

Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History—New 1-5-88, Formerly 16N-24.011, Amended 1-8-96, Formerly 62N-24.011, Amended 10-2-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Ms. Tara Alford, Management Analyst, Boating and Waterways Section, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)410-0656, Extension 17169

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 16, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 25, 2005

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

#### 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:
33-208.403	Random Drug Testing of Employees

#### 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. 31, No. 21, (May 27, 2005), issue of the Florida Administrative Weekly:

33-208.403 Random Drug Testing of Employees.

(1) No change.

(2) Only employees required to maintain certification under Sections 943.13 and 943.135 ~~Chapter 943~~, F.S., shall be subject to random drug testing.

(3) through (18) No change.

Specific Authority 944.09, 944.474 FS. Law Implemented 112.0455, 944.09, 944.474 FS. History—New \_\_\_\_\_.

Additionally, the following correction is being made to the Specific Authority and Law Implemented sections of the Notice of Proposed Rulemaking:

Specific Authority 944.09, 944.474 FS. Law Implemented 112.0455, 944.09, 944.474 FS.

#### COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

RULE NO.:	RULE TITLE:
41-2.011	Community Transportation Coordinator Powers and Duties

#### NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 30, No. 25, June 18, 2004, Florida Administrative Weekly has been withdrawn.

#### LAND AND WATER ADJUDICATORY COMMISSION Lakewood Ranch Community Development District 7

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
42ZZ-1	Lakewood Ranch Community Development District 7

RULE NOS.:	RULE TITLES:
42ZZ-1.001	Establishment
42ZZ-1.002	Boundary
42ZZ-1.003	Supervisors

#### NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rules as noticed in Vol. 31, No. 21, May 27, 2005, Florida Administrative Weekly have been withdrawn.

#### AGENCY FOR HEALTH CARE ADMINISTRATION

##### Health Facilities and Agency Licensing

RULE NO.:	RULE TITLE:
59A-8.004	Licensure 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. 31, No. 6, of the February 11, 2005, issue of the Florida Administrative Weekly. The change in the application forms referenced in paragraph (1) were to show an increase in the licensing period from one to two years, with a commensurate fee increase due to the longer time period, and to remove the requirement for an Alternate Director of Nursing as a result of amendments to Sections 400.464(1), 400.471(10) and 400.462(10), Florida Statutes, by the 2005 Florida Legislature in the passage of CS for SB 484. The updated Background Screening form in paragraph (10) was removed because the current form is still accepted and the form will be revised at a later date.

The changes are as follows:

1. Paragraph (1) shall now read:

An application for licensure, initial, change of ownership, or renewal, shall be made on a form, prescribed by the AHCA: Home Health Agency Application for Initial Licensure, form number, AHCA 3110-1001, Revised July 2005 ~~December 2004~~; Application for Renewal of Licensure, form number, AHCA 3110-1011, July 2005 ~~December 2004~~; and Application for Change of Ownership, form number AHCA3110-1012, July 2005 ~~December 2004~~, all incorporated by reference.

These forms may be obtained at the AHCA web site, [www.fdhc.state.fl.us](http://www.fdhc.state.fl.us), in the Home Care Unit pages. If the requestor is unable to obtain the documents from the web site, the forms may be obtained from the AHCA Home Care Unit by contacting (850)414-6010 and sending a check or money order to cover the Agency's costs for the copying and mailing.

2. Paragraph (10) shall now read:

Level 1 Screening for good moral character for all personnel, including contractors, who enter the home shall consist of:

Submission of the Request for Level 1 Criminal History Check, AHCA form 3110-0002, ~~Revised January 2003~~ June 1998, incorporated by reference. The FDLE form can be submitted either through AHCA's Background Screening Unit, directly to FDLE, or through a third party vendor. The address for submission to AHCA's Background Screening Unit is AHCA Background Screening Unit, Mail Stop 40, 2727 Mahan Drive, Tallahassee, FL 32308. The address for submission through FDLE is FDLE, Crime Information Bureau, Post Office Box 1489, Tallahassee, Florida 32302. The form may be obtained at the Agency for Health Care Administration web site, <http://www.fdhc.state.fl.us>, at the Background Screening page. The cost of processing the screening request must be paid by the home health agency or the employee being screened. The check must accompany the screening request and be made payable to the FDLE or to the home health agency's agent, if one is used for FDLE.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anne Menard, Supervisor, Home Care Unit, Bureau of Health Facility Regulation, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 34, Tallahassee, Florida 32399-3253, e-mail: [menarda@ahca.myflorida.com](mailto:menarda@ahca.myflorida.com)

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

### Board of Pilot Commissioners

RULE NO.:	RULE TITLE:
61G14-20.001	Deputy Pilots' and State Pilots' Physical and Mental Capabilities

#### SECOND NOTICE OF CHANGE

Notice is hereby given that the following additional changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 18, of the May 6, 2005, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. A previous Notice of Change was published in the July 15, 2005, Florida Administrative Weekly. This Notice of Change supercedes the previous Notice of Change published on July 15, 2005. The change is as follows:

1. Sub-subparagraph (2)(c)3.b. and c. shall now read:

b. Submitted documentation that the applicant or pilot has been subject to a random testing program meeting the criteria of Title 46, CFR 16.230 (December 2, 1994), for at least 60 days during the past six months and has not failed nor refused to participate in a chemical test for any controlled substances regulated under Chapter 893, F.S. (2005), or

c. Submitted documentation demonstrating that the applicant or pilot has passed a preemployment chemical test for any controlled substances regulated under Chapter 893, F.S. (2005), within the past six months.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Board of Pilot Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

## 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:
64B8-31.001	Definitions

#### NOTICE OF WITHDRAWAL

Notice is hereby given that the above-referenced rule, as noticed in Vol. 30, No. 52, of the Florida Administrative Weekly on December 23, 2004, has been withdrawn.

