

SPECIFIC AUTHORITY: 484.005 FS.
 LAW IMPLEMENTED: 484.002, 484.007(1)(d)4. FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Opticianry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-58.001	Purpose and Intent
67-58.002	Definitions
67-58.005	Fees
67-58.010	Miscellaneous Criteria
67-58.020	Credit Underwriting and Loan Procedures
67-58.030	Terms and Conditions of Loans
67-58.040	Sale or Transfer of a Project
67-58.050	Construction Disbursements
67-58.060	Loan Servicing
67-58.070	Credit Underwriting
67-58.080	Terms of the Loan to Public-Private Partnerships
67-58.090	Disbursement of Funds, Draw Requests, and Construction Loan Servicing
67-58.100	Terms of the Loan to Eligible Persons
67-58.110	Permanent Loan Servicing – Annual Review

PURPOSE AND EFFECT: The purpose of this rule chapter is to establish procedures for the Community Workforce Housing Innovation Pilot (CWHIP) Program by which the Corporation shall administer the application process, determine loan amounts and service loans pursuant to Section 420.5095, F.S.
 SUBJECT AREA TO BE ADDRESSED: The Rule Development Workshop will be held to receive comments and suggestions from interested persons.
 SPECIFIC AUTHORITY: 420.5095 FS.
 LAW IMPLEMENTED: 420.507, 420.5095 FS.
 A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
 DATE AND TIME: Tuesday, July 31, 2007, 12:00 Noon – 3:00 p.m.
 PLACE: Sheraton Ft. Lauderdale Airport Hotel, 1825 Griffin Road, Dania, FL 33004; (954)926-0694

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Bridget Warring, (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bridget Warring, Homeownership Programs Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301, (850)488-4197
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**Section II
 Proposed Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-601.606	Placement of Inmates into Community Release Programs

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is reduce from 90 to 60 days the amount of time that an inmate must be disciplinary report free prior to placement to be eligible for community release programs.

SUMMARY: The proposed rule provides that an inmate must be disciplinary report free for at least 60 days prior to placement to be eligible for community release programs.

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

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

SPECIFIC AUTHORITY: 945.091 FS.
 LAW IMPLEMENTED: 945.091 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:

33-601.606 Placement of Inmates into Community Release Programs.

- (1) No change.
- (2) Eligibility and Ineligibility Criteria.
 - (a) No change.
 - (b) In order to be eligible for community release programs an inmate must:
 1. through 2. No change.
 3. Be disciplinary report free for at least 60 ~~90~~ days prior to placement.
 4. through 6. No change.
 - (3) through (5) No change.

Specific Authority 945.091 FS. Law Implemented 945.091 FS. History--New 3-14-01, Amended 9-2-01, 3-19-02, 11-18-02, 5-31-04, 11-25-04, 4-13-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: George Sapp, Assistant Secretary of Institutions
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D., Deputy Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 26, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 15, 2007

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.724 RULE TITLE: Visitor Attire

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend the visitor attire rule to include shoes known as Heelys or any footwear with removable parts as inappropriate attire.

SUMMARY: The proposed rule includes as inappropriate attire any footwear with removable parts.

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

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

SPECIFIC AUTHORITY: 944.09, 944.23 FS.
LAW IMPLEMENTED: 944.09, 944.23, 944.8031 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:

33-601.724 Visitor Attire.

(1) Persons desiring to visit shall be fully clothed including shoes. Small hats such as baseball caps, religious coverings, or surgical caps are permissible attire. Visitors shall not be admitted to the visiting area if they are dressed in inappropriate attire. The warden, assistant warden or duty warden shall be the final decision authority and shall assist in resolving inappropriate attire situations. Inappropriate attire includes:

- (a) through (e) No change.
- (f) Shoes known as Heelys or any footwear with removable parts.
- (g)(f) Clothes made with see-through fabric unless a non-see-through garment is worn underneath,
- (h)(g) Dresses, skirts, or Bermuda-length shorts more than three inches above the knee,
- (i)(h) Any article of clothing with a picture or language which presents a potential threat to the security or order of the institution, or
- (j)(i) Military style camouflage clothing to include jungle (green), urban (grey or black), and desert (tan or brown).
- (2) No change.

Specific Authority 944.09, 944.23 FS. Law Implemented 944.09, 944.23, 944.8031 FS. History--New 11-18-01, Formerly 3-601.708, Amended 1-29-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: George Sapp, Assistant Secretary of Institutions
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura Bedard, Deputy Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 26, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 15, 2007

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.725 RULE TITLE: Permissible Items for Visitors

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend the rule to clarify that no more than three clear plastic jars of baby food with the original seal intact are allowed for visitors with authorized infants and small children.

