

72	\$10,321.05	\$9,092.91
73	\$10,701.01	\$9,437.80
74	\$11,094.95	\$9,795.76
75	\$11,503.41	\$10,167.31
76	\$11,926.89	\$10,552.95
77	\$12,365.97	\$10,953.21
78	\$12,821.21	\$11,368.66
79	\$13,293.22	\$11,799.88
77	\$2,885.42	\$2,885.42
78	\$1,825.97	\$1,825.97
79	\$1,807.05	\$1,807.05

Sumter	1.02
Suwannee	0.90
Taylor	0.90
Union	0.90
Volusia	1.03
Wakulla	0.90
Walton	1.05
Washington	0.90

Specific Authority 624.308, 627.6675(3)(c) FS. Law Implemented 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS. History—New 3-2-00, Amended 4-2-01, 4-17-02, 1-20-03, Formerly 4-149.205, Amended 5-18-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Frank Dino, Actuary, Bureau of Life and Health Forms and Rates, Office of Insurance Regulation  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lisa Miller, Deputy Director, Forms and Rates, Office of Insurance Regulation  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 2, 2004  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 24, 2004

NOTE: The Florida Building Commission has approved an effective date of July 1, 2005, for the 2004 Edition of the Florida Building Code.

2004 Florida Building Code, Residential  
 Chapter 2, Definitions  
 Section R202 Definitions  
 Section R202 Definitions, revise to delete the following definitions:

~~Fire Separation Distance. The distance measured from the building face to the closest interior lot line, to the centerline of a street, alley, a fire separation distance easement, or public way, or to an imaginary line between two buildings on the property. The distance shall be measured at right angles from the lot line.~~

~~Fire Separation Distance Easement. For the purpose of determining a fire separation distance easement shall be defined as a legal binding restriction placed on a property that would prohibit construction within it's confines.~~

Chapter 3, Building Planning  
 Section R302 Location on Lot, revise to read as follows:  
 Section R302.1 Exterior Walls. Exterior walls separated by with a fire separation distance less than 6 3 feet (1828 914 mm) shall have not less than a one-hour fire-resistive rating with exposure from both sides. Projections shall not extend to a point closer than 4 2 feet (1220 610 mm) from an adjacent projection or wall ~~the line used to determine the fire separation distance.~~

Exception: Detached garages accessory to a dwelling located within 2 feet of a lot line shall be permitted to have roof eave projections not exceeding 4 inches.

Projections extending into the 6 foot fire separation distance shall have not less than one-hour fire-resistive construction on the underside. The above provisions shall not apply to walls which are perpendicular to a the line extending from the point from which the separation distance has been measured running and parallel to the property line used to determine the fire separation distance.

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

#### DEPARTMENT OF COMMUNITY AFFAIRS Division of Housing and Community Development

RULE CHAPTER NO.: 9B-3  
 RULE CHAPTER TITLE: Florida Building Commission: Operational Procedures  
 RULE NO.: 9B-3.047  
 RULE TITLE: State Building Code Adopted

#### 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. 13, March 26, 2004, issue of the Florida Administrative Weekly:

9B-3.047 State Building Code Adopted.

(1) The Florida Building Code, 2004 edition, as revised by the Florida Building Commission on \_\_\_\_\_ June 30, 2003, is hereby adopted and incorporated by reference as the building code for the State of Florida.

(2) No change.

Proposed effective date is July 1, 2005.

Specific Authority 553.73(1),(7) FS. Law Implemented 553.72, 553.73(3),(7),(9) FS. History—New 7-18-90, Amended 3-30-93, 10-17-93, 8-28-95, 9-24-96, 12-26-96, 4-27-97, 10-5-97, 10-14-97, 9-7-00, 11-28-00, 2-7-01, 7-1-05.

Exception: Tool and storage sheds, playhouses and similar structures exempted from permits by R105.2 are not required to provide wall protection based on location on the lot. ~~Projections beyond the exterior wall shall not extend over the lot line.~~

R302.2 Openings. Openings shall not be permitted in the exterior wall of a dwelling or accessory building that is separated from an adjacent building by a with a fire separation distance of less than 6 3 feet (1828 914 mm). This distance shall be measured perpendicular to the line used to determine the fire separation distance.

