

PURPOSE AND EFFECT: The proposed rule addresses two issues. The first is an attempt to clarify and limit unforeseeable emergency withdrawals from the Florida Employees Deferred Compensation Plan. The second is to clarify the meaning of "Normal retirement age" for determining eligibility of a deferred compensation participant to use the catch up provision to increase contribution to beyond usual limits during the last three calendar years before reaching "normal retirement age," as is permitted under 26 USC 457(c)(3).

The proposed rule adopts a revised Deferred Compensation Plan which contains new language at § 6.01(5)(c) 2.b. pages 25-27 which will limit the eligibility for unforeseeable emergency withdrawals to: (1) medically necessary expenses, (2) funeral expenses of an immediate family member, (3) loss of income due to injury or illnesses, (4) casualty losses, (5) loss of child support payments, (6) entry of a child into the household due to death, illness, or incarceration of parent or (7) an extraordinary event so improbable that it could not have been prevented or overcome by a reasonable prudent person through savings insurance, credit or other financial preparation.

The definition of "Normal Retirement Age" is being clarified to provide that in the event that the participant does not make a selection, the normal retirement age shall be the participant's age at the later of the participant's birth date in the calendar year following the year in which separation from service takes place, or the date the participant would have become eligible to receive unreduced benefits from the Florida Retirement System (FRS).

SUBJECT AREA TO BE ADDRESSED: Amendments to the Deferred Compensation Plan.

SPECIFIC AUTHORITY: 112.215(11) FS.

LAW IMPLEMENTED: 18.125(4)(c), 112.215 FS.

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

TIME AND DATE: 1:30 p.m., November 8, 2004

PLACE: Room 415, Hermitage Centre, Suite 400, 1801 Hermitage Blvd., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kandi Winters, Chief of Deferred Compensation, Division of Treasury, Bureau of Deferred Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0346, (850)413-3162

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69C-6.003 The Plan; Prescribed Forms.

(1) Form ~~DFS-J3-1176~~ ~~DA-1176~~ (rev. ~~9/04~~ ~~4/02~~), State of Florida Employees Deferred Compensation Plan, is hereby established and incorporated into this rule by reference as the plan contemplated in Section 112.215, F.S.

(2) through (4) No change.

Specific Authority 112.215(11) FS. Law Implemented 18.125(4)(c), 112.215 FS. History--New 1-1-87, Amended 10-7-87, 2-14-88, 2-19-89, 6-21-89, 8-7-95, 9-21-98, 6-3-02, 8-26-04, _____.

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Elections

RULE TITLE:

RULE NO.:

Reporting Requirements for Campaign

Treasurer's Reports

1S-2.017

PURPOSE AND EFFECT: The purpose of this rule is to provide procedures for the electronic filing of campaign treasurer's reports for all persons and political parties who file with the Division of Elections. The Florida Legislature last session passed Chapter 2004-252, Laws of Florida, which mandates the electronic filing of campaign treasurer's reports, effective January 1, 2005.

SUMMARY: This rule implements Sections 106.0705 and 106.0706, Florida Statutes, regarding the electronic filing of campaign treasurer's reports effective January 1, 2005.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 106.0705, 106.35(1),(5) FS.

LAW IMPLEMENTED: 106.04, 106.07, 106.29, 106.30-.36, 106.0705, 106.076 FS.

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

TIME AND DATE: 9:00 a.m., November 12, 2004

PLACE: Room 307, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, FL 32399-0250

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Phyllis Hampton, Division of Elections, Department of State, Room 316, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6240

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should contact Phyllis Hampton at (850)245-6240 at least three days in advance of the meeting.

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.017 Reporting Requirements for Campaign Treasurer's Reports, Candidates, Committees, and Political Parties; State Matching Funds.

(1) General Reporting Requirements.

(a) ~~All persons and political parties candidates who file campaign treasurer's reports qualify with the Division of Elections (Division) and political parties, political committees, and committees of continuous existence, must file regular reports of contributions and expenditures as set forth in this rule. Candidates who are not eligible to receive state matching funds, and political parties, political committees, and committees of continuous existence need not provide information necessary to request matching funds.~~

(b) ~~All candidates, political parties, political committees, and committees of continuous existence shall submit campaign treasurer's reports filed with the Division of Elections shall be filed in electronic format by means of the internet by either keying in the detail data via the web pages or uploading an electronic file that meets the Division of Election's file specifications. All data submitted must comply with the instructions on Forms DS-DE 13 and 14 42 (Eff. 01/05 9/01). Any amendment to a campaign treasurer's report that was filed prior to January 1, 2005 and that was not filed electronically, may be submitted in paper form. Any amendment to a campaign treasurer's report that was filed prior to January 1, 2005 and that was filed by magnetic diskette, may be submitted on magnetic diskette. Amendments filed in paper or on magnetic diskette shall be filed using Forms DS-DE 12, 13 and 14 (Eff. 01/05). Forms DS-DE 12, 13 and 14 are incorporated by reference. Copies of these forms may be obtained from the Division's website at <http://election.dos.state.fl.us/index.htm> or by contacting the Bureau of Election Records, R.A. Gray Building – Room 316, 500 South Bronough Street, Tallahassee, Florida 32399-0250, telephone number, (850)245-6240. "Campaign Treasurer's Report Summary," and a magnetic diskette of the information required by Chapter 106, F.S., necessary to complete a campaign treasurer's report.~~

(c) Prior to filing the first campaign treasurer's report in electronic format, each person or political party must obtain credentials for a secure sign-in to the Division's electronic filing system. Each person or political party is responsible for protecting the credentials from disclosure and is responsible for all filings using these credentials unless the person has notified the Division that his or her credentials have been compromised.

(d) The Division shall issue credentials for a secure sign-in when a person or political party files a completed Form DS-DE 9, Appointment of Campaign Treasurer and Designation of Campaign Depository, or a completed Form DS-DE 5, Statement of Organization of Political Committee, or a completed Form DS-DE 103, Electioneering Communication Statement of Organization. The Division shall issue credentials for a secure sign-in upon request to candidates and their treasurers or deputy treasurers and to chairpersons, treasurers, and deputy treasurers of committees, organizations, and political parties.

(e) Each individual who receives secure sign-in credentials will also furnish the Division with confidential personal information that may be used by the Division to allow access by the individual in the event that credentials are forgotten or lost.

(f) Electronic reports are considered to be filed under oath by the person or political party filing the report and are subject to the fines and penalties in Sections 106.04(4)(d) and (8), 106.07(5) and (8), 106.0705, and 106.29(2) and (3), F.S., as applicable.

(g) Electronic reports must be completed and filed through the Division's electronic filing system no later than 12:00 p.m., Eastern Standard Time, of the due date. In the event that the electronic filing system is inoperable on the date a report is due, the report will be accepted as timely filed if filed no later than 12:00 p.m., Eastern Standard Time, of the first business day the electronic filing system becomes operable again. No fine will be levied during the period the electronic filing system was inoperable.

(h) A report shall be deemed completed and filed through the electronic filing system upon the issuance of an electronic receipt indicating and verifying that the report was filed.

(2) State Matching Funds Program.

(a) Pursuant to Section 106.33, F.S., a candidate for the office of Governor or member of the Cabinet who desires to receive state matching funds shall, upon qualifying for office, file a request for such contributions with the Division on Form DS-DE 98 (Eff. 1/02), "Candidate for Governor or Cabinet Officer Request for Contributions."

(b) To be eligible to receive state matching funds, a candidate for Governor or member of the Cabinet must not be an unopposed candidate as defined in Section 106.011(15), F.S., and shall:

1. Agree to abide by the expenditure limits provided in Section 106.34, F.S.

2. Raise qualifying matching contributions as provided in Sections 106.33 and 106.35, F.S.

3. Retain copies of all checks received, in-kind documentation, credit or debit card receipts, if applicable, and, in the case of cash copies of the accompanying deposit slips, and copies of cashiers checks. Each campaign treasurer shall submit copies of checks, in-kind documentation, credit or debit

card receipts, deposit slips for cash contributions and copies of cashiers checks to the Division at each applicable reporting period; and

4. Submit to a post-election audit of the campaign account and financial records by the Division. Surplus matching funds must be returned before the post-election audit is conducted.

(c) State matching funds shall be distributed within 7 days after the close of qualifying and every 7 days thereafter, to eligible candidates. The first distribution shall be based on verified matching contributions as shown on quarterly reports, filed after September 1 of the calendar year prior to the election, through June 30 of the election year. Thereafter, distribution of funds will be based on weekly reports as provided by Section 106.07(1)(b), F.S. Each weekly distribution of funds will be based on the prior week's report as verified by the Division, if timely received; otherwise, the distribution will be made in the next applicable weekly cycle. The Division shall verify matching contributions contained in the reports with copies of checks, in-kind documentation, credit or debit card receipts, deposit slips for cash contributions and copies of cashier's checks which have been submitted by the candidates.

(d) For candidates who are eligible to receive state matching funds, a report is timely if it is received in the Division by 12:00 noon, Eastern Standard Time, on the date it is due. If a report is received after 12:00 noon, Eastern Standard Time, on the due date, such report will be deemed late for matching fund purposes and any eligible matching funds will be distributed in the next reporting cycle. If any fines are due for late filing they will be assessed pursuant to Section 106.07, F.S. For all other candidates, ~~political committees, political parties, and committees of continuous existence~~, filing deadlines shall be as provided in Section 106.07, F.S.

(e) Reports filed by candidates requesting matching funds must include all information required by this rule and Sections 106.07 and 106.30-36, F.S. ~~All other candidates, political committees, political parties, and committees of continuous existence need only provide the information required by Section 106.07, F.S.~~ If information related to a matchable contribution is missing, incomplete or cannot be verified, no match will be made for that contribution and the candidate will be notified by the Division. However, upon supplying such missing or incomplete information and upon verification by the Division, matching funds will be provided on the next applicable cycle.

(f) If a candidate requesting matching funds submits a report and subsequently amends such report, any adjustment, up or down, to the candidate's distribution of funds will be made on the next weekly cycle occurring after receipt and review of the amended report. All amendments to reports must be submitted electronically in writing by original copy to the Division.

(g) The Division shall record the time that reports are received from candidates requesting matching contributions and distribute funds on a first-in, first-out basis.

(h) An adverse decision regarding the distribution of matching funds may be appealed to the Florida Elections Commission, pursuant to Rule 2B-1.006, F.A.C.

(3) Voluntary Expenditure Limits. Candidates not participating in public campaign finance who wish to voluntarily abide by the expenditure limits of Section 106.34, F.S., and the contribution limits on personal and party funds set forth in Section 106.33, F.S., shall file an irrevocable statement to this effect on Form DS-DE 90 (Eff. 12/93), "Irrevocable Statement To Voluntarily Abide by the Expenditure and Contribution Limits on Personal and Party Funds," upon qualifying for office.

(4) Filing on Magnetic Diskettes. Amendments to electronic ~~Electronic~~ reports which were filed with the Division of Elections prior to January 1, 2005 and which were filed on magnetic diskette shall conform to Division specifications. ~~Any candidate, political committee, political party, or committee of continuous existence who is unable to file a campaign treasurer's report on magnetic diskette, as provided above, must file a statement to this effect with the Division of Elections. Thereafter, such reports may be filed in hard copy. When filing by hard copy, one must use Forms DS-DE 12, Campaign Treasurer's Report Summary (Eff. 9/01); 13, Campaign Treasurer's Report Itemized Contributions (Eff. 7/98); 14, Campaign Treasurer's Report Itemized Expenditures, (Eff. 9/01); 14A, Campaign Treasurer's Report Itemized Distributions (Eff. 7/98); and 94, Campaign Treasurer's Report Fund Transfers (Eff. 7/98).~~

(5) All forms and specifications contained in this rule are incorporated by reference and are available from the Division of Elections, Room 316, R. A. Gray Building, Tallahassee, Florida 32399-0250.

The proposed effective date of this rule is January 1, 2005.

Specific Authority 106.35(1),(5) FS. Law Implemented 106.04, 106.07, 106.29, 106.30-36 FS. History--New 11-13-88, Formerly 1C-7.017, Amended 2-28-90, 9-5-93, 1-1-96, 3-5-96, 7-20-98, 7-31-02, 1-1-05.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Phyllis Hampton, Chief, Bureau of Election Records

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Sarah Jane Bradshaw, Assistant
Director, Division of Elections, Department of State

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 13, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: October 15, 2005

DEPARTMENT OF COMMUNITY AFFAIRS

RULE CHAPTER TITLE: Disciplinary Rules
 RULE CHAPTER NO.: 9-11
 RULE TITLES: Standards of Conduct and Examples of Violations
 RULE NOS.: 9-11.004
 Alcoholism and Alcohol 9-11.014

PURPOSE, EFFECT AND SUMMARY: In 1999 an amendment to Chapter 110, Florida Statutes, directed the Department of Management Services (DMS) to adopt uniform personnel rules which would apply to all state agencies. These rules cover topics covered by the DMS rules and should be repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 110.201(2) FS.

LAW IMPLEMENTED: 110.201(2), 110.227(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bobbie Jo Finer, Assistant General Counsel, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1677

THE FULL TEXT OF THE PROPOSED RULES IS:

9-11.004 Standards of Conduct and Examples of Violations.

Specific Authority 110.201(2) FS. Law Implemented 110.201(2), 110.227(1) FS. History—New 6-14-83, Formerly 9-11.04, Repealed.

9-11.014 Alcoholism and Alcohol.

Specific Authority 110.201(2) FS. Law Implemented 110.201(2), 110.227(1) FS. History—New 6-14-83, Formerly 9-11.14, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bobbie Jo Finer, Assistant General Counsel, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1677

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Heidi Hughes, General Counsel, Department of Community Affairs

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 11, 2004

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE TITLE: Canteen Operations
 RULE NO.: 33-203.101

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to increase the limit on inmate canteen purchases.

SUMMARY: The proposed rule increases the limit on weekly canteen purchases from \$65.00 to \$100.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 20.315, 944.09, 945.215 FS.

LAW IMPLEMENTED: 20.315, 944.09, 945.215, 946.002 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-203.101 Canteen Operations.

(1) No change.

(2) Each inmate shall be allowed to purchase ~~\$100~~ ~~\$65.00~~ of canteen merchandise on a weekly basis, ~~exclusive of any items obtained through special mail order procedures, unless an increase up to \$100.00 is approved by the Secretary for special occasions.~~

(3) through (8) No change.

Specific Authority 20.315, 944.09, 945.215 FS. Law Implemented 20.315, 944.09, 945.215, 946.002 FS. History—New 1-20-86, Formerly 33-3.035, Amended 11-22-91, 5-25-95, 11-13-95, 5-28-96, 2-12-97, Formerly 33-3.0035, Amended 11-18-02, 12-3-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Prudom

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 19, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 1, 2004

DEPARTMENT OF CORRECTIONS

RULE TITLE: Routine Mail
RULE NO.: 33-210.101

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify that inmates are not permitted to use postage stamps to pay for goods or services.

SUMMARY: The proposed rule prohibits the use of postage stamps as currency and prohibits inmates from receiving mail that solicits payment for services with postage stamps.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-210.101 Routine Mail.

(1) through (21) No change.

(22) Inmates shall not use postage stamps as currency to pay for products or services. Postage stamps placed in outgoing mail for this purpose will be deemed contraband. Incoming mail that solicits inmates to purchase products or services and allows payment with postage stamps will be rejected.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 10-8-76, Amended 10-11-77, 4-19-79, 11-19-81, 3-12-84, 10-15-84, Formerly 33-3.04, Amended 7-8-86, 9-4-88, 3-9-89, 9-1-93, 9-30-96, 5-25-97, 6-1-97, 10-7-97, 5-10-98, Formerly 33-3.004, Amended 12-20-99, Formerly 33-602.401, Amended 12-4-02, 8-5-03, 10-27-03, 9-20-04.

NAME OF PERSON ORIGINATING PROPOSED RULE: George Sapp

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 2004

DEPARTMENT OF CORRECTIONS

RULE TITLE: Correctional Probation Officers Carrying Firearms
RULE NO.: 33-302.104

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify requirements for carrying semi-automatic pistols and reloading devices, update training and qualification requirements, and delete unnecessary and obsolete language.

SUMMARY: The proposed rule clarifies requirements for carrying semi-automatic pistols and reloading devices, updates training and qualification requirements, and deletes unnecessary and obsolete language.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 20.315, 790.06, 944.09 FS.

LAW IMPLEMENTED: 20.315, 790.06, 944.09 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-302.104 Correctional Probation Officers Carrying Firearms.

(1) No change.

(2) Definitions.

(a) through (b) No change.

(c) "~~Weapon~~ ~~Firearm~~ card" means the document issued by the department pursuant to this rule to a correctional probation officer who has been authorized by the department to carry a firearm while on duty.

(d) Reviewing authority, for the purpose of this rule, refers to staff who are authorized to review and approve requests to carry firearms, issue weapon ~~firearm~~ cards, maintain lists of staff under their supervision who have been authorized to carry a firearm, and permanently remove or temporarily suspend authorization for staff to carry a firearm.

~~1. Circuit Administrators are the reviewing authority for Correctional Probation Officers up to the level of Deputy Circuit Administrator.~~

~~2. Regional Directors of probation and parole are the reviewing authority for Circuit Administrators and Deputy Regional Directors of probation and parole.~~

3. ~~The Director of Community Operations or the Assistant Secretary for probation and parole is the reviewing authority for the Regional Directors of probation and parole.~~

(3) Authorization Procedures.

(a) In addition to the requirements of this rule, correctional probation officers who elect to carry firearms shall also be required to comply with Chapter Rule 33-209-103, F.A.C.

(b) Any correctional probation officer who elects to carry a firearm while on duty shall obtain authorization through the circuit administrator. Any circuit administrator or deputy regional director of probation and parole who elects to carry a firearm while on duty shall obtain authorization from the regional director of probation and parole. A regional director of probation and parole who elects to carry a firearm while on duty shall obtain authorization from the deputy assistant secretary of probation and parole. A director of community operations or deputy assistant secretary of probation and parole who elects to carry a firearm while on duty shall obtain authorization from the assistant secretary of probation and parole. The written request shall contain documentation that the individual has complied with the required training and qualification requirements provided in Chapter 33-209, F.A.C., set forth in paragraph (e) below.

(c) ~~Correctional probation officers who elect to carry firearms while on duty shall complete training and qualification requirements pursuant to Rule 33-209.103, F.A.C.~~ Correctional probation officers shall not be allowed to carry a firearm on duty until firearms qualification is successfully completed and the weapon firearm card has been issued. Initial qualification, annual re-qualification and training shall be completed using the specific weapon that the officer will be using on duty and any type of ammunition approved by the local training center. Documentation of the model, make, and serial number of the weapon used, proof of ownership, and firearm inspection by a certified gunsmith or law enforcement armorer shall be submitted along with the documentation of training and qualification in the request for authority to carry the firearm.

(d) If an officer temporarily or permanently replaces the firearm used for qualification, the officer shall notify the department of the replacement and provide the model, make and serial number of the replacement firearm. If the officer chooses to replace a revolver with a 9 millimeter semi-automatic firearm, the officer shall complete the department-approved 9mm transition course. The officer shall re-qualify with the replacement weapon and provide proof of ownership and inspection to the reviewing authority. Correctional probation officers shall not be authorized to carry more than one firearm at a time.

(e) Prior to approving a request to carry a firearm, the reviewing authority shall review the request, the documentation of training and qualification pursuant to Chapter Rule 33-209-103, F.A.C., and shall complete a Florida Crime

Information Center/National Crime Information Center (FCIC/NCIC) check on the firearm by serial number, and an FCIC/NCIC check on the applicant. Upon approval, the reviewing authority shall issue a weapon firearm card which establishes that the officer has been authorized to carry a specific firearm while on duty.

(f) The weapon firearm card shall expire twelve months after the initial qualification the following year, on the last day of the month the firearms card was issued unless written documentation of annual re-qualification is submitted to the authorizing entity prior to the expiration of the weapon firearms card. The officer shall be required to successfully re-qualify within twelve months after initial qualification and every ~~each~~ year thereafter pursuant to Chapter Rule 33-209-103, F.A.C., and this rule in order to remain qualified to carry a firearm.

(g) Annual Re-qualification must occur prior to the employee's weapon firearm card expiration date. The new weapon firearm card will be issued effective the date of annual re-qualification. The weapon firearm card will expire twelve months after the initial qualification and every twelve months thereafter the following year, on the last day of the month the firearms card was issued.

(h) The reviewing authority shall immediately suspend authorization to carry a firearm, except for firearm training purposes, and shall secure the weapon firearm card from any officer who has failed to re-qualify as of the card expiration date. Suspension of the weapon card removes the officer's authority to carry a firearm while on duty. A correctional probation officer who attempts to re-qualify and fails shall be provided the opportunity to participate in remedial firearm training as specified in Chapter 33-209, F.A.C., at a time approved by the reviewing authority.

(i) No change.

(4) Carrying a Firearm While on Duty.

(a) The firearm shall be carried by those the officers who elect to carry in accordance with department standards and requirements only while on duty conducting field supervision and investigation. The firearm shall be carried in a holster about the waist or under the shoulder. All holsters that secure the firearm about the waist or under the shoulder shall be of a type which secures the firearm with a thumb break retainer. Only the authorized firearm may be carried.

(b) No change.

(c) Each probation office shall have a designated secure space containing a secure locker for storage of firearms, ~~ammunition, and reloading devices.~~ Officers shall place their ~~holstered~~ firearms in the secure locker immediately upon entering the office. The firearm shall be removed from the locker at the conclusion of the duty day. No firearm shall be left in the probation office overnight.

(d) Any officer authorized to carry a firearm while on duty shall carry a Department of Corrections identification card and ~~weapon~~ ~~firearm~~ authorization card while carrying the firearm on duty. If the officer is carrying a firearm on duty, he or she shall display the Department of Corrections issued badge in plain view.

(5) No change.

(6) Firearm Type and Ammunition.

(a) Correctional probation officers authorized to carry a firearm shall only be authorized to carry a five or six shot revolver of .38 or .357 caliber with a barrel length not to exceed four inches, or a 9 millimeter semi-automatic pistol with a barrel length not to exceed five inches, with the exception of weapons specified in Federal Firearms Regulations, 921(a)(30), as semi-automatic assault weapons.

(b) Correctional probation officers shall only be authorized to carry ammunition and reloading devices approved by the department for each respective weapon. All ammunition used for training, qualification, or annual re-qualification, must be approved by the range facility for use.

(c) Correctional probation officers are authorized to carry no more than two department approved reloading devices while carrying a firearm. ~~These reloading devices and all accompanying ammunition shall be stored in the same secure locker as the officer's firearm immediately upon entering the office.~~ Only that ammunition stored in a firearm or reloading device may be brought into an office.

(7) Use of Firearm. For the purposes of this rule, "use of a firearm" means to discharge a firearm or to have a firearm readily accessible for immediate discharge, i.e., loaded and in a person's hand.

(a) In accordance with firearms training, the firearm is to remain in a holster at all times except:

1. If the officer believes that use of the firearm is necessary to prevent imminent death or great bodily harm;

2. For training purposes, ~~or~~

~~3. To secure the firearm prior to entering a location when removal of the firearm is required;~~

~~4.3:~~ When assistance is requested by law enforcement; or

~~5.4:~~ For cleaning and inspection.

(b) through (e) No change.

(8) No change.

(9) Removal of Authorization to Carry a Firearm.

(a) The reviewing authority shall ~~permanently remove or temporarily~~ suspend the authorization to carry a firearm for a correctional probation officer if:

1. The correctional probation officer has exhibited behavior that indicates that the carrying of a firearm by this officer could present a threat to the security of other staff, offenders, or the general public, or the correctional probation

officer notifies the department of physical or pharmacological conditions that could affect his or her ability to carry a firearm safely;

2. The correctional probation officer has demonstrated an inability to properly care, maintain, handle or secure the firearm;~~;~~

3. The correctional probation officer is found to have been negligent by failure to comply with those standards and procedures provided in the training required by Chapter 33-209, F.A.C., ~~or and the standards set forth in this rule in the ease of loss or theft of the firearm while on duty shall have the authorization to carry the firearm removed and shall be subject to disciplinary action in accordance with Chapter 33-208, F.A.C.~~

4. The correctional probation officer fails to complete annual re-qualification, ~~or~~

~~5. The correctional probation officer notifies the department of physical or pharmacological conditions that could affect his or her ability to carry a firearm or other weapon safely.~~

(10) Care and Maintenance of Firearm.

(a) No change.

(b) Officers shall not work on or modify their approved firearms. Only gunsmiths or armorers employed by a Florida law enforcement agency, certified by the manufacturer to repair that specific firearm, ~~or armorers employed by a Florida law enforcement agency~~ shall be used to make repairs on authorized firearms.

(c) through (e) No change.

(11) No change.

Specific Authority 20.315, 790.06, 944.09 FS. Law Implemented 20.315, 790.06, 944.09 FS. History-New 5-28-86, Amended 7-7-92, 12-20-92, 03-30-94, 9-27-94, 12-19-94, 3-8-95, 2-15-98, Formerly 33-24.013, Amended 3-4-01, 12-5-01, 8-13-03, 6-24-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Beth Atchison

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: James V. Crosby, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: September 8, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: September 24, 2004

DEPARTMENT OF CORRECTIONS

RULE TITLE:

Probation and Parole – Use of Force

RULE NO.:

33-302.105

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete unnecessary language and clarify requirements for the use of handcuffs.