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

## DEPARTMENT OF HEALTH

### Board of Osteopathic Medicine

RULE NO.:	RULE TITLE:
64B15-7.001	Definitions

#### NOTICE OF WITHDRAWAL

Notice is hereby given that the above-referenced rule, as noticed in Vol. 30, No. 52, of the Florida Administrative Weekly on December 23, 2004, has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE RULE IS: Pamela King, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256



## FISH AND WILDLIFE CONSERVATION COMMISSION

### Manatees

RULE NO.: 68C-22.005  
RULE TITLE: Lee County Zones

#### NOTICE OF CHANGE

Notice is hereby given that changes have been made to the proposed rule in accordance with §120.54(3)(d)1., F.S. The proposed rule was originally published in the Florida Administrative Weekly (Vol. 31, No. 2) on January 14, 2005. Public hearings were held on February 9 (in Ft. Myers), April 14 (in Tallahassee), and June 15 (in Daytona Beach).

The Commission approved the proposed rule with three changes: [1] All of Hendry Creek was changed to a year-round 25 mph zone instead of the proposed seasonal Slow Speed / 25 mph zone on the lower portion of the creek; [2] All of Hell Peckney Bay was changed to a year-round 25 mph zone instead of the proposed seasonal Slow Speed / 25 mph zone on the lower portion of the bay; and, [3] A year-round Slow Speed zone was added in the Redfish Point area of the Caloosahatchee River, with speeds up to 25 mph allowed in the Intracoastal Waterway channel. The dates when the rule was approved have also been inserted in the last subsection. The final rule text for the areas that have been changed is shown below, followed by maps showing all of the final zones. Areas that are shown as "no change" in this notice include areas where no amendments were proposed in the January 2005 publication, and areas where amendments were proposed in January 2005 but where no changes to the proposed amendments have been made. For additional information, or for a copy of the final rule in its entirety, please contact Scott Calleson, Florida Fish and Wildlife Conservation Commission, Imperiled Species Management Section, 620 South Meridian Street, Tallahassee, Florida 32399, (850)922-4330.

#### THE FULL TEXT OF THE PROPOSED RULE IS:

68C-22.005 Lee County Zones.

(1) No change.

(2) The following year-round and seasonal zones are established, which ~~shall~~ include all associated and navigable tributaries, lakes, creeks, coves, bends, backwaters, canals, and boat basins unless otherwise designated or excluded. Access to the NO ENTRY zones designated in paragraph (2)(a) will be provided in accordance with procedures set forth in subsection (4), hereunder, and applicable provisions of Rule 68C-22.003, F.A.C.

(a) through (c) No change.

(d) SLOW SPEED (All Year) –

1. through 4. No change.

5. No change.

6.5. Caloosahatchee River Area:

a. through b. No change.

c. Redfish Point Area: All waters of the Caloosahatchee River south of lines that bear 90° and 296° from Intracoastal Waterway Red Channel Marker "72" (approximate latitude 26°32'43" North, approximate longitude 81°56'16" West) and northeast of lines that bear 140° and 320° from Intracoastal Waterway Red Channel Marker "76" (approximate latitude 26°32'16" North, approximate longitude 81°56'43" West), excluding the portion of the marked Intracoastal Waterway channel otherwise designated under subparagraph (2)(h)6.

d.e. No change.

e.d. Fort Myers to Seaboard Coastline Railroad Area: All waters of the Caloosahatchee River and Billy Creek east of the eastern side of the easternmost Edison Memorial Bridge, and west of the centerline of the Seaboard Coastline Railroad trestle near Beautiful Island, excluding the portion of the marked Intracoastal Waterway channel otherwise designated under subparagraph (2)(h)7.

e. through f. renumbered f. through g. No change.

6. through 7. renumbered 7. through 8. No change.

9.8. No change.

10.9. Intrepid Waters, Fish Trap Bay, and Imperial River Area: All waters of Intrepid Waters, Fish Trap Bay, and the Imperial River south of a line that bears 90° from a point (approximate latitude 26°20'51" North, approximate longitude 81°50'33" West) on the eastern shoreline of Little Hickory Island, north of the Lee County/Collier County line, and west of the centerline of the State Road No. 887 bridge, excluding the portion of the marked channel otherwise designated under subparagraph (2)(h)12 ~~(2)(h)10.~~

11. No change.

(e) No change.

(f) SLOW SPEED (April 1 – November 15)/25 MPH (Remainder of Year) –

1. Hurricane Bay Area: All waters of Hurricane Bay east of the centerline of San Carlos Boulevard (State Road No. 865), north of the general contour of the northeastern shoreline of San Carlos Island and a line that bears 104° from a point (approximate latitude 26°27'23" North, approximate longitude 81°56'16" West) on the southeastern tip of San Carlos Island, and ~~northwest of a point (approximate latitude 26°27'36" North, approximate longitude 81°55'31" West) in the waterway connecting Hurricane Bay and Hell Peckney Bay,~~ excluding the portions of the marked channels otherwise designated under subparagraph (2)(h)8.