Exceptions:

1. Openings shall be permitted in walls that are perpendicular to ~~a the~~ line extending from the point from which the separation distance has been measured running and parallel to the property line used to determine the fire separation distance.

2. Foundation vents installed in compliance with this code are permitted.

R302.3 Penetrations. Penetrations located in the exterior wall of a dwelling separated by with a fire separation distance less than 6 3 feet (1828 914 mm) shall be protected in accordance with Section R317.3.

Exception: Penetrations shall be permitted in walls that are perpendicular to ~~a the~~ line extending from the point from which the separation distance has been measured running and parallel to the property line used to determine the fire separation distance.

Chapter 7, Wall Covering

Section R703 Exterior Covering

Section R703.6 Exterior Plaster, revise to read as follows:

R703.6.1 Exterior use of portland cement plaster shall comply with the application requirements of ASTM C 926.

~~R703.6.1 Lath. All lath and lath attachments shall be of corrosion resistant materials. Expanded metal or woven wire lath shall be attached with 1 1/2 inch long (38 mm), 11 gage nails having a 7/16 inch (11.1 mm) head, or 7/8 inch long (22.2 mm), 16 gage staples, spaced at no more than 6 inches (152 mm), or as otherwise approved.~~

R703.6.2 Installation of exterior lathing and framing shall comply with ASTM C 1063.

~~R703.6.2 Plaster. Plastering with portland cement plaster shall be not less than three coats when applied over metal lath or wire lath and shall be not less than two coats when applied over masonry, concrete or gypsum backing. If the plaster surface is completely covered by veneer or other facing material or is completely concealed, plaster application need be only two coats, provided the total thickness is as set forth in Table R702.1(1). On wood frame construction with an on-grade floor slab system, exterior plaster shall be applied in such a manner~~

as to cover, but not extend below, lath, paper and screed. The proportion of aggregate to cementitious materials shall be as set forth in Table R702.1(3).

~~R703.6.2.1 Weep screeds. A minimum 0.019 inch (0.48 mm) (No. 26 galvanized sheet gage), corrosion resistant weep screed or plastic weep screed, with a minimum vertical attachment flange of 3 1/2 inches (89 mm) shall be provided at or below the foundation plate line on exterior stud walls in accordance with ASTM C 926. The weep screed shall be placed a minimum of 4 inches (102 mm) above the earth or 2 inches (51 mm) above paved areas and shall be of a type that will allow trapped water to drain to the exterior of the building. The weather resistant barrier shall lap the attachment flange. The exterior lath shall cover and terminate on the attachment flange of the weep screed.~~

R703.6.3 Pneumatically placed portland cement plaster

R703.6.3.1 Pneumatically placed portland cement plaster shall be a mixture of portland cement and aggregate conveyed by air through a pipe or flexible tube, and deposited by air pressure in its final position.

R703.6.3.2 Rebound material may be screened and reused as aggregate in an amount not greater than 25% of the total sand in any batch.

R703.6.3.3 Pneumatically placed portland cement plaster shall consist of a mixture of one part cement to not more than five parts of aggregate. Plasticity agents may be used as specified elsewhere in this chapter. Except when applied to concrete or masonry, such plaster shall be applied in not less than two coats to a minimum total thickness of 7/8 inch (22.2 mm)

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
14-43	Regulation of Encroachments Over State Rights of Way
RULE NO.:	RULE TITLE:
14-43.001	Regulation of Overhanging Encroachments

NOTICE OF HEARING

Based upon requests for a hearing from affected parties, a hearing will be held as follows:

TIME AND DATE: 9:30 a.m., January 13, 2005

PLACE: Florida Department of Transportation, Haydon Burns Building, 605 Suwannee Street, Right-of-Way Training Room (Room 457), Tallahassee, Florida

Notice was published in Florida Administrative Weekly, Vol. 30, No. 50, December 10, 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 NO.:                      RULE TITLE:  
33-103.018                      Evaluation of the Grievance Procedure

**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. 48, (Nov. 24, 2004), issue of the Florida Administrative Weekly. Rule 33-103.018, F.A.C., will not be repealed as provided in the notice of proposed rulemaking, but will instead be amended as follows to clarify the grievance procedure evaluation process and to delete obsolete language.