SUMMARY: The proposed rule deletes unnecessary language and clarifies requirements for the use of handcuffs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.35 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-302.105 Probation and Parole – Use of Force.

(1) through (2) No change.

(3) Whenever force is used, the highest ranking official involved or the most senior highest ranking official shall inform the circuit administrator immediately. Whenever force is used, except as provided in paragraph (5)(f), a detailed written report of force used shall be prepared, dated and signed by the initial employee using force. This report shall be completed within one working day (Monday through Friday) of the incident. ~~Form DC3-210, Community Corrections Report of Force Used, shall be used for this purpose. If more than one employee was involved in the initial use of force, the highest ranking official involved or the most senior highest ranking official involved shall complete the report. Each additional employee involved in the use of force who agrees with the facts and circumstances as reported on Form DC3-210 part I shall prepare a Community Corrections Report of Force Used Staff Supplement, Form DC3-211, within one working day (Monday through Friday) of the incident. The report shall describe in detail the type and amount of force used by him or her. Any additional employee who does not agree with the facts and circumstances as reported in Form DC3-210 part I shall prepare a separate Form DC3-210, Community Corrections Report of Force Used within one working day (Monday through Friday) of the incident. Any employee who witnesses the use of force, but was not directly or physically involved in the use of force, shall complete Form DC3-225, Community Corrections Incident Report, within one working day (Monday through Friday) of the incident. Forms DC3-210, DC3-211 and DC3-225 shall be submitted to the circuit administrator upon completion. Forms DC3-210, DC3-211 and DC3-225 are hereby incorporated by reference. Copies of these forms may be obtained from the Forms Control Administrator, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of these forms is 2-19-03.~~

(4) Use of Handcuffs.

(a) ~~Officers are authorized to shall use handcuffs on offenders in the following situations: in accordance with subsection (1) of this rule.~~

1. When there is imminent danger to any individual or the public in general if the offender is not detained immediately;

2. Prior to conducting a search;

3. When law enforcement personnel request assistance in the performance of their duties; or

4. In any other situation that appears to warrant the use of handcuffs if approved by the supervisor prior to the use of handcuffs.

~~(b) Handcuffs shall be used only by persons authorized by the department and shall only be used for purposes as outlined in this rule. Officers shall receive handcuff training yearly. Training documentation shall be maintained in the staff training and record system that is maintained by the department.~~

~~(b) A minimum of one set of handcuffs shall be maintained by the supervisor in an accessible location in the office.~~

(c) No change.

(d) In any case in which handcuffs are used with force applied, ~~except for training purposes~~, an accurate record shall be maintained by the circuit administrator as to the location and reason for use, and a factual description of the circumstances and the incident. ~~This information shall be reflected on the Community Corrections Report of Force Used, Form DC3-210. The officer who used the handcuffs shall complete the report after the incident. Any additional officer(s) physically involved in the handcuffing who agrees with the facts and circumstances as reported on the DC3-210, shall prepare a Community Corrections Report of Force Used—Staff Supplement, DC3-211.~~

(e) When handcuffs are used without resistance, the officer applying the handcuffs shall document the use of handcuffs (without resistance) in the electronic case notes. If handcuffs are used without resistance during a search, the officer shall document the use of handcuffs (without resistance) on a record documenting the results of the search and document the use of handcuffs in the electronic case notes.

(5) Use of chemical agents.

(a) No change.

(b) Chemical agents shall be used only by persons trained by instructors certified by the Florida Department of Law Enforcement, and shall be used only for authorized purposes as outlined in this rule. Officers shall receive training within 6 months after hire and shall receive retraining yearly. Training shall include decontamination procedures. ~~Training documentation shall be maintained in the employee's personnel file. Chemical agents shall be used only according to the principles taught by FDLE and only in situations authorized in this rule.~~

~~(c) Only those chemical agents containing oleoresin capsicum and that are non-flammable shall be approved for use. Chemical agents may be issued to correctional probation staff including clerical support staff who have received training pursuant to paragraph (5)(b). Trained support staff are authorized to be issued a chemical agent with not more than two (2) ounces. The Receipt of Chemical Agents, Form DC3-254, will be utilized to document the issuance, testing, and return of chemical agents. The Chemical Agent Inventory, Form DC3-253, is utilized by the circuit office to maintain control of the chemical agents issued, stored, returned, and disposed of within the circuit. Forms DC3-253 and DC3-254 are hereby incorporated by reference. Copies of Form DC3-254 and DC3-253 may be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of these forms is 10-2-01. Staff who have received training may carry chemical agents upon their persons during working hours. Nothing in this rule authorizes staff to carry department issued chemical agents while off duty. Support staff must store chemical agents safely and securely in the office after working hours. If an employee has a question regarding chemical agents, he or she shall refer to the manufacturer's instructions or shall contact his or her supervisor.~~

~~(d) As soon as possible, consistent with continuing efforts to restore control of the situation, decontamination procedures will be initiated, in accordance with measures provided during chemical agent training.~~

~~(e) Local law enforcement shall be notified immediately following the use of chemical agents if assistance is needed in gaining control of the situation and in decontamination procedures.~~

~~(d)(f) Use of chemical agents on animals shall be limited to those situations in which the officer is in danger of an immediate attack from the animal. Following use of chemical agents, the officer shall immediately remove himself from the area, contact local animal control officers or local law enforcement if there is no local animal control office, and make a formal complaint regarding the attack. Under no circumstances shall chemical agents be used on animals that are not posing an immediate threat to the officer.~~

~~(e)(g) In any case in which chemical agents are used, except for training or testing purposes, an accurate record shall be maintained as to what type was used, how much was used, and the location and reason for use, and a factual description of the circumstances and the incident. When chemical agents are used on a person, this information shall be reflected on the Community Corrections Report of Force Used, Form DC3-210. When chemical agents are used on an animal, this information shall be reflected on the Community Corrections Incident Report, Form DC3-225. The employee who used the chemical agent shall complete the report after the incident.~~

(6) Staff or Offender Injury Sustained During Use of Force Incident.

(a) through (b) No change.

(c) When the offender has not been taken into custody after a use of force incident, the correctional probation officer shall advise the offender that he or she must be examined by a health care provider. When there is noticeable physical injury and the extent of the noticeable injury indicates that the offender needs emergency medical services, the correctional probation officer shall call emergency services for the offender as soon as the emergency has been resolved to an extent which allows the officer to leave the scene. Documentation of notification to the offender that a medical examination is required, any express refusal of medical care, and all contacts for medical services by the correctional probation officer shall be included in the written report ~~Community Corrections Report of Force Used, Form DC3-210.~~

(7) Report of Suspected Offender Abuse.

(a) Any employee who witnesses, or has reasonable cause to suspect, that an offender has been unlawfully abused will immediately prepare an independent report ~~(not a Community Corrections Report of Force Used form)~~ pursuant to Section 944.35(3)(d), F.S.

(b) through (c) No change.

Specific Authority 944.09 FS. Law Implemented 944.35 FS. History—New 5-28-86, Amended 8-6-90, 2-15-98, Formerly 33-24.017, Amended 10-2-01, 2-19-03, 8-13-03. _____

NAME OF PERSON ORIGINATING PROPOSED RULE:
Beth Atchison

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 8, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 2004

WATER MANAGEMENT DISTRICTS

Northwest Florida Water Management District

| RULE TITLES | RULE NOS.: |
|---|------------|
| Definitions | 40A-2.021 |
| Permits Required | 40A-2.041 |
| Exemptions | 40A-2.051 |
| General Water Use Permit – Criteria, Limitations and Conditions | 40A-2.302 |
| Temporary Permits | 40A-2.441 |
| Areal Boundary Maps for Water Use Permitting | 40A-2.902 |

PURPOSE AND EFFECT: The proposed rule amendments will require all withdrawals for bottled water purposes to apply for an Individual Water Use Permit, extend the expiration date for General Water Use Permits, and clarify rule language and permitting procedures. Withdrawals for bottling purposes are typically located proximal to springs. The revisions will allow for a more detailed review of such withdrawals and provide the

public an opportunity to participate in the permitting process. The extension of the General Water Use Permits is a periodic, administrative action to allow for the continuation of such permits which are issued by rule. The clarification of the rule language will allow the public to more easily understand the rule and its application.

SUMMARY: Amendments to Chapter 40A-2, F.A.C., address the permitting of withdrawals for bottling purposes, expiration of General Water Use Permits, and clarification of rule language and permitting procedures.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST. An estimate of regulatory cost was not prepared.

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

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

LAW IMPLEMENTED: 373.103(1), 373.118, 373.171, 373.216, 373.219, 373.223, 373.226 FS.

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

TIME AND DATE: 11:30 a.m., November 30, 2004

PLACE: District Headquarters, Governing Board Room, U. S. Highway 90, Midway, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Angela Chelette, Chief, Bureau of Ground Water Regulation. For a copy of the proposed rule contact, Terri Peterson, Northwest Florida Water Management District, 152 Water Management Drive, Havana, Florida 32333, (850)539-5999, (850)539-2777 (fax).

THE FULL TEXT OF THE PROPOSED RULES IS:

40A-2.021 Definitions.

(1) through (9) No change.

(10) Commercial use – ~~small~~ businesses, operations and facilities in which water is the prime ingredient of the service or product rendered, such as a car wash, and Laundromat or bottled water.

(11) through (22) No change.

(23) Individual water use permit – a permit granted by the Governing Board or Executive Director subject to evaluation and approval of the application pursuant to procedures described in Rule 40A-~~1.203~~ 2.101, Florida Administrative Code.

(24) through (51) No change.

(52) Water Resource Caution Area – a geographic area, officially designated by the Governing Board, ~~pursuant to Rule 62-40.416(5), Florida Administrative Code,~~ by rule that is experiencing, or is anticipated to experience within the next 20 years, critical water resource problems as provided by the criteria identified in subsection 40A-2.801(1), Florida Administrative Code.

(53) through (58) No change.

PROPOSED EFFECTIVE DATE: January 1, 2005

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.171, 373.216 FS. History—New 10-1-82, Amended 5-17-83, 3-1-84, 1-5-86, 8-1-89, 5-31-92, 11-2-92, 11-1-93, 10-1-95, 7-1-98, 1-1-05.

40A-2.041 Permits Required.

(1) through (2) No change.

(3) Unless expressly exempted by law or District rule, a water use permit must be obtained from the District prior to any use or withdrawal of water according to the following criteria:

(a) No change.

(b) In Area A, ~~as delineated south of line one (1) or within line three (3) to the State line~~ on the map identified in Rule 40A-2.902, Florida Administrative Code, an Individual Water Use Permit is required for all non-exempt ground water withdrawals.

(c) In Area B, ~~as delineated the area to the north of line one (1) and south of line two (2), and south of that portion of line three (3) separating Liberty and Gadsden Counties,~~ on the map identified in Rule 40A-2.902, Florida Administrative Code, ~~a~~ An Individual Water Use Permit is required for ~~a well or combination of wells withdrawing~~ ground water use if:

1. through 2. No change.

3. The withdrawal is obtained from one or more a single well six (6) inches or larger in diameter ~~or from any combination of two or more wells, one of which is six (6) inches or larger in diameter;~~ or

4. The withdrawal ~~of ground water, regardless of well diameter,~~ is for public supply or bottled water use ~~the use of a public water supply system.~~

(d) In Area C, ~~the area north of line two (2) and east and west of line three (3), in~~ as delineated on the map identified in Rule 40A-2.902, Florida Administrative Code, an Individual Water Use Permit is required for ~~a well or combination of wells withdrawing~~ ground water use if:

1. The withdrawal exceeds ~~1,440,000~~ 1,444,000 gallons on any single day; or

2. The withdrawal is obtained from one or more a single wells ten (10) inches or larger in diameter ~~or from any combination of two or more wells, one of which is ten (10) inches or larger in diameter~~; or

3. The withdrawal ~~of ground water, regardless of well diameter, is for public supply or bottled water use~~ the use of a public water supply system.

(e) An Individual Water Use Permit is required for surface water use withdrawals if:

1. through 2. No change.

3. The withdrawal use, regardless of the withdrawal rate, is for public supply or bottled water use ~~the use of a public water supply system.~~

(4) through (5) No change.

PROPOSED EFFECTIVE DATE: January 1, 2005

Specific Authority 373.044, 373.113, 373.116, 373.118, 373.171 FS. Law Implemented 373.171, 373.219, 373.226 FS. History—New 10-1-82, Amended 1-5-86, 5-4-87, 8-1-89, 5-31-92, 11-1-93, 10-1-95, 7-1-98, 1-1-05.

40A-2.051 Exemptions.

(1) through (8) No change.

(9) An Individual Water Use Permit shall not be required for water obtained from holding ponds not constructed in wetlands and not recharged by ground water infiltration or by a river, stream, or other naturally occurring water course(s) in uplands, for the purpose of storing runoff or reclaimed water.

PROPOSED EFFECTIVE DATE: January 1, 2005

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.171, 373.216, 373.219 FS. History—New 10-1-82, Amended 5-17-83, 3-1-84, 1-5-86, 8-1-89, 5-31-92, 11-2-92, 10-1-95, 7-1-98, 1-1-05.

40A-2.302 General Water Use Permit – Criteria, Limitations and Conditions.

(1) No change.

(2) The following limitations and conditions are made part of the General Water Use Permits granted by the District under the provisions of subsection 40A-2.041(3), Florida Administrative Code;

(a) through (b) No change.

(c) The permit's expiration date is established as January 1, 201505, unless extended, by rule or order, by the Governing Board. However, General Water Use Permits issued for bottled water use shall expire January 1, 2006.

(3) No change.

PROPOSED EFFECTIVE DATE: January 1, 2005

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.118, 373.216 FS. History—New 1-5-86, Amended 5-31-92, 11-2-92, 11-1-93, 10-1-95, 1-1-05.

40A-2.441 Temporary Permits.

(1) The Executive Director is authorized to issue a temporary permit while an application is pending after determining:

(a) That an unforeseen situation creates a hardship on the water user; and,

(b) That water supplies cannot be obtained on a temporary basis from other sources or supplies.

(2) A ~~The~~ temporary permit,

(a) For an annual withdrawal of 100,000 gallons per day or more, shall expire on the day following the next regularly scheduled meeting of the Governing Board. If the application for the Individual Water Use Permit is still pending at the time of the next Board meeting, the Board shall extend the expiration of the temporary permit until the following Board meeting upon finding that the water use meets the criteria set forth in Rule 40A-2.301, Florida Administrative Code, and Section 373.223, Florida Statutes.

(b) For an annual withdrawal of less than 100,000 gallons per day, shall expire on the day the District takes Final Agency Action on the water use permit request.

(3) through (4) No change.

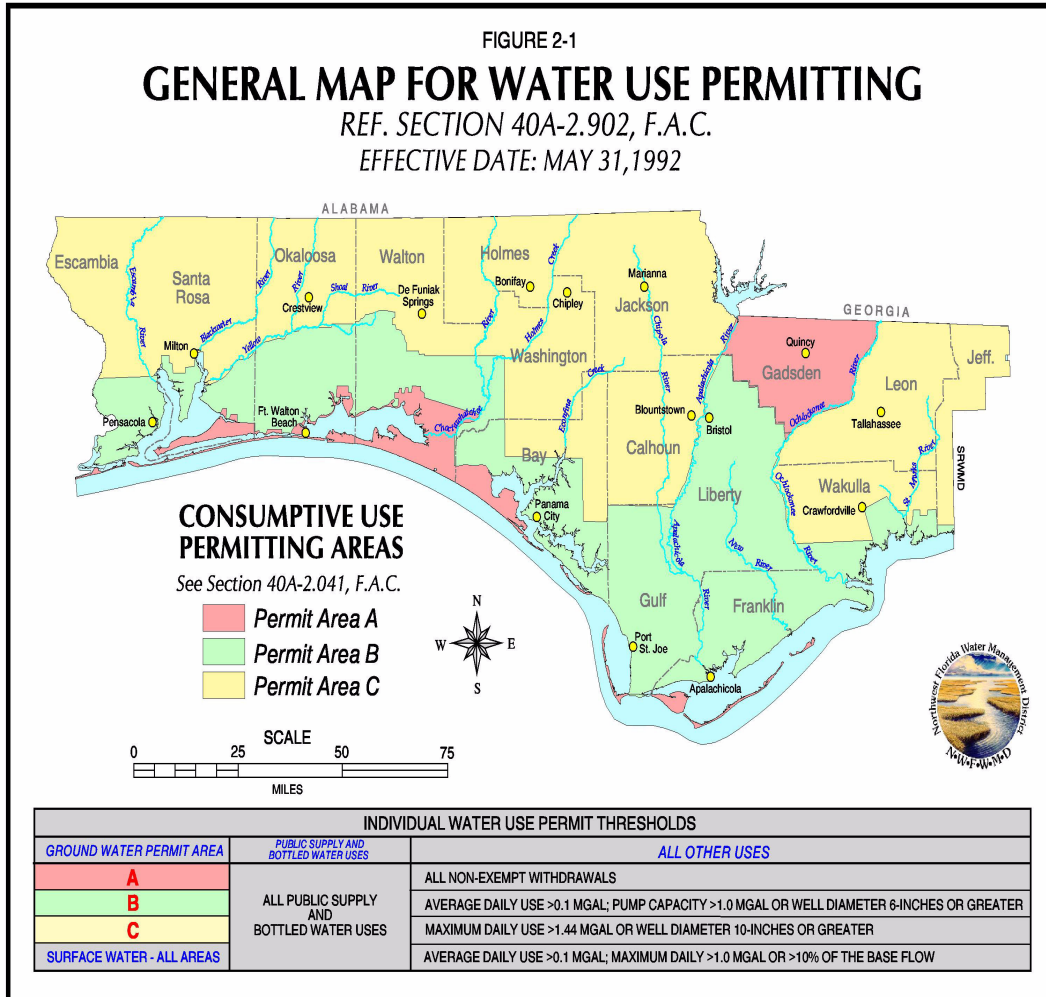
PROPOSED EFFECTIVE DATE: January 1, 2005

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.244, 373.216, 373.219 FS. History—New 10-1-82, Amended 1-5-86, 5-31-92, 10-1-95, 1-1-05.

40A-2.902 Areal Boundary Maps for Water Use Permitting.

General areal boundaries for Areas A, B and C are established for the implementation of water use permitting pursuant to this Chapter and are indicated in Figure 2-1. These boundaries are depicted in specific detail for each of the 16 counties within the District on general county highway maps. These maps are hereby incorporated by reference, and the public may obtain copies of these maps by contacting the District at 152 Water Management Drive, Havana, FL 32333-9700, (850)539-5999.

PROPOSED EFFECTIVE DATE: January 1, 2005.



09-08-001B

Specific Authority 373.044, 373.171 FS. Law Implemented 373.216 FS. History—New 10-1-82, Amended 1-5-86, 5-4-87, 8-1-89, 5-31-92, 7-1-98, 1-1-05.

NAME OF PERSON ORIGINATING PROPOSED RULE: Angela Chelette, Chief, Bureau of Ground Water Regulation
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: W. Guy Gowens, Director, Division of Ground Water Regulation
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 23, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 3, 2004

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Water Levels and Rates of Flow
RULE CHAPTER NO.: 40D-8
RULE TITLE: Guidance and Minimum Levels for Lakes
RULE NO.: 40D-8.624

PURPOSE AND EFFECT: The purpose of this rulemaking is to reorganize the existing information included in Tables 8-2 and 8-3 of Rule 40D-8.624, F.A.C. In Table 8-2, lakes within the Hillsborough County/Northwestern Hillsborough Basin Group have been alphabetized and the last two columns of the table have been switched to accurately reflect the sequence of levels from highest to lowest. In both tables the titles of several lakes have been renamed to make them consistent, in format, with other lakes and typographical errors have been corrected.

SUMMARY: No substantive changes or amendments are included in this proposed rule, only formatting changes and typographical corrections are included.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared.

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.
LAW IMPLEMENTED: 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.086 FS.

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

The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, TDD 1(800)231-6103.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen A. Lloyd, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

- 40D-8.624 Guidance and Minimum Levels for Lakes.
- (1) through (12) No change.

(13) Levels for lakes established during or after August 7, 2000, are set forth in the following table. After the High Minimum Lake Level and Minimum Lake Level elevation for each lake is a designation indicating the Method used, as described in subsection 40D-8.624(7), F.A.C., to establish the level. Guidance Levels established prior to August 7, 2000, are set forth in Table 8-3 in subsection 40D-8.624(14), F.A.C., below.

Table 8-2 Minimum and Guidance Levels Established During or After August 7, 2000.
 Levels are elevations, in feet above the National Geodetic Vertical Datum of 1929.

| Location by County and Basin | Name of Lake and Section, Township and Range Information | Ten Year Flood Guidance Level | High Guidance Level | High Minimum Lake Level | <u>Minimum</u> <u>Lake Level</u> Low Guidance Level | <u>Low</u> <u>Guidance</u> <u>Level</u> Minimum Lake Level |
|--|--|--|---------------------------|-------------------------------|--|--|
| (a) In Charlotte County Within the Peace River Basin RESERVED | | | | | | |
| (b) In Citrus County Within the Coastal Rivers Basin RESERVED | | | | | | |
| (c) In Citrus County Within the Withlacoochee River Basin RESERVED | | | | | | |
| (d) In DeSoto County Within the Peace River Basin RESERVED | | | | | | |
| (e) In Hardee County Within the Peace River Basin RESERVED | | | | | | |
| (f) In Hernando County Within the Coastal Rivers Basin RESERVED | | | | | | |
| (g) In Hernando County Within the Hillsborough River Basin RESERVED | | | | | | |
| (h) In Hernando County Within the Withlacoochee River Basin RESERVED | | | | | | |
| (i) In Highlands County Within the Peace River Basin RESERVED | | | | | | |

(j) In Hillsborough
County Within the
Alafia River Basin
RESERVED

| | | | | | | |
|---|---|-------|-------|------------------|---|---|
| (k) In Hillsborough County Within the Hillsborough River Basin RESERVED | Stemper, Lake S-13, T-27, R-18 (Levels in feet NGVD) | 62.6' | 61.2' | 60.8' (CAT 1) | <u>59.4'</u> (CAT 1) <u>59.1'</u> | <u>59.1'</u> <u>59.4'</u> (CAT 1) |
|---|---|-------|-------|------------------|---|---|