SUMMARY: The proposed rule clarifies that no more than three clear plastic jars of baby food with the original seal intact are allowed for visitors with authorized infants and small children.

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

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

SPECIFIC AUTHORITY: 944.09, 944.23 FS.

LAW IMPLEMENTED: 944.09, 944.23, 944.47, 944.8031 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:

33-601.725 Permissible Items for Visitors.

(1) Visitors shall be allowed to bring only authorized items listed into any department facility. Entry shall be denied if the visitor attempts to enter the institution or facility while possessing any unauthorized item or any authorized item in more than the approved amounts. Authorized items shall be removed by the visitor at the end of the visit. Authorized items include:

(a) through (g) No change.

(h) Visitors with authorized infants and small children shall be allowed to bring in:

1. Five diapers, three clear plastic baby bottles or two sipper cups for toddlers, one clear plastic baby pacifier and three clear plastic jars of baby food with the original seal intact;

2. through 4. No change.

(i) through (j) No change.

(2) No change.

Specific Authority 944.09, 944.23 FS. Law Implemented ~~20.315~~, 944.09, 944.23, 944.47, 944.8031 FS. History--New 11-18-01, Amended 5-27-02, 7-1-03, 12-30-03, 11-25-04, 3-29-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: George Sapp, Assistant Secretary of Institutions

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D., Deputy Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 26, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 15, 2007

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.205
 RULE TITLE: Inmate Telephone Use

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to incorporate revisions to Form DC6-223, Inmate Telephone Agreement and Number List. The form is amended to require only the last four digits of the social security number and to specify that Pin number refers to Telephone Pin number.

SUMMARY: Form DC6-223, Inmate Telephone Agreement and Number List, is amended to require only the last four digits of the social security number and to specify that Pin number refers to Telephone Pin number.

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

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or 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: 944.09 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:

33-602.205 Inmate Telephone Use.

(1) No change.

(2) Inmate telephone procedures will be conducted as follows:

(a) No change.

(b) The reception center classification staff shall compile the inmate calling list through use of Form DC6-223, in conjunction with the acquisition of the inmate visiting list. Form DC6-223 shall become part of the inmate's permanent file and shall accompany the inmate with each subsequent transfer. Form DC6-223 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, FL 32399-2500. The effective date of this form is January 7, 2007.

(c) through (l) No change.

(3) through (15) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History–New 11-19-81, Formerly 33-3.125, Amended 11-21-86, 1-6-92, 3-24-97, 7-22-97, 12-21-98, Formerly 33-3.0125, Amended 2-7-00, 6-18-02, 2-4-03, 12-30-03, 11-25-04, 1-7-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: George Sapp, Assistant Secretary of Institutions
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D., Deputy Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 29, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 15, 2007

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-2.091	Publications Incorporated by Reference
40D-2.801	Water-Use Caution Areas

PURPOSE AND EFFECT: The District proposes to expand the existing boundaries of the Northern Tampa Bay Water Use Caution Area to include all of Pasco County and those portions of Hillsborough County north of State Road 60 that are not presently within the Water Use Caution Area. The effect will be to extend to this region the regulatory requirements applicable within the Northern Tampa Bay Water Use Caution Area, to reduce water demands, improve water conservation and ameliorate environmental impacts in the area.

SUMMARY: In 1989, the District declared portions of northern Hillsborough and southwestern Pasco counties and all of Pinellas County a Water Use Caution Area, known as the Northern Tampa Bay Water Use Caution Area (NTBWUCA), to address groundwater withdrawals that had resulted in lowered lake levels, destruction and deterioration of wetlands, streamflow reductions and salt water intrusion into the aquifer. The boundaries of the NTBWUCA were initially limited to this region because regulations adopted to address these impacts focused primarily on reducing water demands in the most heavily populated areas. Since then, population and water demands in the remaining northern portions of Hillsborough and Pasco counties have grown significantly. Therefore, District seeks to expand the NTBWUCA regulations to these remaining areas. Section 7.3 of the District’s Water Use Permit Information Manual Part B, “Basis of Review” and subsection 40D-2.801(3), F.A.C. are amended to revise the geographic boundary of the NTBWUCA. Rule 40D-2.091, F.A.C. is amended to incorporate by reference the effective date of the amendments to the “Basis of Review.”