~~2. Hell Peckney Bay Area: All waters of Hell Peckney Bay southeast of Hurricane Bay, northeast of the northern shorelines of Julies Island and the unnamed island immediately northwest of Julies Island and a line that bears 312° from the northwesternmost point of Julies Island (approximate latitude 26°26'37" North, approximate longitude 81°54'57" West), northwest of Estero Bay, and southwest of a line beginning at the southernmost point (approximate latitude 26°27'23" North, approximate longitude 81°55'11" West) of an unnamed~~

mangrove peninsula in northwest Hell Peekney Bay and bearing 191° to the northernmost point (approximate latitude 26°27'19" North, approximate longitude 81°55'11" West) of an unnamed mangrove island, then running along the northern shoreline of said island to its southeasternmost point (approximate latitude 26°27'11" North, approximate longitude 81°55'05" West), then bearing 115° to a point (approximate latitude 26°27'03" North, approximate longitude 81°54'47" West) on the northwest shoreline of an unnamed mangrove island, then running along the northern shoreline of said island to its northeasternmost point (approximate latitude 26°27'02" North, approximate longitude 81°54'33" West), and then bearing 37° to the line's terminus at the westernmost point of an unnamed mangrove peninsula in eastern Hell Peekney Bay.

2.3. North Estero Bay Area: All waters of Estero Bay east of a line beginning at the westernmost point (approximate latitude 26°26'11" North, approximate longitude 81°54'32" West) of the unnamed island southeast of Julies Island and running along the northwestern shoreline of said island to its northernmost point (approximate latitude 26°26'16" North, approximate longitude 81°54'27" West), then bearing 31° to a point (approximate latitude 26°26'20" North, approximate longitude 81°54'24" West) on the southwestern shoreline of an unnamed island to the northeast, then running along said island's western and then northern shorelines to a point (approximate latitude 26°26'35" North, approximate longitude 81°54'23" West) on the island's northeastern shoreline, then bearing 55° to the line's terminus on eastern shoreline of Hell Peckney, a line that bears 340° from a point (approximate latitude 26°25'56" North, approximate longitude 81°54'25" West) on the northern tip of an unnamed mangrove peninsula on the northeastern shoreline of Estero Island, and the northern shoreline of Estero Island, south of a line that bears 45° from a point (approximate latitude 26°27'38" North, approximate longitude 81°52'16" West) on the shoreline near the southern end of Hendry Creek and lines that bear 135° and 315° from Red Channel Marker "18" (approximate latitude 26°27'46" North, approximate longitude 81°52'00" West) in Mullock Creek, and north of a line that bears 72° from the northernmost point (approximate latitude 26°24'22" North, approximate longitude 81°52'34" West) of Black Island, including the waters of Buccaneer Lagoon at the southern end of Estero Island, but excluding the portions of the marked channels otherwise designated under subparagraph (2)(h)11., the Estero River, and the waters of Big Carlos Pass east of a line beginning at a point (approximate latitude 26°24'34" North, approximate longitude 81°53'05" West) on the eastern shoreline of Estero Island and bearing 36° to a point (approximate latitude 26°24'40" North, approximate longitude 81°53'00" West) on the southern shoreline of Coon Key, south of a line beginning at a point (approximate latitude 26°24'36" North, approximate longitude 81°52'30" West) on the eastern shoreline of Coon Key and bearing 106° to a point (approximate latitude 26°24'39" North, approximate longitude

81°52'34" West) on the southwestern shoreline of the unnamed mangrove island north of Black Island, and west of a line beginning at a point (approximate latitude 26°24'36" North, approximate longitude 81°52'30" West) on the southern shoreline of said unnamed mangrove island north of Black Island and bearing 192° to the northernmost point (approximate latitude 26°24'22" North, approximate longitude 81°52'34" West) of Black Island. North Estero Bay and Hendry Creek Area: All waters of Hendry Creek south of a line that bears 270° from a point (approximate latitude 26°28'40" North, approximate longitude 81°52'56" West) on the eastern shoreline of Hendry Creek; and all waters of Estero Bay southeast and east of Hell Peekney Bay, a line that bears 340° from a point (approximate latitude 26°25'56" North, approximate longitude 81°54'25" West) on the northern tip of an unnamed mangrove peninsula on the northeastern shoreline of Estero Island, and the northern shoreline of Estero Island, south of Hendry Creek and a line that bears 135° and 315° from Red Channel Marker "18" (approximate latitude 26°27'46" North, approximate longitude 81°52'00" West) in Mullock Creek, and north of a line that bears 72° from the northernmost point (approximate latitude 26°24'22" North, approximate longitude 81°52'34" West) of Black Island, including the waters of Buccaneer Lagoon at the southern end of Estero Island, but excluding the portions of the marked channels otherwise designated under subparagraph (2)(h)9., the Estero River, and the waters of Big Carlos Pass east of a line beginning at a point (approximate latitude 26°24'34" North, approximate longitude 81°53'05" West) on the eastern shoreline of Estero Island and bearing 36° to a point (approximate latitude 26°24'40" North, approximate longitude 81°53'00" West) on the southern shoreline of Coon Key, south of a line beginning at a point (approximate latitude 26°24'36" North, approximate longitude 81°52'30" West) on the eastern shoreline of Coon Key and bearing 106° to a point (approximate latitude 26°24'39" North, approximate longitude 81°52'34" West) on the southwestern shoreline of the unnamed mangrove island north of Black Island, and west of a line beginning at a point (approximate latitude 26°24'36" North, approximate longitude 81°52'30" West) on the southern shoreline of said unnamed mangrove island north of Black Island and bearing 192° to the northernmost point (approximate latitude 26°24'22" North, approximate longitude 81°52'34" West) of Black Island.

