

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
 6A-1.09942 State Uniform Transfer of Students in
 the Middle Grades

PURPOSE AND EFFECT: The purpose of this rule is to ensure consistency for students who transfer to a Florida public school after grade 6. The effect of this rule will be to provide consistency for students who enter a Florida public middle school at the seventh or eighth grade from out of state or from a foreign country by not requiring them to spend additional time in a Florida public school in order to meet the middle grades promotion requirements if the student has met all of the promotion requirements of the school district, state or country from which he or she is transferring.

SUBJECT AREA TO BE ADDRESSED: General requirements for middle grades promotion.

SPECIFIC AUTHORITY: 1003.4156(3) FS.

LAW IMPLEMENTED: 1003.4156 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 IS: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400; (850)245-9661

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-1.09942 State Uniform Transfer of Students in the Middle Grades.

The purpose of this rule is establish procedures relating to the completion of the middle grades promotion requirements by students who transfer to a Florida public school after grade 6. The procedures shall be as follows:

(1) Students who enter a Florida public school composed of middle grades in grade 7, from out of state or from out of country, who met all promotion requirements during the previous school year of the school district, state, or country from which he or she is transferring, shall be considered to have successfully completed one English course, one mathematics course, one social studies course,

and one science course in order to satisfy the General Requirements for Middle Grades Promotion pursuant to Section 1003.4156, Florida Statutes.

(2) Students who enter a Florida public school composed of middle grades in grade 8, from out of state or from out of country, who met all promotion requirements during the previous school year of the school district, state, or country from which he or she is transferring, shall be considered to have successfully completed two English courses, two mathematics courses, two social studies courses, and two science courses in order to satisfy the General Requirements for Middle Grades Promotion pursuant to Section 1003.4156, Florida Statutes.

Specific Authority 1003.4156(3) FS. Law Implemented 1003.4156 FS. History--New _____.

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."

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NOS.:	RULE TITLES:
40B-1.703	Procedures for Consideration of Permit Applications
40B-1.709	Suspension, Revocation, and Modification of District Permits
40B-1.901	General

PURPOSE AND EFFECT: The purpose of the rule development is to revise the above sections of Chapter 40B-1, Florida Administrative Code, so that they are consistent with the changes being proposed to Chapter 40B-2, Florida Administrative Code. The effect of the rule development will be to establish a more effective and efficient regulatory program.

SUBJECT AREA TO BE ADDRESSED: This proposed rule development will revise the existing rule language in Chapter 40B-2, Florida Administrative Code, by addressing a new type of water use permit, a general permit by rule, that may be obtained and the procedural requirements.

SPECIFIC AUTHORITY: 373.044, 373.083, 373.113, 373.118, 373.171, 373.4141 FS.

LAW IMPLEMENTED: 120.53, 120.57, 120.59, 120.60, 373.084, 373.085, 373.086, 373.106, 373.116, 373.118, 373.119, 373.229, 373.313, 373.413, 373.416, 373.426, 373.429 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: Linda Welch, Administrative Assistant, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-16.0021
 RULE TITLE: Written Examination for Swimming Pool Specialty Contractors

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the time limit the Board will accept practical examination for licensure of any category of swimming pool specialty contractor as specified in Rule 61G4-15.032, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Written examination for swimming pool specialty contractors.

SPECIFIC AUTHORITY: 455.217(1), 489.113(6), 489.115(5) FS.

LAW IMPLEMENTED: 455.217(1), 489.113(6), 489.115(5) 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: G. W. Harrell, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

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."

DEPARTMENT OF FINANCIAL SERVICES

Division of Consumer Services

RULE NO.: 69J-7.006
 RULE TITLE: Grants Directly from the Department to Homeowners

PURPOSE AND EFFECT: Section 215.5586, F.S., created the My Safe Florida Home (MSFH) Program. This program provides grants to certain homeowners for hurricane damage mitigation work to their homes. This rule establishes procedures for application and award of grants to non-low income grant applicants in the MSFH program; sets forth Department interpretation of certain grant eligibility criteria that are specified only in general by Section 215.5586, F.S.; and sets forth the Department's interpretation as to the intended effect of changes made by the Legislature to Section 215.5586, F.S., in its 2007 regular session, concerning homeowners previously issued grants or previously advised by the Department that they were eligible for a grant. Both low income and non-low income persons may receive grants, but low-income applicants are subject to different requirements. This rule applies only to non low-income applicants. Subsection (6) of 215.5586, F.S., provides rulemaking authority to adopt rules to implement Section 215.5586, F.S., and carry out the duties of the Department pursuant to the Section 215.5586, F.S.