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

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

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

LAW IMPLEMENTED: 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 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: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-2.091 Publications Incorporated by Reference.

The following publications are hereby incorporated by reference into this Chapter, and are available from the District upon request:

- (1) “Water Use Permit Information Manual Part B,” “Basis of Review () for Water Use Permit Applications” (1/07);
- (2) through (6) No change.

PROPOSED EFFECTIVE DATE: September 1, 2007

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS. History–New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, 8-3-00, 9-3-00, 4-18-01, 4-14-02, 9-26-02, 1-1-03, 2-1-05, 10-19-05, 1-1-07, 9-1-07.

40D-2.801 Water-Use Caution Areas.

- (1) through (2) No change.
- (3) No change.

(a) Northern Tampa Bay Water-Use Caution Area. To address ground water withdrawals that have resulted in lowering of lake levels, destruction or deterioration of wetlands, reduction in streamflow, and salt water intrusion, the Governing Board declared portions of northern Hillsborough County, southwestern Pasco County, and all of Pinellas County Counties a Water-Use Caution Area on June 28, 1989, pursuant to Resolution Number 934. The Governing Board approved expansion of the boundaries of the Water Use Caution Area in June 2007.

1. The boundary for the Northern Tampa Bay Water-Use Caution Area is as follows:

- All of Pinellas County;
- All of Pasco County;

~~That portion of Pasco County within the following sections:~~

~~Township 24S, Range 16E: All Sections;
 Township 25S, Range 16E: All Sections;
 Township 25S, Range 17E: All Sections;
 Township 26S, Range 14E: All Sections;
 Township 26S, Range 15E: All Sections;
 Township 26S, Range 16E: All Sections;
 Township 26S, Range 17E: All Sections;
 Township 26S, Range 18E: All Sections;
 Township 26S, Range 19E: All Sections;
 Township 26S, Range 20E: All Sections; and~~

That portion of Hillsborough County within the following sections (all Townships are South; all Ranges are East):

Township 27S, Range 17E: All Sections;
 Township 27S, Range 18E: All Sections;
 Township 27S, Range 19E: All Sections;
 Township 27S, Range 20E: All Sections;
Township 27, Range 21: All Sections;
Township 27, Range 22: All Sections;
 Township 28S, Range 17E: All Sections;
 Township 28S, Range 18E: All Sections;
 Township 28S, Range 19E: All Sections;
 Township 28S, Range 20E: All Sections;
 Township 28S, Range 21E: All Sections;
 Township 28S, Range 22E: All Sections;
 Township 29S, Range 17E: All Sections;
 Township 29S, Range 18E: All Sections;
 Township 30S, Range 17E: All Sections;
 Township 30S, Range 18E: All Sections;

Township 29S, Range 22E: All Sections North of State Road 60;

Township 29S, Range 21E: All Sections North of State Road 60;

Township 29S, Range 20E: All Sections North of State Road 60;

Township 29S, Range 19E: All Sections except 22-27 and 34-36.

2. through 3. No change.

4. The Northern Tampa Bay Water Use Caution Area is a water resource caution area for purposes of Chapter 403, F.S., and Chapter 62-40, F.A.C.

(b) No change.

PROPOSED EFFECTIVE DATE: September 1, 2007

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.0395, 373.042, 373.0421, 373.171, 373.216, 373.219, 373.223 FS. History—Readopted 10-5-74. Formerly 16J-3.30, Amended 10-1-89, 11-15-90, 3-1-91, 7-29-93, 1-1-03, 1-1-07, 9-1-07.

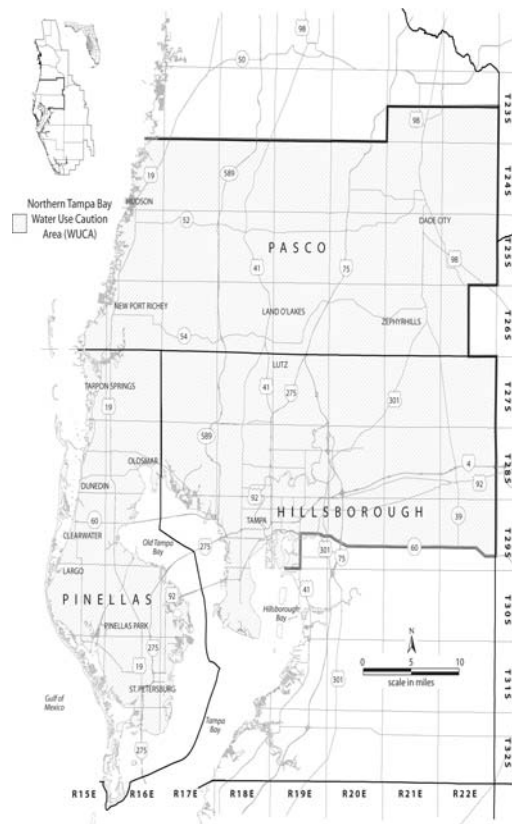
Water Use Permit Information Manual Part B, Basis of Review
 7.3 NORTHERN TAMPA BAY WATER USE CAUTION AREA