3.4. South Estero Bay and Big Hickory Bay Area: All waters of Estero Bay and Big Hickory Bay south of a line that bears 72° from the northernmost point (approximate latitude 26°24'22" North, approximate longitude 81°52'34" West) of Black Island, east of the centerline of State Road No. 865 (but including the waters of the embayment on the eastern side of Black Island and the waters inshore of the mouth of Big Hickory Pass that are west of State Road No. 865), and north of a line that bears 90° from a point (approximate latitude 26°20'51" North, approximate longitude 81°50'33" West) on

the eastern shoreline of Little Hickory Island, excluding Spring Creek, the portions of the marked channels otherwise designated under subparagraph (2)(h)11., and the portion of Big Hickory Bay otherwise designated under subparagraph (2)(h)13. South Estero Bay and Big Hickory Bay Area: All waters of Estero Bay and Big Hickory Bay south of a line that bears 72° from the northernmost point (approximate latitude 26°24'22" North, approximate longitude 81°52'34" West) of Black Island, east of the centerline of State Road No. 865 (but including the waters of the embayment on the eastern side of Black Island and the waters inshore of the mouth of Big Hickory Pass that are west of State Road No. 865), and north of a line that bears 90° from a point (approximate latitude 26°20'51" North, approximate longitude 81°50'33" West) on the eastern shoreline of Little Hickory Island, excluding Spring Creek, the portions of the marked channels otherwise designated under subparagraph (2)(h)9., and the portion of Big Hickory Bay otherwise designated under subparagraph (2)(h)11.

(g) SLOW SPEED (April 1 – November 15)

1. through 4. No change.

(h) 25 MPH (All Year) –

1. through 5. No change.

6. ICW channel, Redfish Shell Point Area: All waters of the marked Intracoastal Waterway channel between Red Channel Marker “72” (approximate latitude 26°32'43" North, approximate longitude 81°56'16" West) and Red Channel Marker “76” (approximate latitude 26°32'16" North, approximate longitude 81°56'43" West) Green Channel Marker “99” (approximate latitude 26°31'00" North, approximate longitude 82°00'52" West) and Green Channel Marker “93” (approximate latitude 26°31'37" North, approximate longitude 81°59'46" West).

7. through 8. No change.

9. Hell Peckney Bay: All waters of Hell Peckney Bay south and east of a point (approximate latitude 26°27'36" North, approximate longitude 81°55'31" West) in the waterway connecting Hell Peckney Bay and Hurricane Bay, northeast of the northern shorelines of Julies Island and the unnamed island immediately northwest of Julies Island, a line that bears 312° from the northwesternmost point of Julies Island (approximate latitude 26°26'37" North, approximate longitude 81°54'57" West), and a line that bears 306° from the westernmost point (approximate latitude 26°26'11" North, approximate longitude 81°54'32" West) of the unnamed island southeast of Julies Island, northwest of a line beginning at the aforementioned westernmost point (approximate latitude 26°26'11" North, approximate longitude 81°54'32" West) of the unnamed island southeast of Julies Island and running along the northwestern shoreline of said island to its northernmost point (approximate latitude 26°26'16" North, approximate longitude 81°54'27" West), then bearing 31° to a point (approximate latitude 26°26'20" North, approximate longitude 81°54'24" West) on the southwestern shoreline of an unnamed island to the northeast, then running along said island's western and then northern shorelines to a point (approximate latitude 26°26'35" North, approximate longitude 81°54'23" West) on the island's northeastern shoreline, then bearing 55° to the line's terminus on eastern shoreline of Hell Peckney Bay.

10. Hendry Creek: All waters of Hendry Creek north of a line that bears 45° from a point (approximate latitude 26°27'38" North, approximate longitude 81°52'16" West) on the shoreline near the southern end of Hendry Creek.

