Notice was published in Florida Administrative Weekly, Vol. 29, No. 27, July 3, 2003. There were no requests for a hearing and no hearing was held. The rule chapter amendment has been suspended under the provisions of Section 120.54(3)(e)6., Florida Statutes, pending resolution of the comments resulting from the Joint Administrative Procedures Committee review.

NOTE: In addition to this change notice, the Department is amending paragraph 14-96.004(2)(b), F.A.C., by separate amendment. The Notice of Rule Development for that amendment is being published in this same issue of the Florida Administrative Weekly.

**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 MANAGEMENT SERVICES**

**Commission on Human Relations**

RULE NOS.:	RULE TITLES:
60Y-2.004	General Description of Organization and Functions of Commission Staff
60Y-2.005	General Information
60Y-2.007	Public Information and Inspection and Copying of Documents

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. 35, August 29, 2003, issue of the Florida Administrative Weekly.

60Y-2.004 General Description of Organization and Functions of Commission Staff.

(1) The staff units of the Commission consist of:

~~(h) Office of Mediation.~~

(3) The Office of General Counsel represents the agency in all legal proceedings before state and federal courts and agencies. The Office of General Counsel has the following additional duties:

(e) Provide voluntary mediation services;  
[re-letter subsequent paragraphs]

~~(9) The Office of Mediation Services provides voluntary mediation services.~~

60Y-2.005 General Information.

(5) All complaints, petitions and appeals from Commission action may be filed electronically by facsimile or at the Commission's website found at <http://fchr.state.fl.us> with the Commission. The original physically signed document shall be sent the same day by US Mail ~~or other official delivery agent.~~ The party who elects to file a document by electronic transmission shall be responsible for any delay, disruption, or interruption of the electronic signals and must accept full risk that the document may not be properly filed with the Commission as a result. The filing date for an electronically transmitted document shall be the date the Commission receives the complete document. All complaints may be sent by facsimile to the Manager of Customer Service at (850)488-5291. All petitions and appeals from Commission action may be sent by facsimile to the Clerk at (850)487-9363.

60Y-2.007 Public Information and Inspection and Copying of Documents.

(3) Copies of public records maintained by the Commission are available on the following basis:

(b) One dollar (\$1.00) for the first page copied and certified from a Commission file; fifteen cents (\$0.15) per page for any additional page from the same file;

**DEPARTMENT OF MANAGEMENT SERVICES**

**Commission on Human Relations**

RULE NO.:                      RULE TITLE:  
60Y-2.005                      General Information

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 29, No. 39, September 26, 2003, Florida Administrative Weekly, has been withdrawn.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Commission on Human Relations**

RULE NO.:                      RULE TITLE:  
60Y-3.001                      Definitions

**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. 35, August 29, 2003, issue of the Florida Administrative Weekly.

60Y-3.001 Definitions.

(13) "Disability" means a condition that is an impairment that substantially limits one or more of the major life activities as interpreted by 42 U.S.C. § 12102(2) in the Americans with Disabilities Act of 1990.

(28) "Date of determination" means the date the Determination was signed by the Executive Director or his or her designee delegatee.

(30) "Electronic filing" pursuant to subsection 60Y-2.005(5), F.A.C., means filing by facsimile or at the Commission's website found at <http://fchr.state.fl.us>.

(31) "Familial status" means whether or not children under the age of 18 are living with the complainant, and/or whether the Complainant is pregnant, or whether the Complainant has a pending adoption, ~~or not.~~

**DEPARTMENT OF MANAGEMENT SERVICES**

**Commission on Human Relations**

RULE NO.:                      RULE TITLE:  
60Y-3.001                      Definitions

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 29, No. 39, September 26, 2003, Florida Administrative Weekly, has been withdrawn.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Commission on Human Relations**

RULE NOS.:                      RULE TITLES:  
60Y-7.001                      Complaints  
60Y-7.004                      Investigation of Complaints

**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. 35, August 29, 2003, issue of the Florida Administrative Weekly.

60Y-7.001 Complaints.

(6) Amendments

(a) A complaint may be ~~reasonably and fairly~~ amended within 60 days after filing and, thereafter, ~~for good cause~~ with the consent of the Executive Director upon discovery of new facts or upon a finding that information previously provided by the respondent was misrepresented.