SUBJECT AREA TO BE ADDRESSED: MySafeFlorida Home Grant Standards.

SPECIFIC AUTHORITY: 215.5586(6) FS.

LAW IMPLEMENTED: 215.5586 FS.

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

DATE AND TIME: Wednesday, May 28, 2008, 9:30 a.m.

PLACE: 142 Larson Building, 200 East Gaines Street, Tallahassee, Florida

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: Tami Torres @ Tami.Torres@myfloridacfo.com. 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 IS: Tami Torres, 5th Floor Larson Building, 200 E Gaines St., Tallahassee FL 32399-0333; Email Tami.Torres@myfloridacfo.com.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69J-7.006 Grants: Eligibility, Application and Award (Non-Low Income)

(1) Applicability.

This rule applies to grants to homeowners under Section 215.5586(2), Florida Statutes, except that this rule does not apply to grants to low-income persons under Section 215.5586(2)(g), Florida Statutes, or to grants by or through non-profit entities or local governments under Section 215.5586(2)(d), Florida Statutes.

(2) Definitions.

For the purposes of this rule and implementation of Section 215.5586(2), Florida Statutes, the following definitions apply:

(a) "Completed Inspection" refers to an inspection wherein an inspector has performed a visual examination of a Florida home, and has submitted an inspection report to the Department.

(b) "Department" standing alone refers to the Department of Financial Services.

(c) "Grant" refers to a grant under Section 215.5586(2), Florida Statutes.

(d) "Home" refers to the residence on which the retrofit improvement work would be performed.

(e) "Matching grant" is, for purposes of Section 215.5586(2), Florida Statutes, a grant under which the homeowner will be reimbursed for half of the actual costs to make the improvement, up to \$5,000 for any and all improvements. This is contrasted with a low-income homeowner grant recipient who is not required to match the pay 50% of the actual cost up to \$5,000, and will be reimbursed the actual cost to make the improvement(s), up to \$5,000 for improvements.

(f) Opening Protection.

1. "Standard" opening protection refers to metal panels that are manually installed when a storm approaches, and are removed and stored when the storm has past.

2. "Permanently attached" opening protection refers to accordion shutters, roll-down shutters, and other opening protection devices that are permanently attached to the building and are deployed across the opening when a storm approaches, and retracted back to their permanent attachment point when the storm has past.

3. "Permanently deployed" opening protection refers to windows and doors that are pressure and impact rated for hurricane conditions and that are installed in accordance with current Florida Building Code requirements for new construction.

(g) "Program" and "MSFH Program" and "My Safe Florida Home Program" refer to the program created under the authority of Section 215.5586, Florida Statutes.

(h) "Site-built" means a home built at its permanent and final location. This is contrasted with manufactured housing, including mobile homes and modular homes of which all or

entire major sections of the home are built off-site, and the sections are assembled on site, which are not eligible for a grant pursuant to Section 215.5586, Florida Statutes.

(i) "The year in which the home was built" means the year in which application for the building permit for initial construction was made with the applicable building department.

(j) "You" or "your" refers to a homeowner applying for or awarded a grant under Section 215.5586, Florida Statutes.

(3) Eligibility for Grants.

(a) "Acceptable hurricane mitigation inspection."

An "acceptable hurricane mitigation inspection" as required by Section 215.5586(2)(a)3., Florida Statutes, is:

1. An inspection by a Wind Certification Entity under Section 215.5586(1), Florida Statutes, concerning which the homeowner has received a report of inspection from the Department;

2. An inspection conducted by a non-profit entity or a local government entity pursuant to agreement between the Department and that non-profit entity or a local government entity, or

3. An inspection conducted by a third party who has a contract with the Department under Section 215.5586(10), Florida Statutes, to conduct inspections for the Department.

(b) "Wind-borne debris region."