The Governing Board originally declared portions of Hillsborough; and Pasco Counties, and all of Pinellas County Counties a Water Use Caution Area (WUCA) on June 28, 1989. The Governing Board approved expansion of the boundaries of the Water Use Caution Area in June 2007. The area designated is shown in Figure 7.3-1; the legal description is provided in paragraph 40D-2.801(3)(a)(~~e~~), F.A.C. As of the effective date of this rule, all existing water use permits within the Water Use Caution Area are modified to incorporate the applicable measures and conditions described below. Valid permits, legally in effect as of the effective date of this rule, are hereafter referred to as existing permits. Existing permits within those portions of the Water Use Caution Area added in 2007 shall have until July 1, 2008 to comply with the provisions of this rule. Applicable permit conditions, as specified below, are incorporated into all existing water use permits in the Water Use Caution Area and shall be placed on new permits issued for withdrawals located within the Area. However, both the language and the application of any permit conditions listed may be modified when appropriate.

These portions of the Basis of Review for the Northern Tampa Bay Water Use Caution Area are intended to supplement the other provisions of the Basis of Review and are not intended to supersede or replace them. If there is a conflict between requirements, the more stringent provision shall prevail.

1. through 8. No change.

Fig.7.3-1 (revised to show new boundary)
 Figure 7.3-1



PROPOSED EFFECTIVE DATE: September 1, 2007
NAME OF PERSON ORIGINATING PROPOSED RULE:
 Martha A. Moore, Senior Attorney, Office of General Counsel,
 2379 Broad Street, Brooksville, FL 34604-6899,
 (352)796-7211, extension 4651
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 26, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 13, 2007

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-57.001	Purpose and Intent
67-57.005	Definitions
67-57.010	Fees
67-57.020	Notice of funding Availability (NOFA)
67-57.030	Membership Application Procedures
67-57.040	Property Standards
67-57.050	HOP Program Restrictions
67-57.060	Eligible Homebuyer Requirements
67-57.070	Homebuyer Loan Process
67-57.080	HOME Regulations

PURPOSE AND EFFECT: This rule establishes the procedures by which the Florida Housing Finance Corporation shall administer the Homeownership Pool (HOP) Program which provides down payment and closing costs assistance to eligible homebuyers. The Rule and adopted reference materials are necessary and appropriate for the efficient administration of the Program.

SUMMARY: This rule establishes the procedures by which the Florida Housing Finance Corporation shall administer the Homeownership Pool (HOP) Program which provides down payment and closing costs assistance to eligible homebuyers.

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

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

SPECIFIC AUTHORITY: 420.507(12), (14) FS.

LAW IMPLEMENTED: 420.507(23), 420.5088, 420.5089 FS.

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

DATE AND TIME: Monday, August 6, 2007, 10:00 a.m. – 12:00 Noon

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Bridget Warring (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bridget Warring, Homeownership Programs Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301, (850)488-4197

THE FULL TEXT OF THE PROPOSED RULES IS:

67-57.001 Purpose and Intent.

The purpose of this rule chapter is to establish the Homeownership Pool ("HOP") Program procedures by which the Corporation shall administer the Application process, determine loan amounts, service loans, and provide down payment purchase assistance to Eligible Homebuyers for the purchase of new construction Units or substantially rehabilitated under the Homeownership Assistance Program (HAP) as authorized by Section 420.5088, F.S., and the HOME Investment Partnerships Program (HOME) as authorized by Section 420.5089, F.S., and HUD regulations, 24 CFR § 92, which is adopted and incorporated into this rule chapter by reference and which is available on our website at <http://www.floridahousing.org/Home/Developers/HomeownershipPrograms/HOP>.

Specific Authority 420.507(12), (14) FS. Law Implemented 420.507(23), 420.5088, 420.5089(2) FS. History–New 6-26-06, Amended _____.

67-57.005 Definitions.