60Y-7.004 Investigation of Complaints.

(7) Negotiated Settlement. During the mediation and ~~and/or~~ investigation processes, the Commission shall endeavor to encourage the complainant and the respondent to settle the complaint on mutually agreeable terms. If the settlement is

achieved by a Negotiated Settlement Agreement, its terms shall be reduced to writing and signed and dated by the complainant and the respondent. If a settlement is achieved as a Withdrawal with Settlement, only the complainant need sign and date. A copy of the agreement shall be filed with the Clerk. A complaint which has been settled may be dismissed by the Executive Director upon such terms and at such time as may be provided in the written agreement subject to compliance.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Commission on Human Relations**

RULE NO.: 60Y-11.003  
 RULE TITLE: Who May File a Complaint; Confidentiality

**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. 35, August 29, 2003, issue of the Florida Administrative Weekly.

60Y-11.003 Who May File a Complaint; Confidentiality.

(2) All complaints filed with the Commission and all records and documents in the custody of the Commission which relate to and identify a particular person, ~~including but not limited to, a complainant, state agency or covered independent contractor~~ shall be confidential and shall not be disclosed by the Commission, except to the parties or in the course of a hearing or proceeding under Section 112.3187, F.S. Disclosure is authorized to any other agency of the state or any other unit of government of the state that has jurisdiction of the subject matter of the complaint or that has legal authority to investigate the complaint.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE NO.: 61D-7.010  
 RULE TITLE: Daily Three Pool

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule referenced above in accordance with subparagraph 120.54(3)(d)1., Florida Statutes, published in Vol. 29, No. 35, August 29, 2003, issue of the Florida Administrative Weekly. The changes are in response to written comments received from the Division's totalisator companies and the Joint Administrative Procedures Committee.

61D-7.010 Daily Three Pool.

(1) through (3)(b)4. No change.

(c) If the pool is distributed under the precedents of subparagraphs (3)(b)2. or (3)(b)3., an announcement shall be made to the public as to the possible winning daily three combinations and to hold all possible winning tickets.

(4) through (5)(a) No change.

(b) In the event that any betting interest in the second or third contest is withdrawn or declared a non-starter after the Daily Three race has started, the following wagers will be eligible for a consolation payoff: the winner in the first contest with a scratch in the second and third contest; or the winner of the first contest with a scratch in the second or third contests and a winner in the remaining contest. The consolation pool shall be the sum of the amount bet on all Daily Three wagering combinations with scratched betting interests. This amount shall be paid to all eligible consolation winners using the single price method.

1. The total consolation payout ~~sum of the amounts bet on all combinations~~ identified in paragraph (5)(b) shall be deducted from the net pool and awarded to the eligible consolation winners using the single price calculation method. The remaining net pool shall be available for distribution to the regular winners as specified in subsection ~~paragraph~~ (2).

2. No change.

(6) If any leg is canceled prior to the start of the first Daily Three race or if the first leg is declared "no race," the pool will be refunded. If all three Daily Three contests are canceled or declared "no contest," the entire Daily Three pool shall be refunded.

(7) If, after the first leg has been declared official, one or both of the subsequent contests are canceled or declared "no race," one or two of the Daily Three contests are canceled or declared "no contest," the Daily Three pool will remain valid and shall be distributed in accordance with subsection (2) of this rule.

DAILY THREE POOL

Consolation Pricing

Example

Sum of Wagers on All Betting Interests = \$27,200.00

Refunds = \$0.00

Gross Pool:

Sum of Wagers on All Betting Interests – Refunds = \$27,200.00

Percent Takeout = 20%

Takeout:

Gross Pool x Percent Takeout = \$5,440.00

Net Pool:

Gross Pool – Takeout = \$21,760.00

Consolation Pool:

Sum of Amounts Bet on all wagering combinations with scratched betting interest in the second or third contest = \$5,400.00

Sum bet on combinations eligible for consolation price = \$800.00

Unbroken Consolation Price:

Sum of Amounts Bet on all wagering combinations with scratched betting interest in the second or third contest/Sum bet on combinations eligible for consolation price