1. Section 215.5586(2)(a)4., Florida Statutes (2007), limits grants to "Wind-borne debris region as that term is defined in Section 1609.2, International Building Code (2006)." The preceding phrase, as implemented by the Department under Section 215.5586(2)(a)4., Florida Statutes, is the geographic area determined by the Florida Building Commission to be the State of Florida's Wind-Borne Debris Region, depicted in figure 1609 and figure R301.2(4) of the Florida Building Code (2007 Supplement). Figure 1609 and figure R302.2(4) of the Florida Building Code (2007 supplement) are hereby adopted and incorporated by reference into this rule. The Florida Building Code, including the cited figures, is available online at http://www2.iccsafe.org/states/2004_florida_codes.

2. Consistent with paragraph (b)1. above, the entire area of the following counties is within the wind-borne debris region: Broward, Escambia, Franklin, Gulf, Martin, Miami-Dade, Monroe, Pinellas, St. Lucie, and Sarasota.

3. Consistent with subparagraph (b)1. above, no part of the following counties is within the wind-borne debris region: Alachua, Baker, Bradford, Calhoun, Clay, Columbia, Gadsden, Gilchrist, Glades, Hamilton, Hardee, Highlands, Holmes, Jackson, Lafayette, Lake, Leon, Madison, Marion, Okeechobee, Osceola, Polk, Putnam, Seminole, Sumter, Suwannee, and Union.

4. Consistent with subparagraph (b)1. above, part but not all of the following counties is within the wind-borne debris region: Bay, Brevard, Charlotte, Citrus, Collier, DeSoto, Dixie,

Duval, Flagler, Hendry, Hernando, Hillsborough, Indian River, Jefferson, Lee, Levy, Liberty, Manatee, Nassau, Okaloosa, Orange, Palm Beach, Pasco, Santa Rosa, St. Johns, Taylor, Volusia, Wakulla, Walton, and Washington. The extent of the wind-borne debris region within these counties is determined by the county building official, and the Department's determination as to whether a particular home in these counties is within the wind-borne debris region is based upon information provided to the Department by the county building official's office.

(c) "Insured value" requirement.

1. The "insured value" criteria specified at Section 215.5586(2)(a)2., Florida Statutes, refers to the insured value of the dwelling structure under a homeowner's property insurance policy, at Section 1, Coverage A – Dwelling, of the policy.

2. To be eligible for a grant under Section 215.5586(2), Florida Statutes, there must be homeowner's insurance coverage in force on the Home at the time of grant application; it is not necessary that the homeowner's insurance that is in force include hurricane wind coverage.

3. Insured value under a flood insurance policy issued under the national flood insurance program is not acceptable as proof of compliance with the insured value requirement under Section 215.5586(2)(a)2., Florida Statutes.

(d) Multi-family structures excluded.

Only residences that are detached, single family, site built dwellings are eligible for grants. Residences within a multi-family structure are not eligible for grants. Residences within a multi-family structure are those that to any degree share a wall or roof with any other residence. Examples of residences within multi-family structures that are not eligible for a grant include, but are not limited to, townhouses or patio homes, or residences within a duplex or a triplex.

(e) Homestead exemption requirement.

To be eligible for a grant, the home must have been actually granted a homestead exemption that is in effect as of the date of grant application. It is not sufficient that an application for homestead exemption has been filed or that the home qualifies for a homestead exemption and will be issued a homestead exemption for the following tax year. The homestead exemption offered to show compliance with Section 215.5586(2)(a)1., Florida Statutes, must show the grant applicant as property owner.

(f) "Owner-occupied."

The phrase "owner-occupied" as used in Section 215.5586(2), Florida Statutes, requires that the owner of the home must actually be residing in the home at time of the application for grant, in order to be eligible for a grant.

(4) Application for Grant.

(a) How to apply.

1. Homeowners shall apply for a grant by supplying the required information to the Department through the Department's My Safe Florida Home online system, located at <http://www.mysafefloridahome.com/>. Once at that webpage, select "For Homeowners," then select "Matching Grants;" or the homeowner can click on "I want to apply for a grant"

2. Homeowners who cannot apply online may call the Department at (866)513-6734, and the Department staff will take the required information by phone and enter it into the Department's computer system for the homeowner.

(b) Information required to be provided by homeowner in an application for a grant.

(c) The following information must be supplied to the Department by a grant applicant:

1. Wind inspection report number for the home, as appearing on the upper left corner of the inspection report issued to the homeowner by the Department under Section 215.5586(1)(a)1., Florida Statutes. This number is also referred to as the "application number."