33-103.018 Evaluation of the Grievance Procedure.

~~The grievance procedure shall be reviewed at each institution through operational reviews conducted by the Office of Internal Audit. An annual evaluation of the grievance procedure shall be conducted by the Office of Internal Audit which shall report its findings to the Office of the Inspector General.~~ This evaluation shall include information obtained from a survey of staff and inmates, review of employees' and inmates' comments on the effectiveness and credibility of the procedure pursuant to subsection 33-103.004(2), F.A.C., on-site visits to institutions and facilities by staff of the Office of Internal Audit and from monthly reports prepared by wardens and the Bureau of Inmate Grievance Appeals. ~~Upon reviewing the completed audit, the Inspector General shall then direct that action be taken to address identified needs in the inmate grievance procedure.~~

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 12-22-92, 4-10-95, Formerly 33-29.017, Amended \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE NO.:                      RULE TITLE:  
33-601.307                      Disciplinary Hearings

**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. 48, (November 24, 2004), issue of the Florida Administrative Weekly:

33-601.307 Disciplinary Hearings.

(1)(a) No change.

(b) The inmate charged shall be present at the disciplinary hearing unless substantial reasons precluding the inmate's presence exist or the inmate has waived his right to be present.

If the inmate waives the right to be present or refuses to be present, the 24 Hour/Refusal to Appear, Form DC6-112D, shall be signed by the inmate and witnessed by an employee. If the inmate refuses to sign the form, this shall be noted and signed by the employee. When an inmate waives the right to be present at the hearing, the inmate also waives the right to submission of a written statement to the disciplinary team or hearing officer. If the inmate's disruptive conduct makes it necessary to remove the inmate from the hearing, the hearing shall be conducted in the inmate's absence. The reason for the inmate's absence shall be explained in the basis of decision findings section of Form DC6-112E, Disciplinary Hearing Worksheet ~~the disciplinary report.~~

(c) through (5) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History—New 3-12-84, Formerly 33-22.06, Amended 12-30-86, 10-01-95, 12-10-97, 5-19-98, Formerly 33-22.006, Amended 5-21-00, 2-11-01, \_\_\_\_\_.

Form DC6-112E is also being amended to reflect that the reasons for an inmate's failure to appear at a disciplinary hearing should be noted in the Basis of Findings section of the report.

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE NO.:                      RULE TITLE:  
40C-41.063                      Conditions for Issuance of Permits

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 30, No. 48, November 24, 2004, Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.:                      RULE TITLE:  
61G4-12.006                      Approved Form; Incorporation

**NOTICE OF CHANGE**

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 39, of the September 24, 2004, issue of the Florida Administrative Weekly. The change is based upon comments at a public hearing held on this rule on November 11, 2004. The Board, at its meeting held on November 12, 2004, voted to change the rule to incorporate a revised form. When changed the rule shall read as follows:

61G4-12.006 Approved Form; Incorporation.

The following form used by the Board in its dealings with the public is hereby adopted and incorporated by reference, and can be obtained from the Board at the following address: Florida Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-1039.

Florida Homeowners' Construction Recovery Fund Claim Form, DBPR/CILB/022 – (Rev. January 2005).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tim Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-1050

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE NO.: 61G17-1.010  
 RULE TITLE: Approved Schools and Colleges  
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 4, January 24, 2003, issue of the Florida Administrative Weekly. This rule is being revised in response to comments received from the Joint Administrative Procedures Committee. The changes are as follows:

61G17-1.010 Approved Schools and Colleges.

(1) No change.

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

(3) Foreign colleges and universities which offer a course of study in surveying and mapping that meets or is substantially equivalent to that set forth by the Accreditation Board for Engineering and Technology (ABET) are deemed approved by the Board.