(l) In Hillsborough
County Within the
Northwest Hillsborough
Basin

| | | | | | | |
|--|---|---------------|---------------|--------------------------|--------------------------|---------------|
| | <u>Alice, Lake</u> S-16, T-27, R-17 (Levels in feet NGVD) | <u>42.4'</u> | <u>40.9'</u> | <u>40.9'</u> (CAT 2) | <u>39.9'</u> (CAT 2) | <u>38.8'</u> |
| | <u>Barbara, Lake</u> S-19, T-27, R-18 | <u>54.96'</u> | <u>53.15'</u> | <u>53.15'</u> (CAT 3) | <u>52.15'</u> (CAT 3) | <u>51.05'</u> |
| | <u>Bird Lake</u> S-26, T-27, R-18 (Levels in feet NGVD) | <u>53.0'</u> | <u>49.6'</u> | <u>49.6'</u> (CAT 2) | <u>48.6'</u> (CAT 2) | <u>47.5'</u> |
| | <u>Brant Lake</u> S-23, T-27, R-18 (Levels in feet NGVD) | <u>60.5'</u> | <u>58.0'</u> | <u>58.0'</u> (CAT 2) | <u>57.0'</u> (CAT 2) | <u>55.9'</u> |
| | <u>Calm Lake</u> S-14, T-27, R-17 | <u>51.02'</u> | <u>49.41'</u> | <u>49.41'</u> (CAT 3) | <u>48.41'</u> (CAT 3) | <u>47.31'</u> |
| | <u>Church Lake</u> S-28, T-27, R-17 | <u>36.74'</u> | <u>35.64'</u> | <u>35.64'</u> (CAT 3) | <u>34.64'</u> (CAT 3) | <u>33.54'</u> |
| | <u>Crenshaw, Lake</u> S-22, T-27, R-18 | <u>57.64'</u> | <u>55.5'</u> | <u>54.45'</u> (CAT 3) | <u>53.45'</u> (CAT 3) | <u>53.4'</u> |
| | <u>Crystal Lake</u> S-14, T-27, R-18 (Levels in feet NGVD) | <u>62.1'</u> | <u>59.8'</u> | <u>59.8'</u> (CAT 2) | <u>58.8'</u> (CAT 2) | <u>57.7'</u> |
| | <u>Cypress Lake</u> S-24, T-27, R-17 | <u>50.86'</u> | <u>48.89'</u> | <u>48.89'</u> (CAT 3) | <u>47.89'</u> (CAT 3) | <u>46.79'</u> |
| | <u>Deer Lake</u> S-1, T-27, R-18 (Levels in feet NGVD) | <u>70.0'</u> | <u>66.5'</u> | <u>66.5'</u> (CAT 2) | <u>65.5'</u> (CAT 2) | <u>64.4'</u> |
| | <u>Dosson Lake</u> S-20, T-27, R-18 (Levels in feet NGVD) | <u>55.1'</u> | <u>53.4'</u> | <u>53.4'</u> (CAT 2) | <u>52.4'</u> (CAT 2) | <u>51.3'</u> |
| | <u>Echo Lake</u> S-28, T-27, R-17 | <u>36.74'</u> | <u>35.64'</u> | <u>35.64'</u> (CAT 3) | <u>34.64'</u> (CAT 3) | <u>33.54'</u> |
| | <u>Ellen, Lake</u> S-19, T-27, R-18 | <u>54.96'</u> | <u>53.15'</u> | <u>53.15'</u> (CAT 3) | <u>52.15'</u> (CAT 3) | <u>51.05'</u> |
| | <u>Fairy (Maurine) Lake</u> S-34, T-27, R-17 | <u>34.51'</u> | <u>33.41'</u> | <u>33.41'</u> (CAT 3) | <u>32.41'</u> (CAT 3) | <u>31.31'</u> |
| | <u>Halfmoon Lake</u> S-31, T-27, R-18 | <u>45.07'</u> | <u>43.3'</u> | <u>43.3'</u> (CAT 2) | <u>42.3'</u> (CAT 2) | <u>41.2'</u> |

| | | | | | |
|--------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| <u>Helen, Lake</u> | <u>54.96'</u> | <u>53.15'</u> | <u>53.15'</u> | <u>52.15'</u> | <u>51.05'</u> |
| <u>S-19, T-27, R-18</u> | | | <u>(CAT 3)</u> | <u>(CAT 3)</u> | |
| <u>Hobbs, Lake</u> | <u>67.75'</u> | <u>65.46'</u> | <u>65.46'</u> | <u>64.46'</u> | <u>63.36'</u> |
| <u>S-1, T-27, R-18</u> | | | <u>(CAT 2)</u> | <u>(CAT 2)</u> | |
| <u>Horse Lake</u> | <u>RESERVED</u> | <u>RESERVED</u> | <u>RESERVED</u> | <u>RESERVED</u> | <u>RESERVED</u> |
| <u>S-26, T-27, R-17</u> | | | <u>(CAT 3)</u> | <u>(CAT 3)</u> | |
| <u>Juanita, Lake</u> | <u>43.8'</u> | <u>41.7'</u> | <u>41.7'</u> | <u>40.7'</u> | <u>39.6'</u> |
| <u>S-22, T-27, R-17</u> | | | <u>(CAT 2)</u> | <u>(CAT 2)</u> | |
| (Levels in feet NGVD) | | | | | |
| <u>Little Moon Lake</u> | <u>40.8'</u> | <u>39.1'</u> | <u>39.1'</u> | <u>38.1'</u> | <u>37.0'</u> |
| <u>S-28, T-27, R-17</u> | | | <u>(CAT 2)</u> | <u>(CAT 2)</u> | |
| (Levels in feet NGVD) | | | | | |
| <u>Merrywater, Lake</u> | <u>58.0'</u> | <u>55.8'</u> | <u>55.8'</u> | <u>54.8'</u> | <u>53.7'</u> |
| <u>S-22, T-27, R-18</u> | | | <u>(CAT 2)</u> | <u>(CAT 2)</u> | |
| (Levels in feet NGVD) | | | | | |
| <u>Rainbow Lake</u> | <u>40.8'</u> | <u>39.1'</u> | <u>39.1'</u> | <u>38.1'</u> | <u>37.0'</u> |
| <u>S-22, T-27, R-17</u> | | | <u>(CAT 2)</u> | <u>(CAT 2)</u> | |
| (Levels in feet NGVD) | | | | | |
| <u>Raleigh, Lake</u> | <u>RESERVED</u> | <u>RESERVED</u> | <u>RESERVED</u> | <u>RESERVED</u> | <u>RESERVED</u> |
| <u>S-27, T-27, R-17</u> | | | <u>(CAT 3)</u> | <u>(CAT 3)</u> | |
| <u>Rogers, Lake</u> | <u>RESERVED</u> | <u>RESERVED</u> | <u>RESERVED</u> | <u>RESERVED</u> | <u>RESERVED</u> |
| <u>S-27, T-27, R-17</u> | | | <u>(CAT 3)</u> | <u>(CAT 3)</u> | |
| <u>Round Lake</u> | <u>56.49'</u> | <u>55.6'</u> | <u>54.5'</u> | <u>53.5'</u> | <u>53.5'</u> |
| <u>S-22, T-27, R-18</u> | | | <u>(CAT 3)</u> | <u>(CAT 3)</u> | |
| <u>Saddleback Lake</u> | <u>56.11'</u> | <u>54.58'</u> | <u>54.58'</u> | <u>53.58'</u> | <u>52.48'</u> |
| <u>S-22, T-27, R-18</u> | | | <u>(CAT 2)</u> | <u>(CAT 2)</u> | |
| <u>Sapphire Lake</u> | <u>64.1'</u> | <u>63.4'</u> | <u>63.0'</u> | <u>61.6'</u> | <u>61.3'</u> |
| <u>S-14, T-27, R-18</u> | | | <u>(CAT 1)</u> | <u>(CAT 1)</u> | |
| (Levels in feet NGVD) | | | | | |
| <u>Starvation Lake</u> | <u>RESERVED</u> | <u>RESERVED</u> | <u>RESERVED</u> | <u>RESERVED</u> | <u>RESERVED</u> |
| <u>S-21, T-27, R-18</u> | | | <u>(CAT 3)</u> | <u>(CAT 3)</u> | |
| <u>Sunset Lake</u> | <u>35.0'</u> | <u>34.8'</u> | <u>34.4'</u> | <u>33.0'</u> | <u>32.7'</u> |
| <u>S-17, T-27, R-17</u> | | | <u>(CAT 1)</u> | <u>(CAT 1)</u> | |
| (Levels in feet NGVD) | | | | | |
| <u>Sunshine Lake</u> | <u>55.1'</u> | <u>53.4'</u> | <u>53.4'</u> | <u>52.4'</u> | <u>51.3'</u> |
| <u>S-20, T-27, R-18</u> | | | <u>(CAT 2)</u> | <u>(CAT 2)</u> | |
| (Levels in feet NGVD) | | | | | |
| <u>Little Moon Lake</u> | <u>40.8</u> | <u>39.1</u> | <u>39.1</u> | <u>37.0</u> | <u>38.1</u> |
| <u>S-28, T-27, R-17</u> | | | <u>(CAT 2)</u> | | <u>(CAT 2)</u> |
| (Levels in feet NGVD) | | | | | |
| <u>Hobbs</u> | <u>67.75</u> | <u>65.46</u> | <u>65.46</u> | <u>63.36</u> | <u>64.46</u> |
| <u>S-1, T-27, R-18</u> | | | <u>(CAT 2)</u> | | <u>(CAT 2)</u> |

| | | | | | |
|---|---------------|----------|---------------------|----------|---------------------|
| Brant S-23, T-27, R-18 (Levels in feet NGVD) | 60.5 | 58.0 | 58.0 (CAT-2) | 55.9 | 57.0 (CAT-2) |
| Crenshaw S-22, T-27, R-18 Starvation | 57.64 | 55.5 | 54.45 (CAT-3) | 53.4 | 53.45 (CAT-3) |
| S-21, T-27, R-18 | RESERVED | RESERVED | RESERVED (CAT-3) | RESERVED | RESERVED (CAT-3) |
| Deer S-1, T-27, R-18 (Levels in feet NGVD) | 70.0 | 66.5 | 66.5 (CAT-2) | 64.4 | 65.5 (CAT-2) |
| Alice S-16, T-27, R-17 (Levels in feet NGVD) | 42.4 | 40.9 | 40.9 (CAT-2) | 38.8 | 39.9 (CAT-2) |
| Calm S-14, T-27, R-17 | 51.02 | 49.41 | 49.41 (CAT-3) | 47.31 | 48.41 (CAT-3) |
| Rainbow S-22, T-27, R-17 (Levels in feet NGVD) | 40.8 | 39.1 | 39.1 (CAT-2) | 37.0 | 38.1 (CAT-2) |
| Juanita S-22, T-27, R-17 (Levels in feet NGVD) | 43.8 | 41.7 | 41.7 (CAT-2) | 39.6 | 40.7 (CAT-2) |
| Horse S-26, T-27, R-17 | RESERVED | RESERVED | RESERVED (CAT-3) | RESERVED | RESERVED (CAT-3) |
| Fairy (Maurine) S-34, T-27, R-17 | 34.51 | 33.41 | 33.41 (CAT-3) | 31.31 | 32.41 (CAT-3) |
| Halfmoon S-31, T-27, R-18 | 45.07 | 43.3 | 43.3 (CAT-2) | 41.2 | 42.3 (CAT-2) |
| Raleigh S-27, T-27, R-17 | RESERVED | RESERVED | RESERVED (CAT-3) | RESERVED | RESERVED (CAT-3) |
| Rogers S-27, T-27, R-17 | Not Available | RESERVED | RESERVED (CAT-3) | RESERVED | RESERVED (CAT-3) |
| Sunset S-17, T-27, R-17 (Levels in feet NGVD) | 35.0 | 34.8 | 34.4 (CAT-1) | 32.7 | 33.0 (CAT-1) |
| Bird S-26, T-27, R-18 (Levels in feet NGVD) | 53.0 | 49.6 | 49.6 (CAT-2) | 47.5 | 48.6 (CAT-2) |
| Crystal S-14, T-27, R-18 (Levels in feet NGVD) | 62.1 | 59.8 | 59.8 (CAT-2) | 57.7 | 58.8 (CAT-2) |

| | | | | | | |
|-------------------------|--------------------------|--------|--------|---------|---------------|---------------|
| | Merrywater | 58.0 | 55.8 | 55.8 | 53.7 | 54.8 |
| | S-22, T-27, R-18 | | | (CAT 2) | | (CAT 2) |
| | (Levels in feet NGVD) | | | | | |
| | Round | 56.49 | 55.6 | 54.5 | 53.5 | 53.5 |
| | S-22, T-27, R-18 | | | (CAT 3) | | (CAT 3) |
| | Church | 36.74 | 35.64 | 35.64 | 33.54 | 34.64 |
| | S-28, T-27, R-17 | | | (CAT 3) | | (CAT 3) |
| | Echo | 36.74 | 35.64 | 35.64 | 33.54 | 34.64 |
| | S-28, T-27, R-17 | | | (CAT 3) | | (CAT 3) |
| | Saddleback | 56.11 | 54.58 | 54.58 | 52.48 | 53.58 |
| | S-22, T-27, R-18 | | | (CAT 2) | | (CAT 2) |
| (m) In Lake County | | | | | | |
| Within the Green | | | | | | |
| Swamp Basin | | | | | | |
| RESERVED | | | | | | |
| (n) In Levy County | | | | | | |
| Within the | | | | | | |
| Withlacochee River | | | | | | |
| Basin | | | | | | |
| RESERVED | | | | | | |
| (o) In Manatee County | | | | | | |
| Within the Manasota | | | | | | |
| River Basin | | | | | | |
| RESERVED | | | | | | |
| (p) In Marion County | | | | | | |
| Within the | | | | | | |
| Withlacochee River | | | | | | |
| Basin | | | | | | |
| RESERVED | | | | | | |
| (q) In Pasco County | Big Fish Lake | 77.41' | 76.05' | 75.65' | <u>73.05'</u> | <u>71.75'</u> |
| Within the Coastal | S-21, T-24, R-19 | | | (CAT 3) | (CAT 3) | 73.05' |
| Rivers Basin | | | | | 71.75' | (CAT 3) |
| (r) In Pasco County | | | | | | |
| Within the Green | | | | | | |
| Swamp Basin | | | | | | |
| RESERVED | | | | | | |
| (s) In Pasco County | | | | | | |
| Within the Hillsborough | | | | | | |
| River Basin | | | | | | |
| RESERVED | | | | | | |
| (t) In Pasco County | Camp Lake | 64.3' | 63.8' | 63.4' | <u>62.0'</u> | <u>61.3'</u> |
| Within the | S-34, T-26, R-18 | | | (CAT 1) | (CAT 1) | 62.0' |
| Pinellas-Anclote River | (Levels in feet | | | | 61.3' | (CAT 1) |
| Basin | NGVD) | | | | | |
| (u) In Pasco County | | | | | | |
| Within the | | | | | | |
| Withlacochee River | | | | | | |
| Basin | | | | | | |
| RESERVED | | | | | | |

(v) In Pinellas County
Within the
Pinellas-Anclote River
Basin

RESERVED

(w) In Polk County
Within the Alafia River
Basin

RESERVED

(x) In Polk County
Within the Green
Swamp Basin

RESERVED

(y) In Polk County
Within the Hillsborough
River Basin

RESERVED

(z) In Polk County
Within the Peace River
Basin

RESERVED

(aa) In Sarasota County
Within the Manasota
Basin

RESERVED

(bb) In Sumter County
Within the Green
Swamp Basin

RESERVED

(cc) In Sumter County
Within the
Withlacoochee River
Basin

RESERVED

(14) Guidance Levels established for lakes prior to August 7, 2000, are set forth in the following table:

Table 8-3 Guidance Water Levels adopted prior to August 7, 2000

| Location of Impoundment by County and Basin | Ten (10) Year Flood Guidance Level in Feet Above Mean Sea Level (msl) | High Level in Feet Above Mean Sea Level (msl) | Low Level in Feet Above Mean Sea Level (msl) | Extreme Low Level in Feet Above Mean Sea Level (msl) |
|---|--|---|--|--|
| (a) In Charlotte County Within the Peace River Basin | | | | |
| (b) In Citrus County Within the Coastal Rivers Basin | | | | |
| (c) In Citrus County Within the Withlacoochee River Basin | | | | |
| Lake Bradley, Lake S23 T20S R20E | 43.40' | 42.50' | 40.25' | 38.25' |
| Lake Cato, Lake S5 T19 R20 | 38.82' | 38.00' | 35.50' | 34.00' |
| Lake Connell, Lake S6 T19 R20 | 35.68' | 35.50' | 32.00' | 30.00' |
| Lake Cooter, Lake S17 T19 R20 | 41.80' | 40.50' | 38.25' | 36.25' |
| Lake Hog Pond, Lake (Nina) S2 T19 R19 | 35.92' | 34.50' | 32.00' | 30.00' |
| Lake Holden, Lake (Inverness) S32 T19 R20 | 32.44' | 32.00' | 29.50' | 28.00' |
| Lake Magnolia, Lake S3 T20 R20 | 32.36' | 31.00' | 28.50' | 27.00' |
| Lake Rush, Lake (Williams) S03 T17 R18 | 36.20' | 35.75' | 33.25' | 31.25' |
| <u>Lake Tsala Apopka (Floral City Pool)</u> | <u>43.40'</u> | <u>42.50'</u> | <u>40.25'</u> | <u>38.25'</u> |
| <u>19</u> <u>19S</u> <u>21E</u> | | | | |
| <u>21</u> <u>19S</u> <u>21E</u> | | | | |
| <u>22</u> <u>19S</u> <u>21E</u> | | | | |
| <u>27</u> <u>19S</u> <u>21E</u> | | | | |
| <u>28</u> <u>19S</u> <u>21E</u> | | | | |
| <u>29</u> <u>19S</u> <u>21E</u> | | | | |
| <u>30</u> <u>19S</u> <u>21E</u> | | | | |
| <u>31</u> <u>19S</u> <u>21E</u> | | | | |
| <u>32</u> <u>19S</u> <u>21E</u> | | | | |
| <u>33</u> <u>19S</u> <u>21E</u> | | | | |
| <u>34</u> <u>19S</u> <u>21E</u> | | | | |
| <u>1</u> <u>20S</u> <u>20E</u> | | | | |
| <u>2</u> <u>20S</u> <u>20E</u> | | | | |

3 20S 20E
10 20S 20E
11 20S 20E
12 20S 20E
13 20S 20E
14 20S 20E
3 20S 21E
4 20S 21E
5 20S 21E
6 20S 21E
7 20S 21E
8 20S 21E
17 20S 21E
18 20S 21E
25 19S 20E
26 19S 20E
34 19S 20E
35 19S 20E
36 19S 20E

Lake Tsala Apopka
(Hernando Pool)

40.50'

39.00'

36.75'

34.75'

| Sec. | Twsp. | Rng. |
|------|-------|------|
| 1 | 18S | 19E |
| 2 | 18S | 19E |
| 11 | 18S | 19E |
| 12 | 18S | 19E |
| 13 | 18S | 19E |
| 23 | 18S | 19E |
| 24 | 18S | 19E |
| 25 | 18S | 19E |
| 26 | 18S | 19E |
| 5 | 18S | 20E |
| 6 | 18S | 20E |
| 7 | 18S | 20E |
| 21 | 18S | 20E |
| 27 | 18S | 20E |
| 28 | 18S | 20E |
| 8 | 18S | 20E |
| 16 | 18S | 20E |
| 17 | 18S | 20E |
| 18 | 18S | 20E |
| 19 | 18S | 20E |
| 20 | 18S | 20E |
| 29 | 18S | 20E |
| 30 | 18S | 20E |
| 31 | 18S | 20E |
| 32 | 18S | 20E |
| 33 | 18S | 20E |

| | | | | |
|---|--------|--------|--------|--------|
| Lake Tsala Apopka (Inverness Pool) | 41.80' | 40.50' | 38.25' | 36.25' |
| 33 18S 20E | | | | |
| 34 18S 20E | | | | |
| 35 18S 20E | | | | |
| 1 19S 20E | | | | |
| 2 19S 20E | | | | |
| 3 19S 20E | | | | |
| 4 19S 20E | | | | |
| 8 19S 20E | | | | |
| 9 19S 20E | | | | |
| 10 19S 20E | | | | |
| 11 19S 20E | | | | |
| 12 19S 20E | | | | |
| 13 19S 20E | | | | |
| 14 19S 20E | | | | |
| 15 19S 20E | | | | |
| 16 19S 20E | | | | |
| 17 19S 20E | | | | |
| 21 19S 20E | | | | |
| 22 19S 20E | | | | |
| 23 19S 20E | | | | |
| 18 19S 21E | | | | |
| 19 19S 21E | | | | |
| Lake Tsala Apopka (Floral City Pool) | 43.40' | 42.50' | 40.25' | 38.25' |
| 19 19S 21E | | | | |
| 21 19S 21E | | | | |
| 22 19S 21E | | | | |
| 27 19S 21E | | | | |
| 28 19S 21E | | | | |
| 29 19S 21E | | | | |
| 30 19S 21E | | | | |
| 31 19S 21E | | | | |
| 32 19S 21E | | | | |
| 33 19S 21E | | | | |
| 34 19S 21E | | | | |
| 1 20S 20E | | | | |
| 2 20S 20E | | | | |

| | | | | | | |
|-----------------------------|---------|---------|---------|---------|--|--|
| 3 | 20S | 20E | | | | |
| 10 | 20S | 20E | | | | |
| 11 | 20S | 20E | | | | |
| 12 | 20S | 20E | | | | |
| 13 | 20S | 20E | | | | |
| 14 | 20S | 20E | | | | |
| 3 | 20S | 21E | | | | |
| 4 | 20S | 21E | | | | |
| 5 | 20S | 21E | | | | |
| 6 | 20S | 21E | | | | |
| 7 | 20S | 21E | | | | |
| 8 | 20S | 21E | | | | |
| 17 | 20S | 21E | | | | |
| 18 | 20S | 21E | | | | |
| 25 | 19S | 20E | | | | |
| 26 | 19S | 20E | | | | |
| 34 | 19S | 20E | | | | |
| 35 | 19S | 20E | | | | |
| 36 | 19S | 20E | | | | |
| Little, Lake (Consuella) | 43.40' | 41.50' | 39.00' | 37.25' | | |
| S15 T20S R20E | | | | | | |
| Lake Twin | 38.11' | 37.00' | 35.00' | 33.00' | | |
| S6 T19 R20 | | | | | | |
| (d) In DeSoto County | | | | | | |
| Within the Peace River | | | | | | |
| Basin | | | | | | |
| (e) In Hardee County Within | | | | | | |
| the Peace River Basin | | | | | | |
| (f) In Hernando County | | | | | | |
| Within the Coastal Rivers | | | | | | |
| Basin | | | | | | |
| (g) In Hernando County | | | | | | |
| Within the Hillsborough | | | | | | |
| River Basin | | | | | | |
| LAKES | | | | | | |
| Nicks Lake | 114.46' | 113.00' | 110.50' | 108.50' | | |
| S29 T23S R20E | | | | | | |
| St. Clair Lake | 114.46' | 113.00' | 110.50' | 108.50' | | |
| S33 T23S R20E | | | | | | |
| (h) In Hernando County | | | | | | |
| Within the Withlacoochee | | | | | | |
| River Basin | | | | | | |
| LAKES | | | | | | |
| Elizabeth, Lake | 62.90' | 60.25' | 57.00' | 55.50' | | |
| S11 T23S R21E | | | | | | |
| Francis, Lake | 62.90' | 60.25' | 57.00' | 55.50' | | |
| 11 23S 21E | | | | | | |
| Geneva, Lake | 62.90' | 60.25' | 57.00' | 55.50' | | |
| 11 23S 21E | | | | | | |
| Lindsey, Lake | 70.60' | 69.00' | 66.00' | 64.50' | | |
| 25 23S 19E | | | | | | |

| | | | | |
|--|---------|---------|---------|---------|
| Mountain Lake 16 23S 20E | 105.10' | 104.00' | 101.00' | 99.00' |
| Neff Lake 20 23S 20E | 104.40' | 103.00' | 100.00' | 98.00' |
| Sparkman Lake 24 23S 19E | 94.40' | 91.50' | 89.00' | 88.00' |
| Spring Lake S15 T23S R20E | 185.02' | 184.25' | 181.25' | 178.25' |
| (i) In Highlands County Within the Peace River Basin | | | | |
| LAKES | | | | |
| Sec Twsp Rng Adelaide, Lake 5 33S 28E | 110.00' | 106.50' | 104.00' | 102.50' |
| Angelo, Lake 4 27S 25E | 104.00' | 99.50' | 97.00' | 95.00' |
| Anoka, Lake 27 33S 28E | 124.00' | 124.00' | 122.00' | 120.00' |
| Apthorpe, Lake 18 36S 30E | 72.00' | 71.50' | 68.00' | 66.00' |
| Blue, Lake 30 36S 30E | 78.70' | 77.50' | 75.00' | 73.50' |
| Bonnet, Lake 8 34S 29E | 91.90' | 90.75' | 88.00' | 86.00' |
| Brentwood, Lake 10 33S 28E | 102.30' | 102.75' | 99.50' | 98.00' |
| Buck, Lake 29 37S 30E | 96.40' | 94.00' | 91.50' | 89.50' |
| Byrd, Lake 9 33S 28E | 110.60' | 108.25' | 105.50' | 104.00' |
| Carrie, Lake 21 36S 29E | 75.13' | 75.50' | 73.00' | 72.50' |
| Charlotte, Lake 17 35S 29E | 93.90' | 93.75' | 91.25' | 89.75' |
| Chilton, Lake 7 33S 28E | 116.30' | 114.00' | 111.00' | 109.50' |
| Clay, Lake 29 36S 30E | 79.00' | 78.75' | 76.00' | 75.00' |
| Crews, Lake 32 36S 29E | 120.50' | 119.50' | 117.00' | 115.50' |
| Damon, Lake 3 33S 28E | 102.30' | 101.00' | 98.00' | 95.00' |
| Denton, Lake 2 34S 28E | 117.10' | 116.50' | 114.00' | 112.00' |
| Dinner, Lake 17 34S 29E | 103.50' | 102.50' | 98.50' | 97.00' |
| Francis, Lake 22 36S 29E | 70.80' | 70.50' | 67.50' | 66.50' |
| Glenada, Lake 34 33S 28E | 118.40' | 120.00' | 117.00' | 115.50' |

| | | | | |
|--|---------|---------|---------|---------|
| Grassy, Lake 17 37S 30E | 92.10' | 91.50' | 88.50' | 87.50' |
| Harry, Lake 1 36S 29E | 67.60' | 67.50' | 63.00' | 62.00' |
| Henry, Lake 25 36S 29E | 75.13' | 75.50' | 73.00' | 72.50' |
| Hill, <u>Lake</u> 17 36S 29E | 101.00' | 99.25' | 96.00' | 94.50' |
| Huckleberry Lake 7 35S 29E | 104.80' | 104.50' | 102.00' | 101.00' |
| Huntley, Lake 5 37S 30E | 83.40' | 83.75' | 81.00' | 79.50' |
| Jackson, Lake 30 34S 29E | 103.20' | 103.00' | 100.00' | 98.00' |
| Josephine, Lake 32 35S 29E | 72.70' | 72.50' | 69.00' | 68.50' |
| June-in-Winter, Lake 34 36S 29E | 75.13' | 75.50' | 73.00' | 72.50' |
| Lake Lachard 36 36S 29E | 79.56' | 78.50' | 76.00' | 74.00' |
| Lelia, Lake 34 33S 29E | 113.00' | 114.50' | 112.50' | 110.50' |
| Letta, Lake 31 33S 29E | 100.00' | 100.00' | 97.00' | 95.00' |
| Little Bonnet Lake 36 33S 28E | 101.70' | 100.00' | 97.00' | 96.00' |
| Little Lake Jackson 6 35S 29E | 103.20' | 103.00' | 100.00' | 98.00' |
| Little Red Water Lake 14 36S 29E | 104.10' | 103.25' | 100.50' | 98.50' |
| Lost <u>Lake</u> 12 37S 29E | 90.60' | 88.00' | 84.00' | 82.75' |
| Lotela, Lake 26 33S 28E | 106.60' | 108.50' | 105.00' | 104.00' |
| McCoy, Lake 6 37S 30E | 87.39' | 87.00' | 84.00' | 82.00' |
| Mirror, Lake 7 37S 30E | 94.70' | 93.50' | 90.00' | 88.00' |
| Center Nellie 13 36S 29E | 73.20' | 71.50' | 67.00' | 65.00' |
| N.W. Nellie <u>N.W., Lake</u> 13 36S 29E | 73.20' | 71.50' | 67.00' | 65.00' |
| S.E. Nellie <u>S.E., Lake</u> 13 36S 29E | 73.20' | 71.50' | 67.00' | 65.00' |
| Olivia, Lake 6 33S 28E | 118.10' | 117.50' | 114.50' | 113.00' |
| Pearl, Lake 6 37S 30E | 87.27' | 87.00' | 84.00' | 82.00' |
| Persimmon <u>Lake</u> 10 36S 29E | 69.30' | 68.25' | 65.00' | 63.50' |