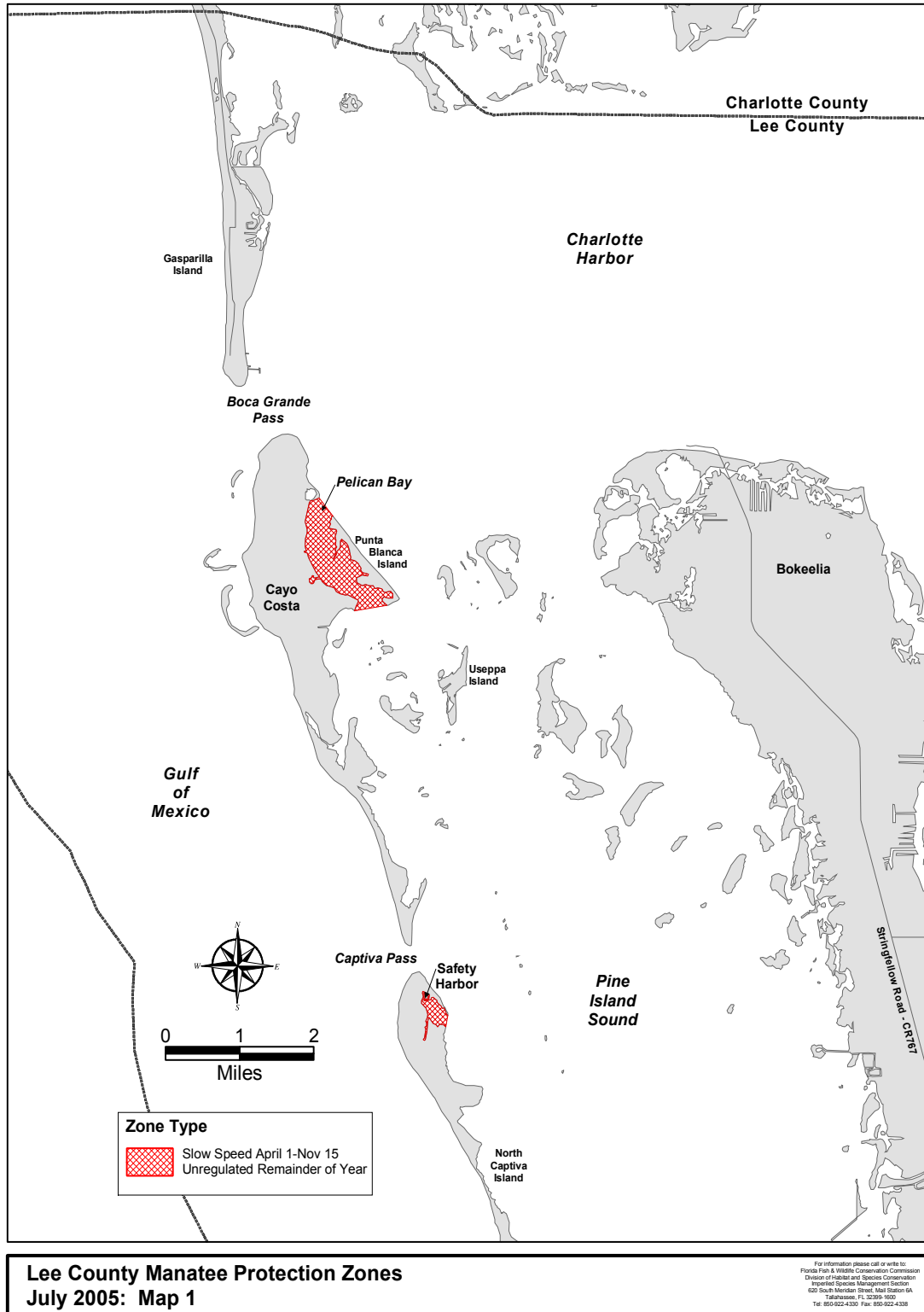
9. through 11. renumbered 11. through 13. No change.

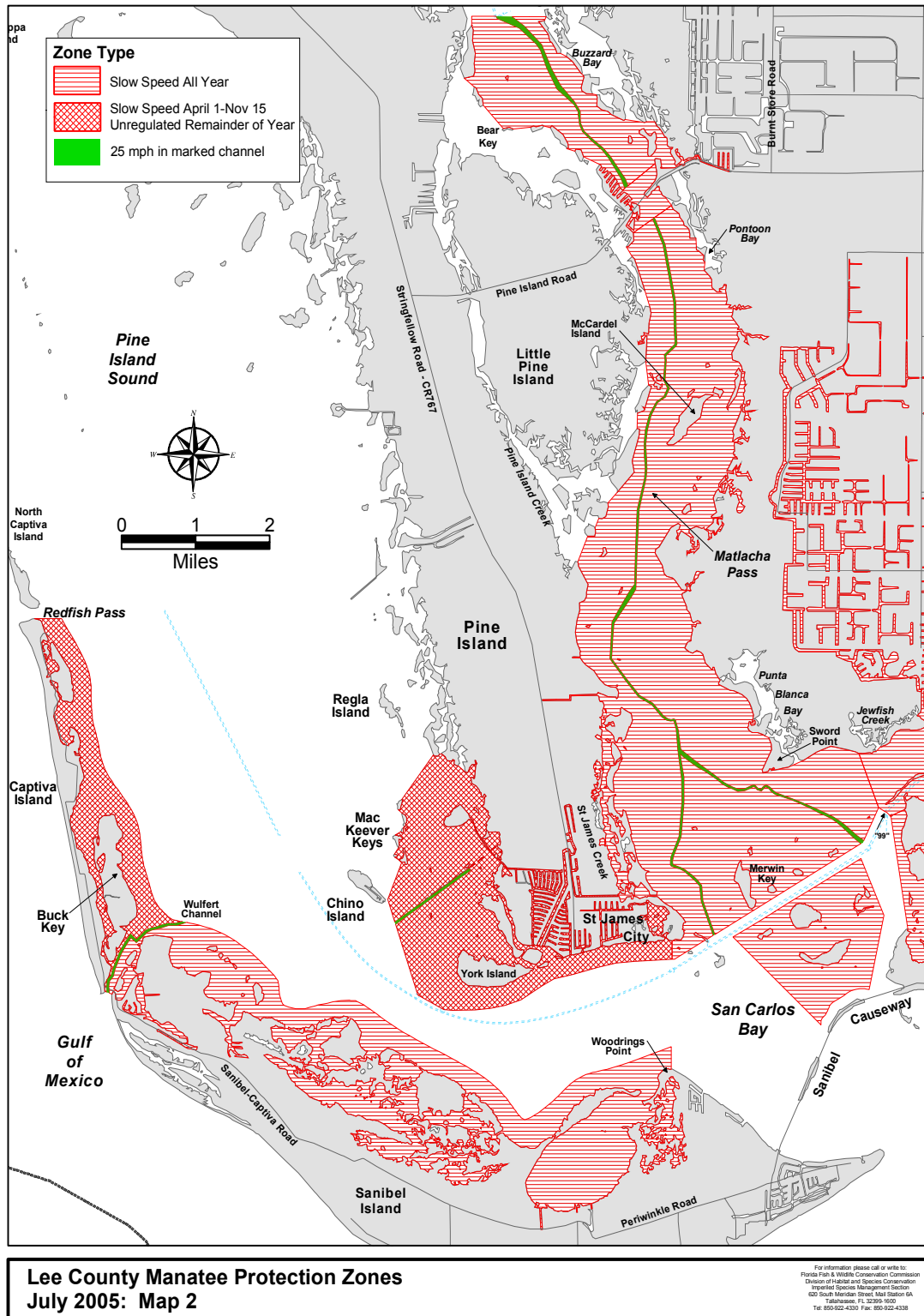
(i) No change.