(4) In order to demonstrate "substantial equivalency" to an ABET accredited surveying and mapping program, the applicant must demonstrate that the applicant is a graduate of a surveying and mapping degree program that includes not fewer than 32 semester hours of study or its academic equivalent in any of the following surveying and mapping courses: boundary and/or land surveying, geographic and/or land information systems, photogrammetry, mapping and geodesy, remote sensing, civil engineering, surveying, mapping, advanced mathematics, forestry, land law, or other substantially related physical sciences.

(5) The Board shall make the final decision regarding equivalency of programs and shall determine whether an applicant shall be approved for admittance to the examination or for licensure by endorsement.

(6) The applicant must request an evaluation of the substantial equivalency of his or her credentials to ABET standards through the Engineering Credentials Evaluation International, P. O. Box 13084, Baltimore, Maryland 21203-3084; or through Joseph Silny & Associates, Inc., P. O. Box 248233, Coral Gables, Florida 33124.

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE NO.: 61G17-2.006  
 RULE TITLE: Time for Compliance With Final Order; Probation  
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 39, September 26, 2003, issue of the Florida Administrative Weekly. This rule is being revised in response to comments received from the Joint Administrative Procedures Committee. The changes are as follows:

61G17-2.006 Time for Compliance With Final Order; Probation.

(1) In cases where the Board imposes a civil penalty for violation of Chapter 455 or Chapter 472, Florida Statutes, or of the rules promulgated thereunder, the penalty shall be paid within 30 days of its imposition by order of the Board, unless a later time for payment is specified in the Board's Order.

(2) Failure to pay the civil penalty within the time specified in this rule or in the Board's Order shall constitute grounds for further disciplinary action against the licensee.

(3) For purposes of this rule, the term civil penalty shall include the assessment of any fines, costs associated with investigation and prosecution of the complaint, and restitution.

(4) In cases where the Board imposes probation for violation of Chapter 455 or Chapter 472, Florida Statutes, or of the rules promulgated thereunder, the following conditions shall apply:

(a) The licensee shall be required to appear before the Probation Committee of the Board at such times as directed by the Executive Director, or as specified in the Final Order. In connection with each probation appearance, the licensee shall answer questions under oath and shall provide a list of all surveys performed including type of survey, since the entry of

the final order if it is the first probation appearance or since the last probation appearance if it is other than the first probation appearance. In addition, the licensee shall provide such other information or documentation as is requested by either the Department, the Board or the Probation Committee. The licensee shall forward said documentation to the Board in advance of the probation appearance.

(b) The burden shall be solely upon the licensee to remember the requirement for said appearance, and to take the necessary steps in advance of said appearance to contact the Board office and ascertain the specific time, date, and place of said appearance. The licensee shall not rely on getting notice of said appearance from the Board or the Department.

(c) Should the licensee violate any condition of the probation, it shall be considered a violation of Section 472.033(1)(h), Florida Statutes, and shall result in further disciplinary action by the Board.

(d) Should the licensee's licensure to practice surveying and mapping be suspended or otherwise placed on inactive status, or if the licensee leaves the practice of surveying and mapping for thirty (30) days or more, the probation period shall be tolled and shall resume running at the time the licensee reactivates the license or returns to the active practice of surveying and mapping, and the licensee shall then serve the time remaining in the term of probation.

(e) If a licensee's licensure to practice surveying and mapping is suspended for the period of probation, with the suspension stayed for the period of probation, by Final Order of the Board. The time of the suspension and the stay shall run concurrently with the period of probation, except as provided otherwise in the Final Order. If the licensee successfully completes probation, the suspension shall terminate. If the licensee fails to comply with the requirements set forth in this rule or in the Final Order, then the stay shall be lifted. Once the stay is lifted, the license shall remain in suspended status for the duration of the Final Order's effective time period.

Specific Authority 455.227(2), 472.008 FS. Law Implemented 455.227(2), 472.033(2) FS. History--New \_\_\_\_\_.

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE NO.: 61G17-9.007  
 RULE TITLE: Survey Review

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 39, September

16, 2003, issue of the Florida Administrative Weekly. The following changes are being made based on comments from the Joint Administrative Procedures Committee. Rule 61G17-9.007, F.A.C., now reads as follows:

61G17-9.007 Survey Review.