| | | | | |
|---|---------|---------|-------------------|---------|
| Pioneer, Lake 11 33S 28E | 108.60' | 108.00' | 104.50' | 103.00' |
| Placid, Lake 30 36S 30E | 94.70' | 94.50' | 91.50' | 90.00' |
| Pythias, Lake 2 33S 28E | 101.20' | 101.00' | 98.00' | 95.00' |
| Red Beach Lake 15 35S 29E | 76.80' | 76.50' | 73.75' | 72.75' |
| Red Water Lake 14 36S 29E | 70.80' | 70.50' | 67.50' | 66.50' |
| Ruth, Lake 18 35S 29E | 94.20' | 94.00' | 91.50' | 90.00' |
| Saddlebags, Lake 6 37S 30E | 84.27' | 84.00' | 81.00' | 79.00' |
| Sebring, Lake 14 34S 28E | 107.60' | 107.25' | 104.50' | 103.00' |
| Simmons, Lake 24 36S 29E | 74.30' | 72.50' | 68.00' | 66.50' |
| Sirena, Lake 1 37S 29E | 87.27' | 87.00' | 84.00' | 82.00' |
| Trout Lake 34 32S 28E | 100.60' | 101.00' | 98.00' | 95.00' |
| Tulane, Lake 27 33S 28E | 120.50' | 120.00' | 116.00' | 114.00' |
| Unnamed Lake (B) 20 37S 30E | 92.10' | 91.50' | 88.50' | 87.50' |
| Unnamed Lake (F) 24 36S 29E | 78.50' | 78.00' | 74.00' | 72.00' |
| Verona, Lake 23 33S 28E | 123.00' | 119.00' | 115.25' | 113.00' |
| Viola, Lake 14 33S 28E | 112.20' | 109.50' | 105.75' | 104.00' |
| Wolf Lake 24 35S 28E | 93.80' | 92.50' | 90.00' | 88.00' |
| (j) In Hillsborough County Within the Alafia River Basin LAKES | | | | |
| Carlton Lake | 93.60' | 93.50' | 90.50' | 88.00' |
| Edward Medard Reservoir | 67.10' | 62.75' | 57.50' | 56.00' |
| Grady Lake | 40.70' | 39.00' | 36.00' | 34.00' |
| Hickory Hammock Lake | 32.80' | 32.25' | 30.50' | 29.00' |
| Unnamed Lake #2 | 56.00' | 56.00' | No Recommendation | |
| Wimauma, Lake | 87.20' | 86.75' | 83.00' | 81.00' |
| (k) In Hillsborough County Within the Hillsborough River Basin LAKES | | | | |
| Bellows Lake (East Lake) | 24.50' | 23.75' | 21.50' | 19.00' |
| Burrell Lake | 50.50' | 50.00' | 47.50' | 45.00' |
| Commiston Lake | 64.20' | 63.00' | 60.50' | 59.00' |
| Eckles Lake | 33.40' | 32.50' | 30.00' | 28.00' |

| | | | | |
|--------------------------------------|---------|---------|---------|---------|
| Egypt Lake | 38.50' | 37.50' | 35.00' | 32.50' |
| Gornto Lake | 39.00' | 38.50' | 36.00' | 34.00' |
| Hanna Lake | 63.50' | 62.50' | 59.50' | 58.25' |
| Hart Lake | 67.20' | 66.00' | 64.00' | 63.00' |
| Hog Island Lake | 67.00' | 66.00' | 64.00' | 61.00' |
| Hooker Lake | 45.50' | 45.00' | 43.00' | 42.00' |
| Kathy, Lake | 45.50' | 43.50' | 42.50' | 42.00' |
| Keene Lake | 63.90' | 63.00' | 60.50' | 59.00' |
| Kell Lake | 67.30' | 66.00' | 63.50' | 62.50' |
| Long Lake | 52.00' | 50.25' | 48.00' | 46.00' |
| Long Pond | 48.50' | 46.50' | 44.00' | 42.00' |
| Mud Lake (Lake Walden ¶) | 115.80' | 115.00' | 112.50' | 110.50' |
| Thonotosassa, Lake | 39.10' | 37.00' | 34.50' | 33.00' |
| Unnamed Lake | 63.40' | 63.00' | 60.50' | 59.00' |
| Unnamed Lake | 62.00' | 61.00' | 58.50' | 57.00' |
| Valrico Lake | 48.50' | 45.00' | 42.50' | 41.00' |
| Weeks, Lake | 43.80' | 43.25' | 41.00' | 39.50' |

(l) In Hillsborough County

Within the Northwest

Hillsborough Basin

LAKES

Sec Twsp Rng

SWEETWATER CREEK WATERSHED

| | | | | |
|------------------|--------|--------|--------|--------|
| Avis Lake | 38.50' | 37.00' | 34.50' | 32.50' |
| 15 28S 18E | | | | |
| Bay Lake | 47.00' | 46.75' | 44.00' | 42.50' |
| Boat Lake | 38.00' | 35.50' | 33.75' | 31.25' |
| Brooker Lake | 66.00' | 64.25' | 61.00' | 59.00' |
| Carroll Lake | 38.50' | 37.00' | 34.50' | 32.50' |
| Chapman Lake | 52.30' | 52.25' | 49.50' | 48.00' |
| Charles, Lake | 56.10' | 54.75' | 52.00' | 50.00' |
| Cooper, Lake | 64.00' | 61.75' | 59.75' | 57.00' |
| Elaine, Lake | 38.50' | 37.00' | 34.50' | 32.50' |
| 15 28S 18E | | | | |
| Gass Lake | 51.50' | 49.50' | 46.25' | 44.50' |
| George, Lake | 51.00' | 48.00' | 45.00' | 42.00' |
| Geraci, Lake | 65.00' | 63.50' | 61.50' | 59.50' |
| Halls Lake | 50.70' | 50.00' | 47.50' | 46.00' |
| 3 28S 18E | | | | |
| Lipsey, Lake | 42.50' | 41.50' | 39.00' | 37.00' |
| Magdalene, Lake | 50.70' | 50.00' | 47.50' | 46.00' |
| Platt Lake | 51.80' | 50.50' | 45.75' | 46.00' |
| Reinheimer, Lake | 61.50' | 59.50' | 57.00' | 56.00' |
| Strawberry Lake | 62.80' | 62.00' | 59.75' | 57.00' |
| Thomas, Lake | 64.00' | 63.50' | 61.25' | 59.25' |
| Twin Lake | 34.00' | 32.00' | 30.00' | 27.75' |
| White Trout Lake | 38.50' | 36.50' | 34.00' | 32.50' |

ROCKY CREEK WATERSHED

| | | | | |
|-----------------|--------|--------|--------|--------|
| Allen, Lake | 62.60' | 62.50' | 59.75' | 57.50' |
| Armistead, Lake | 46.50' | 44.00' | 40.50' | 39.00' |
| Browns Lake | 63.70' | 63.50' | 60.75' | 59.00' |
| Harvey, Lake | 62.90' | 62.50' | 60.25' | 58.00' |
| Josephine, Lake | 47.50' | 46.00' | 42.75' | 40.00' |

| | | | | |
|---|--------|--------|--------|--------|
| LeClare, Lake | 53.50' | 52.00' | 49.50' | 47.00' |
| Pretty Lake | 46.70' | 45.50' | 42.75' | 40.00' |
| Rock Lake | 48.00' | 46.00' | 42.75' | 40.00' |
| Starvation Lake | 55.00' | 53.00' | 50.00' | 48.00' |
| Turkey Ford Lake | 55.00' | 54.00' | 51.50' | 50.00' |
| Virginia Lake | 63.00' | 62.50' | 60.25' | 58.00' |
| DOUBLEBRANCH CREEK WATERSHED | | | | |
| Hixon Lake | 37.00' | 36.50' | 33.25' | 31.00' |
| Unnamed Lake #1 | 38.90' | 37.50' | 35.00' | 34.50' |
| 2 28S 17E | | | | |
| Unnamed Lake #2 | 38.90' | 37.50' | 35.00' | 34.50' |
| 2 28S 17E | | | | |
| BROOKER CREEK WATERSHED | | | | |
| Artillery, Lake | 44.50' | 44.00' | 40.50' | 39.00' |
| 3 27S 17E | | | | |
| Buck Lake | 35.50' | 35.00' | 32.00' | 29.50' |
| Crescent Lake | 44.20' | 42.50' | 40.00' | 38.50' |
| Elizabeth Lake | 54.00' | 53.00' | 51.00' | 49.00' |
| Fern, Lake | 48.00' | 46.00' | 43.00' | 41.50' |
| Frances, Lake | 42.50' | 40.50' | 38.00' | 36.00' |
| Garden Lake | 35.00' | 32.00' | 29.00' | 26.50' |
| Horse Lake | 48.40' | 46.50' | 44.00' | 42.00' |
| Island Ford Lake | 42.30' | 41.50' | 39.00' | 37.00' |
| Jackson, Lake | 36.00' | 33.50' | 31.00' | 29.00' |
| James Lake | 47.70' | 46.50' | 43.50' | 42.00' |
| 23 27S 17E | | | | |
| Keystone Lake | 43.20' | 42.00' | 39.75' | 39.00' |
| Little Lake | 47.70' | 46.50' | 43.50' | 42.00' |
| 23 27S 17E | | | | |
| Mound Lake | 51.60' | 51.00' | 48.00' | 46.00' |
| Raleigh, Lake | 43.30' | 42.50' | 38.00' | 35.00' |
| Rogers, Lake | | | | |
| NO LEVELS RECOMMENDED | | | | |
| Taylor, Lake | 39.70' | 39.25' | 36.75' | 34.75' |
| Velburton Lake | 41.50' | 40.00' | 37.25' | 35.00' |
| ANCLOTE RIVER WATERSHED | | | | |
| Dan, Lake | 35.00' | 32.00' | 28.00' | 25.00' |
| Hiawatha, Lake | 52.50' | 50.50' | 48.00' | 45.00' |
| Osceola, Lake | 47.40' | 46.50' | 44.50' | 42.50' |
| (m) In Lake County Within the Green Swamp Basin | | | | |
| (n) In Levy County Within the Withlacoochee River Basin | | | | |
| Marion, Lake | 56.60' | 53.00' | 50.50' | 48.50' |
| S02 T14 R17 | | | | |
| (o) In Manatee County Within the Manasota Basin | | | | |
| (p) In Marion County Within the Withlacoochee River Basin | | | | |
| Bonable, Lake | 65.10' | 64.00' | 61.50' | 59.50' |
| S31 T15 R18 | | | | |

| | | | | |
|---|---------|---------|---------|---------|
| Little Bonable, Lake S30 T15 R18 | 59.80' | 58.00' | 55.50' | 53.50' |
| Tiger, Lake S32 T15 R18 | 65.10' | 64.00' | 61.50' | 59.50' |
| (q) In Pasco County Within the Coastal Rivers Basin LAKES | | | | |
| Crews Lake S16 T24S R18E | 57.00' | 55.00' | 52.00' | 50.00' |
| Garden Lake S16 T25S R16E | 22.10' | 19.00' | 16.25' | 15.75' |
| Moon Lake S28 T25S R17E | 41.00' | 40.50' | 37.50' | 35.50' |
| Pasco Lake S22 T24S R18E | 67.50' | 67.00' | 64.00' | 62.00' |
| Pierce Lake S9 T25S R18E | 73.60' | 73.00' | 70.00' | 68.00' |
| Richey Lake S3 T26S R16E | 14.10' | 13.00' | 10.00' | 8.00' |
| Unnamed Lake No. 22 S27 T24S R18E | 62.60' | 62.50' | 59.50' | 57.50' |
| Worrell, Lake (Bass Lake) S26 T25S R16E | 22.10' | 19.00' | 16.25' | 15.75' |
| (r) In Pasco County Within the Green Swamp Basin (s) In Pasco County Within the Hillsborough River Basin LAKES | | | | |
| Bell Lake S13 T26S R18E | 72.53' | 72.50' | 70.00' | 69.00' |
| Bird Lake S30 T25 R19 | 67.70' | 67.50' | 65.00' | 63.00' |
| Catfish Lake S19 T26S R19E | 68.72' | 68.00' | 65.50' | 63.50' |
| Cow (East) <u>Lake</u> S19 T26S R19E | 78.63' | 78.50' | 76.00' | 75.00' |
| Floyd, Lake S36 T26 R19 | 68.41' | 68.50' | 66.00' | 64.00' |
| Gooseneck, Lake S29 T26 R19 | 75.10' | 73.50' | 71.00' | 69.00' |
| Hancock, Lake S5 T24S R20E | 107.48' | 106.50' | 104.00' | 102.00' |
| Hog (Joyce) Lake S19 T26S R19E | 76.66' | 76.50' | 73.50' | 72.50' |
| Iola, Lake S15 T24S R20E | 147.55' | 147.50' | 145.00' | 142.50' |
| Jessamine, Lake S11 T24S R20E | 144.18' | 142.00' | 138.00' | 136.00' |
| JoAnn, Lake S30 T26 R19 | 68.72' | 68.00' | 65.50' | 63.50' |
| King Lake S7 T26S R19E | 73.58' | 73.50' | 71.50' | 69.50' |

| | | | | |
|---|---------|---------|---------|---------|
| King Lake (East) S22 T25S R20E | 105.49' | 105.25' | 102.50' | 100.00' |
| Middle Lake S4 T24S R20E | 107.48' | 107.00' | 105.00' | 103.00' |
| Moody Lake S10 T24S R20E | 110.48' | 110.00' | 107.50' | 105.50' |
| Myrtle, Lake S30 T26 R19 | 68.72' | 68.00' | 65.50' | 63.50' |
| Padgett, Lake S24 T26S R18E | 71.34' | 71.25' | 69.00' | 67.50' |
| Saxon Lake S30 T26S R19E | 71.34' | 71.25' | 69.00' | 67.50' |
| Tampa (Turtle) Lake S32 T26 R19 | 66.00' | 65.50' | 63.00' | 61.00' |
| Toni, Lake S30 T26 R19 | 68.72' | 68.00' | 65.50' | 63.50' |
| Twin, Lake S28 T26 R19 | 68.35' | 67.50' | 65.00' | 63.00' |
| Unnamed <u>Lake</u> #26 S25 T26 R18 | 68.75' | 68.00' | 65.50' | 63.50' |
| (t) In Pasco County Within the Pinellas-Anclote River Basin | | | | |
| LAKES | | | | |
| Bass Lake (Holiday) S34 T26E R17S | 48.80' | 48.75' | 45.75' | 45.00' |
| Big Lake Vienna 23 26 18 | 70.70' | 70.25' | 67.00' | 65.00' |
| Fishing Lake S34 T26E R17S | 48.80' | 48.75' | 45.75' | 45.00' |
| Geneva Lake (Mud) S26 T26E R17S | 51.20' | 50.00' | 48.00' | 46.00' |
| Linda, <u>Lake</u> 26 26 18 | 67.30' | 66.75' | 64.00' | 62.00' |
| Little Moss (Como) 35 26 18 | 67.00' | 66.00' | 63.00' | 62.00' |
| Minniola, Lake S34 T26E R17S | 51.20' | 50.00' | 48.00' | 46.00' |
| Moss <u>Lake</u> 35 26 18 | 65.00' | 64.00' | 61.50' | 59.00' |
| Parker Lake (Ann) S35 T26E R17S | 48.80' | 48.75' | 45.75' | 45.00' |
| Seminole, Lake S35 T26E R17S | 49.20' | 48.75' | 46.00' | 45.00' |
| Thomas, <u>Lake</u> 11 26 18 | 75.60' | 75.00' | 72.50' | 71.50' |
| Wistaria, <u>Lake</u> 2 26 18 | 74.90' | 74.00' | 71.00' | 69.00' |
| (u) In Pasco County Within the Withlacoochee River Basin | | | | |
| LAKES | | | | |

| | | | | |
|-----------------------------|---------|---------|---------|---------|
| Buddy, Lake | 97.02' | 94.50' | 91.50' | 90.00' |
| S17 T25S R21E | | | | |
| Pasadena, Lake | 97.02' | 94.50' | 91.50' | 90.00' |
| S16 T25S R21E | | | | |
| Clear Lake | 127.90' | 127.50' | 125.25' | 123.75' |
| S1 T25S R20E | | | | |
| (v) In Pinellas County | | | | |
| Within the Pinellas-Anclote | | | | |
| River Basin | | | | |
| LAKES | | | | |
| Lake Tarpon | 4.20' | 3.80' | 2.20' | 1.00' |
| Sec. Twsp. Rng. | | | | |
| 7 27S 16E | | | | |
| 8 27S 16E | | | | |
| 16 27S 16E | | | | |
| 17 27S 16E | | | | |
| 18 27S 16E | | | | |
| 19 27S 16E | | | | |
| 20 27S 16E | | | | |
| 21 27S 16E | | | | |
| 28 27S 16E | | | | |
| 29 27S 16E | | | | |
| 30 27S 16E | | | | |
| 32 27S 16E | | | | |
| 33 27S 16E | | | | |
| 4 28S 16E | | | | |
| (w) In Polk County Within | | | | |
| the Alafia River Basin | | | | |
| LAKES | | | | |
| Scott, Lake | 168.60' | 168.00' | 165.00' | 164.25' |
| (x) In Polk County Within | | | | |
| the Green Swamp Basin | | | | |
| LAKES | | | | |
| Agnes, Lake | 135.20' | 135.75' | 134.75' | 130.75' |
| Alfred, Lake | 132.30' | 130.75' | 128.25' | 126.25' |
| S30 T27S R26 | | | | |
| Arietta, Lake | 144.00' | 144.00' | 141.00' | 138.00' |
| Camp, Lake | 133.40' | 134.50' | 132.00' | 130.00' |
| Clearwater Lake | 146.20' | 143.50' | 141.00' | 139.00' |
| Cummings, Lake | 131.50' | 131.00' | 127.50' | 125.50' |
| S31 T27 R26 | | | | |
| Eva, Lake | 132.30' | 131.50' | 129.00' | 127.00' |
| S29 T27 R26 | | | | |
| Grassy Lake (Big Glades) | 133.20' | 132.00' | 129.50' | 128.00' |
| Griffin, Lake | 132.30' | 131.50' | 129.00' | 127.00' |
| S30 T27 R26 | | | | |
| Gum, Lake | 132.60' | 131.00' | 128.50' | 126.00' |
| Haines, Lake | 129.70' | 128.75' | 126.50' | 124.50' |
| Helene, Lake | 144.80' | 144.00' | 141.00' | 139.00' |
| Juliana, Lake | 134.70' | 132.50' | 130.00' | 127.50' |
| Little Lake Agnes | 135.20' | 136.00' | 133.00' | 131.00' |

| | | | | |
|--|---------|---------|---------|---------|
| Little Van Lake | 141.40' | 139.00' | 136.50' | 135.50' |
| Mattie, Lake | 134.70' | 132.50' | 130.00' | 127.50' |
| Mud, Lake | 141.80' | 141.50' | 137.75' | 136.00' |
| Myrtle, Lake | 141.70' | 141.00' | 138.50' | 136.50' |
| Swoope, Lake | 133.00' | 132.50' | 130.00' | 128.00' |
| Tennessee, Lake | 134.70' | 134.00' | 130.00' | 128.00' |
| Van, Lake | 133.00' | 132.75' | 130.00' | 128.00' |
| Whistle, Lake | 140.90' | 137.50' | 135.00' | 133.75' |
| (y) In Polk County Within the Hillsborough River Basin | | | | |
| LAKES | | | | |
| Bonnet, Lake | 146.40' | 148.00' | 145.00' | 142.50' |
| Hunter, Lake | 162.30' | 162.75' | 160.25' | 159.00' |
| (z) In Polk County Within the Peace River Basin | | | | |
| <u>Ada, Lake</u> | 123.80' | 123.00' | 120.00' | 118.00' |
| S33 T28 R27 | | | | |
| <u>Altamaha, Lake</u> | 122.60' | 122.50' | 120.00' | 118.00' |
| S11 T30 R27 | | | | |
| Amoret Lake | 115.50' | 115.25' | 113.00' | 111.00' |
| 24 30 27 | | | | |
| Annie, Lake | 122.10' | 119.00' | 116.00' | 114.00' |
| S3 T29S R27E | | | | |
| Arianna, Lake | 137.10' | 137.00' | 134.50' | 132.50' |
| 3 28 25E | | | | |
| Aurora, Lake | 103.30' | 100.00' | 97.00' | 95.00' |
| 13 30 28 | | | | |
| Banana, Lake | 106.75' | 106.50' | 103.50' | 102.00' |
| 10 29 24E | | | | |
| Belle, Lake | 123.60' | 120.00' | 117.00' | 115.00' |
| 11 30 27 | | | | |
| Bess, Lake | 125.50' | 125.25' | 123.00' | 121.00' |
| 18 29S 27E | | | | |
| Big Gum Lake | 95.50' | 95.00' | 92.00' | 89.00' |
| 26 29 R28 | | | | |
| <u>Blue, Lake</u> | 149.80' | 149.00' | 146.50' | 144.50' |
| S13 T28 R25 | | | | |
| Blue, Lake | 118.00' | 117.00' | 114.00' | — |
| 24 30S 27E | | | | |
| <u>Bonnie, Lake</u> | 113.30' | 113.00' | 110.00' | 108.00' |
| S31 T29 R28 | | | | |
| Bonny, Lake | 130.90' | 130.50' | 128.00' | 126.00' |
| 20 28S 24E | | | | |
| <u>Buckeye, Lake</u> | 130.10' | 129.00' | 126.00' | 124.50' |
| S22 T28S R26E | | | | |
| Buffum, Lake | 132.75' | 132.25' | 129.25' | — |
| 12 31S 26E | | | | |
| Cannon, Lake | 132.60' | 132.00' | 129.50' | 127.00' |
| 19 28S 26E | | | | |
| Clinch, Lake | 108.00' | 106.75' | 104.00' | 102.50' |
| 31 31S 28E | | | | |

| | | | | |
|---|---------|---------|---------|---------|
| Connie, Lake 9 28S 26E | 129.70' | 128.75' | 126.50' | 124.50' |
| Cooper (Worth) S02 T30 R27 | 124.20' | 123.50' | 121.00' | 119.00' |
| Crooked, Lake 1 31S 27E | 122.60' | 122.00' | 118.50' | — |
| Cyrstal <u>Lake</u> S02 T30 R27 | 121.40' | 121.25' | 118.00' | 115.00' |
| Crystal <u>Lake</u> S21 T28 R27 | 122.90' | 122.00' | 119.00' | 117.00' |
| Crystal, Lake 23 29S 26E | 130.00' | 129.50' | 127.00' | 125.00' |
| Cypress <u>Lake</u> 36 29 28E | 100.20' | 98.50' | 95.00' | 93.00' |
| Lake Daisy S6 T29 R27 | 130.90' | 130.00' | 127.00' | 126.00' |
| Lake Deer 25 28 25E | 141.30' | 140.75' | 138.50' | 136.50' |
| Dell, <u>Lake</u> S28 T28 R27 | 125.70' | 123.75' | 121.50' | 119.50' |
| Lake Dexter S2 T29 R26 | 132.20' | 132.00' | 129.00' | 127.50' |
| Dinner, Lake 15 29S 27E | 120.90' | 118.50' | 116.00' | 114.00' |
| Lake Eagle <u>Lake</u> 1 29 25E | 131.00' | 130.75' | 128.50' | 126.50' |
| Easy, Lake 19 30 28 | 115.50' | 115.25' | 113.00' | 111.00' |
| Echo, <u>Lake</u> S05 T28 R26 | 132.30' | 131.00' | 128.00' | 126.00' |
| Effie, Lake 3 30 27 | 119.60' | 118.00' | 115.00' | 113.00' |
| Elbert, <u>Lake</u> S22 T28 R26 | 137.50' | 135.50' | 133.00' | 131.50' |
| Eloise, Lake 3 29S 26E | 132.60' | 132.00' | 129.50' | 127.00' |
| Fannie, Lake 11 28S 26E | 127.00' | 125.75' | 123.50' | 120.00 |
| Lake Florence S35 T28 R26 | 128.80' | 128.75' | 127.00' | 125.00' |
| Lake Fox S6 T29 R27 | 135.20' | 135.00' | 132.00' | 131.00' |
| Garfield, Lake 5 30 26E | 105.70' | 104.75' | 101.00' | 100.00' |
| Gator, Lake 26 30S 26E | 133.60' | 133.00' | 130.75' | 128.50' |
| George, <u>Lake</u> S06 T28 R26 | 130.70' | 130.00' | 127.50' | 125.50' |
| Gibson, Lake 25 27S 23E | 144.20' | 143.50' | 141.50' | 141.50' |

