

Set-Aside portion of the building for an amount not less than the Applicable Fraction as specified in the Extended Use Agreement of:

- (a) The sum of the outstanding indebtedness secured by the building;
- (b) The adjusted investor equity in the building; and
- (c) Other capital contributions not reflected in the amounts above, and reduced by cash distributions from the Development.

~~(6)~~(4) If the Corporation presents a “qualified contract” and the ~~a~~Applicant fails to enter into a bona fide contract to acquire the Development, as defined in Section 42(h)(6)(F) of the IRC, the ~~a~~Applicant shall irrevocably waive any right to further request that the Corporation present a “qualified contract” for the purchase of the ~~a~~Applicant’s interest in the Housing Credit Set-Aside portion of the Development and the Development will remain subject to the requirements of the Extended Use Agreement.

~~(7)~~(5) In the event no buyer is found to acquire the Housing Credit Set-Aside portion of the building within one year as described herein, the Housing Credit Extended Use Period shall be terminated, and the units converted to market-rate.

~~(8)~~(6) Pursuant to Section 42(h)(6)(E)(ii) of the IRC, the termination of an Extended Use Agreement shall not be construed to permit the termination of a tenancy, the eviction of any existing resident of any set-aside unit, or any increase in the gross rent with respect to any set-aside unit before the close of the three-year period following such termination. In no case shall any portion of a Housing Credit Development be disposed of prior to the expiration of the Extended Use Agreement.

Specific Authority 420.507(12) FS. Law Implemented 420.5099 FS. History—New 7-22-96, Repromulgated 12-23-96, 1-6-98, Formerly 9I-48.031, Amended 11-9-98, Repromulgated 2-24-00, 2-22-01, 3-17-02, 4-6-03, 3-21-04, Amended 2-7-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Stephen P. Auger, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Stephen P. Auger, Executive 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: October 14, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 31, No. 35, September 2, 2005

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Office of Agricultural Water Policy

RULE CHAPTER NO.: 5M-8	RULE CHAPTER TITLE: Best Management Practices (BMPs) for Florida Vegetable and Agronomic Crops
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RULE TITLES: 5M-8.001 5M-8.002 5M-8.003 5M-8.004 5M-8.005	RULE NOS.: Purpose Approved BMPS Presumption of Compliance Notice of Intent to Implement Record Keeping
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NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 31, No. 35, September 2, 2005, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-10.02412	RULE TITLE: Foreign Language Competence and Equivalence
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NOTICE OF CORRECTION

Notice is hereby given the table in subsection (2) of the above proposed rule, which was published in Vol. 31, No. 36, September 9, 2005 issue of the Florida Administrative Weekly, was published incorrectly and should read as follows:

6A-10.02412 Foreign Language Competence and Equivalence.

	<u>Minimum</u>	<u>Minimum</u>
<u>French</u>		
<u>Level 1</u>	<u>50</u>	<u>3</u>
<u>Level 2</u>	<u>62</u>	<u>6</u>
<u>German</u>		
<u>Level 1</u>	<u>50</u>	<u>3</u>
<u>Level 2</u>	<u>63</u>	<u>6</u>
<u>Spanish</u>		
<u>Level 1</u>	<u>50</u>	<u>3</u>
<u>Level 2</u>	<u>66</u>	<u>6</u>
	Minimum	Maximum
Examination	Score	Credit
<u>French</u>	<u>50</u>	<u>12</u>
	<u>46</u>	<u>9</u>
	<u>42</u>	<u>6</u>

German	55	12
	52	9
	43	6
Spanish	55	12
	48	9
	45	6

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE:
59G-4.330 Transportation Services
 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. 30, July 29, 2005, issue of the Florida Administrative Weekly. The proposed rule was incorporating by reference the Florida Medicaid Transportation Coverage, Limitations and Reimbursement Handbook, July 2005, which included policy for both non-emergency and ambulance transportation services. In response to comments received at the public hearing and from the Joint Administrative Procedures Committee, the rule amendment and the handbook were revised to pertain to only ambulance transportation services.