(1) A licensee on probationer required to submit surveys for review shall:

(a) Perform six (6) surveys, for or without compensation, within thirty days of the time required by the Board in its final order;

(b) Within thirty days of the date on which the surveys are performed, submit to the Board office signed and sealed surveys of the properties surveyed, along with a copy of the relevant field notes, the relevant full size record plat, all measurement and computational records, and all other documents necessary to a full and complete understanding of the survey;

(c) Attend the Probation Committee meeting at which the surveys are to be reviewed; and

(d) Repeat (a)-(c) once if required by the Probation Committee at the meeting where the surveys are reviewed and discussed.

(2) Upon receipt of the signed and sealed surveys and other documents by the Board, either a surveying and mapping consultant selected by the Board or a member of the Board shall conduct a review of the surveys supplied by the licensee and provide an evaluation report to the Board for review, with all costs associated with said review and report paid to the consultant or the Board by the licensee.

~~(3)~~(2) After the first survey review, the Probation Committee will either:

(a) Release the probationer from the terms of the final order if the probationer has complied with all of its terms and if the reviewed surveys are found to meet or exceed minimum levels of competency; or

(b) Require a second set of surveys for review as contemplated by paragraph (1)(d); or

(c) If the board's final order places a licensee on probation and suspends the licensee's license but stays the suspension pending the licensee's compliance with the terms of probation, then the Probation Committee will lift the stay on the suspension of the license if the reviewed and discussed surveys do not meet or exceed minimum levels of competency.

~~(4)~~(3) After any second survey review, the Probation Committee will either:

(a) Release the probationer from the terms of the final order if the probationer has complied with all of its terms and if the reviewed surveys are found to meet minimum levels of competency; or

(b) If the board's final order places a licensee on probation and suspends the licensee's license but stays the suspension pending the licensee's compliance with the terms of probation,

then the Probation Committee will lift the stay on the suspension of the license if they do not meet minimum levels of competency and refer the reviewed and discussed surveys to the Department for possible further disciplinary action. If the stay is lifted, the license shall remain in suspended status until the probationer takes and passes both parts of the Florida jurisdictional examinations if they do not meet minimum levels of competency.

(5) To determine whether an applicant for licensure with a foreign degree has met the educational requirements of Section 472.013(2)(a) or (b), F.S., the applicant must provide the Board with a foreign degree evaluation conducted either by Engineering Credentials Evaluation International, P. O. Box 13084, Baltimore, Maryland 21203-3084, or Joseph Silny & Associates, Inc., P. O. Box 248233, Coral Gables, Florida 33124.

Specific Authority 472.008, 472.013(4) FS. Law Implemented 472.013(4), 472.033(2)(3)(e) FS. History—New 12-25-95, Amended 10-1-97, 5-17-99.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.:	RULE TITLE:
64B8-9.0091	Requirement for Physician Office Registration; Inspection or Accreditation

**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. 40, of the October 1, 2004, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Board, at its meeting held on December 4, 2004, voted to change subsection (1)(a) to read as follows:

(a) Every physician who holds an active Florida license and performs Level II surgical procedures in Florida with a maximum planned duration of more than five (5) minutes or any Level III office surgery, as fully defined in Rule 64B8-9.009, F.A.C., shall register the office with the Department of Health. It is the physician’s responsibility to ensure that every office in which he or she performs Levels II or III surgical procedures as described above is registered, regardless of whether other physicians are practicing in the same office or whether the office is non-physician owned.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

**DEPARTMENT OF HEALTH**

**Board of Speech-Language Pathology and Audiology**

RULE NO.:	RULE TITLE:
64B20-4.003	On-the-Job Training, and Observation of Speech-Language Pathology and Audiology Assistants

**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. 39, of the September 24, 2004, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee (JAPC). The Board, at its meeting held on November 17, 2004, voted to make changes to the rule to address the JAPC concerns.

The changes are as follows:

1. Subsection (5)(l) shall read: Determining patient or client dismissal criteria have been met.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela E. King, Executive Director, Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

**DEPARTMENT OF HEALTH**

**Board of Speech-Language Pathology and Audiology**

RULE NO.:	RULE TITLE:
64B20-7.001	Disciplinary Guidelines

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 30, No. 39, September 24, 2004, Florida Administrative Weekly has been withdrawn.