Unbroken Price = \$6.75  
\$1 Broken Price = \$6.70  
Consolation Liability:  
\$1 Broken Price x Sum bet on combinations eligible for  
consolation price = \$5,360.00  
Adjusted Net Pool:  
Net Pool – Consolation Liability = \$16,400.00  
Amount Bet on Regular Winners = \$2,200.00  
Profit:  
Adjusted Net Pool – Amount Bet on Regular Winners =  
\$14,200.00  
Profit Per Dollar:  
Profit/Amount Bet on Regular Winners = \$6.45454545  
\$1 Unbroken Price:  
Profit Per Dollar + \$1 = \$7.45454545  
\$1 Broken Price = \$7.40  
Total Payout:  
\$1 Broken Price x Amount Bet on Regular Winners =  
\$16,280.00  
Consolation Payout = \$5,360.00  
Total Breakage:  
Net Pool – Total Payout = \$120.00

Specific Authority 550.0251(3),(7), 550.155(1) FS. Law Implemented 550.0251, 550.155(1) FS. History—New 10-20-96, Amended 12-15-97,

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE NO.: 61J2-3.008                      RULE TITLE: Pre-licensing Education for Broker and Sales Associate Applicants

**SECOND NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule referenced above in accordance with subparagraph 120.54(3)(d)1., F.S., originally published in Vol. 29, No. 11, March 14, 2003, issue of the Florida Administrative Weekly and amended in Vol. 29, No. 39, September 26, 2003. The changes are pursuant to the orders of the Florida Real Estate Commission and for the purpose of publishing the specific text changes to the rule as amended and proposed by the Florida Real Estate Commission.

61J2-3.008 Pre-licensing Education for Broker and Sales Associate Applicants.

- (1) through (3) No change.
- (4)(a) No change.

(b) The school must submit to the Commission two complete copies of the course materials and end-of-course examinations; one submission must be blind. The school must also submit a copy of the course, and access to the course, in

the format in which the student will use it. When delivered by distance education, the course and examination shall comply with the “Course Approval criteria” as follows:

- 1. through 2. No change.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE NO.: 61J2-3.009                      RULE TITLE: Continuing Education for Active and Inactive Broker and Sales Associate Licensees

**SECOND NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule referenced above in accordance with subparagraph 120.54(3)(d)1., F.S., originally published in Vol. 29, No. 11, March 14, 2003, issue of the Florida Administrative Weekly and amended in Vol. 29, No. 39, September 26, 2003. The changes are pursuant to the orders of the Florida Real Estate Commission and for the purpose of publishing the specific text changes to the rule as amended and proposed by the Florida Real Estate Commission.

61J2-3.009 Continuing Education for Active and Inactive Broker and Sales Associate Licensees.

- (1)(a) No change.

(b) The Commission shall ~~may~~ approve any specialty course, seminar or conference in the real estate practice area provided by a public or private school, firm, association, organization, person, corporation or sponsor (“provider”). “Specialty” courses on real estate practices shall be approved for ~~consist of~~ not more than 11 hours of instruction of 50 minutes each. The Commission will approve the course for 24 months plus the remaining period of the renewal cycle following the end of the 24 month period at which point the course will expire. A provider must submit two complete sets, including one blind copy, of course materials and end-of-course examinations to the Commission for evaluation at least 60 days prior to use and receive approval before it may offer the course examination. Approval or denial of a “specialty” course will be based on its compliance with the criteria established in Chapter 475.182(1), Florida Statutes. Thereafter, it is the responsibility of the provider offering the Commission-approved courses to keep the course materials current and accurate, as changing times and laws require, and obtain approval from the Commission at least 60 days before implementing any significant changes to the course during its approval period.

(2)(a) The Commission-prescribed Core Law course ~~or~~ ~~courses~~ totaling 3 hours of instruction of 50 minutes each will review and update licensees on Florida real estate license law, Commission rules, and agency law, and provide an introduction to other state laws, federal laws, and taxes affecting real estate. Approval or denial of the

Commission-required Core Law course will be based on the extent to which the course content covers the above-referenced subject areas. Examinations, if required, must test the course material. If course approval is denied, the institution or school may resubmit the course, with the mandated changes for re-evaluation.

(b) No change.

(3) No change.

(4)(a) A grade of 80% or higher on the Commission-prescribed continuing education course or courses examination constitutes satisfactory course completion. Students failing the Commission-prescribed course examination must repeat the course of study prior to being eligible to retake the course examination, which must be a different examination from the one the student previously failed. No examination shall contain more than 20% duplication of questions.