The rule text was revised as follows:

(2) All non-emergency transportation providers who provide transportation to Medicaid recipients enrolled in the Medicaid program must comply with the provisions of the Florida Medicaid Transportation Coverage, Limitations and Reimbursement Handbook, July 1997, incorporated by reference. The handbook is available from the Medicaid fiscal agent’s website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Handbooks. A paper copy of the handbook may be obtained by calling Provider Inquiry at 1(800)377-8216 agent.

(3) All ambulance transportation providers enrolled in the Medicaid program must comply with the provisions of the Florida Medicaid Ambulance Transportation Services Coverage, Limitations and Reimbursement Handbook, July 2005, incorporated by reference. The handbook is available from the Medicaid fiscal agent’s website at

<http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Handbooks. A paper copy of the handbook may be obtained by calling Provider Inquiry at 1(800)377-8216.

(4) The following forms that are included in the Florida Medicaid Ambulance Transportation Services Coverage, Limitations and Reimbursement Handbook are incorporated by reference: the Emergency Transportation 131 Claim Form, 10/2003, and the Non-Emergency Transportation 131-A Claim Form, 10/2003. The forms are available from the Medicaid fiscal agent.

The following changes were made to the handbook that is being incorporated by reference:

The handbook title was changed to the Florida Medicaid Ambulance Transportation Services Coverage, Limitations and Reimbursement Handbook, July 2005.

Non-Emergency Transportation Services, Chapter 1, was deleted. Chapters 2 through 4, which pertain to ambulance transportation services, were renumbered Chapters 1 though 3.

On the Update Log, the Update No. was corrected to read, “July 2005 – New Handbook.”

Appendix B, Medicare Ambulance Medical Condition Code List, effective July 2005, was added to the handbook.

On new page 1-1 (prior page 2-1), we added a note that the Florida Medicaid Provider General Handbook is incorporated by reference in Rule 59G-5.020, F.A.C.

We changed the new page 2-1 (prior page 2-4), 2-2 (prior page 2-4), 2-3 (prior page 2-6), page 2-7 (prior page 2-10), page 2-8 (prior page 2-10), page 3-14, and page 3-23 to reference that the Medicare Ambulance Medical Condition Code List, effective July 2005, is included as an appendix in the handbook. The prior handbook stated to use the list from the Medicare website.

Also, on page 2-1 (prior page 2-4), we added an explanation to the reference to the ICD-9-CM codes.

On page 2-4 (prior page 2-7), we changed the references, “Medicaid can reimburse” to “Medicaid reimburses.”

On page 2-6 (prior page 2-9), we corrected the grammar in the paragraph, “Transportation Due to Recipient Preference.”

On page 2-9 (prior page 2-12), we added a reference to page 3-6 for an explanation of a clean claim form.

On pages 3-18, 3-27, 4-15, and 4-19, we made corrections to the sample claim forms.

A copy of the revised Florida Medicaid Ambulance Transportation Services Coverage, Limitations and Reimbursement Handbook, July 2005, is available from: Glen Davis, Bureau of Medicaid Services, (850)922-7305.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-14.001 RULE TITLE: Definitions

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 14, April 8, 2005, Florida Administrative Weekly. The changes are being made in response to comments from the Joint Administrative Procedures Committee.

The changes are as follows:

Paragraph (5) shall read as follows: Pediatric Conscious Sedation – A depressed level of consciousness produced by the administration of pharmacologic substances, that retains a child patient’s ability to independently and continuously maintain an airway and respond appropriately to physical stimulation or verbal command. This modality includes administration of medication via all parenteral routes; that is intravenous, intramuscular, subcutaneous, submucosal, or inhalation, and all enteral routes; that is oral, rectal, or transmucosal. The drugs, doses, and techniques used should carry a margin of safety wide enough to render unintended loss of consciousness unlikely. For the purposes of this chapter, a child is defined as an individual under 18 years of age, or any person who has special needs, which means having a physical or mental impairment that substantially limits one or more major life activities.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-11.001 RULE TITLE: Application for Examination

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed Rule published in Vol. 31, No. 20, May 20, 2005,

issue of the Florida Administrative Weekly. These changes are being made in response to comments from the Joint Administrative Procedures Committee.