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|--|---------|---------|---------|---------|
| Gordon, <u>Lake</u> S16 T28 R27 | 121.30' | 119.00' | 116.00' | 114.00' |
| Lake Grassy 2 29 25E | 134.80' | 129.00' | 126.50' | 125.50' |
| Lake Gross (Grassy) S14 T29 R26 | 138.50' | 136.00' | 133.50' | 132.00' |
| Hamilton, Lake 18 28S 27E | 122.50' | 121.50' | 119.00' | 117.25' |
| Hancock, Lake 8 29S 25E | 102.40' | 99.00' | 96.00' | 94.00' |
| Hart, Lake 24 29S 26E | 124.70' | 124.50' | 122.00' | 120.00' |
| Hartridge, lake 8 28S 26E | 132.60' | 132.00' | 129.50' | 127.00' |
| Henry, Lake 16 31S 26E | 160.10' | 159.00' | 156.00' | 154.00' |
| Henry, Lake 36 27S 26E | 127.00' | 126.50' | 124.50' | 122.50' |
| Hickory, Lake 17 32S 28E | 98.50' | 98.50' | 96.00' | 94.00' |
| Howard, Lake 30 28S 26E | 132.60' | 132.00' | 129.50' | 127.00' |
| Ida, Lake 28 31S 28E | 80.00' | 79.00' | 76.50' | 75.00' |
| Ida, <u>Lake</u> S17 T28 R26 | 136.70' | 135.25' | 132.00' | 130.50' |
| Idyl, <u>Lake</u> S16 T28 R26 | 134.90' | 134.00' | 131.50' | 130.00' |
| Idylwild, Lake 18 28S 26E | 132.60' | 132.00' | 129.50' | 127.00' |
| Jessie, Lake 12 28S 25E | 132.60' | 132.00' | 129.50' | 127.00' |
| Josephine, Lake 13 30 27 | 121.30' | 120.00' | 116.50' | 114.50' |
| Josephine, <u>Lake</u> S27 T28 R27 | 124.10' | 121.50' | 118.00' | 116.50' |
| Lee, <u>Lake</u> S16 T28 R27 | 123.50' | 123.50' | 121.50' | 120.00' |
| Lena, Lake 9 28S 25E | 137.10' | 137.00' | 134.50' | 132.50' |
| Leonore, Lake 10 31S 28E | 87.40' | 87.00' | 84.50' | 83.00' |
| Link, Lake 27 28S 26E | 128.70' | 128.00' | 125.00' | 123.00' |
| Little Aurora Lake (Iris) 13 30 28 | 103.30' | 100.50' | 98.00' | 96.00' |
| Little Gum Lake 35 29S 28E | 96.80' | 96.50' | 94.00' | 92.00' |
| Little Lake Hamilton 5 28S 27E | 122.50' | 121.50' | 119.00' | 117.25' |

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|------------------------------------|---------|---------|---------|---------|
| LuLu, Lake 4 29S 26E | 132.60' | 132.00' | 129.50' | 127.00' |
| Lee, Lake 10 29S 27E | 122.10' | 119.00' | 116.00' | 114.00' |
| Lake McLeod 7 29 26E | 133.10' | 132.00' | 129.50' | 128.00' |
| Mabel, Lake 11 29S 27E | 114.50' | 110.75' | 107.00' | 105.00' |
| Mariam, Lake 27 28S 26E | – | 124.75' | 122.75' | 121.00' |
| Marie, <u>Lake</u> S27 T28 R27 | 121.00' | 121.00' | 118.00' | 116.00' |
| Martha, <u>Lake</u> S21 T28 R26 | 142.50' | 142.00' | 139.00' | 137.00' |
| Maude, <u>Lake</u> S21 T28 R26 | 141.70' | 140.50' | 137.50' | 136.00' |
| May, Lake 29 28S 26E | 132.60' | 132.00' | 129.50' | 127.00' |
| Medora, <u>Lake</u> S36 T27 R25 | 140.40' | 138.00' | 134.50' | 133.00' |
| Menzie, <u>Lake</u> S28 T28 R27 | 127.00' | 122.00' | 120.00' | 118.00' |
| Middle Lake Hamilton 7 28S 27E | 122.50' | 121.50' | 119.00' | 117.25' |
| Lake Millsite 11 29 25E | 125.30' | 123.50' | 121.00' | 119.00' |
| Mirror, Lake 20 28S 27E | 132.60' | 132.00' | 129.50' | 127.00' |
| Moody, Lake 17 31S R28E | 92.80' | 93.50' | 91.00' | 89.00' |
| Myrtle, Lake 19 29S 27E | 118.70' | 118.50' | 116.50' | 114.50' |
| Lake Ned S1 T29S R26 | 129.60' | 128.50' | 126.00' | 124.00' |
| North Lake Wales S01 T30 R27 | 116.80' | 115.00' | 112.00' | 110.00' |
| Otis, Lake 28 28S 25E | 128.70' | 128.00' | 125.00' | 123.00' |
| Pansy, <u>Lake</u> S08 T28 R26 | 130.00' | 129.00' | 126.50' | 124.50' |
| Parker, Lake 32 29S 27E | 122.50' | 122.00' | 119.50' | 117.50' |
| Parker, Lake 8 28 24E | 131.60' | 131.00' | 128.75' | 127.50' |
| Parks, Lake 36 29S 28E | 104.50' | 102.50' | 100.00' | 98.00' |
| Polecat, Lake 27 30S 26E | 142.40' | 142.00' | 139.50' | 137.50' |
| Reedy, Lake 35 31S 28E | 80.00' | 79.75' | 77.25 | 75.25' |

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|--|---------|---------|---------|---------|
| Reeves, Lake 13 29S 26E | 125.10' | 124.50' | 122.00' | 120.00' |
| Lake River S1 T29 R26 | 141.60' | 139.50' | 136.00' | 134.00' |
| Rochelle, Lake 4 28 26E | 129.70' | 128.75' | 126.50' | 124.50' |
| Round, Lake 13 29S 26E | 129.40' | 129.25' | 126.50' | 124.50' |
| Roy, Lake 34 28S 26E | 132.60' | 132.00' | 129.50' | 127.00' |
| Ruby, Lake 12 29S 26E | 125.50' | 125.25' | 123.00' | 121.00' |
| Ruth, Lake S28 T28 R27 | 123.50' | 121.50' | 117.50' | 115.50' |
| Saddlebag, Lake 6 30S 29E | 106.80' | 105.00' | 102.00' | 100.00' |
| Saint Anne Lake 14 30 28 | 97.50' | 96.00' | 93.00' | 91.00' |
| Sanitary (Marianna), Lake S01 T28 R25 | 138.60' | 137.50' | 135.00' | 133.00' |
| Sara, Lake S17 T28 R27 | 122.50' | 121.50' | 119.00' | 117.25' |
| Scott, Lake 18 29S 24E | 168.60' | 168.00' | 165.00' | 164.25' |
| Lake Sears 36 28 25E | 143.20' | 141.00' | 138.00' | 136.00' |
| Serena, Lake S12 T30 R27 | 125.30' | 118.00' | 115.00' | 113.00' |
| Shipp, Lake 32 28S 26E | 132.60' | 132.00' | 129.50' | 127.00' |
| Silver, Lake 5 32S 28E | 105.00' | 103.00' | 100.50' | 98.50' |
| Silver, Lake S20 T28 R26 | 147.10' | 146.50' | 144.00' | 142.00' |
| Smart, Lake 9 28S 26E | 129.70' | 128.75' | 126.50' | 124.50' |
| Lake Spirit 35 28 25E | 134.10' | 131.50' | 129.00' | 127.00' |
| Spring, Lake 20 28S 27E | 132.60' | 132.00' | 129.50' | 127.00' |
| Starr, Lake 14 29 27 | 115.50' | 113.00' | 110.00' | 108.00' |
| Streety Lake 24 32S 27E | 108.70' | 105.50' | 102.50' | 101.00' |
| Summit, Lake 34 28S 26E | 132.60' | 132.00' | 129.50' | 127.00' |
| Sunset Lake 10 30 28 | 101.10' | 98.00' | 95.50' | 93.50' |
| Surveyors, Lake 26 30S 26E | 133.60' | 133.00' | 130.75' | 128.50' |

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| Thomas, Lake 1 30E 28E | 104.20' | 99.50' | 97.00' | 95.00' |
| Lake Thomas 35 28 25E | 135.60' | 132.00' | 128.00' | 126.00' |
| Tractor Lake 14 30 27 | 125.00' | 123.25' | 121.00' | 119.00' |
| Trask, <u>Lake</u> S22 T28 R27 | 114.90' | 113.00' | 108.00' | 106.00' |
| Trout, Lake 34 32S 28E | 100.60' | 101.00' | 98.00' | 95.00' |
| Twin Lakes S11 T30 R27 | 124.10' | 123.75' | 120.00' | 118.00' |
| Venus, Lake 9 29S 27E | 126.10' | 125.00' | 122.00' | 120.00' |
| Wales, <u>Lake</u> S01 T30 R27 | 114.10' | 112.50' | 110.00' | 108.00' |
| Walker, Lake 21 30S 26E | 143.00' | 141.00' | 137.00' | 135.00' |
| Warren, <u>Lake</u> S11 T30 R27 | 124.60' | 123.50' | 121.00' | 119.00' |
| Weader (Weaver), <u>Lake</u> S03 T30 R27 | 122.00' | 121.75' | 119.00' | 117.00' |
| Winterset, Lake 11 29S 26E | 132.60' | 132.00' | 129.50' | 127.00' |
| (aa) In Sarasota County Within the Manasota Basin | | | | |
| (bb) In Sumter County Within the Green Swamp Basin | | | | |
| (cc) In Sumter County Within the Withlacoochee River Basin | | | | |
| LAKES | | | | |
| Big Gant <u>Lake</u> S14 T22S R22E | 76.50' | 76.25' | 74.50' | 72.50' |
| Black <u>Lake</u> S23 T18S R23E | 56.70' | 55.00' | 53.00' | 51.00' |
| Cherry <u>Lake</u> S24 T18S R23E | 56.70' | 55.00' | 53.00' | 51.00' |
| Deaton, <u>Lake</u> S14 T19S R23E | 65.50' | 65.00' | 62.00' | 60.00' |
| Miona, <u>Lake</u> S27 T18S R23E | 56.70' | 55.00' | 53.00' | 51.00' |
| Okahumpka, <u>Lake</u> S21 T19S R23E | 59.90' | 58.75' | 56.25' | 54.00' |
| Panasofkee, <u>Lake</u> | 42.80' | 42.50' | 39.50' | 38.50' |

SPECIFIC AUTHORITY: 455.2273 FS.
LAW IMPLEMENTED: 455.227(1), 455.2273 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: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:
61G1-12.004 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

- (1) through (2)(aa) No change.
(bb) Failure to timely provide proof of completion of the core courses or passing the equivalency test of the Building Code Training Program (481.215(5), F.S.)
Fine based on length of time since proof was to have been submitted with a \$500 minimum plus \$100/month to \$5000 maximum with suspension until proof of compliance is submitted
\$5000 fine and one (1) year suspension

(3) No change.

Specific Authority 455.2273 FS. Law Implemented 455.227(1), 455.2273 FS. History-New 12-11-86, Formerly 21B-12.004, Amended 5-15-94, 10-20-96, 10-7-99, 6-8-00, 9-10-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Architecture and Interior Design
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 4, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 20, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE TITLE: Citations
RULE NO.: 61G1-12.005
PURPOSE AND EFFECT: The proposed rule amendment is intended to set forth fines and penalties that may be imposed through the issuance of a citation due to violations by licensees who fail to timely provided proof of completion of the core courses or passing the equivalency test of the Building Code Training Program, as required by Section 481.215(5), Florida Statutes.

SUMMARY: The proposed rule amendment specifies disciplinary dispositions through the imposition of fines and penalties via citation upon licensees for violation of referenced statutes and rules.

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: 455.2273 FS.
LAW IMPLEMENTED: 455.227(1), 455.2273 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: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

- 61G1-12.005 Citations.
(1) through (3)(c) No change.
(d) Failure to timely provide proof of completion of the core courses or passing the equivalency test of the Building Code Training Program (481.215(5), F.S.)
\$500 fine and suspension until proof of compliance is submitted
(4) through (5) No change.

Specific Authority 455.224, 455.225, 481.306 FS. Law Implemented 455.224 FS. History-New 12-22-91, Amended, 1-3-93, 3-28-93, Formerly 21B-12.005, Amended 11-16-93, 5-4-97, 2-25-98, 12-3-98, 6-30-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Architecture and Interior Design
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 4, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 20, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE TITLE: Board Approval of Continuing Education Providers
RULE NO.: 61G10-18.002

PURPOSE AND EFFECT: The proposed rule amendment is intended to incorporate additional requirements to be met relating to the submission of an application for continuing education provider status by first time provider applicants, or providers who have been previously approved but failed to renew in a timely manner.

SUMMARY: Relating to the business entity, the proposed rule amendment outlines the specifics of the required questionnaire form as a supplement to an application for continuing education provider status.

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

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

SPECIFIC AUTHORITY: 455.2124, 455.2179, 481.306, 481.313 FS.

LAW IMPLEMENTED: 455.2179, 481.313, 553.841 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

61G10-18.002 Board Approval of Continuing Education Providers.

(1) through (2) No change.

(3) First time Provider Applicants, or Providers who have been previously approved, but failed to renew in a timely manner shall answer the following questions as they relate to the business entity making application on a separate sheet of paper, to be attached to and included with the application: A form for providing this information is available for your convenience from the Board Office or may be printed from the Board Web Site at MyFlorida.com./dbpr.

(a) Are you an individual seeking provider status, a business entity seeking provider status, a professional organization seeking provider status, a governmental entity seeking provider status, or an educational facility seeking provider status?

(b) What is the scope of your business?

(c) How long has the applicant been in the continuing education business?

(d) If you are a business or professional organization, are you an international company or organization, a national company or organization, a regional company or organization, or a local company or organization?

(e) Are you directly or indirectly affiliated with the profession of Landscape Architecture? (i.e. An irrigation firm is directly affiliated; an insurance company is indirectly affiliated.)

(f) Do you provide continuing education services to any other Boards, or to other professions?

(g) If you are not a business, but an individual, please attach a resume listing your education and work experience.

(4)(3) No change.

Specific Authority 455.2124, 455.2179, 481.306, 481.313 FS. Law Implemented 455.2179, 481.313, 553.841 FS. History–New 9-19-01, Amended 6-6-02, 4-13-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Landscape Architecture

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 31, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 2004

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

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

RULE TITLE: Examination of Licensure
 RULE NO.: 64B4-3.003

PURPOSE AND EFFECT: The proposed rule amendment adds language regarding the conditions that an applicant for licensure as a mental health counselor must meet in order to be considered for exemption from the requirement of taking the theory and practice of paragraph 64B4-3.003(3)(b), F.A.C., of the licensure examination.

SUMMARY: The rule sets forth guidelines for eligibility for examination of licensure, including the theory and practice examination requirements for clinical social workers, mental health counselors, and marriage and family therapists.

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: 456.017(1)(c), 491.004(5) FS.

LAW IMPLEMENTED: 456.017(1)(c), 491.005 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan 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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-3.003 Examination for Licensure.

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

(b) MENTAL HEALTH COUNSELORS.

1. The National Clinical mental health Counseling Examination (NCMHCE) shall be a clinical simulation examination developed by the National Board for Certified Counselors (NBCC). All options are given a weight based upon the level of appropriateness for good client care. The minimum pass level shall be the recommended cut-off score provided by the NBCC and established according to a content-based modified Angoff procedure.

2. An applicant for licensure as a mental health counselor is not required to take the theory and practice paragraph 64B4-3.003(3)(b), F.A.C., of the licensure examination if the following conditions are met:

a. The applicant has taken the National Clinical Mental Health Counseling Examination (NCMHCE) within the last five years; and

b. The applicant earned the national passing score on the NCMHCE.

3. An applicant for licensure as a mental health counselor is not required to take the theory and practice of paragraph 64B4-3.003(3)(b), F.A.C., of the licensure examination if the following requirements are met:

a. The applicant has taken the National Counselor Examination (NCE) developed by the National Board of Certified Counselors prior to January 1, 2001; and

b. The applicant earned the national passing score of the NCE within five years of application for licensure.

(c) No change.

Specific Authority 456.017, 491.004(5) FS. Law Implemented 456.017, 491.005 FS. History—New 3-21-90, Amended 7-31-91, 3-10-92, 6-1-92, 1-27-93, Formerly 21CC-3.003, Amended 3-14-94, 7-20-94, Formerly 61F4-3.003, Amended 12-22-94, 9-18-95, 11-13-96, 6-1-97, Formerly 59P-3.003, Amended 8-8-99, 1-11-00, 7-2-00, 8-24-00, 10-15-02, 7-8-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 20, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 2, 2004

DEPARTMENT OF HEALTH

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

RULE TITLE: Continuing Education Provider

RULE NO.:

Application Fee 64B4-4.009

PURPOSE AND EFFECT: The proposed rule amendment incorporates wording that clearly states the non-refundable policy regarding the application fee.

SUMMARY: The non-refundable application fee for Board approval of a continuing education provider shall be \$200.00 for each licensure biennium for which the provider seeks approval.

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: 491.0085, 491.004 FS.

LAW IMPLEMENTED: 491.0085(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan 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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-4.009 Continuing Education Provider Application Fee.

The nonrefundable application fee for Board approval of a continuing education provider shall be \$ 200 for each licensure biennium for which the provider seeks approval.

Specific Authority 491.0085, 491.004 FS. Law Implemented 491.0085(2) FS. History—New 4-3-89, Formerly 21CC-4.009, 61F4-4.009, 59P-4.009, Amended 12-21-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Social Work, Marriage and Family Therapy
and Mental Health Counseling
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Clinical Social Work,
Marriage and Family Therapy and Mental Health Counseling
DATES PROPOSED RULE APPROVED BY AGENCY
HEAD: August 19-20, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: August 22, 2003

DEPARTMENT OF HEALTH

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

RULE TITLE: Renewal of Active License
RULE NO.: 64B4-6.001

PURPOSE AND EFFECT: The proposed rule amendment
incorporates new language regarding required course subjects
for approved continuing education credits.

SUMMARY: In addition to the previously noted subjects
encompassed in the completion of 30 hours of continuing
education credits, a licensee must complete two hours on the
prevention of medical errors and three hours relating to
professional ethics and boundary issues.

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(6), 456.031(1)(a),
491.004(5), 491.007(2) FS.
LAW IMPLEMENTED: 456.013(6), 456.031(1)(a),
491.007(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULE IS: Susan 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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-6.001 Renewal of Active License.

(1) No change.

(2) A licensee shall not be required to complete continuing
education for the first renewal of licensure. For each
subsequent renewal:

(a) A licensee must complete 30 hours of approved
continuing education credit including: two hours on the
prevention of medical errors; three hours relating to
professional ethics and boundary issues; and 1 hour on
domestic violence during the two-year period ending on the
last day of the biennial renewal period. In lieu of the domestic
violence course, a licensee may complete a course in end of
life care and palliative health care if the licensee has completed
an approved domestic violence course in the immediately
preceding biennium.

(b) through (c) No change.

(3) through (4) No change.

Specific Authority 456.013(6), 456.031(1)(a), 491.004(5), 491.007(2) FS. Law
Implemented 456.013(6), 456.031(1)(a), 491.007(2) FS. History--New 4-4-89,
Amended 12-4-90, Formerly 21CC-6.001, Amended 1-9-94, Formerly
61F4-6.001, Amended 1-7-96, 12-29-96, Formerly 59P-6.001, Amended
2-9-99, 2-5-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Social Work, Marriage and Family Therapy
and Mental Health Counseling

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Clinical Social Work,
Marriage and Family Therapy and Mental Health Counseling
DATES PROPOSED RULE APPROVED BY AGENCY
HEAD: August 19-20, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: February 20, 2004

DEPARTMENT OF HEALTH

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

RULE TITLE: Approved Courses for Continuing Education
RULE NO.: 64B4-6.002

PURPOSE AND EFFECT: The proposed rule amendment
updates name changes for certain entities regarding approved
continuing education programs.

SUMMARY: The rule sets forth the criteria for approved
courses for continuing education requirements.

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(6), 491.004(5), 491.0085
FS.

LAW IMPLEMENTED: 456.013(6), 491.0085(1), 491.007(2)
FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan 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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-6.002 Approved Courses for Continuing Education.

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

(e) Continuing education programs offered and approved by the following entities as long as such entities impose requirements similar to or more stringent than those imposed by the Board in subparagraphs 64B4-6.004(2)(a)1.-5., F.A.C.:

1. No change.

2. American Association of Sex Educators Counselors and Therapists (AASECT) ~~American Society of Sex Educators and Therapists (ASECT)~~;

3. through 15. No change.

16. Association of Marital and Family Therapy Regulatory Boards (AMFTRB) ~~American Marriage and Family Therapy Regulatory Boards (AMFTRB)~~.

The Board shall annually review the continuing education program approval criteria of the above-referenced entities.

(2) through (5) No change.

Specific Authority 456.013(6), 491.004(5), 491.0085 FS. Law Implemented 456.013(6), 491.0085(1), 491.007(2) FS. History--New 4-4-89, Amended 10-16-90, 6-19-91, 9-2-91, 8-24-92, Formerly 21CC-6.002, Amended 1-9-94, Formerly 61F4-6.002, Amended 10-4-94, 12-22-94, 1-7-96, 12-29-96, Formerly 59P-6.002, Amended 12-11-97, 2-9-99, 8-9-00, 6-30-02, 7-8-03,

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

DATES PROPOSED RULE APPROVED BY AGENCY HEAD: August 19-20, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 2, 2004

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Developmental Services Program

RULE TITLE: Siting

RULE NO.: 65B-6.014

PURPOSE AND EFFECT: To implement the provisions of 393.501(2), F.S., requiring the department to adopt rules addressing the number of facilities on a single parcel and adjacent parcels of land. This proposed rule would, for facilities licensed or established after the effective date of the

rule, limit the number of residential facilities able to be licensed on a single parcel and adjacent parcels of land based on criteria defined within this rule.

(This publication of Proposed Rulemaking is currently being promulgated under Florida Administrative Code, Chapter 65. However, with the creation of the new Agency for Persons with Disabilities on October 1, 2004, a specific chapter within Florida Administrative Code will be created. This rule then will at that time transfer to the chapter specified for the Agency for Persons with Disabilities.)

SUMMARY: Same as written within the purpose and effect.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of 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: 393.067, 393.501 FS.

LAW IMPLEMENTED: 393.063, 393.066, 393.13, 393.501 FS.

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

TIME AND DATE: Wednesday, November 17, 2004, 10:00 a.m. – 12:00 Noon

PLACE: 1317 Winewood Blvd., Building 3, 3rd Floor, Room 313, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tom Rice, Agency for Persons with Disabilities, 1317 Winewood Blvd., Tallahassee, FL 32399-0700, (850)414-7649

THE FULL TEXT OF THE PROPOSED RULE IS:

65B-6.014 Siting.

(1) This rule applies to community residential homes licensed by the Department of Children and Families – Developmental Disabilities Program pursuant to Section 393.067, Florida Statutes and Rule 65B-6.014, F.A.C.

(2) Definitions.

(a) “Community residential home” means a dwelling unit licensed to serve clients of the Department of Children and Families – Developmental Disabilities Program, which provides a living environment for up to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

(b) "Dwelling unit" means a structure or part of a structure that is rented for use as a home, residence, or sleeping place by one person or by two or more persons who maintain a common household.

(c) "Facility" means a community residential home licensed by the Department of Children and Families – Developmental Disabilities Program as described within Section 393.067, F.S., and Chapter 65B-6, F.A.C.

(d) "Lot" means a parcel or tract of land described by reference to recorded plats or by metes and bounds, or the least fractional part of subdivided lands having limited fixed boundaries or an assigned number, letter, or any other legal description by which it can be identified.

(e) "Parcel" means a platted or unplatted lot, tract, unit, or other subdivision of real property within a community.

(3) All facilities seeking initial licensure or licensure in a different licensing category after the effective date of this rule must fully comply with the requirements of Section 419.001, Florida Statutes, to the extent applicable.

(4) After the effective date of this rule, only one (1) residential facility may be sited on a single parcel of land. An applicant may seek an exception to this requirement in the following circumstances: if the facilities are located on a single parcel but are each located on a part of the parcel that is separated from the other parts of the parcel by a body of water or a limited access highway (not intended for an individual to cross on foot, or bicycle, by motor vehicle or other means of transport conveyance) that divides the parcel and separates the facilities. Approval by the Director of the Developmental Disabilities Program Office or his/her designee must be obtained prior to licensure under this exception.

(5) After the effective date of this rule, residential facilities may be sited on no more than two (2) adjacent parcels of land. An applicant may seek an exception to this requirement in the following circumstances: if the parcels are separated by a body of water or a limited access highway (not intended for an individual to cross on foot, or bicycle, by motor vehicle or other means of transport conveyance) that divides the parcels and separates the facilities. Approval by the Director of the Developmental Disabilities Program Office or his/her designee must be obtained prior to licensure under this exception.