(1) through (5) No change

(6) "Area(s) of Critical State Concern" means the Florida Keys area of critical state concern.

~~(7)~~(6) No change.

(8) "Calendar Days" means the seven (7) days of the week.

(7) through (8) renumbered (9) through (10) No change.

~~(9) "Calendar Days" means the seven (7) days of the week. With respect to computing any period of time allowed by this rule, the day of the event from which the designated period of time begins shall not be included. The last day of the~~

period so computed shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday.

(10) through (14) renumbered (11) through (15) No change.

~~(16)(15)~~ “Eligible Properties” means newly constructed Units, or Units that have gone through Substantial Rehabilitation, that are single family detached houses, manufactured homes, homes with shared-wall construction, condominiums or co-ops.

(16) through (22) renumbered (17) through (23) No change.

~~(24)~~ “HAP” means the Homeownership Assistance Program pursuant to Section 420.5088, F.S.

~~(25)(23)~~ No change.

~~(26)(24)~~ “HOP” means the Homeownership Pool Program administered by the Corporation pursuant to HUD Regulation 24 CFR § 92 and Sections 420.5088 and 420.5089, F.S.

~~(27)(25)~~ “HOP Loan” means a zero percent (0%) interest rate, non-amortizing second mortgage loan made to an Eligible Homebuyer, who has an Adjusted Income that does not exceed eighty percent (80%) AMI, for the purpose of down payment in the amount necessary to reduce the purchase price to an affordable amount and closing costs assistance.

(26) through (28) renumbered (28) through (30) No change.

~~(31)(29)~~ “Low Income” means the Adjusted Income for persons or households that does not exceed ~~80~~ eighty percent (~~80%~~) AMI.

~~(32)(30)~~ No change.

~~(33)(31)~~ “Member” means an entity, which includes non-profit and for-profit organizations who are developers of affordable housing, Community Housing Development Organizations (CHDOs), counties and eligible municipalities that are recipients of SHIP funding, and the United States Department of Agriculture – Rural Development (USDA-RD), which has been approved by the Corporation to participate in the HOP program.

(32) through (40) renumbered (34) through (42) No change.

~~(41)~~ “Second Mortgage” means the recorded mortgage securing the HOP Loan which is subordinate only to the First Mortgage unless otherwise approved by the Board.

(42) through (44) renumbered (43) through (45) No change.

~~(46)~~ “Subordinate Mortgage” means the recorded mortgage securing the HOP Loan which is subordinate to the First Mortgage.

~~(47)~~ “Substantial Rehabilitation” means the process by which eligible Members that are counties and eligible municipalities that are recipients of SHIP funding, repair, improve, and bring an entire Unit up to current state or local

code which is subsequently sold to an Eligible Homebuyer, as per their established policies and procedures submitted within their HOP Membership Application and approved by the Corporation.

(45) through (49) renumbered (48) through (52) No change.

Specific Authority 420.507(12), (23) FS. Law Implemented 420.507(23), 420.5088, 420.5089 FS. History–New 6-26-06, Amended _____.

67-57.010 Fees.

(1) No change.

~~(2)~~ Member shall pay a non-refundable Loan servicing fee upon submission of each loan package to the Servicer. Member may be reimbursed for this fee out of closing. Florida Housing shall be responsible for any HOP Loan servicing fees associated with the required homebuyer analysis and on-going compliance.

(3) through (4) No change.

Specific Authority 420.507(12), (23) FS. Law Implemented 420.507(23), 420.5088, 420.5089 FS. History–New 6-26-06, Amended _____.

67-57.020 Notice of Funding Availability (NOFA).

(1) through (2) No change.

Specific Authority 420.507(12), (23) FS. Law Implemented 420.507(23), 420.5088, 420.5089 FS. History–New 6-26-06.

67-57.030 Membership Application Procedures.

(1) In order to participate in the HOP program, the Applicant must first apply to become a Member by meeting the requirements of the HOP Membership Application (“HOPMBR101 9/1/07 (~~4/1/06~~)”), which is adopted and incorporated herein by reference and is available on the Corporation’s Website at <http://www.floridahousing.org/Home/Developers/HomeownershipPrograms/HOP>.

(2) No change.

(3) If a Member submits a reservation for a Unit that was part of a development requesting HOME funds in a previous application to Florida Housing, pursuant to Rule Chapter 67-50, F.A.C., and the application for funding was withdrawn by the Member after June 26, 2006, and that Member or any Principal thereof had any ownership interest in that previous applicant entity, then it is deemed that the Member contemplated using HOME funds for the Unit prior to its construction and all applicable HOME provisions relating to Davis-Bacon, Affirmative Marketing, and environmental review will apply to that Unit, pursuant to 24 CFR § 92.