Subsection (1) has been changed as follows:

(1) Any person desiring to be licensed as a nursing home administrator shall apply to the Board of Nursing Home Administrators ~~Department of Health~~. The application shall be made on form DH-MQA-NHA002 (revised ~~7/05~~ 9/04), hereby adopted and incorporated by reference, and can be obtained from the Board of Nursing Home Administrators website or the Division of Medical Quality Assurance Call Center by calling (850)488-0595-4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254. The title of the form is Application for Nursing Home Administrators.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrator/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-11.003 RULE TITLE: Reexamination

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed Rule published in Vol. 31, No. 20, May 20, 2005, issue of the Florida Administrative Weekly. These changes are being made in response to comments from the Joint Administrative Procedures Committee.

Subsection (1) and the Law Implemented have been changed as follows:

(1) An applicant must pass both parts of the Nursing Home Administrators Examination (NAB) within two years of the date of application for licensure. If the applicant fails to pass both-parts within the stated two-year period, the applicant must reapply and meet current licensing requirements.

Law Implemented 456.013, 456.017(2) FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrator/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-13.200
 RULE TITLE: Inactive Status and Renewal of Inactive License

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed Rule published in Vol. 31, No. 20, May 20, 2005, issue of the Florida Administrative Weekly. These changes are being made in response to comments from the Joint Administrative Procedures Committee.

Subsections (2) and (3) have been changed as follows:

(2) An inactive status licensee may change to active status at any time provided the licensee meets the continuing education requirements of Rule 64B10-15.001, F.A.C., pays the active status fees for each biennium during which the license was inactive, pays the reactivation fee, and if the request to change the licensure status is made at any time other than at the beginning of a licensure cycle, pays the additional change of status fee. The amounts of these fees are set forth in Rules 64B10-12.009 and 64B10-12.010, F.A.C. Inactive licenses must be renewed biennially during the renewal period prescribed by the Department by payment of the inactive renewal fee required by subsection 64B10-12.010(2), F.A.C. At least ninety (90) days prior to the end of the renewal period, the Department shall send renewal notices to the last address of record of all inactive licensees. Failure to receive any notification does not relieve the licensee of the renewal requirements or waive the inactive receipt expiration date. If an inactive renewal fee is postmarked after the deadline, a delinquency fee as set forth in Rule 64B10-12.016, F.A.C., must be paid before the inactive receipt will be issued.

(3) Any licensee whose license has been inactive for more than two consecutive biennial licensure cycles and who has not practiced for two out of the previous four years in another jurisdiction shall be required to show compliance with subsection (2) and shall be required to appear before the board and establish the ability to practice with the care, skill and safety sufficient to protect the health, safety and welfare of the public. At the time of such appearance, the licensee must:

- (a) Show compliance with subsection (2) above.
- (b) Account for any activities related to the practice of nursing home administrator in this or any other jurisdiction during the period that the license was inactive and establish an absence of disciplinary actions pending in any jurisdiction; and
- (c) Prove compliance with Section 456.033, F.S., and Rule 64B10-11.0011, F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrator/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

DEPARTMENT OF FINANCIAL SERVICES

Division of Consumer Services

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
69J-1	Multiple Hurricane Deductible Reimbursement Program
RULE NOS.:	RULE TITLES:
69J-1.001	Purpose and Scope
69J-1.002	Definitions
69J-1.003	Forms Adopted
69J-1.004	Acquiring Forms
69J-1.005	Notice Process
69J-1.006	Collection of Data by the Office of Insurance Regulation
69J-1.007	Claim Submission Process
69J-1.008	Aggregation of Deductibles
69J-1.009	Processing of Claims
69J-1.010	Burden to Justify Reimbursement is on the Policyholder
69J-1.012	Determination of Claim Validity
69J-1.013	Valuation of Loss
69J-1.020	Special Rule for Condominium Association Claims
69J-1.025	Impact of Variations Among Deductibles
69J-1.030	Assignment of Rights Under the Program
69J-1.031	Death of Policyholder

NOTICE OF WITHDRAWAL

Notice is hereby given that the above chapter as noticed in Vol. 31, No. 24, June 17, 2005, of the Florida Administrative Weekly, has been withdrawn.

**Section IV
 Emergency Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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