(b) No change.

(c) The objective of the distance education course of study end-of-course examination is to test fairly and reliably whether students have learned essential facts and concepts from the course. The examination shall consist of a minimum of 30 items or, if delivered in smaller modules, the examination shall consist of a minimum of 10 items for courses of 5 hours or less. For courses greater than 5 hours, but less than 14 hours, the examination shall consist of a minimum of 2 items per instruction hour. All questions shall be multiple choice with 4 answer choices each. The order of the examination questions may not follow the sequence of the course content. The answer key must be unique for each form of the examination. The answer key must reference the page number(s) containing the information on which each question and correct answer is based. At least 70% of the questions on each form of the test shall be at the application level or higher. No more than 10% of the questions on each form of the test shall be at the knowledge level. The answer key must be unique for each form of the examination. Any school offering the Commission-prescribed continuing education course of study by distance education must maintain a sufficient bank of questions to assure examination validity when administering the examination to licensees from a common source such as a specific business, firm or family.

1. through 2. No change.

(d) through (e) No change.

(5) Accredited universities, colleges and community colleges in this state, area technical centers, approved providers or real estate schools registered ~~licensed~~ pursuant to Section 475.451, Florida Statutes, may offer the Commission-prescribed or approved specialty courses. Accredited universities, colleges and community colleges in this state, area technical centers or real estate schools registered ~~licensed~~ pursuant to Section 475.451, Florida Statutes, may offer the Commission-prescribed Core Law course ~~or courses.~~

Satisfactory completion of these courses will not entitle any person to renew a license as a real estate broker or sales associate until such person has met all requirements of law.

(6) No change.

~~(7) Of the required 14 classroom hours, a licensee may apply a maximum of 3 hours toward the continuing education "specialty" course hours by attending a meeting of the Commission wherein disciplinary cases are considered during a renewal cycle. Licensees must attend the entire day of disciplinary cases to receive the continuing education "specialty" credit hours. At least 7 days advance notice of the intent to attend the disciplinary case session must be given to the Education Section of the Division of Real Estate so attendance may be monitored. Failure to give advance notice may result in no credit. A licensee may not earn any continuing education credit for attending a Commission meeting as a party to a disciplinary action.~~

~~(7)(8)~~ No change.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE NO.:  
61J2-3.020

RULE TITLE:  
Post-licensing Education for Active and Inactive Broker and Sales Associate Licensees

**SECOND NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule referenced above in accordance with subparagraph 120.54(3)(d)1., F.S., originally published in Vol. 29, No. 11, March 14, 2003, issue of the Florida Administrative Weekly and amended in Vol. 29, No. 39, September 26, 2003. The changes address comments made by the Joint Administrative Procedures Committee and for the purpose of publishing the specific text changes to the rule as amended and proposed by the Florida Real Estate Commission.

61J2-3.020 Post-licensing Education for Active and Inactive Broker and Sales Associate Licensees.

(1) All applicants for licensure who pass a broker or sales associate licensure examination must satisfactorily complete a Commission-prescribed post-licensing course prior to the first renewal following initial licensure. The licensee must take the post-licensing course or courses at an accredited ~~college~~, university, college, community college, area technical center in this state, real estate school registered, pursuant to Section 9-475.451, Florida Statutes, or a Commission-approved sponsor ("provider").

(a) For a licensed sales associate, the post-licensing education requirement shall consist of one or more Commission-approved courses which shall not exceed total at least 45 hours of 50 minutes each, inclusive of examination, in subjects including, but not limited to: agency law, property

management, appraisal, real estate finance, or economics of real estate management. Post-licensing courses shall consist of a minimum of 15 hours of instruction of 50 minutes each.

- (b) No change.
- (2) No change.

(3) The provider must submit two complete copies of the course materials and end-of-course examinations; one submission must be blind. The provider must also submit a copy of the course, ~~and~~ or access to the course, in the format in which the student will use it. The course and examination, when delivered via distance education, shall comply with "Course Approval Criteria" as follows:

- 1. through 2. renumbered (a) through (b) No change.
- a. through f. renumbered 1. through 6. No change.