(6) Even with the aforementioned exceptions described within paragraphs (4) and (5) of this rule, there shall be no more than three (3) facilities within a radius of 1,000 feet.

(7) For purposes of this rule, distance shall be measured along a radius from the center of the actual parcel (where the new proposed residential facility is to be located) in all directions. The facility seeking initial licensure or a change in an existing license shall be included in the computation of numbers of facilities within a 1,000 foot radius.

Specific Authority 393.067, 393.501 FS. Law Implemented 393.063, 393.066, 393.13, 393.501 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tom Rice

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kerry Schoolfield, Supervisor of Tom Rice/Shelly Brantley, Agency Head

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 20, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 19, 2004

FLORIDA HOUSING FINANCE CORPORATION

| | |
|--|------------|
| RULE TITLES: | RULE NOS.: |
| Definitions | 67-32.002 |
| Terms and Conditions of Loan | 67-32.006 |
| Scoring, Ranking, and Funding Guidelines | 67-37.007 |
| EHCL Credit Underwriting Procedures | 67-32.009 |
| Fees | 67-32.011 |

PURPOSE, EFFECT AND SUMMARY: Pursuant to Florida Statutes, Chapter 420.5087(3)(d), the Florida Housing Finance Corporation administers the Elderly Housing Community Loan (EHCL) Program. This program provides loans to sponsors of affordable rental housing for very low income elderly households. Chapter 67-32, F.A.C., provides the procedures for the administration of this loan program and criteria for receiving, evaluating, and competitively ranking all applications for loans under the EHCL program. The intent of this Rule is to provide loans to sponsors of housing for the elderly to make building preservation, health, or sanitation repairs or improvements which are required by federal, state, or local regulation or code, or life-safety or security-related repairs or improvements to such housing. Revisions to the Rule are required to implement technical and clarifying changes. The adoption of these revisions will increase the efficiency and effectiveness of local program service delivery and will provide greater clarification of the program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 420.5087 FS.

LAW IMPLEMENTED: 420.5087 FS.

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

TIME AND DATE: 10:00 a.m., November 15, 2004

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, 6th Floor Seltzer Room, Tallahassee, Florida 32301-1329

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Robert Dearduff, EHCL Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

THE FULL TEXT OF THE PROPOSED RULES IS:

67-32.002 Definitions.

For the purposes of this rule the following definitions shall apply:

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

(2) "Applicant" means any person or entity, public or private, for-profit or not-for-profit that provides Housing for the Elderly who is requesting funding from the Elderly Housing Community Loan Program (EHCL).

(3) "Application" means the completed forms together with all exhibits submitted to Florida Housing in accordance with this rule chapter for the purpose of requesting funds from the EHCL Program.

(4) "Application Package" means the forms, threshold requirements, instructions and other information necessary for submission of an Application to Florida Housing for the EHCL Program.

(5) "Corporation" or "~~FHFC~~" or "Florida Housing" means the Florida Housing Finance Corporation.

(6) "Development," "~~Project,~~" or "Property" means the rental housing unit or units to be repaired or improved by the funds received from the Program.

(7) "EHCL" or "EHCL Program" or "Program" means the Elderly Housing Community Loan Program created pursuant to Section 420.5087(3)(d), F.S.

(8) "Elderly" means elderly as defined in Section 420.503, F.S.

(9) "Housing for the Elderly" means any housing community as defined in Section 420.503, F.S.

(10) "Received" means delivery by hand, U.S. Postal Service, or other courier service, unless otherwise indicated, to the offices of the Florida Housing no later than 5:00 p.m., Eastern time, on the day of the Application deadline.

(11) "Review Committee" means a committee of Florida Housing staff and one Department of Community Affairs person who will make recommendations to Florida Housing's Board of Directors regarding Program participation.

Specific Authority 420.5087(3)(d) FS. Law Implemented 420.5087(3)(d) FS. History—New 10-2-89, Amended 2-25-96, Formerly 91-32.002, Amended 11-9-98, 1-2-00, 12-31-00, 3-17-02, 5-5-03, _____.

67-32.006 Terms and Conditions of Loan.

(1) The loan shall be in compliance with this rule chapter and the Act, and loan documents shall, at a minimum, contain the following terms and conditions:

(a) The loan shall be non-amortizing and shall have an interest rate of one percent;

(b) Repayment of principal and interest shall be deferred until maturity of the note;

(c) The loan term shall not exceed fifteen years but may be for a shorter period of time as recommended by the credit underwriter.

(d) The Applicant shall certify annually to the Corporation that the Development is providing Housing for the Elderly as defined herein.

(2) Unless otherwise approved by the Corporation, the loan must close within 6 months of the date of issuance of the firm EHCL loan commitment.

(3) The loan shall not be assumable upon Development sale, transfer or refinancing of the Development, unless approved by the U.S. Department of Housing and Urban Development (HUD).

(4) If the loan is repaid due to sale, transfer, or refinancing of the Development, all available proceeds shall be applied to pay the following items in order of priority:

(a) First mortgage debt service and fees;

(b) Expenses of the sale;

(c) EHCL principal and accrued interest.

(5) Florida Housing or an authorized representative of Florida Housing shall monitor compliance of all terms and conditions of the loan as provided in the loan documents.

(6) Insurance shall be maintained on the Development as determined by the first mortgage lender, but which shall, in any case, include fire and hazard insurance, with Florida Housing listed as a loss payee, in an amount sufficient to cover the amount of the EHCL loan and all superior mortgage loans and other insurance sufficient to meet the standards established in Part V, Section 106 of the Fannie Mae DUS Guide, effective September 10, 2002, which is adopted and incorporated herein by reference.

(7) Any violation of the terms and conditions required by Rule Chapter 67-32, F.A.C., or the loan documents constitutes a default under the loan documents allowing Florida Housing to accelerate its loan and to seek foreclosure as well as any other remedies legally available to it.

Specific Authority 420.5087(3)(d) FS. Law Implemented 420.5087(3)(d) FS. History—New 10-2-89, Amended 1-9-92, 2-25-96, Formerly 91-32.006, Amended 11-9-98, Repromulgated 1-2-00, Amended 12-31-00, 3-17-02, 5-5-03, _____.

67-32.007 Scoring, Ranking, and Funding Guidelines.

(1) Each Application received by the Application deadline shall be scored by Florida Housing staff based on the factors specified in the Application Package. Preliminary scores shall be transmitted to all Applicants.

(2) Failure to submit an Application following instructions provided in the Application Package and this rule chapter will result in rejection of the Application or a score less than the maximum available.

(3) With the exception of those items specified in the Application as mandatory elements which cannot be changed once the Application deadline has passed, Applicants will have 15 days from the date Florida Housing sends the preliminary scores to the Applicant to submit additional documentation, revised pages, and any such information the Applicant deems appropriate to address issues raised during scoring that could result in rejection of the Application or a score less than the maximum available. Where specific pages of the Application are revised or additional information is provided, each new page must be marked "revised" and an original and two copies of this additional documentation must be submitted by the deadline for Florida Housing to consider it in determining final scores. Pages of the Application that are not revised or otherwise changed may not be resubmitted, except those documents signed by third parties shall be submitted in their entirety.

(4) Following the receipt and review of the documentation described in subsection (3) above, Florida Housing shall then prepare final scores. In determining the final scores, no Application shall be rejected or receive a point reduction as a result of any issues not previously identified in the preliminary scores transmitted to the Applicant.

(5) The Review Committee shall prepare a scoring and ranking recommendation based on final scores and submit it to Florida Housing's Board of Directors for approval.

(6) Following the Board's action regarding the scoring and ranking, Florida Housing will transmit the scoring and ranking to each Applicant along with a notice of appeal rights.

(7) Following the Board's action on recommended orders received for all appeals resolved pursuant to Section 120.57, F.S., Florida Housing staff shall implement the Board's action by adjusting the scoring and ranking to reflect the outcome of the final orders.

(8) Applications shall be funded in the order of their scoring and ranking until all allocated funding has been awarded. However, an Application shall not be considered for funding if it does not meet threshold requirements as provided in the Application Package.

(9) Each Application received by the Application Deadline will be assigned an Application number. Each Application that is assigned an Application number will receive a lottery number at or prior to the issuance of final scores. Lottery numbers will be assigned by having Florida Housing's internal auditors run the total number of assigned Application numbers through a random number generator program. Tie-breakers will be applied to Applications with tied scores in the order listed below. For purpose of this tie-breaker, "non-profit" is defined as an Applicant or Developer whose general partner is 100% non-profit and all partners are 100% non-profit. In addition, for purposes of this provision, a limited liability company will not be considered a nonprofit unless all of its members are 100% non-profit.

(a) Preference will be given to the Application from an Applicant that has not been previously funded through the Florida Housing EHCL program.

(b) Preference will be given to the Application from an Applicant that is 100% non-profit.

(c) Lottery – Preference will be given to the Application with the lowest lottery number.

(10) If an Applicant rejects an offer of funding, Florida Housing will offer the funding to remaining eligible Applications in order of ranking.

(11) An EHCL Application will not be funded if there are not enough funds available to fund at least 60% of the Application's request amount. In the event that an Application is not funded for this reason, a lower ranked Application will be considered for funding.

(12) After all eligible Applications have been funded, any funds which have not been awarded shall be made available to Applicants through a supplemental cycle under the State Apartment Incentive Loan Program.

(13) Any funds which have not been awarded after the supplemental cycle shall be made available to applicants under the State Apartment Incentive Loan Program.

Specific Authority 420.5087(3)(d) FS. Law Implemented 420.5087(3)(d) FS. History—New 10-2-89, Formerly 91-32.007, Amended 11-9-98, 1-2-00, Repromulgated 12-31-00, Amended 3-17-02, 5-5-03, _____.

67-32.009 EHCL Credit Underwriting Procedures.

(1) Following the appeals process, the Corporation shall issue preliminary commitment letters to those Applicants whose Developments were awarded final scores and ranking which placed them into the funding range.

(a) The preliminary commitment shall be subject to a positive recommendation by the Corporation's Credit Underwriter and approval by the Corporation's Board of Directors.

(b) The invitation to credit underwriting shall require that the Applicant submit the credit underwriting fee to the Credit Underwriter within 7 calendar days of the date of the invitation. The Corporation will, within the specified 7 calendar days, submit a copy of the Applicant's Application to the Credit Underwriter. Unless a written extension is obtained from the Corporation, failure to submit the fee by the specified deadline shall result in rejection of the Application.

(2) The Credit Underwriter shall verify all information in the Application, including information relative to the Applicant, Developer and Contractor.

(a) The Credit Underwriter shall report any inconsistencies or discrepancies or changes made to the Applicant's Application during credit underwriting. If the Board determines at any time that the changes made ~~make~~ are prejudicial to the Development or if any discrepancy or misrepresentation is found, the Application will be rejected.

(b) If the Credit underwriter determines that special expertise is required to review information submitted to the Credit Underwriter which is beyond the scope of the Credit Underwriter's expertise, the fee for such services shall be borne by the Applicant.

(3) The Credit Underwriter shall make a written report and recommendation to the Corporation.

(4) After approval of the Credit Underwriter's recommendation by the Board of Directors or a committee appointed by the Board, the Corporation shall issue a firm EHCL loan commitment.

Specific Authority 420.5087(3)(d) FS. Law Implemented 420.5087(3)(d) FS. History--New 5-5-03, Amended _____.

67-32.011 Fees.

(1) The following fees are required in conjunction with the Program:

~~(a) Application Package fee of \$20 payable to Florida Housing.~~

~~(a)(b)~~ Application fee of \$50 payable to Florida Housing for each Application submitted.

~~(b)(e)~~ Credit underwriting fee pursuant to contract between Florida Housing and the credit underwriter payable to the credit underwriter on or before the seventh calendar day following issuance of the preliminary commitment letter. The Credit Underwriter will not begin credit underwriting until this fee has been paid. If a Development involves units at scattered sites within a single county, a single credit underwriting fee shall be charged.

~~(c)(d)~~ A non-refundable commitment fee of \$250.00 payable to Florida Housing upon acceptance of the firm commitment. Applicants who provide a letter signed by the Applicant with an explanation of why funds will not be available prior to closing shall be permitted to pay the commitment fee at closing.

~~(d)(e)~~ Loan Servicing fees to be paid by the Applicant to the servicer pursuant to contract between Florida Housing and the servicer.

(2) Fees are part of Development cost and may be included as an eligible expense in determining total cost of the repairs or improvements.

(3) Failure to pay any fee shall cause the firm commitment to be terminated or shall constitute a default on the loan.

Specific Authority 420.5087(3)(d) FS. Law Implemented 420.507(19), 420.5087(3)(d) FS. History--New 10-2-89, Amended 2-25-96, Formerly 91-32.011, Amended 11-9-98, 1-2-00, 12-31-00, 3-17-02, Repromulgated 5-5-03, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Derek Helms, Program Manager, Elderly Housing Community Loan (EHCL) Program, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197, extension 1218

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2004, Corporation Board of Director's Meeting

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 2004

FLORIDA HOUSING FINANCE CORPORATION

| | |
|-------------------------------------|------------|
| RULE TITLES: | RULE NOS.: |
| Definitions | 67-37.002 |
| Local Housing Assistance Plans | 67-37.005 |
| Local Housing Assistance Trust Fund | 67-37.008 |

PURPOSE, EFFECT AND SUMMARY: This rule establishes the procedures by which the Florida Housing Finance Corporation shall administer the State Housing Initiatives Partnership (SHIP) Program which provides funds to Local Governments as an incentive to create Partnerships to produce and preserve affordable housing. Revisions to the Rule are required to implement technical and clarifying changes. The adoption of these revisions will increase the efficiency and effectiveness of local program service delivery and will provide greater clarification of the program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 420.907 FS.

LAW IMPLEMENTED: 420.9071, 420.9072, 420.9073, 420.9075, 420.9076, 420.9078, 420.9079 FS.

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

TIME AND DATE: 9:30 a.m., November 15, 2004

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, 6th Floor Seltzer Room, Tallahassee, Florida 32301-1329

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Robert Dearduff, SHIP Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

THE FULL TEXT OF THE PROPOSED RULES IS:

67-37.002 Definitions.

As used in this rule chapter, the following definitions shall apply:

(1) No change.

(2) "Annual Report" or "Form SHIP-AR/02-1" means is a report ~~that is~~ required to be completed and submitted to the Corporation by September 15 of each year pursuant to Section 420.9075(9), F.S., and is adopted and incorporated herein by reference with an effective date of 9-22-03. A complete copy of Form SHIP-AR/02-1 may be obtained at www.floridahousing.org, or by contacting Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301.

(3) through (5) No change.

(6) "Expended" or "Spent" means the affordable housing activity is complete and funds deposited to the local affordable housing trust fund have been transferred from the local housing assistance trust fund account to pay for the cost of the activity. ~~In all cases, this definition will apply when the project is completed as evidenced by documentation of final payment to the contractor and release of all lien waivers, issuance of the certificate of occupancy by the local building department, and occupancy by an eligible person or eligible household. In the case of a loan guarantee strategy, the deposits to the local housing assistance trust fund will be considered expended when they are deposited from the local housing assistance trust fund into the guarantee fund. The funds deposited to the local housing assistance trust fund must be spent within twenty four months from the end of the applicable State fiscal year. Exceptions to this time frame must be approved by a majority vote of the Review Committee on a case by case basis. Exceptions will only be granted for good cause. Examples of good cause are natural disasters, requirements of other State agencies, adverse market conditions, and unavoidable development delays. Adequate documentation must be presented to the Review Committee before an extension will be granted, e.g., project status, work plan and completion schedule, commitment of funds, etc.~~

(7) No change.

(8) "Institutional First Mortgage Lender" means any ~~bank or trust company, mortgage banker, savings bank, credit union, national banking association, savings and loan association, building and loan association, or other~~ financial institution or governmental agency authorized to conduct business in this state and which customarily provides service or otherwise aids in the financing of mortgages on real property located in this state.

(9) through (15) No change.

Specific Authority 420.9072(9) FS. Law Implemented 420.9072 FS. History—New 11-26-92, Amended 2-9-94, 12-28-94, 1-6-98, Formerly 91-37.002, Amended 12-26-99, 9-22-03, _____.

67-37.005 Local Housing Assistance Plans.

(1) through (5) No change.

(6)(a) through (b) No change.

(c) Certifies that the staff or entity that has administrative authority for implementing a local housing assistance plan assisting rental developments shall annually monitor and determine tenant eligibility throughout the 15 year compliance period as described at subsection 67-37.007(10)~~015(3)~~, F.A.C.

(d) through (e) No change.

(f) A provision requiring:

1. No change.

2. The expenditure of the local housing distribution deposited into the local housing assistance trust fund by any eligible person or eligible sponsor within 24 months of the close of the applicable State fiscal year. In all cases, this will apply when the project is completed as evidenced by documentation of final payment to the contractor and release of all lien waivers, issuance of the certificate of occupancy by the local building department, and occupancy by an eligible person or eligible household. In the case of a loan guarantee strategy, the deposits to the local housing assistance trust fund will be considered expended when they are deposited from the local housing assistance trust fund into the guarantee fund. The funds deposited to the local housing assistance trust fund must be spent within twenty-four months from the end of the applicable State fiscal year. Exceptions to this time frame must be approved by a majority vote of the Review Committee on a case-by-case basis. Exceptions will only be granted for good cause. Examples of good cause are natural disasters, requirements of other State agencies, adverse market conditions, and unavoidable development delays. Adequate documentation must be presented to the Review Committee before an extension will be granted, e.g., project status, work plan and completion schedule, commitment of funds, etc. unless otherwise extended as provided at subsection 67-37.002(8), F.A.C.;

3. through 4. No change.

5. Small counties and eligible municipalities receiving a local housing distribution of up to \$350,000 may use up to 10 percent of program income for administrative costs.

(7) Each local housing assistance plan shall include a disaster strategy describing activities to be undertaken in the event of an emergency or natural disaster which has been declared by executive order. The local government may use the Disaster Strategy (08/04) hereby adopted and incorporated by reference with an effective date of _____. A copy is available on Florida Housing's website at www.floridahousing.org or by contacting the Florida Housing SHIP Staff, 227 North Bronough St., Suite 5000, Tallahassee, FL 32301 or call (850)488-4197. The corporation shall disburse funds for disaster relief proportionately as provided in s. 420.9073(2)(b), F.S. Local Governments may use unencumbered SHIP funds to carry out activities of disaster

relief. Recipients of SHIP funds under a local government's disaster strategy shall be required to verify income by executing a Disaster Self Certification of Income Form (08/04), hereby adopted and incorporated by reference with an effective date of _____ or a local government's form that requires the same information. A copy is available on the Corporation's website at www.floridahousing.org or by contacting the Florida Housing SHIP Staff, 227 North Bronough St., Suite 5000, Tallahassee, FL 32301 or call (850)488-4197. Pay check stubs and other forms of proof are required, unless unavailable due to loss through natural disaster. Other documentation required for SHIP income qualification may be waived if unavailable due to loss through natural disaster. The county or eligible municipality shall make every effort reasonable to insure that the recipients of SHIP funds are income qualified.

~~(8)~~(7) A copy of the local housing assistance plan shall be submitted to the Corporation, via U.S. Mail or electronic submission. If submitted electronically, a mailed copy shall be sent to the Corporation within three working days of the plan being electronically transmitted. The mailed copy submitted to the corporation shall bear the original signature of the authorized official which includes: Mayor, Commissioner, County Manager or City Manager or the authorized official's designee and a certification that the document being submitted is the county's, eligible municipality's or interlocal entity's local housing assistance plan and that all provisions of the plan conform to the requirements of Section 420.9072, F.S., et seq., and Rule Chapter 67-37, F.A.C. Each local housing assistance plan shall be printed on 8 1/2" x 11" paper or electronic submission and contain a table of contents or checklist, which specifies exactly where in the documentation certain required items shall be located. Each local housing assistance plan amendment shall be coded with text which is being deleted struck through and text being added underlined. Within two weeks after receipt of final approval letter, the local government shall provide to the Corporation a clean copy (no strike through or underline) for Corporation files.

Specific Authority 420.9072(9) FS. Law Implemented 420.9072(2), 420.9075 FS. History—New 11-26-92, Amended 5-2-93, 2-9-94, 12-28-94, 1-6-98, Formerly 91-37.005, Amended 12-26-99, 9-22-03, _____.

67-37.008 Local Housing Assistance Trust Fund.

(1) No change.

(2) The local housing assistance trust fund shall be separately stated as a special revenue fund in a county's or eligible municipality's audited financial statements. Copies of such audited financial statements shall be forwarded annually to the Corporation ~~as soon as available, but~~ no later than April September 30th of the following fiscal year. In addition to providing audited financial statements ~~a Consolidated Annual Financial Report (CAFR)~~, all participating jurisdictions must provide evidence of compliance with the Florida Single Audit Act, as referenced in Section 215.97(6), F.S.

(3) An interlocal entity shall have its local housing assistance trust fund separately audited for each State fiscal year, which audit shall be forwarded to the Corporation as soon as available, but no later than ~~April~~ September 30th of the following fiscal year.

(4) No change.

Specific Authority 420.9072(9) FS. Law Implemented 420.9075(5) FS. History—New 11-26-92, Amended 2-9-94, 1-6-98, Formerly 91-37.008, Repromulgated 12-26-99, Amended 9-22-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Darlene Raker, Program Manager, State Housing Initiatives Partnership (SHIP) Program, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197, extension 1156

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Robert Dearduff, Program Administrator, State Housing Initiatives Partnership (SHIP) Program, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2004, Corporation Board of Director's Meeting

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 2004

FLORIDA HOUSING FINANCE CORPORATION

| RULE TITLES: | RULE NOS.: |
|--|------------|
| Purpose | 67-38.001 |
| Definitions | 67-38.002 |
| General Program Requirements and Restrictions | 67-38.026 |
| Application Submission Procedures | 67-38.003 |
| Incomplete Applications and Rejection Criteria | 67-38.004 |
| Application Evaluation and Award Guidelines | 67-38.005 |
| Terms of the PLP Loan | 67-38.007 |
| Eligible Uses for the Loan | 67-38.008 |
| Credit Underwriting Procedures | 67-38.010 |
| Fees | 67-38.011 |
| Disbursement Procedures | 67-38.014 |
| Application Procedures for Applicants Participating Under 1998 Cycles I and II | 67-38.017 |

PURPOSE AND EFFECT: The purpose of Rule Chapter 67-38, Florida Administrative Code (F.A.C.), is to establish the procedures by which the Florida Housing Finance Corporation shall administer and implement the Predevelopment Loan Program which provides technical assistance and funding for predevelopment expenses to non-profit developers of affordable housing for low income households.

SUMMARY: The Corporation has reviewed the contents of this rule to ensure that the language contained therein is still in line with the Statute, current goals of the Corporation and

reflects any material changes that have taken place within the structure or application process of the Predevelopment Loan Program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 420.528 FS.

LAW IMPLEMENTED: 420.507, 420.521-420.529 FS.

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

TIME AND DATE: 11:00 a.m., November 15, 2004

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Keantha Belton, Special Programs Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

THE FULL TEXT OF THE PROPOSED RULES IS:

67-38.001 Purpose.

The purpose of the Predevelopment Loan Program is to provide financial and technical assistance to eligible Applicants for predevelopment related activities associated with the development of affordable single family home ownership units and multi-family rental housing.

Specific Authority 420.528 FS. Law Implemented 420.523 FS. History--New

67-38.002 Definitions.

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

(2) "Affiliate" means any person or entity that: ~~(i)(a) directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with the Applicant, (ii)(b) serves as an officer or director, agent, employee, or any business entity or person associated with~~ of the Applicant in the furtherance of a business venture for which the Applicant is applying for one or more of the Corporation's programs, or (iii)(e) is the spouse, parent, child, sibling, or relative by marriage of a person or entity described in (i)(a) or (ii)(b) above.

(3) "Applicant" ~~means any person or legally formed entity that is seeking a loan or funding from the Corporation by submitting an Application for one or more of the Corporation's programs means any unit of government, a local housing authority established pursuant to Chapter 421, F.S., a community based or not for profit organization, or a limited~~

~~partnership if its general partner is a community based or not for profit organization as defined by Section 420.524, F.S., that submits an Application for funding from the Predevelopment Loan Program. "Applicant" includes a sponsor as defined by Section 420.524, F.S.~~

(4) "Application" ~~means the completed forms and exhibits created by Florida Housing for the purpose of providing the means to apply for one or more of the Corporation's programs. from the Application Package together with all required exhibits submitted to the Corporation in accordance with this Rule Chapter in order to apply for PLP funds.~~

(5) "Application Package" ~~or "Form 1115" means the forms and exhibits, instructions and other information necessary for submission of an Application under the Predevelopment Loan Program. The Application Package may be obtained from the Corporation at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329 or from the Corporation's Website, which shall be completed and submitted to the Corporation in order to apply for a specific Florida Housing program. With respect to PLP Form PLP 1115 is hereby adopted and incorporated herein by reference. The Corporation hereby adopts and incorporates by reference the Application Package (Form PLP 1115).~~

(6) "Board of Directors" or "Board" ~~means the Board of Directors of the Corporation. "Code" means the Internal Revenue Code of 1986, as amended.~~

(7) "Community-Based Organization" or "Not-For-Profit Organization" ~~means any group incorporated under Chapter 617, F.S. to provide housing and other services on a not-for-profit basis, and which is acceptable to federal and state agencies and financial institutions as a provider of affordable housing a community based or not for profit organization as defined in Section 420.524, F.S. For the Purpose of the Predevelopment Loan Program, the organization shall own at least 51% of the ownership interest in the Development held by the general partner entity. A for profit entity wholly owned by one or more qualified Not For Profit organizations shall constitute a Not For Profit entity. A Not For Profit entity shall own an interest in the Development, either directly or indirectly; shall not be affiliated with or controlled by a for profit corporation; and shall materially participate in the development and operation of the Development throughout the total affordability period as stated in the Land Use Restriction Agreement.~~

(8) "Compliance Period" means the period of time that the Development shall conform to all set-aside requirements as described in this Rule Chapter and agreed to by the Applicant in the Application.