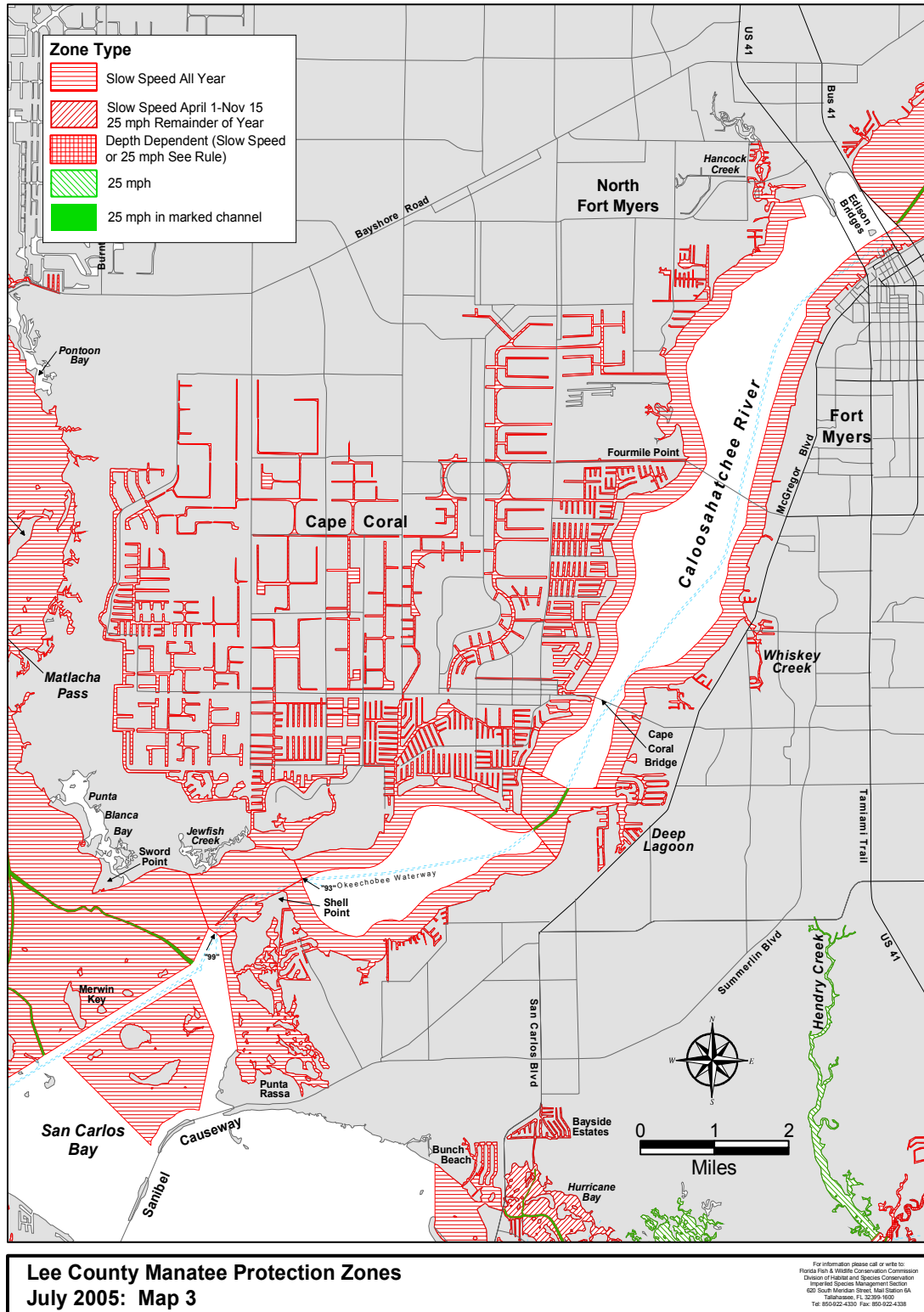
(3) No change.