(4) If a Member has previously been awarded HOME funds for a development, then all of the Units committed to in conjunction with that award of funds, subject to the policy adopted by the Board on October 14, 2005, which is adopted and incorporated by reference, must be delivered before any other Units in the development are eligible for a reservation of

funds under this chapter. This policy is available on the Corporation's Website at: <http://www.floridahousing.org/Home/Developers/HomeownershipPrograms/Homeownership/default.htm>

<http://www.floridahousing.org/Home/Developers/HomeownershipPrograms/HLP>.

(5) through (6) No change.

Specific Authority 420.507(12), (23) FS. Law Implemented 420.507(23), 420.5088, 420.5089 FS. History--New 6-26-06, Amended _____.

67-57.040 Property Standards.

(1) All new construction Units must meet the more stringent of the State or local building code requirements as applicable. All Units must contain at a minimum:

(a) Range and oven; ~~and~~

(b) Energy Star rated refrigerator;

(c) Energy Star rated dishwasher (which may be waived for self help units);

(d) Energy Star rated power vented fans or range hoods that exhaust to the exterior;

(e) Florescent lighting fixtures or compact florescent bulbs in all lighting fixtures;

(f) Double or knife hinges on bottom cabinet doors that enables full 180-degree opening;

(g) Lever-handled faucet with removable spout or lever-handled faucet with separate sprayer (spout or sprayer must have at least a 9-inch hose);

(h) No exposed urea formaldehyde particle board;

(i) ~~(b)~~ Washer and dryer hookups;

(j) ~~(e)~~ Telephone hook-ups, with electrical outlet located within 12" of each telephone jack (minimum of 2);

(k) ~~(d)~~ Cable or satellite TV hookups (minimum of 2);

(e) ~~Hallways should be no less than 36" wide;~~

(l) ~~(f)~~ Thermostat and Light switches should be no more than 48" above floor level;

(m) ~~(g)~~ Midpoint on electrical outlets should be located no less than 18" above finished floor level;

(n) ~~(h)~~ Reinforced walls for future installation of horizontal grab bars in toilet, bathtub, and shower walls;

(o) Lever handled faucets with anti-scald in each tub/shower fixture;

(p) ~~(i)~~ Lever-action handles on all doors and faucets in Units and public areas;

(q) ~~(j)~~ Toggle-type switches for lights and fans;

(r) ~~(k)~~ Width of all interior doors used for ingress/egress must be a minimum of 34"; ~~Minimum of 32" clear openings in all interior and bathroom doorways; and~~

(s) ~~(l)~~ At least one accessible means of egress/ingress, which may be waived for manufactured housing Units and Units built in Area(s) of Critical State Concern. For Units consisting of two or more levels, all space on the entry level of

the Unit must meet the requirements of paragraphs (1)(a)-(r) above. At least one full bathroom and one bedroom must meet the requirements of paragraphs (1)(a)-(r) if there is not a full bathroom and a bedroom on the entry level; and

(t) Provide a home maintenance manual that includes a routine maintenance plan; instructions for all appliances, HVAC operation, water-system turnoffs, lighting equipment, information on how to use and maintain the green features of the home, including paving materials and landscaping, and encourage additional green activities such as recycling, gardening and use of healthy cleaning materials.

(2) All Units must include at a minimum the following exterior features:

(a) Outdoor lights are photovoltaic, low voltage, or have motion detector;

(b) ~~(a)~~ Minimal landscaping;

(c) ~~(b)~~ Paved/surfaced driveway and walkway to one entry door; and

(d) ~~(e)~~ Off-street parking.

(3) Site standards must include:

(a) through (b) No change.

(c) Site must be free from excessive traffic and noise, including that from cars, trains and airplanes. Members must submit a mitigation plan to the Corporation ~~for Loan Servicing~~, detailing the proposed means and methods of risk reduction, if a Unit is (i) located within 3,000 feet of an active railroad line and/or subject to high railroad noise levels, (ii) located within 1,000 feet of a major high-volume traffic artery, freeway, or other highway would carry a daily volume of 25,000 motor vehicles or more, or (iii) within 500 feet if the highway that would carry more than 10,000 vehicles but fewer than 25,000. The site must not be located in an airport clear zone;

(d) through (e) No change.