~~7.g.~~ The Provider must demonstrate that ~~permitted~~ instructors and technical staff are available to assist students with instruction. Instructor and technical assistance must be made available to students and posted in a prominent location.

- h. through i. renumbered 8. through 9. No change.
- (4) through (8) No change.

(9) The Commission will allow an additional 6-month period after the first renewal following initial licensure for brokers and sales associates who cannot, due to individual physical hardship, complete the course or courses within the required time. Individual physical hardship is defined as a case wherein a person desiring to take the Commission prescribed courses cannot, by reason of a physical hardship, attend the place where the classes are conducted. Any person desiring to complete the education course by means of distance education shall make a request to the Commission in writing, setting forth the basis of the alleged hardship. The Commission shall require said request to be supported by statements of doctors and other persons having knowledge of the facts.

- (10) 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."

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance**

RULE NO.: 64B-3.004                      RULE TITLE: Diagnostic Testing.

**NOTICE OF PUBLIC HEARING**

The Department of Health, Division of Medical Quality Assurance, hereby gives notice of a public hearing, to be held on Tuesday, November 18, 2003, 9:00 a.m., at Betty Easley Conference Center, 4075 Esplanade Way, Room 182, Tallahassee, Florida 32399, to which all interested persons are

invited. The purpose of the hearing is to address the adoption of a rule listing diagnostic tests deemed not to be medically necessary for use in the treatment of persons sustaining bodily injury covered by personal injury protection benefits.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Executive Director, Department of Health, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399.

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact Crystal List at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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

**DEPARTMENT OF HEALTH**

**Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling**

RULE NO.: 64B4-5.008                      RULE TITLE: Terms of Probation

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 29, No. 33, of the Florida Administrative Weekly on August 15, 2003, has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Developmental Services Program Office**

RULE CHAPTER NO.: 65B-4                      RULE CHAPTER TITLE: Service Delivery Practice and Procedure

RULE NO.: 65B-4.032                      RULE TITLE: Determination of Mental Retardation in Capital Felony Cases Intelligence Tests to be Administered



NOTICE OF CHANGE

The Department of Children and Family Services hereby publishes this Notice of Change to the Notice of Proposed Rule Amendment, Rule Chapter 65B-4, F.A.C., which was published in Vol. 28, No. 32, August 9, 2002, issue of the Florida Administrative Weekly.

(1) When a defendant convicted of a capital felony is suspected of having or determined to have mental retardation, intelligence tests to determine intellectual functioning as specified below shall be administered by a qualified professional who is authorized in accordance with Florida Statutes to perform evaluations in Florida. The test shall consist of an individually administered evaluation, which is valid and reliable for the purpose of determining intelligence. The tests specified below shall be used.

1. The Stanford-Binet Intelligence Scale
2. Wechsler Intelligence Scale.

(2) Notwithstanding this rule, the court, pursuant to Section 921.136(4), Florida Statutes, is authorized to consider the findings of the court appointed experts or any other expert utilizing individually administered evaluation procedures which provide for the use of valid tests and evaluation materials, administered and interpreted by trained personnel in conformance with instructions provided by the producer of the tests or evaluation materials. The results of the evaluations submitted to the court shall be accompanied by the published validity and reliability data for the examination.

**FLORIDA HOUSING FINANCE CORPORATION**

RULE NOS.:	RULE TITLES:
67-25.002	Definitions
67-25.007	Allocation Proceeds
67-25.008	Program Fees
67-25.009	Commitment and Origination Periods
67-25.011	Loan Processing
67-25.012	Eligible Persons
67-25.017	Rating of Bonds

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 67-25, Florida Administrative Code, as published in Vol. 29, No. 37 of the Florida Administrative Weekly on September 12, 2003.

67-25.002 Definitions.

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

(2) "Acquisition Price" means the cost of acquiring a single-family residence from the seller as a completed residential unit.

(3) "~~Annualized Current Family~~ Income" means the mortgagor's annualized current gross income. Annualized current gross income is current gross monthly income multiplied by twelve (12). Current gGross monthly income is the sum of monthly gross pay; any additional income from overtime, part-time employment, bonuses, dividends, interest royalties, pensions, Veterans Administration (VA) compensation, net rental income, etc.; and other income (such as alimony, child support, public assistance, sick pay, social security benefits, unemployment compensation, income received from trusts, and income received from business activities or investments.) ~~The income to be taken into account in determining the gross monthly income is the income of the mortgagor (or mortgagors) and any other person who is expected to principally and permanently reside in the residence being financed.~~

(4) through (11) No change.