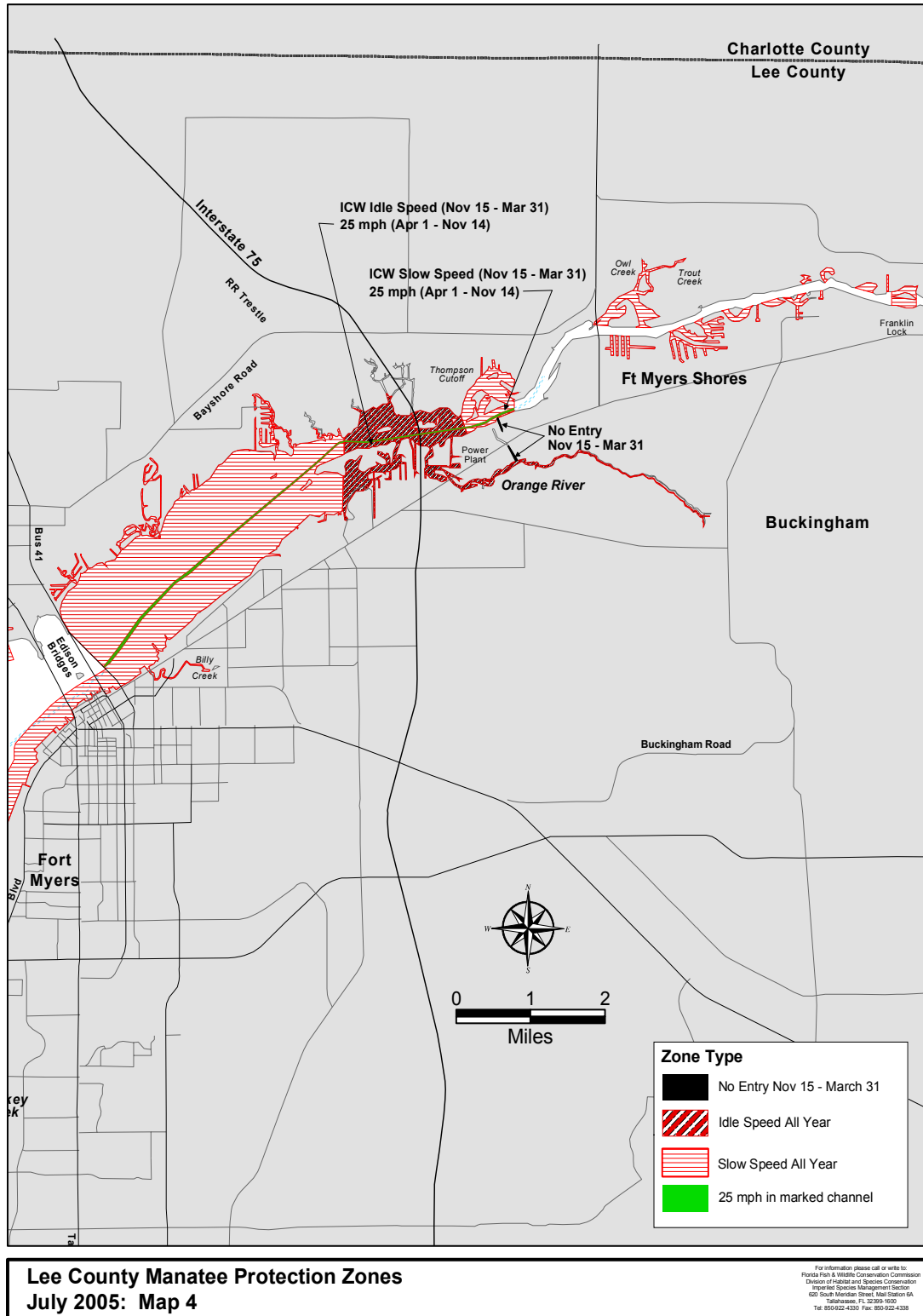
(4) through (5) No change.

(6) The amendments to Rule 68C-22.005, F.A.C., as approved by the Commission on April 14 and June 15, 2005, shall take effect as soon as the regulatory markers are posted.