(9) "Contact Person" means the person with whom the Corporation will correspond concerning the Application and the Development. This person cannot be a third-party consultant.

~~(10)(9)~~ “Corporation” or “Florida Housing” or “FHFC” means the Florida Housing Finance Corporation, a public corporation and the successor to the Florida Housing Finance Agency.

~~(11)(10)~~ “Credit Underwriter” means the independent contractor under contract with the Corporation having the responsibility of ~~for~~ providing stated credit underwriting services.

~~(12)~~ “Credit Underwriting” means an in-depth analysis by the Credit Underwriter of all documents submitted in connection with an Application.

~~(13)(11)~~ “Credit Underwriting Report” means a report that is a product of Credit Underwriting comprehensive analysis of the Applicant, the real estate, the financing of the Development, the ability of the Applicant and the Development team to proceed, evidence of the need for affordable housing in the defined area, and a determination that the Development meets PLP requirements.

~~(14)~~ “Developer” means an individual, association, corporation, joint venture, or partnership which possesses the requisite skill, experience and credit worthiness to successfully produce affordable housing.

~~(15)(12)~~ “Development” or “Property” means any work or improvement located in the state, including real property, the buildings, structures, fixtures and all other improvements or work located, or to be located, in Florida, including real property, buildings, and any other real and personal property, designed and intended for the primary purpose of providing decent, safe, and sanitary affordable residential housing for persons or families, whether new construction, the acquisition of existing residential housing, or the remodeling, improvement, rehabilitation, or reconstruction of existing houses, together with such related non-housing facilities as the Corporation determines to be necessary convenient and desirable for which financial assistance under the Predevelopment Loan Program has been applied for or received.

~~(16)(13)~~ “Development Plan” means the written description of the proposed Development submitted to the Corporation by the Technical Assistance Provider, Applicant with the concurrence of the Applicant, in the form created and approved by Florida Housing, Technical Assistance Provider detailing the Applicant’s objectives and goals with respect to the Development.

~~(17)(14)~~ “Development Site” means the land for the Development, as defined by the legal description in the Development Plan and the documents evidencing or securing the Loan.

~~(18)(15)~~ “Farmworker” means a laborer who is employed on a seasonal, temporary, or permanent basis in the planting, cultivating, harvesting, or processing of agricultural or aquacultural products and who derived at least 50% of her or his income in the immediately preceding 12 months from such

employment. “Farmworker” also includes a person who is retired as a laborer due to age, disability, or illness. In order to be considered retired as a farmworker due to age under this Rule Chapter, a person must be 50 years of age or older and must have been employed for a minimum of 5 years as a farmworker before retirement. In order to be considered retired as a farmworker due to due to disability or illness, a person must (i) establish medically that she or he is unable to be employed as a farmworker due to that disability or illness and (ii) establish that she or he was previously employed as a farmworker means farmworker as defined in Section 420.503, F.S.

~~(16)~~ “Financial Beneficiary” means any developer and its principals and principals of the Applicant entity who receives or will receive a financial benefit of:

~~(a)~~ 3% or more of Total Development Cost (including deferred fees) if Total Development Cost is \$5 million or less; or

~~(b)~~ 3% of the first \$5 million and 1% of any costs over \$5 million (including deferred fees) if total Development cost is greater than \$5 million. This definition does not include third party lenders, third party management agents or companies, housing credit syndicators, credit enhancers who are regulated by a state or federal agency and who do not share in the profits of the Development or building contractors whose total fees are determined to be within reasonable industry standards.

~~(19)(17)~~ “HUD” means the United States Department of Housing and Urban Development.

~~(20)(18)~~ “Invitation to Participate” means a letter sent to the Applicant indicating the Development has been selected to receive technical assistance which shall be signed and returned with the initial appropriate commitment fee prior to receiving technical assistance.

~~(19)~~ “Loan” means a direct loan from Predevelopment Loan Program.

~~(21)~~ “LURA” or “Land Use Restriction Agreement” means an agreement between the Corporation and the Applicant which sets forth the set-aside requirements and other Development requirements under a Corporation program.

~~(22)~~ “Mortgage” means Mortgage as defined in Section 420.503, F.S.

~~(23)(20)~~ “PLP” or “Predevelopment Loan Program” means the Predevelopment Loan Program established by the Act and this Rule Chapter.

~~(24)~~ “PLP Loan” means a direct loan from the Predevelopment Loan Program.

~~(21)~~ “Predevelopment Expenses” mean the expenses set forth in the Development Plan which are anticipated to be incurred prior to closing on construction or permanent financing.

(25) “Principal” means an Applicant, any general partner of an Applicant, and any officer, director, or any shareholder of any Applicant or shareholder of any general partner of an Applicant.

(26)(22) “Rehabilitation” means to bring a Development back to its original state, or to bring back to its original state with added improvements with limitations as specified by the program or programs which provide construction or permanent financing to the Development.

~~(23) “Servicer” means the independent contractor under contract with the Corporation having the responsibility for providing stated Loan servicing and administration and compliance monitoring services. Such services shall include reviewing and approving Loan disbursement requests for site acquisition, Loan servicing and single family and multifamily compliance monitoring services, if any.~~

(27)(24) “Servicing and Compliance Monitoring Fees” means fees associated with the review and processing of requests for disbursement of funds, inspections and the monitoring of Developments.

(28)(25) “Set-Aside” means the percentage of units within a Development that shall be reserved as affordable at or below the specified AMI to income qualified persons or households throughout the Compliance Period as outlined herein.

(29)(26) “Technical Assistance Provider” or “TAP” means an independent contractor retained by the Corporation to provide technical assistance services support.

(30)(27) “Technical Assistance” means assistance to Applicants via telephone, through on-site visits and by responses to oral and written inquiries from Applicants throughout the entire Predevelopment process and to provide such other services as agreed to by the Technical Assistance Provider and the Corporation.

(31)(28) “Threshold Requirements” means the requirements an Applicant shall meet as identified in the Application Package in order to receive an Invitation to Participate in the Predevelopment Loan Program.

(32) “Website” means the Florida Housing Finance Corporation’s website, the Universal Resource Locator (URL) for which is www.floridahousing.org.

Specific Authority 420.528 FS, Law Implemented 420.507, 420.521-.529 FS, History—New 3-23-93, Amended 1-16-96, Formerly 9I-38.002, Amended 3-26-98, 7-17-00, 7-21-03, _____.

67-38.0026 General Program Requirements and Restrictions.

(1) An Applicant may only apply for funding through the Predevelopment Loan Program if it is a legally formed entity that is:

- (a) Any unit of government.
- (b) A local housing authority established pursuant to Chapter 421, F.S.,
- (c) A Community-Based or Not-For-Profit Organization,

(d) A for-profit entity wholly owned by one or more qualified Not-For-Profit organizations, or

(e) A limited partnership if its general partner is a Community-Based or Not-For-Profit Organization that holds at least 51% of the ownership interest in the Development held by the general partner entity. The Not-For-Profit entity shall own an interest in the Development, either directly or indirectly; shall not be affiliated with or controlled by a for-profit corporation; and shall materially participate in the development and operation of the Development throughout the Compliance Period as stated in the Land Use Restriction Agreement.

(2) Loans shall be in an amount not to exceed \$500,000, or the predevelopment and acquisition costs outlined in Rule 67-38.008, F.A.C. that were incurred prior to the closing of permanent or construction loan financing for the Development, whichever is less.

(3) For rental Developments:

(a) The Applicant must commit to Set-Aside a minimum of 60% of the completed rental units to be rented to persons or households whose income does not exceed 60% of the area median income, as determined by HUD and adjusted by household size, for the metropolitan statistical area or county in which the Development is located, and

(b) Must set-aside the units for the duration of the Compliance Period. If the Development does not obtain construction or permanent financing from Florida Housing and no Florida Housing funds remain in the Development, this period shall be fifteen (15) years from the date the PLP loan is paid off. If the Development obtains construction or permanent financing from other Florida Housing programs, the Compliance Period shall be in effect for a period equal to the compliance period committed to by the Applicant under the particular Florida Housing program providing the additional funding.

(4) For home ownership Developments:

(a) The Applicant must commit to sell 100% of completed housing units to persons or households whose income do not exceed 80% of the area median income, as determined by HUD and adjusted by household size, for the metropolitan statistical area or county in which the individual homes are located, and

(b) If the Development obtains construction or permanent financing from other Florida Housing programs, the Set-Aside(s) committed to by the Applicant under the particular Florida Housing program providing the additional funding shall be in effect.

(5) Applicants are required to work with a Technical Assistance Provider (TAP) as assigned by Florida Housing. The Corporation shall pay all fees required by the TAP.

(6) If the Applicant is utilizing PLP funds to purchase the Development Site, Credit Underwriting will be required by a Credit Underwriter assigned by Florida Housing. The Applicant is responsible for paying the Credit Underwriting fee, which is an eligible PLP expense.

(7) If awarded a PLP Loan, the proceeds of such may only be used for PLP eligible expenses as outlined in Rule 67-38.008, F.A.C.

(8) The Development must be consistent with the purposes of the Predevelopment Loan Program and conform to the requirements specified in the Act or this Rule Chapter.

Specific Authority 420.528 FS. Law Implemented 420.527, 420.528 FS. History—New _____.

67-38.003 Application Submission Procedures.

(1) At any time during the year, Applicants may submit an Application to the Corporation for PLP funding. An Applicant, Affiliate, limited partnership, or general partner thereof may not have more than two (2) PLP Loans outstanding at any given time, without the prior approval of the Board. For the purposes of this rule chapter, outstanding shall mean any PLP Loan that has not been fully repaid to the Corporation.

(2) All Applications delivered by hand shall be presented to Corporation staff to be inscribed with the time and date of receipt. Applications may also be mailed to the Corporation at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. Applications mailed to the Corporation will be inscribed with the time and date received.

(3) Applications that do not contain the required information and documentation as set forth in the Application Package ~~February 2003~~ shall be determined to have not met Threshold Requirements.

(4) An original and two copies of the completed Application and attachments shall be submitted to the Corporation if the Applicant does not intend to utilize the PLP Loan, whole or in part, to acquire the Development Site. In the event, the Applicant does intend to utilize the PLP Loan, whole or in part to acquire the Development Site, then an original and three copies of the completed Application shall be submitted to the Corporation. The original Application shall contain original signatures on ~~pages those forms~~ which specifically requests an original signatures. Signatures on these forms which are Ffaxed, scanned, photocopied, or otherwise duplicated signatures shall not be considered acceptable ~~signatures~~ within the original Application.

(5) Applications shall be accompanied by the Application fee as set forth in the Application Package. Applications shall be submitted on the forms provided in the Application Package and shall be bound in three ring binders and shall have tabs for each form and exhibit. Exhibits shall be placed behind the form to which they refer. Failure to comply with any of the requirements set forth in this rule chapter may shall result in the determination that the Application has not met Threshold Requirements.

~~(6) If the Applicant, any of its principals or Affiliates, or financial beneficiaries, including the developer, is in arrears for any financial obligation the developer has with the Corporation, or any member of the Project's Development team are determined by the Corporation to have engaged in fraudulent actions, or to have intentionally misrepresented information in any previous application or other documents submitted to the Corporation, the Applicant, its principals and Affiliates, including the developer, shall be deemed ineligible to participate in any program administered by the Corporation. The ineligibility will be for two fiscal years beginning on the date the Corporation's Board of Directors approves the disqualification. Such determination shall be either pursuant to proceedings conducted in accordance with Sections 120.569 and 120.57, F.S., or as a result of a finding by a court of competent jurisdiction.~~

~~(7) If the Applicant, Principal, Affiliate, developer or financial beneficiary of the Applicant has any existing Developments participating in Corporation programs that are in non-compliance with the Code, this Rule Chapter or applicable Loan documents, and any applicable cure period has expired at the time of approval of the Development Plan, the requested allocation shall be denied, upon a determination by the Board that the non-compliance increases the likelihood that the Applicant will not be able to satisfy the terms of the Loan. The Applicant and Affiliates of the Applicant or developer will be prohibited from participation in any Corporation programs for the subsequent cycle and continue until all of the Applicant's Developments are in compliance.~~

~~(6)(8) Applications that propose to develop individual homeownership units shall be submitted separately from those that propose to develop multifamily rental units.~~

Specific Authority 420.528 FS. Law Implemented 420.527, 420.528 FS. History—New 3-23-93, Amended 1-16-96, Formerly 91-38.003, Amended 3-26-98, 7-17-00, 7-21-03, _____.

67-38.004 Incomplete Applications and Rejection Criteria.

(1) Each Application shall be reviewed by the Corporation to determine if the Application meets Threshold Requirements. ~~Applications that have met Threshold Requirements shall be provided an Invitation to Participate in accordance with this Rule Chapter.~~ If the Application fails to meet Threshold Requirements, the Corporation shall notify the Applicant of any additional or revised information or material that is required ~~for the Application to meet threshold.~~ The Applicant may continue to submit requested material until the Application is complete and meets Threshold Requirements. The Application, however, shall not be placed in priority order or on a waiting list until such time that all information and documentation has been submitted and the Application is determined to have met Threshold Requirements.

(2) An Application shall be rejected if any of the following occurs:

(a) The Applicant/Application does not meet the requirements specified in the Act or this Rule Chapter.

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

(i) Has engaged in fraudulent actions;

(ii) Has materially misrepresented information to the Corporation regarding any of its Developments, or within the current Application or in any previous applications for one or more of Florida Housing's programs;

(iii) Has been convicted of fraud, theft, or misappropriation of funds;

(iv) Has been excluded from federal or Florida procurement programs; or

(v) Has been convicted of a felony;

And that such action substantially increases the likelihood that the Applicant will not be able to produce quality affordable housing. The Applicant and any of the Applicant's Affiliates, will be ineligible for funding or allocation in any program administered by the Corporation for a period of up to two years, which will begin from the date the Board of Directors makes such a determination. Such determination shall be either pursuant to a proceeding conducted pursuant to Sections 120.569 and 120.57, F.S., or as a result of a finding by a court of competent jurisdiction.

(3) If the Applicant, Principal, Affiliate, or Developer of the Applicant has any existing Developments participating in Corporation programs that are in non-compliance with the Code, this Rule Chapter or applicable Loan documents, and any applicable cure period has expired at the time of approval of the Development Plan, the requested allocation shall be denied, upon a determination by the Board that the non-compliance increases the likelihood that the Applicant will not be able to satisfy the terms of the Loan. The Applicant and Affiliates of the Applicant or Developer will be prohibited from participation in any Corporation programs for the subsequent cycle and continue until all of the Applicant's Developments are in compliance.

~~(a) The information submitted in the Application is not sufficient to demonstrate that the Development proposes to meet the minimum Set-Aside requirements. These requirements are:~~

~~1. For rental Developments, a minimum of 60% of the completed housing units must be rented to persons whose income does not exceed 60% of the median income for the area, as determined by HUD, with adjustments for family size; and~~

~~2. For home ownership Developments, 100% of completed housing units must be sold to persons or households with incomes not exceeding 80% of the median annual gross income as established by HUD for households within the State, the MSA or, if not within the MSA, within the county in which the person or household resides, whichever is greater; or~~

~~(b) The Applicant, its principals, Affiliates, or financial beneficiary including the developer, has not waited the time period specified in subsection 67-38.003(6), F.A.C.; or~~

~~(c) The Development is inconsistent with the purposes of the Predevelopment Loan Program or does not conform to the requirements specified in the Act or this Rule Chapter; or~~

~~(4)(d) The Applicant fails to meet any Threshold Requirement specified in the Application Package.~~

Specific Authority 420.528 FS, Law Implemented 420.527, 420.528 FS, History—New 3-23-93, Amended 1-16-96, Formerly 9I-38.004, Amended 3-26-98, 7-17-00, 7-21-03, _____

67-38.005 Application Evaluation and Award Guidelines.

(1) PLP funding shall be available to Applicants whose Applications have met Threshold Requirements, on a first-come, first-served basis, pursuant to this Rule Chapter. Applications which propose to set-aside a minimum of 40% of the Development's units for Farmworker residents shall receive priority over all other Applicants, provided the Applicant has also certified that they shall meet PLP minimum Set-Aside requirements.

(2) After the Application has been reviewed and determined to have met Threshold Requirements, using the factors specified in the Application Package and this Rule Chapter, staff shall determine whether sufficient funds are available to fund the PLP request.

(3) If the Application fails to meet Threshold Requirements or is missing important information, the Applicant shall be notified of the deficiencies in the Application and provided an opportunity to rectify any outstanding issues.

(4) If the Application is determined to have met Threshold Requirements; and

(a) Funds are available, the Corporation shall issue an Invitation to Participate; or

(b) If funds are not available, Applicant will be placed on a waiting list, based on the date and time the Application was determined to have met Threshold Requirements until either;

1. Funds are available, at which time the Applicant will be issued an Invitation to Participate, or

2. Application is withdrawn.

(5) The Invitation to Participate shall be signed and returned to the Corporation within 15 days of receipt by the Applicant. If the executed signed Invitation to Participate is not received by the Corporation within 15 days, the Invitation to Participate shall be withdrawn and the Applicant shall be so notified. The executed Invitation to Participate must be accompanied by an initial commitment fee as specified therein.

(6) Upon receipt of the executed signed Invitation to Participate and the Applicant's initial commitment fee, the Corporation shall assign a Technical Assistance Provider. In the event that technical assistance has begun and it is determined that the initial payment of the commitment fee has

~~not been paid or is returned for insufficient funds is found to be insufficient.~~ Technical Assistance shall be discontinued until full payment is received and determined to be sufficient. If sufficient payment has not been received within seven days of notification to the Applicant, the Invitation to Participate shall be withdrawn and the Applicant shall be so notified.

(7) The Technical Assistance Provider shall work with the Applicant to formulate a Development Plan. The Development Plan shall clearly set forth in detail the Applicant's anticipated predevelopment tasks and activities, timeline, itemized budget, sources to fund all anticipated predevelopment expenses, including those in excess of the amounts to be requested under the Predevelopment Loan Program, and the anticipated sources and uses of construction and permanent financing. The anticipated activities and expenses shall be those necessary prior to closing on construction or permanent financing for the Development. The Development Plan shall also set forth the exact number of units to be set aside ~~for low or very low income residents,~~ including the number of units set-aside for Farmworkers if priority was given for meeting the Farmworker Set-Aside.

(8) The Applicant shall be given up to six months from the Corporation's receipt of the executed signed Invitation to Participate to complete and submit the Development Plan unless prior written approval is received from the Corporation. The Invitation to Participate shall be canceled if the Development Plan is not submitted within the six-month period. All PLP Loan documents, if any, shall be cancelled. Any commitment fees paid shall be retained by the Corporation. With the prior approval of the TAP, ~~t~~The Applicant may request an extension for submitting the Development Plan in writing to the Corporation at least thirty days prior to the end of the original six month period.

(9) The Technical Assistance Provider shall submit a written recommendation with the Development Plan to the Corporation. Such recommendation should clearly indicate the Technical Assistance Provider's findings regarding the status of the Development Plan and the requested PLP Loan amount. The Corporation may request additional information and or documentation necessary for the Application to meet Threshold Requirements prior to approval of the Development Plan. If such revisions are requested prior to approval of the Development Plan, the Corporation shall provide a deadline by which the revisions to the Application shall be made and submitted with the approval of the Technical Assistance Provider to the Corporation.

(10) Following approval of the Development Plan, the PLP Loan request shall be submitted to the Board. Amendments to the Development Plan shall be allowed upon a favorable recommendation of the Technical Assistance Provider. If an increase to the PLP Loan is requested, Board approval is required.

(11) Following approval of the PLP Loan the Applicant will receive written notice of such approval. The Applicant shall submit the final commitment fee within fifteen days of receipt of such notice.

(12) If the Board does not approve the PLP a Loan request, no funds shall be disbursed other than for expenses incurred for services of the Technical Assistance Provider. Any commitment fee paid shall be retained by the Corporation.

(13) In the event the Development Plan receives approval and the Applicant is unable to proceed to completion of Predevelopment Loan Program activities or obtain permanent or construction financing, any commitment fees paid shall be retained by the Corporation.

(14) Following receipt of the final commitment fee, a ~~Loan~~ agreement, promissory note and any other customary ~~Loan~~ documentation will be provided to the Applicant. Upon execution of all ~~Loan~~ documents by both the Applicant and the Corporation, funds will be available for disbursement for eligible predevelopment activities as specified in this Rule Chapter.

(15) A positive Credit Underwriting Report is required for closing on a PLP Loan that has been approved for the acquisition of the Development Site ~~costs.~~

Specific Authority 420.528 FS. Law Implemented 420.527, 420.528 FS. History—New 3-23-93, Amended 1-16-96, Formerly 91-38.005, Amended 3-26-98, 7-17-00, 7-21-03, _____.

67-38.007 Terms and Conditions of the PLP Loan.

~~(1) Applicants are required to work with the assigned Technical Assistance Provider. Fees of the Technical Assistance Provider shall be paid by the Corporation.~~

~~(1)(2) The maximum Loan amount to be disbursed shall not exceed the lesser of the predevelopment and acquisition costs pursuant to Rule 67-38.009, F.A.C., incurred prior to closing of permanent or construction Loan financing for the Development, or \$500,000. In the event that the Applicant entity is comprised of a 100% ownership interest by a Not-For Profit, the Loan, shall bearing an interest at a rate of 13%. In the event that the Applicant entity has a for-profit partner with any ownership interest in the Development, the PLP Loan shall bear an interest rate of 3%.~~

(2) The PLP Loan shall be secured by such customary documents and collateral as are necessary to ensure ~~secure~~ repayment.

(3) The PLP Loan shall be non-amortizing with principal and interest deferred until maturity. The Corporation is authorized to forgive such ~~Loan~~, and thereby make a grant to the Applicant for any monies that are unable to be repaid due to the Applicant's inability to obtain construction or permanent financing for the Development. The Corporation shall not forgive the portion of the PLP Loan, if any, which is secured by a mortgage to the extent such ~~Loan~~ could be repaid from the sale of the mortgaged property.

(4) In the event PLP funds are used to purchase the Development Site ~~a site~~, the mortgage securing the PLP Loan shall be in a first or second lien position and shall not share priority with any other liens unless approved by the Board.

(5) With respect to rental Developments, ~~t~~he PLP Loan shall mature on the earlier of:

(a) The date of closing on ~~of~~ the permanent or construction loan for the Development; or

(b) Three years from the date of execution of the loan documents by the Corporation or other such extended loan maturity date approved by the Board.

(6) With respect to home ownership Developments, the PLP Loan shall mature on the earlier of:

(a) On a prorated basis upon the sale of each home, upon the recommendation of the Credit Underwriter and a partial release payment in an amount acceptable to the Credit Underwriter and the Corporation; or

(b) Three years from the date of execution of the loan documents by the Corporation or other such extended loan maturity date approved by the Board.

(7)(6) The Corporation may extend the term of the loan for an additional period if extraordinary circumstances exist and if such extension would not jeopardize Florida Housing's security interest. Submission of a request for an extension of the maturity of a PLP Loan may shall be subject to the following:

(a) The recommendation of the Credit Underwriter or and the Technical Assistance Provider that an extension of the PLP Loan is likely to result in the successful completion of the Development; and

(b) Submission of:

1. A revised Development Plan, approved by the Technical Assistance Provider, reflecting the reasons for the extension and the tasks and activities to be completed during the extension period;

2. Evidence of the Applicant's ability to complete the Development, and

3. An alternate financing plan in the event the original financing source(s) withdraws.

~~(7) With respect to home ownership Developments, the Corporation shall release individual properties within the Development from the lien of the mortgage held by the Corporation prior to maturity of the Loan, upon the recommendation of the Credit Underwriter and a partial release payment in an amount acceptable to the Credit Underwriter and the Corporation.~~

(8) Prepayment of the PLP Loan shall be permitted without penalty.

(9) Upon determination by the Board that other remedies are ineffectual or non-existent and that the best interest of the Corporation is served by acceleration of the PLP Loan. The PLP Loan shall be accelerated if any of the following occurs:

(a) Proceeds of the PLP Loan are used for any purpose not specified in the Development Plan, the documents evidencing or securing the PLP Loan, the Act or this Rule Chapter; or

~~(b) The Development fails to meet or maintain the minimum Set Aside requirement during the Compliance Period; or~~

(c) Sale, transfer, or conveyance of the Development ~~occurs~~ without the prior written approval of the Corporation, as set forth in Rule 67-38.012, F.A.C.

(10) The Applicant shall submit progress reports evidencing successful completion of the requisite tasks and activities set forth in the Development Plan to the Technical Assistance Provider on a quarterly basis. The Technical Assistance Provider shall submit the reports to the Corporation. Reports are due to the Corporation by the 10th day of April, July, October, and January for so long as funds are outstanding.