(12) "Conventional Mortgage Loan" means a Mortgage Loan other than an FHA Insured Mortgage Loan, USDA-RD Guaranteed Mortgage Loan, VA Guaranteed Mortgage Loan or HUD Section 184 Guaranteed Mortgage Loan, satisfying the requirements of Freddie Mac, Fannie Mae or a private mortgage insurance provider, ~~as applicable.~~

(13) through (14)(b) No change.

(c) To the extent required by ~~applicable~~ federal law, ~~if any,~~ with respect to each person who purchases a single-family residence not located within a targeted area, each such person who is executing the mortgage is a first time home buyer.

(15) through (15)(b) No change.

(c) That may consist of two-, three-, four-family dwelling 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;

1. Is designed and intended primarily for residential housing;

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

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

(16) No change.

(17) "FHA" means the Federal Housing Administration of the U.S. Department of Housing and Urban Development ~~or other Corporation or instrumentality created or chartered by the U.S. to which the powers of the Federal Housing Administration have been transferred.~~

(18) "FHA Insurance" means FHA mortgage insurance on residences issued under one of the following FHA programs pursuant to the National Housing Act of 1937, ~~as amended:~~

- (a) Section 203(b) – home unsubsidized;
- (b) Section 234(c) – condominiums;
- (c) Section 203(v) – veterans status.

(19) No change.

~~(20) “Laws” means all applicable statutes, laws, ordinances, regulations, orders, rules or directives of the United States, the state of Florida or any county therein.~~

~~(20)(21) “Lender Guide” means the guide prepared by the Servicer for the origination and delivery of Mortgage Loans to be purchased by the Servicer and the eligibility, credit and security underwriting standards applicable to the Single Family Bond Program thereto.~~

~~(21)(22) “Low Income” means 80 percent of the median income for the county in which the single-family residence is located or of the median income of the state, whichever is greater.~~

~~(22)(23) “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 documents A copy 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 applicable FHA/VA/RD limits for the Counties.~~

~~(23)(24) “Maximum Annual Family Income” means, with respect to Mortgage Loans originated on new and existing Single Family Residences, the annual family income may not exceed 115% (or 120% in targeted areas) of the state or local median income, whichever is greater as required by federal law, applicable limits announced by the Corporation which amounts shall be based on state and area median income figures published by the United States Department of Housing and Urban Development annually, hereby incorporated by reference, and any other requirements relating to a particular county in the State. A copy of these figures may be obtained by contacting the Single Family Program Administrator at 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329. The maximum annual family income limits are established by the Corporation under a specific bond program as set forth in the Program Documents.~~

~~(24)(23) “Middle Income” means 150 percent of the median income for the county in which the single-family residence is located or of the median income of the state, whichever is greater.~~

~~(25)(24) “Moderate Income” means 120 percent of the median income for the county in which the single-family residence is located or of the median income of the state, whichever is greater.~~

~~(26)(25) “Mortgage” means the instrument securing a mortgage loan which creates a first lien on a single-family residence subject to permitted encumbrances.~~

~~(27)(28) “Mortgage Loan” means an interest-bearing obligation secured by a mortgage constituting a first lien on a Single Family Residence in the State which is in the form of a mortgage or other instrument approved by the FHA in the case of an FHA insured loan, VA in the case of a loan guaranteed by VA, RD in the case of a loan guaranteed by RD, Fannie Mae or Freddie Mac in the case of a conventional loan, or as approved by Florida Housing for other loans. The mortgage must, which incorporates the Tax-Exempt Financing Rider in the form in the Lender Guide, if applicable (or such other rider as may be applicable); and which meets the requirements set forth in the Master Mortgage Purchase Agreement. As used herein, “Mortgage Loan” does not include loans generated under the Corporation’s second mortgage loan programs.~~

~~(28)(29) “Mortgage Note” means the then-effective form of mortgage note required by FHA for FHA insured loans and the form required by VA for VA guaranteed loans, and the form required by Fannie Mae or Freddie Mac for conventional loans and by RD for RD loans, as applicable, with appropriate riders, executed to evidence the mortgagor’s obligation to repay the Mortgage Loan.~~