**FLORIDA HOUSING FINANCE CORPORATION**

RULE NOS.:	RULE TITLES:
67-32.002	Definitions
67-32.005	Application Procedures
67-32.006	Terms and Conditions of Loan
67-32.007	Scoring, Ranking, and Funding Guidelines
67-32.011	Fees

**NOTICE OF CHANGE**

Notice is hereby given that in response to oral or written comments the following changes have been made to Rule 67-32, Florida Administrative Code, as published in Vol. 30, No. 43, of the Florida Administrative Weekly published October 22, 2004.

## 67-32.002 Definitions.

(1) through (2) No change.

(3) "Application" means the completed forms together with all exhibits submitted to the Corporation 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 the Corporation Florida Housing for the EHCL Program.

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

(6) "Development," or "~~Property~~" means the rental housing unit or units to be repaired or improved by the funds received from the EHCL 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) through (9) No change.

(10) "Received" means delivery by hand, U.S. Postal Service, or other courier service, unless otherwise indicated, to the offices of the Corporation 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 Corporation Florida Housing staff and one Department of Community Affairs person who will make recommendations to the Corporation's Florida Housing's Board of Directors regarding EHCL 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, \_\_\_\_\_.

## 67-32.005 Application Procedures.

(1) The Corporation Florida Housing hereby adopts and incorporates by reference the EHCL Program Application Package, effective on the date of the latest amendment to this rule chapter.

(2) Application Packages may be obtained from the Corporation Florida Housing located at Suite 5000, City Centre Building, 227 North Bronough Street, Tallahassee, Florida 32301-1329.

(3) through (5) No change.

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 91-32.005, Amended 11-9-98, 1-2-00, 12-31-00, 3-17-02, Repromulgated 5-5-03, Amended \_\_\_\_\_.

## 67-32.006 Terms and Conditions of Loan.

(1) through (4) No change.

(5) The Corporation Florida Housing or an authorized representative of the Corporation 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 the Corporation 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 the Corporation 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 Corporation Florida Housing staff based on the factors specified in the Application Package. Preliminary scores shall be transmitted to all Applicants.

(2) No change.

(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 the Corporation 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 the Corporation 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, the Corporation 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 the Corporation Florida Housing Board of Directors for approval.

(6) Following the Board’s action regarding the scoring and ranking, the Corporation 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., Corporation Florida Housing staff shall implement the Board’s action by adjusting the scoring and ranking to reflect the outcome of the final orders.

(8) No change.

(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 the Corporation’s 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 Corporation’s Florida Housing’s EHCL program.

(b) through (c) No change.

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

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, \_\_\_\_\_.

67-32.011 Fees.

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

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

(b) Credit underwriting fee pursuant to contract between the Corporation 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) A non-refundable commitment fee of \$250.00 payable to the Corporation 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) Loan Servicing fees to be paid by the Applicant to the servicer pursuant to contract between the Corporation Florida Housing and the servicer.

(2) through (3) No change.

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 \_\_\_\_\_.

**FLORIDA HOUSING FINANCE CORPORATION**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
67-48.002	Definitions
RULE NO.:	RULE TITLE:
67-48.010	Terms and Conditions of SAIL Loans

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above Notice of Proposed Rulemaking regarding the above rules, as noticed in Vol. 30, No. 39, September 24, 2004, Florida Administrative Weekly, has been withdrawn.

**Section IV  
Emergency Rules**

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

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

**DEPARTMENT OF THE LOTTERY**

RULE TITLE:	RULE NO.:
Block Ticket Sales	53ER04-73

SUMMARY OF THE RULE: This emergency rule sets forth the requirements for retailers regarding block lottery ticket sales.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER04-73 Block Ticket Sales.

(1) Retailers shall, without delay, give service to all persons present and waiting at the terminal to purchase lottery tickets.

(2) Retailers are required to report to the Lottery any sale to a person in excess of \$100,000 for an individual FLORIDA LOTTO drawing. Such report shall be made immediately by contacting the Division of Security at (850)487-7752.