2. The applicant's last name and zip code. Applications will not be accepted unless this information entered by the applicant matches the data in the Department's records relating to the inspection report issued to the homeowner by the Department under Section 215.5586(1)(a)1., Florida Statutes.

3. Information to confirm the Department's online system:

a. When the Department's online system matches the application number, last name, and zip code, the Department's online system will display the following information concerning the home, as such information exists in the Department's records as a result of the previous inspection of the home under Section 215.5586(1), Florida Statutes, and the applicant will be required to indicate whether the information displayed is correct according to the applicant's records and recollection:

(I) The address of the Home.

(II) Whether the Home is in a wind-borne debris region.

(III) The mitigation improvements recommended in the MSFH inspection report issued to the homeowner.

(IV) The year the home was built.

b. If applicant indicates that any displayed information is not correct, the online system will instruct the applicant to call the My Safe Florida Home program staff at its toll free phone number, as published on the My Safe Florida Home website, and the online application session will terminate. Upon contacting My Safe Florida Home staff, that staff will assist the applicant to determine the reason for the discrepancy. When the discrepancy is resolved, the applicant can commence a new online grant application.

4. If the building permit for initial construction was applied for in 2002, the applicant will be required to provide the Department with evidence that the building permit was applied for before March 1, 2002, as required by Section 215.5586(2) (a)5., Florida Statutes. Satisfactory evidence shall

include: a copy of records of the building department showing the permit application date; a written, signed statement from the building department stating the permit application date; or a written, signed statement of the contractor who applied for the permit, stating the date of application.

5. Whether the applicant is applying as a low income homeowner. If the applicant indicates that they are applying as a low income homeowner, additional information is required, as specified by a different rule of the Department.

6. The applicant must indicate whether their home is a site-built, detached single family dwelling. If the applicant indicates that the home is not a site-built, detached single family dwelling, the online system will advise them that they are not eligible for a grant, and that they should contact the My Safe Florida Home staff if they believe an error has been made or otherwise have questions regarding the matter; the online application session will then terminate.

7. The applicant must provide the homestead exemption number for the home, as assigned by the county property appraiser for the county where the home is located. Applicant must provide the insured value of the home.

8. The applicant must indicate assent to the following statement: "I, the applicant, under penalty of perjury, do hereby state that this application is the only application for grant I have submitted. Additionally, I understand that pursuant to Section 837.06, Florida Statutes, knowingly making a false statement in writing with the intent to mislead a public servant in the performance of their official duty is a crime punishable as provided in Section 775.082 or 775.083, Florida Statutes."

(d) Documentary materials required to be submitted by applicant for a grant.

1. As more fully specified below, every applicant for a grant subject to this rule shall submit to the Department documentary evidence of homestead exemption and insured value, in applying for a grant.

a. The required documentary evidence shall be submitted by mail or as electronic attachments to the application for grant. The electronic attachments shall be in one of the following formats: jpg, gif, tif, doc, or pdf. The Department's online system will prompt the applicant to indicate whether they will submit by mail, or by electronic attachment. Where the applicant selects electronic attachment, the Department's system will provide a field into which the electronic document may be copied by the applicant.

b. Documentary materials must be fully legible. Documentary materials showing indication of alternation or forgery will be rejected with notice to the applicant by the Department.

2. Proof of homestead exemption. The following items will be accepted by the Department as documentary proof of current homestead exemption:

a. A copy of the annual application for renewal of homestead exemption provided to the homeowner by the county property appraiser's office, issued within the 24 months preceding the date on which grant application is made, showing the address and homestead exemption number of the home which is the subject of the grant application, and naming the grant applicant as property owner;

b. A copy of a receipt showing renewal of homestead exemption, issued by the county property appraiser's office within the 24 months preceding the date on which grant application is made, showing the address and homestead exemption number of the home which is the subject of the grant application, and naming the grant applicant as property owner; or

c. Other document issued by the county property appraiser's office, or available and printed from the county property appraiser's online website, if any, establishing that the home currently has a homestead exemption.

3. Proof of insurance coverage. Applicant shall submit a copy of the declarations page of the homeowner property insurance policy covering the property at the time of the grant application, as issued by the insurer, showing the coverage period, the named insured, the address of the insured property, and the limit of liability for the coverage under Section 1, Coverage A – Dwelling.