~~(29)(30) “New Construction” means a residential dwelling unit which has not previously been occupied as a residence.~~

~~(30)(31) “Participating Lender” means the entity signing a Master Mortgage Purchase Agreement and the all applicable 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 and/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 and/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 Lenders.~~

~~(31)(32) “Program” or “Single-Family Bond Program” means the Corporation’s Single-Family Mortgage Revenue Bond Program pursuant to which a trustee, on behalf of the~~

Corporation, will purchase Qualified Mortgage Loans from the participating lenders or obligations secured by Qualified Mortgage Loans from Qualified Lending Institutions.

~~(32)~~<sup>(33)</sup> “Qualified Appraiser” means an individual or firm that is qualified as an appraiser by the society of real estate appraisers or the American Institute of Real Estate Appraisers and acceptable or approved by FHA, VA, Fannie Mae, Freddie Mac or any private mortgage insurance provider to provide appraisal reports.

~~(33)~~<sup>(34)</sup> “Qualified Lending Institution” means any bank or trust company, mortgage banker, savings bank, credit union, national banking association, savings and loan association, building and loan association, insurance company, the First Housing Development Corporation of Florida, or other financial institution or governmental Corporation authorized to transact business in the state of Florida which institution customarily provides services in the financing of mortgages for real property in Florida. All Qualified Lending Institutions must be qualified FHA, VA, FNMA or FHLMC originators and servicers as required by the program documents. ~~The Corporation shall have the right to require representatives of the Qualified Lending Institution to attend educational programs related to their participation in the bond programs in order for the Qualified Lending Institution to remain eligible to participate in Corporation programs.~~

~~(34)~~<sup>(35)</sup> “Qualified Mortgage Loan” means any loan under the Corporation programs made to an eligible borrower and evidenced by a mortgage note which is secured by a related mortgage on the eligible property.

~~(35)~~<sup>(36)</sup> “Single-Family Residence” or “Home” means a residential unit used as a single-family residence, which is taxed as real property under the laws of the state and is located in 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, under the program or 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 qualified appraisal as provided herein to have an expected useful life of not less than 30 years or the term of the mortgage, whichever is less;
- (c) Will be occupied by the owner as his or her principal residence within a reasonable time after financing is provided. For purposes of this subparagraph, 60 days shall be deemed a reasonable time;
- (d) Acquisition price does not exceed the maximum acquisition price; and

(e) Appurtenant land reasonably maintains the basic livability of the residence and will not be used for business purposes to generate additional ~~does not provide, other than incidentally, a source of 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.

~~(36)~~<sup>(37)</sup> “Targeted Area” means those areas within the State listed as Federally Designated Census Tracts, Areas of Chronic Economic Distress (if any) and areas in need of economic revitalization as determined by local government officials and adopted by Resolution, hereby incorporated by reference. A copy of the listing of such areas can be obtained by contacting the Single Family Bonds Program Administrator at 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329.

~~(37)~~<sup>(38)</sup> “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),~~(24)~~ FS. Law Implemented 420.509~~3~~, 420.509(11)(c) FS. History–New 4-15-87, Formerly 91-25.002, Amended \_\_\_\_\_.

67-25.007 Allocation of Proceeds.

- (1) No change.
- (2) In determining the allocations the Corporation shall consider:
  - (a) The ability of the Qualified Lending Institution to originate, process and, ~~if applicable,~~ service program loans.
  - (b) through (j) No change.

Specific Authority 420.507(12) FS. Law Implemented 420.507(14), 420.508 FS. History–New 4-15-87, Formerly 91-25.007, Amended \_\_\_\_\_.

67-25.008 Program Fees.

- (1) No change.
- (2) The Corporation shall also charge a commitment fee in the amount of 1% of the aggregate amount of the allocation received by ~~to~~ the participant at the time of allocation of the proceeds. If funds are made available on a first-come, first-served basis, the Corporation shall not charge a commitment fee. This commitment fee may be recouped by the participant upon the origination and closing of loans under the program by charging a loan origination fee to the eligible borrowers.

Specific Authority 420.507~~(4)~~,(12) FS. Law Implemented 420.507, 420.508 FS. History–New 4-15-87, Formerly 91-25.008, Amended \_\_\_\_\_.