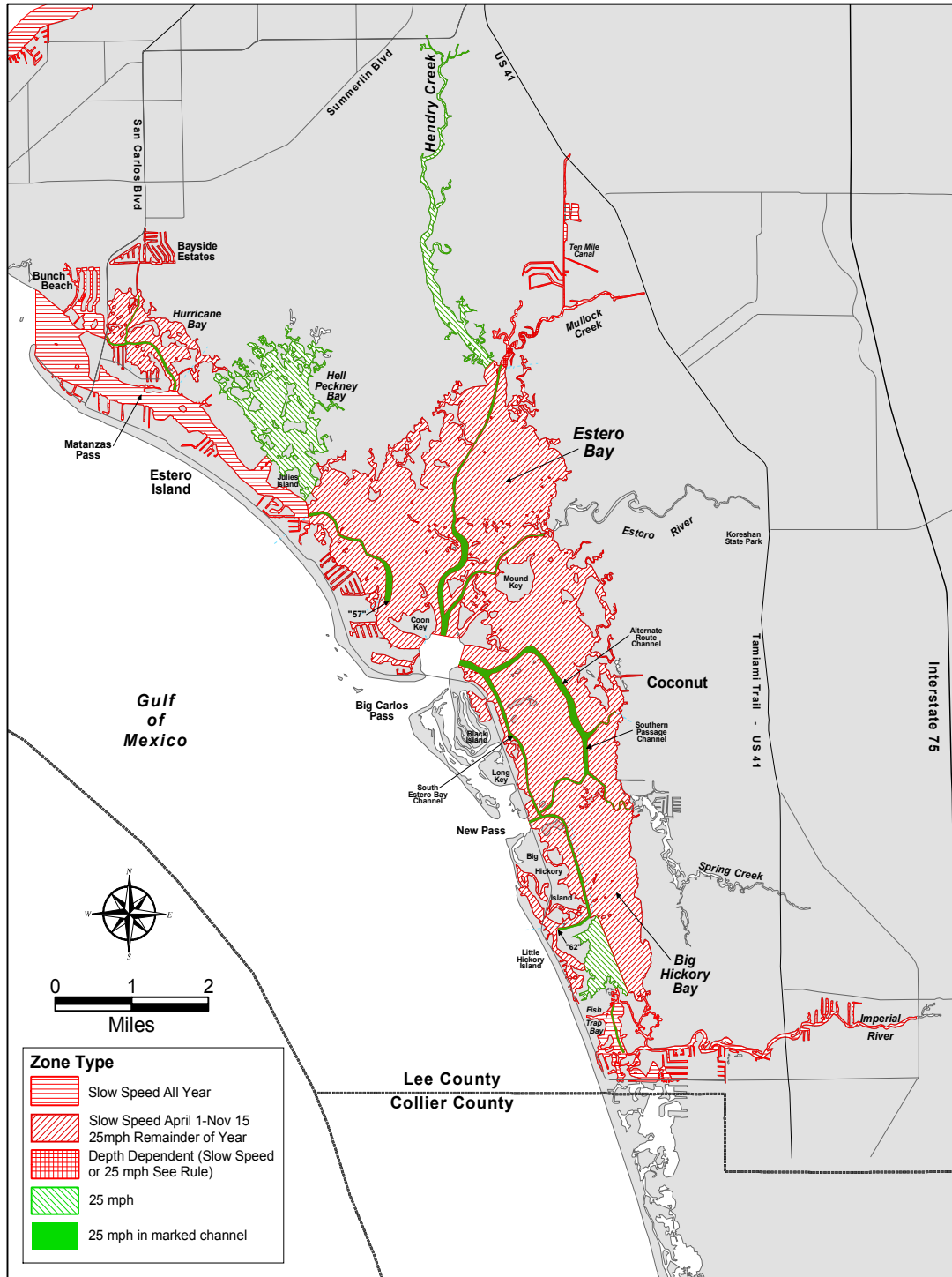














Specific Authority 370.12(2)(g),(n),(o),(f),(m),(n) FS. Law Implemented 370.12(2)(d),(g),(i),(k),(n),(o),(f),(i),(j),(m),(n) FS. History— 3-19-79, Formerly 16N-22.05, Amended 12-5-89, Formerly 16N-22.005, 62N-22.005, Amended 11-30-99, 7-17-01,\_\_\_\_\_.

## Section IV Emergency Rules

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

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

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

### FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Purpose and Intent	67ER05-8
Definitions	67ER05-9
Application and Selection Procedures	
for Developments	67ER05-10
Applicant Administrative	
Appeal Procedures	67ER05-11
Fees	67ER05-12
Credit Underwriting and Loan Procedures	67ER05-13
Miscellaneous Criteria	67ER05-14
General Program Procedures	
and Restrictions	67ER05-15
Additional Application Ranking and	
Selection Procedures	67ER05-16
Terms and Conditions of Loans	67ER05-17
Sale or Transfer of a Development	67ER05-18
Construction Disbursements and	
Permanent Loan Servicing	67ER05-19

**SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE:** Florida experienced the destructive impact of four hurricanes in 2004. The hurricanes created both short-term and long-term housing needs for Floridians. To implement the February 2005 recommendations of the Governor's Hurricane Housing Work Group, the Rental Recovery Loan Program, hereafter referred to as RRLP, is created for the purpose of providing funds to assist those areas of the state with the

greatest housing damage from the hurricanes. Program funding is provided to enable eligible entities to build and rehabilitate affordable rental housing.

**REASONS FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES:** The Corporation has been granted emergency rulemaking authority under Ch. 2005-92, L.O.F., formerly House Bill 1889, "Distribution of Proceeds from the Excise Tax on Documents." The RRLP rules shall be effective immediately upon filing with the Florida Department of State and shall be valid for a period of 180 days.

**SUMMARY OF THE RULE:** The rule provides the procedures by which RRLP funds shall be utilized by eligible entities for affordable rental housing recovery efforts.

**THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS:** Stephen P. Auger, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301, (850)488-4197

THE FULL TEXT OF THE EMERGENCY RULE IS:

#### 67ER05-8 Purpose and Intent.

The purpose of this rule chapter is to establish the procedures by which the Corporation shall administer the Application process, determine loan amounts, make and service mortgage loans for the construction or Substantial Rehabilitation of affordable rental units utilizing Rental Recovery Loan Program funds, authorized by Ch. 2005-92, L.O.F.

Specific Authority s. 3, ch. 2005-92, L.O.F. Law Implemented s. 2 and 3, ch. 2005-92, L.O.F. History—New 7-13-05.

#### 67ER05-9 Definitions.

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

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

(3) "Affiliate" means any person that, (i) directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with the Applicant, (ii) serves as an officer or director of the Applicant or of any Affiliate of the Applicant, or (iii) is the spouse, parent, child, sibling, or relative by marriage of a person described in (i) or (ii) above.

(4) "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.