(4) Manufactured homes must meet or exceed the following standards, which are adopted and incorporated herein by reference and are available at <http://www.floridahousing.org/Home/Developers/HomeownershipPrograms/HOP>, unless superseded by state or local building codes:

(a) Meet the Manufactured Home Construction and Safety Standards (MHCSS) pursuant to 24 CFR ~~XX~~ Part 3280;

(b) through (f) No change.

Specific Authority 420.507(12), (23) FS. Law Implemented 420.507(23), 420.5088, 420.5089 FS. History--New 6-26-06, Amended _____.

67-57.050 HOP Program Restrictions.

(1) All Units must be new construction which have not and cannot have been previously occupied except that Members that are counties and eligible municipalities that are recipients of SHIP funding may make reservations for Eligible Homebuyers for HOP funds on Units that are currently in the process of Substantial Rehabilitation.

(2) No change.

(3) The maximum per-unit subsidy of HOP HOME funding is limited to the lesser of twenty five percent (25%) of the purchase price of the Unit, \$70,000, or the amount necessary to meet the borrower analysis criteria, with the exception of Eligible Homebuyers with disabilities and those at fifty percent (50%) AMI or below, which shall not exceed the lesser of thirty five percent (35%) of the purchase price, \$80,000, or the amount necessary to meet the borrower analysis criteria.

(4) through (7) No change.

(8) The HOP Loan should not be in lower than a second lien position; however, it may occupy a lien position lower than second if another source of down payment assistance from a local government is provided to the Eligible Homebuyer in an amount that exceeds the HOP Loan. The HOP Loan ~~must be in not lower than a second lien position and~~ shall not share priority with any other liens unless approved by the Board.

(9) The combined loan-to-value ratio cannot exceed one hundred five percent (105%) of the after construction or appraised value of the ~~HOME-Assisted~~ Unit with the exception of Eligible Homebuyers with disabilities for which the ratio cannot exceed one hundred twenty percent (120%). In the loan-to-value calculation, the Corporation will not include any subsidy that contains forgivable terms within a five (5) year period or any portion of a subsidy that is forgivable within a five (5) year period.

(10) No change.

(11) When HOP HOME funds are used with other Corporation programs, the more stringent borrower analysis criteria will apply as it relates to eligibility requirements; however, in no instance can the HOP Loan be combined with any other Corporation down payment assistance funds.

(12) No change.

(13) A Unit shall qualify as affordable housing if:

(a) The value or initial purchase price of the property after construction does not exceed ninety-five percent (95%) of the median purchase price for the area;

(b) The purchase price of the property after construction must not exceed the appraised value of the property; and

(c) The Model Energy Code requirements are met or exceeded as enumerated in 2005 Florida State Energy Code (which is more stringent than Section 101 of the Energy Policy Act of 1992).

(14) Members are responsible for providing the assigned servicing entity with completed documentation of the homebuyer.

(15)~~(13)~~ Homebuyer reservations will be denied or cancelled at the time of submission if a Member or any Principal, or Affiliate of a Member has any existing developments participating in any Corporation programs that remain in non-compliance with the Code, the applicable

Florida Statutes and rule chapters, loan documents, or any loan commitment after any applicable cure period granted for correcting such non-compliance has ended.

~~(16)~~(14) No change.

Specific Authority 420.507(12), (23) FS. Law Implemented 420.507(23), 420.5088, 420.5089 FS. History–New 6-26-06, Amended _____.

67-57.060 Eligible Homebuyer Requirements.

(1) In order to receive a HOP Loan under the HOP program, the Eligible Homebuyer must:

(a) Have an Adjusted Income that does not exceed eighty percent (80%) AMI;

(b) Qualify as an Eligible Homebuyer at the time of the execution of the purchase contract;

(c) Occupy the Unit as their principal residence ~~throughout the affordability period;~~

(d) Provide a minimum down payment of \$500, except when participating in a Self-Help program ~~where the minimum hours of sweat equity are accomplished;~~

(e) Not have personal assets in excess of \$50,000, excluding equity contributions toward the Unit; ~~and~~

(f) Completed a HUD approved or SHIP approved face to face homebuyer education course; and

~~(g)~~(g) Comply with the HOP Homebuyer Underwriting Guidelines (9/1/07) (4/1/06) (Revised 11/27/06), which are adopted and incorporated herein by reference and available at <http://www.floridahousing.org/Home/Developers/HomeownerShipPrograms/HOP; if receiving a first mortgage loan>.

(2) No change.