67-25.009 Commitment and Origination Periods.

- (1) The Corporation shall determine the length of the commitment period for its bond programs based on the size of the bond issue, market conditions and the best interest of the public. For purposes of this rule, commitment period shall mean the period during which participants may make loan commitments to eligible borrowers. At the end of such commitment period, the Corporation shall forfeit any

remaining allocation of a participant which has failed to make commitments up to the amount of its allocation if it determines that it is in the best interest of the program and the public interest and shall make the remaining funds accessible to all Participating Lenders statewide on a first-come, first-served basis, ~~if applicable.~~

(2) No change.

Specific Authority 420.507(12) FS. Law Implemented 420.507, 420.508 FS. History—New 4-15-87, Formerly 91-25.009, Amended \_\_\_\_\_.

67-25.011 Loan Processing.

All applicants for and all Qualified Mortgage Loans ~~are shall~~ be processed by the Participating Lenders in accordance with the Participating Lenders’ standard underwriting criteria and additional criteria which may be imposed by FHA, VA, Fannie Mae, Freddie Mac, RD or other parties insuring and guaranteeing the ~~bonds~~ or the Qualified Mortgage Loans. All closed Qualified Mortgage Loans shall be presented to the trustee or to the Qualified Lending Institution issuing obligations secured by the Qualified Mortgage Loans for purchase of the Qualified Mortgage Loans or obligations pursuant to the program documents.

Specific Authority 420.507(12) FS. Law Implemented 420.507, 420.508 FS. History—New 4-15-87, Formerly 91-25.011, Amended \_\_\_\_\_.

67-25.012 Eligible Persons.

In determining the maximum annual family income of eligible persons under a single-family bond program, the Corporation shall take into consideration the following:

(1) The amount of total income and assets which are available for housing needs of such persons or families. The income to be taken into account in determining the gross monthly income is the income of the mortgagor (or mortgagors) and any other person who is expected to principally and permanently reside in the residence being financed;

(2) The size of the family;

(3) The cost and condition of available housing facilities;

(4) The ability of such persons or families to compete successfully in the normal private housing market and to pay the amounts at which private enterprise is providing decent, safe and sanitary housing; and

(5) ~~The~~ If appropriate, these standards established for various federal programs determining eligibility based on income and such persons or families.

Specific Authority 420.507(12) FS. Law Implemented 420.502, 420.507(14), 420.507(21) FS. History—New 4-15-87, Formerly 91-25.012, Amended \_\_\_\_\_.

67-25.017 Rating of Bonds.

The Corporation shall determine what rating, ~~if any,~~ is required on the bonds. In making that determination, the Corporation will take into consideration the current marketing conditions and the best interest of the public.

Specific Authority 420.507(12) FS. Law Implemented 420.502, 420.507, 420.508 FS. History—New 4-15-87, Formerly 91-25.017, Amended \_\_\_\_\_.

DEPARTMENT OF FINANCIAL SERVICES

Board of Funeral and Cemetery Services

RULE NOS.:	RULE TITLES:
69K-5.0015 (Formerly 3F-5.0015)	Certificates of Authority
69K-5.0035 (Formerly 3F-5.0035)	Termination of a Preneed Sales Agent
69K-5.004 (Formerly 3F-5.004)	Procedures for Licensing a New Cemetery
69K-5.006 (Formerly 3F-5.006)	Procedure for Licensing Cemeteries
69K-5.008 (Formerly 3F-5.008)	Request for Additional Information – Applications

NOTICE OF CORRECTION

The above-proposed rules were published in the September 26, 2003 issue of the Florida Administrative Weekly, Vol. 29, No. 39, on page(s) 3802-03. The foregoing changes are to the Rule Numbers only and do not affect the substance of the proposed rules.

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

DEPARTMENT OF FINANCIAL SERVICES

Board of Funeral and Cemetery Services

RULE NO.:	RULE TITLE:
69K-7.006 (Formerly 3F-7.006)	Wholesale Purchase Price

NOTICE OF CORRECTION

The above-proposed rule was published in the September 26, 2003 issue of the Florida Administrative Weekly, Vol. 29, No. 39, on page(s) 3803. The foregoing change is to the Rule Number only and does not affect the substance of the proposed rule.

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