(11) The Corporation reserves the right to require an audit of Applicant's accounts and records relating to the PLP Loan funds. If the Applicant is required to perform an audit of its accounts and records, a copy of the same shall be delivered to the Corporation within ten (10) days of receipt of thereof by the Applicant.

(12) The Applicant shall maintain all documents related to the Development, including copies of all contracts and performance bonds, during the term of the Loan and for three years following the maturity of the PLP Loan as the same may be extended pursuant to this Rule Chapter.

(13) With respect to home ownership Developments, in order to assure that such Developments serve the target population the Credit Underwriter or the Corporation shall, prior to release of an individual lot within the Development site, review appropriate documentation as necessary to determine the unit is being sold to an eligible purchaser.

(14) With respect to rental Developments, in order to assure that such Developments serve the target population and maintain the minimum Set-Aside requirements, in addition to the execution and recordation of the Land Use Restriction Agreement (LURA), all deeds conveying title to real estate that is improved with rental units shall contain restrictive covenants that encompass all of the units in the Development and that provide for the continued rental of the units to persons within the target population for the Compliance Period. For those Developments which have occupied units, or will have occupied units, prior to closing of the construction or permanent financing, the Servicer or the Corporation shall conduct a review and physical inspection prior to closing of the construction or permanent financing to assure that the Development meets the minimum Set-Aside requirements and provides the intended benefit to the target population pursuant to the Act. The Corporation reserves the right to monitor each Development funded under the Predevelopment Loan Program

at any time after completion of the Development to assure continued compliance with the applicable provisions of this Rule Chapter.

(15) The loan shall not be assumable upon the ~~Development~~ sale, transfer or refinancing of the Development.

Specific Authority 420.528 FS. Law Implemented 420.526, 420.527, 420.528 FS. History—New 3-23-93, Amended 1-16-96, Formerly 91-38.007, Amended 3-26-98, 7-17-00, 7-21-03, _____.

67-38.008 Eligible Uses for the Loan.

(1) The proceeds of the Loan shall only be used for eligible expenses specified in the approved Development Plan.

(2) The Corporation shall monitor all ~~p~~Predevelopment activity expenditures through the designated Technical Assistance Provider and shall deny disbursements which have not been approved by the Technical Assistance Provider prior to submission to Florida Housing.

(3) Eligible ~~p~~Predevelopment expenses shall include the following expenses if such expenses or services were incurred or rendered shall be encumbered prior to closing of construction or permanent financing:

- (a) Market and feasibility analysis;
- (b) Rezoning;
- (c) Title search;
- (d) Legal fees;
- (e) Boundary survey;

(f) Administrative expenses such as phone charges, travel related to the Development, copying, printing, and postage fees. Other expenses requested under this subsection shall be pre-approved by the Corporation. Salaries of employees of the applicant are not an eligible expense.

(g) Third party consultant fees. Consultant shall demonstrate appropriate experience in housing Development projects and shall be acceptable to the TAP. No person, corporation, partnership, or entity having an identity of interest in the Development, or the Applicant, may act as a third party consultant;

- (h) Fees of the PLP Credit Underwriter;
- (i) Good faith or earnest money deposit related to the Development Site;
- (j) Commitment fees to secure construction or permanent financing;
- (k) Biological and environmental assessments;
- (l) Soil tests;
- (m) Appraisals;
- (n) Approved acquisition expenses in connection with the Development Site;
- (o) Marketing expenses;
- (p) Permitting/impact fees;
- (q) Architectural/engineering fees;
- (r) Fees in connection with a completion audit;
- ~~(s) Site Development activities approved by the Corporation;~~

~~(s)(t)~~ Insurance fees; and

~~(t)(u)~~ Connection fees;

~~(u)(v)~~ Other fees as approved by Florida Housing miscellaneous expenses.

(4) If any of the requisite ~~p~~Predevelopment activities to be completed are pending or have not been satisfactorily completed, the Applicant shall be required to work with the Technical Assistance Provider to complete the ~~p~~Predevelopment activities in a timely and satisfactory manner.

(5) Applicants may request use of PLP Loan funds for Development Site acquisition by providing to Florida Housing:

(a) Evidence that all other ~~p~~Predevelopment expenses have been paid or appropriate funding for outstanding expenses have been reserved. If PLP funds are requested for eligible uses other than Development Site acquisition, those funds shall be made available after customary closing documents are executed. PLP funds for acquisition shall not be released until such time as this and the following requirements have been provided;

(b) A detailed explanation as to the necessity to acquire title;

(c) A recommendation from the Technical Assistance Provider that funding be provided for Development Site acquisition; and

(d) A Credit Underwriting Report, which includes a recommendation from the Credit Underwriter that funds be disbursed for Development Site acquisition.

Specific Authority 420.528 FS. Law Implemented 420.526, 420.527, 420.528 FS. History—New 3-23-93, Amended 1-16-96, 5-21-96. Formerly 91-38.008, Amended 3-26-98, 7-17-00, 7-21-03, _____.

67-38.010 Credit Underwriting Procedures.

(1) If an Applicant requests funds for site acquisition ~~pursuant to subsection 67-38.008(5), F.A.C.~~, or requests an extension of the term of the PLP Loan. The Corporation will assign a Credit Underwriter to perform the Credit Underwriting Report.

(2) ~~Upon payment of the credit underwriting fees,~~ the assigned Credit Underwriter shall review the Application and Development Plan and perform the Credit Underwriting Report. In this Credit Underwriting Report, the Credit Underwriter shall:

(a) Analyze the Applicant's Development costs, sources of funds and pro forma operating statement to ensure the Development's feasibility,

(b) Prioritize tasks which must be accomplished prior to obtaining construction and permanent financing,

(c) Advise the Corporation as to the appropriateness of plans, and specifications and the budget for the ~~p~~Predevelopment tasks and activities related to the Development; and

(d) Make a determination as to the feasibility of the Development.

(3) An appraisal of the proposed Development Site shall be required during the Credit Underwriting Report process. The Credit Underwriter shall choose an appraiser from the Credit Underwriter's approved list of appraisers and order the appraisal of the Development.

(4) The Credit Underwriter shall consider the appraisal of the Development and other market data to determine if the market exists to support both the demographic and income restriction Set-Asides committed to within the Application.

(5) The Credit Underwriter may require additional information as is necessary to evaluate the Development Plan and make a determination as to the feasibility of the Development. If the Credit Underwriter requires additional clarifying materials in the course of the Credit Underwriting Report process, the Credit Underwriter shall request the materials from the Applicant and shall specify deadlines for submission of each such material. Failure to submit required information by the specified deadline, unless a written extension of time has been approved by the Corporation, shall result in the request for disbursement for site acquisition being denied.

(6) The Credit Underwriter shall complete and make a written draft Credit Underwriting Report and recommendation to the Corporation within 80 calendar days from the date of assignment by the Corporation ~~underwriting fees are paid~~. The Technical Assistance Provider and the Applicant shall review the draft Report and provide written comments to the Corporation and Credit Underwriter within 72 hours of receipt. After the 72-hour review period, the Corporation shall provide comments on the draft Credit Underwriting Report and, as applicable, on the Applicant's and Technical Assistance Provider's comments, to the Credit Underwriter. The Credit Underwriter shall then review and consider the comments thereto and release the revised Report to the Corporation, the Technical Assistance Provider, and the Applicant. Any additional comments from the Applicant and Technical Assistance Provider shall be received by the Corporation and the Credit Underwriter within 72 hours of receipt of the revised Report. The Credit Underwriter shall provide to the Corporation a final Credit Underwriting Report which will address all comments made by the Applicant and the Technical Assistance Provider.

(7) It is the responsibility of the Applicant with the assistance of the Technical Assistance Provider to comply with each part of this Rule Chapter and to request in writing and provide evidence acceptable to the Corporation of extenuating circumstances for any requested waiver or extension. A failure to comply with any part of this Rule Chapter without the prior written permission of the Corporation shall result in the disqualification of the Development.

Specific Authority 420.528 FS. Law Implemented 420.528 FS. History--New 3-23-93, Amended 1-16-96, Formerly 9I-38.010, Amended 3-26-98, 7-17-00, 7-21-03, _____.

67-38.011 Fees.

(1) The following fees and charges pertaining to each Application shall be paid by the Applicant:

~~(a) Application Package fee as identified in the Application Package;~~

~~(a)(b)~~ A nonrefundable application fee as identified in the Application Package;

~~(b)(e)~~ If PLP funds are to be used for site acquisition and the Applicant requests an extension of the PLP Loan maturity date, a credit underwriting fee pursuant to the contract between the Corporation and the Credit Underwriter shall be paid. If a Development involves scattered sites, a single credit underwriting fee shall be charged. This fee may be paid from the PLP Loan proceeds.

~~(c)(d)~~ A initial commitment fee as identified in the Application Package shall be paid to the Corporation;

~~(d)(e)~~ Following approval an additional commitment fee shall be paid within 15 days of written notice to the Applicant that the Development Plan has been approved. In the event the Development Plan does not receive approval, the commitment fee paid at the time of acceptance of the Invitation to Participate shall be retained by the Corporation. In the event the Applicant successfully completes the Predevelopment Loan Program activities and obtains permanent or construction financing, the Applicant's PLP Loan repayment amount ~~due upon closing of the construction or permanent financing~~ will be reduced by the full commitment fee paid.

~~(e)(f)~~ Servicing and Compliance Monitoring Fees shall be paid for those multifamily rental Developments that obtain construction or permanent financing from sources other than Corporation programs. The total Servicing and Monitoring fee to be paid by the Applicant shall be submitted to the Corporation at the time of closing on the construction or permanent financing. The total Servicing and Monitoring fee is listed in the Application Package. For those Developments which obtain their construction or permanent financing from Florida Housing Programs, the Compliance Monitoring Fees shall be determined by the requirements of the particular program providing the financing in accordance with the rule chapter governing that particular program.

~~(f)(g)~~ All Credit Underwriting, Technical Assistance, Servicing and Compliance Monitoring Fees, extraordinary services and late fees shall be determined by contracts between the Corporation and the provider;

(2) Fees associated with the PLP Loan are part of Development costs and shall be included in the Development cost pro forma, if approved by the Technical Assistance Provider and Florida Housing.

(3) Failure to remit any of the required fees when due shall cause the Application to be disqualified from the PLP program.

Specific Authority 420.528 FS. Law Implemented 420.528 FS. History—New 3-23-93, Amended 1-16-96, Formerly 91-38.011, Amended 3-26-98, 7-17-00, 7-21-03, _____.

67-38.014 Disbursement Procedures.

~~After the PLP Loan has successfully closed, t~~The PLP Loan shall be disbursed in partial payments by the Corporation to the Applicant, title company or third party contractors subsequent to compliance with the following conditions for either home ownership or ~~multifamily~~ rental Developments:

~~(1) The Applicant shall deliver to the Corporation all documents required by the Corporation to evidence and secure the Loan and evidence compliance with all terms and conditions of the Loan;~~

~~(1)(2)~~ Ten business days prior to each anticipated disbursement request under the Loan, including any disbursements anticipated at closing, the Applicant shall deliver to the Technical Assistance Provider all documentation required as set forth below Corporation a written request approved by the Technical Assistance Provider;

~~(2)(3)~~ Any disbursement request shall set forth the amount requested by the Applicant and shall be accompanied by invoices, cancelled checks or other such documentation to evidence the amount and kind of work or labor that has been or is to be performed; the value of the same; the identification of the portion of the Development Site on which the work has been performed; and that such contractors, sub-contractors, materialmen, laborers, professionals, consultants and all persons employed by the Applicant to work on the Development have been paid for work performed or will be paid. Lien waivers and/or receipts for work or labor which has been completed shall be submitted along with requests for disbursement. Lien waivers and/or receipts for work that which will be paid from the requested disbursement shall be submitted prior to receiving additional disbursements;

(4) Disbursements for eligible activities, conducted prior to being awarded predevelopment financing, qualify for reimbursement from PLP funds provided that the eligible Predevelopment activities were performed or completed no earlier than twelve months prior to the submission of the Application. Reimbursement for site acquisition which was completed prior to closing on the PLP loan shall not be allowed as a PLP expense.

(5) Before requests for disbursements under the ~~l~~Loan are processed, the Applicant shall provide verification to the Technical Assistance Provider and the Corporation that the work for which payment is being requested has been performed satisfactorily and on schedule or that the expenses to be reimbursed have actually been incurred or will be incurred.

(6) In the event that the Applicant receives PLP funding for site acquisition, the Applicant must provide a ~~A~~ Mortgage on the Development Site as collateral for the ~~l~~Loan subject only to such encumbrances approved by the Corporation;

however, if the Applicant is ~~proffering~~ a subordinate Mortgage or other collateral for the PLP Loan, the same shall be subject to a favorable recommendation of the Credit Underwriter and the approval of the Corporation.

Specific Authority 420.528 FS. Law Implemented 420.528 FS. History—New 3-23-93, Amended 1-16-96, 5-21-96, Formerly 91-38.014, Amended 3-26-98, 7-17-00, 7-21-03, _____.

67-38.017 Application Procedures for Applicants Participating Under 1998 Cycles I and II.

~~(1) Participants funded under Cycle I or Cycle II of the 1998 Predevelopment Loan Program, pursuant to Chapter 420, F.S., that have not taken final draws on that funding, shall be allowed to apply for funding under this Rule.~~

~~(2) To participate these Applicants shall complete and submit Form PLP 1115 2000. Such Applications shall be subject to all provisions of this Rule except that such Applications shall not be subject to the Application fee or review by the Loan Committee but be deemed to have met threshold.~~

~~(3) The Corporation shall issue an Invitation to Participate when the Application has been determined to have met Threshold Requirements, provided previous Predevelopment Loan Program award is relinquished, and outstanding notes and mortgages are satisfied with funding provided under this rule.~~

~~(4) Applicants awarded funding from Cycle I or II of the 1998 Predevelopment Loan Program that propose to develop Farmworker housing shall receive first priority for those proposed Developments. Priority shall then be given to Applicants proposing to develop other Farmworker housing, then to Cycle I and II Applicants proposing to develop other types of eligible housing, and finally to other Applicants proposing to develop other types of eligible housing.~~

Specific Authority 420.528 FS. Law Implemented 420.527, 420.528 FS. History—New 7-17-00, Amended 7-21-03, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Keantha Belton, Special Programs Manager, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197, extension 1213

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Nancy Muller, Policy Director, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2004, Corporation Board of Director’s Meeting

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 2004

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Fraud

| | |
|------------------------------------|-------------------|
| RULE CHAPTER TITLE: | RULE CHAPTER NO.: |
| Anti-fraud Reward Program | 69D-1 |
| RULE TITLES: | RULE NOS.: |
| Purpose and Scope | 69D-1.001 |
| Application Process | 69D-1.002 |
| Review Process and Reward Criteria | 69D-1.003 |
| Reward Disbursement | 69D-1.004 |

PURPOSE AND EFFECT: Rule Chapter 69D-1, F.A.C., implements the provisions of Section 626.9892, F.S., which create the Anti-Fraud Program.

SUMMARY: The proposed rule sets forth the application, approval, and disbursement procedures for the Anti-Fraud Reward Program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308, 626.9892, 626.9892(4) FS.
LAW IMPLEMENTED: 119.07, 624.305, 624.307, 626.989, 626.9892 FS.

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

TIME AND DATE: 9:00 a.m., November 16, 2004
PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Charles Gowland, Jr., Division of insurance Fraud, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0333, phone (850)413-4066

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Serica Johnson, (850)922-3100, ext. 4216.

THE FULL TEXT OF THE PROPOSED RULES IS:

ANTI-FRAUD REWARD PROGRAM

69D-1.001 Purpose and Scope.

The purpose of this rule chapter is to implement the provisions of Section 626.9892, F.S., establishing procedures for application, approval, and disbursement of rewards for the Anti-Fraud Reward Program.

Specific Authority 624.308, 626.9892 FS. Law Implemented 624.307, 626.9892 FS. History--New _____.

69D-1.002 Application Process.

(1) Intake Documentation. "Anti-Fraud Reward Applicants" are people who write to or call the Division of Insurance Fraud with information related to an alleged crime involving or relating to insurance fraud. Department of Financial Services employees and individuals or entities required to report suspected insurance fraud to the Division of Insurance Fraud pursuant to Section 626.989(6), F.S., are not eligible to be Anti-Fraud Reward Applicants.

(a) An employee of the Division of Insurance Fraud shall be designated by the Director of the Division to be responsible for taking the pertinent information from Anti-Fraud Reward Applicants and documenting that information. The designated employee will allow the Anti-Fraud Reward Applicant to remain anonymous if requested.

(b) The designated employee will assign a "Control Number" to each documentation and will enter the information into a database. The Control Number may be used for automatic retrieval of the information from the database.

(c) If an Anti-Fraud Reward Applicant wishes to remain anonymous, the designated employee will give the applicant a control number or code and instruct the applicant as to the dates that would be appropriate to call the case supervisor for information on the case status. This procedure will allow the applicant to anonymously monitor the case's progress up until final disposition.

(2) Case Evaluation and Tracking.

(a) A Division of Insurance Fraud field office Lieutenant will review information submitted by applicants and determine if the opening of a criminal case is warranted or if the information would be useful in an existing open criminal investigation.

(b) Information submitted by applicants will also be evaluated by the Lieutenant for the purpose of determining if the case fits the criteria for Major Case/Complex Case or Organized Crime as described in Rule 69D-1.003, F.A.C.

(c) The Lieutenant will document the results of these evaluations in the case-opening or case-closing documents for use in determining reward value, if any. The Lieutenant will also inform the designated employee of the results of these evaluations for documentation in the Reward Program database.

(3) Case Disposition.

A case that is declined at either the investigative or prosecutorial level will not be considered for a reward. A case that is accepted at both the investigative and prosecutorial levels will be considered for a reward only if it results in a conviction.

Specific Authority 624.308, 626.9892 FS. Law Implemented 119.07, 624.305, 624.307, 626.989, 626.9892 FS. History--New _____.

69D-1.003 Review Process and Reward Criteria.

(1) If information obtained from an applicant leads to an arrest, prosecution, and conviction, the corresponding case information shall be used to complete the Form DFS-L1-1474 (rev. 9/04) "Reward Application Summary," and such will be treated as an "Application for Reward". Form DFS-L1-1474 (rev. 9/04) Reward Application Summary is hereby adopted and incorporated by reference. This form may be obtained via the Department's web site at <http://www.fldfs.com>.

(2) Applications will be reviewed by a committee, consisting of each of the three chapter presidents of the Florida Association of Special Investigation Units or their designees, three regional supervisors of the Division of Insurance Fraud, the Director of Division of Insurance Fraud, and any person appointed by the Director.

(3) The committee will meet as needed to review the applications for reward, to determine whether or not a reward should be given, and to determine the amount of a reward.

(4) Only a single reward amount may be granted per investigation, but this amount may be divided among multiple Anti-Fraud Reward Applicants where applicable.

(5) A reward may only be given if information was submitted by an applicant to the Division of Insurance Fraud on or after October 1, 1999, and such information led to the arrest and conviction of a person who committed a complex or organized crime investigated by the Division arising from a violation Sections 440.105, 624.15, 626.9541, 626.989, or 817.234, F.S., and as set forth in subsections 69D-1.003(6), (7), and (8), F.A.C."

(6) Conviction as used in this rule means a judicial finding of guilt; a judicial finding of guilt in which adjudication is withheld; judicial acceptance of a negotiated plea; or judicial acceptance of a nolo contendere plea.

(7) A "Complex Case" for the purposes of this rule is defined as any case investigated by the Division of Insurance Fraud that involves one or more of the following characteristics:

(a) Multiple defendants – five or more.

(b) Criminal activity occurring in more than one jurisdiction, whether or not the case is accepted by the Statewide Prosecutor or U.S. Attorney.

(c) Aggregate value of loss over \$250,000.

(d) Records which require substantial analysis.

(e) Multiple victims or witnesses, including instances where investigators other than the lead investigator take witness statements.

(f) Specialized undercover investigations that take longer than one month.

(g) Task force activity involving other law enforcement agencies.

(h) Federal criminal charges.

(i) Insolvency investigation.

(j) Unauthorized entity investigation.

(8) "Organized Crime" for the purposes of this rule is defined as a systematic, on-going course of criminal conduct with intent to defraud one or more persons, and involving at least two incidents resulting in violations of the listed offenses in subsection 69D-1.003(8), F.A.C.

(9) Rewards shall be paid pursuant to the following schedule:

(a) A reward of up to \$25,000 may be granted for information leading to a conviction arising from a violation of an applicable criminal statute when the case is valued at \$1,000,000 or more.

(b) A reward of up to \$10,000 may be granted for information leading to a conviction arising from a violation of an applicable criminal statute when the case is valued at \$100,000 or more but less than \$1,000,000.

(c) A reward of up to \$5,000 may be granted for information leading to a conviction arising from a violation of an applicable criminal statute when the case is valued at \$20,000 or more but less than \$100,000.

(d) A reward of up to \$1,000 may be granted for information leading to a conviction arising from a violation of an applicable criminal statute when the case is valued at \$20,000 or less but more than \$5,000.

(e) A reward of up to \$500 may be granted for information leading to a conviction arising from a violation of an applicable criminal statute when the case is valued at \$5,000 or less.

(f) \$250,000 has been allocated to pay rewards. In the event the allocated \$250,000 has been distributed no further rewards shall be granted."

(10) Actual monetary loss in a case is not required for an applicant to receive a reward, but in such cases the appraised value of the property involved will be a relevant factor.

Specific Authority 624.308, 626.9892 FS. Law Implemented 624.307, 626.9892 FS. History—New _____.

69D-1.004 Reward Disbursement.

(1) When a decision regarding a reward has been made by the committee and approved by the Chief Financial Officer, the Anti-Fraud Reward Applicant will receive a check from the Department of Financial Services' Revolving Travel Reimbursement Trust Fund. The reward will be presented by a regional supervisor and an investigator from the Division of Insurance Fraud. Upon receipt of the reward, the applicant will also be given a written notice explaining his or her responsibility to report this reward as income to the Internal Revenue Service.

(2) In the event that the applicant wishes to remain anonymous, a regional supervisor and an investigator from the Division of Insurance Fraud will take receipt of the check from the Department of Financial Services' Revolving Travel Reimbursement Fund and will negotiate such for cash. The cash reward will then be paid by either of the Division

employees to the anonymous applicant. Upon receipt of the reward, the anonymous applicant will also be given a written notice explaining his or her responsibility to report this reward as income to the Internal Revenue Service.

Specific Authority 624.308, 626.9892 FS. Law Implemented 624.307, 626.9892 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Charles Gowland, Senior Attorney, Division of Insurance Fraud, Department of Financial Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Eric Miller, Division Director, Division of Insurance Fraud, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 14, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 2004

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF LEGAL AFFAIRS

Florida Elections Commission

| | |
|-------------------|--|
| RULE CHAPTER NO.: | RULE CHAPTER TITLE: |
| 2B-1 | Practice and Procedure |
| RULE NOS. | RULE TITLES: |
| 2B-1.0025 | Complaints |
| 2B-1.0027 | Investigation of Complaints |
| 2B-1.003 | Minor Violations |
| 2B-1.004 | Hearings Before the Commission |
| 2B-1.0045 | Award of Attorney's Fees |
| 2B-1.005 | Appeal of Fines Imposed by Filing Officers |
| 2B-1.0052 | Fine Imposed; Timely Filed Reports |
| 2B-1.0055 | Late-File Reports; Unusual Circumstances |

NOTICE OF CORRECTION

Notice is hereby given that the Notice of Proposed Rules Development regarding the above referenced rules published in the Florida Administrative Weekly, Page 3885. Vol. 30, No. 39, on September 24, 2004, contained an erroneous hearing date. The Proposed Rule Development Hearing will be held at 10:00 a.m., Monday, November 8, 2004, at the Florida Elections Commission Conference Room, 107 W. Gaines St., Suite 224, Collins Bldg., Tallahassee, FL. The foregoing change does not affect the substance of the proposed rule.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Barbara M. Linthicum, Executive Director, 107 W. Gaines Street, Room 224, Tallahassee, Florida 32399, (850)922-4539

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

| | |
|-----------|--|
| RULE NO.: | RULE TITLE: |
| 40E-4.091 | Publications, Rules and Interagency Agreements Incorporated by Reference |

NOTICE OF CORRECTION

The above-referenced proposed rule was published in the July 23, 2004, issue of the Florida Administrative Weekly, Vol. 30, No. 30, on page 3032.

The notice included November 15, 2004, as a proposed effective date for the rule. However, by operation of law, the earliest date for which the rule can become effective is November 16, 2004.

The foregoing correction does not affect the substance of the proposed rule.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jan Sluth, Paralegal, 3301 Gun Club Road, West Palm Beach, Florida 33406, (561)682-6299, Suncom 229-6299, e-mail: jsluth@sfwmd.gov

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

| | |
|-------------|---|
| RULE NO.: | RULE TITLE: |
| 61G1-21.001 | Continuing Education for Interior Designers |

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. 30, No. 32, of the August 6, 2004 issue of the Florida Administrative Weekly:

Subsection 61G1-21.001(4) shall now read:

(4) A minimum of two (2) of the 20 required contact hours must be obtained by completing an approved provider's specialized or advanced course, approved by the Florida Building Commission, on the Florida Building Code, relating to the interior designer's respective area of practice.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750