(3) Repayment of principal on the HOP Loan shall be deferred until maturity or if the homebuyer sells, transfers or disposes of the Unit either voluntarily or involuntarily, or ceases to occupy the Unit as a principal residence pursuant to 24 CFR § 92.254(4) or 420.5088, F.S.

(4) No change

Specific Authority 420.507(12), (23) FS. Law Implemented 420.507(23), 420.5088, 420.5089 FS. History–New 6-26-06, Amended _____.

67-57.070 Homebuyer Loan Process.

(1) Once construction on the Unit has begun, Members shall reserve homebuyer financing, on a loan-by-loan basis, by providing the required date of foundation inspection on the HOP Homebuyer Reservation (“HOPRES201 (9/1/07) (4/1/06)”), which is adopted and incorporated into this rule chapter by reference and which is available on our website at <http://www.floridahousing.org/Home/Developers/HomeownerShipPrograms/HOP>.

(2) Within fourteen (14) Calendar Days of making the reservation, unless a Member is subject to subsection 8 below, Members must submit to the Corporation a copy of the building permit and the Corporation must approve the

completed Environmental Checklist (“HOPENV301 (9/1/07) (4/1/06)”), which is adopted and incorporated into this rule chapter by reference and which is available on our website at: <http://www.floridahousing.org/Home/Developers/HomeownershipPrograms/HOP> or the reservation will be cancelled.

(3) through (6) No change.

(7) A minimum of ~~five (5) ten (10)~~ Calendar Days prior to closing, the Member shall provide the loan closing package, which shall include:

- (a) Requisition of ~~Ffunds/~~Loan Detail Report;
- ~~(b) Copy of Certificate of Occupancy (“CO”);~~
- ~~(c) Loan detail report;~~
- ~~(b)(d)~~ Proof of property insurance;
- ~~(c)(e)~~ Proof of title insurance; and
- ~~(d)(f)~~ Amenities certification.

(8) Members using Self Help under USDA-RD Section 502 financing can make reservations four (4) weeks prior to the homebuyer closing. Within ten (10) Calendar Days of receiving the ~~Once a reservation is received,~~ the borrower analysis package, ~~including the HOP Environmental Statutory Checklist (“HOPENV302 (4/1/06)”), which is adopted and incorporated into this rule chapter by reference and which is available on our website at <http://www.floridahousing.org/Home/Developers/HomeownershipPrograms/HOP>, must be sent to Loan Servicing within ten (10) Calendar Days for review and approval. In addition, the HOP Self-Help Checklist (“HOPSelfHelp302 (9/1/07”), which is adopted and incorporated into this rule chapter by reference and which is available on our website at: <http://www.floridahousing.org/Home/Developers/HomeownershipPrograms/HOP>, or other acceptable documentation must be sent to the Corporation.~~ Upon approval, the closing can occur and funds will be held in escrow by the Corporation ~~USDA RD until completion of the loan closing package.~~

Specific Authority 420.507(12), (23) FS. Law Implemented 420.507(23), 420.5088, 420.5089 FS. History–New 6-26-06, Amended.

67-57.080 HOME Regulations.

(1) No change.

~~(2) A Unit shall qualify as affordable housing if:~~

~~(a) The value or initial purchase price of the property after construction does not exceed ninety five percent (95%) of the median purchase price for the area;~~

~~(b) The purchase price of the property after construction must not exceed the appraised value of the property; and~~

~~(c) The Model Energy Code requirements are met or exceeded as enumerated in 2005 Florida State Energy Code (which is more stringent than Section 101 of the Energy Policy Act of 1992).~~

~~(3) Members are responsible for providing the assigned servicing entity with completed documentation of the homebuyer.~~

Specific Authority 420.507(12), (23) FS. Law Implemented 420.507(23), 420.5089 FS. History–New 6-26-06, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bridget Warring, Homeownership Programs Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301, (850)488-4197

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David R. Westcott, Deputy Development Officer, Homeownership Programs, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 16, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 32, No. 5, April 20, 2007

Section III Notices of Changes, Corrections and Withdrawals

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.:	RULE TITLE:
61-20.002	Expiration and Renewal of Manager’s License

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 33, No. 22, June 1, 2007 issue of the Florida Administrative Weekly.

The correction is as follows:

(1)(a) is being corrected to reference the correct form number 4305, Community Association Change of Status Application, in place of 43.05.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Regulatory Council of Community Association Managers, 1940 N. Monroe Street, Tallahassee, Florida 32399-0790

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”