4. Proof of permit date. If the building permit for initial construction was applied for in 2002, the applicant will be required to provide the Department with evidence that the building permit was applied for before March 1, 2002, as required by Section 215.5586(2)(a)5., Florida Statutes. Satisfactory evidence shall include: a copy of records of the building department showing the permit application date; a written, signed statement from the building department stating the permit application date; or a written, signed statement of the contractor who applied for the permit, stating the date of application.

(5) Processing of Grant Applications.

(a) Grant applications that are determined by the Department to be incomplete or irregular shall be held in abeyance by the Department. Notice will be provided to the applicant as set forth in this rule. A grant application is incomplete if it lacks any information required by the application, or if the Department has not received all documentation regarding homestead exemption and insured value, as required by this rule. A grant application is considered by the Department to be irregular if it contains information that is internally inconsistent or which is inconsistent with other information known or received by the Department, is apparently duplicative of another application on the same residence or by the same homeowner, contains nonsensical or illogical information, or if the Department has reason to believe that the application may be fraudulent.

(b) Within 45 days of receiving the application, the Department will notify the grant applicant concerning the status of the grant application. Grant applicants are responsible for ensuring that their grant application is complete and regular. No notice will be provided concerning the status of a grant application if the Department has or is referring the application to law enforcement or other investigatory authorities for investigation or other action with regard to suspected fraud or other illegal activity in connection with the application.

(6) Award of Grants.

(a) A grant is awarded when the Department prepares and sends the grant applicant a form DFS-I4-1806 (Matching Grant Award Packet). No grant is considered awarded until the Department actually places form DFS-14-1806 in the U.S. mail to the applicant.

(b) Grants awarded by the Department are conditioned on all the terms, conditions, and other provisions set forth by the Department in form DFS-I4-1806. By accepting the grant, the applicant agrees to all the said terms, conditions, and provisions.

(c) No change to the terms, conditions, and provisions of a grant shall be effective against the Department unless agreed to in writing and signed by the My Safe Florida Home program manager.

(7) The applicant must use a contractor who is participating in the program in accordance with Rule 69J-2.004, Florida Administrative Code. A current, updated list of participating contractor's can be found at: <http://www.mysafefloridahome.com/ParticipatingContractorsLists.asp>.

(8) In order receive grant funds, the Participating Contractor must use products that meet impact, wind pressure, and pressure cycle testing requirements of, and be tested and approved under, the Florida Building Code Product Approval System, as established by Rule Chapter 9B-72, Florida Administrative Code, which is adopted pursuant to Section 553.73(1)(a), Florida Statutes. Products must meet one of following building code standards for 9 pound missile impact, wind pressure, and pressure cycling:

(a) Miami-Dade County Building Code using TAS 201, 202 and 203, as adopted therein, for homes in Miami-Dade County, to the extent applicable under that code; or

(b) Florida Building Code Product Approval using SSTD 12-93/97, ASTM E 1886 and E-1996, or TAS 201, 202 and 203, as adopted therein, to the extent applicable under that code.

(9) In order to receive grant funds for improvements, a particular improvement category needs to be completed:

(a) If the Homeowner chooses to protect windows in the home, all windows must be protected to receive grant funds for any window improvements. This includes gable vents.

(b) If the Homeowner chooses to protect exterior doors in the home all doors, including sliding glass doors, must be protected in order to receive grant funds for any door improvements.

(c) If the Homeowner chooses to brace the gable ends in a home, all gable ends four feet or more in height must be braced in order to receive grant funds for this improvement.

(d) Replacing a garage door with an impact-resistant door or bracing an already hurricane-rated garage door to make it impact-resistant can be performed without other improvements being made.

(e) Replacing skylights with an impact-rated skylight can be performed without other improvements being made.

(10) If bracing of gable ends is not identified by the department's wind inspection, but is identified as necessary by a participating contractor, the department will disburse funds for bracing gable ends with evidence in the form of photographs or video, a copy of the building permit when required by the building code applicable to do this improvement and upon re-inspection by the department.

(11) Improvements on a home pursuant to Section 215.5586(2), Florida Statutes, must be completed within twelve months of grant approval in order to be eligible for grant funds.

(12) After approval and the work is completed, an applicant must complete, sign, and return the reimbursement forms sent along with the grant approval letter. The reimbursement forms include a homeowner reimbursement form and a contractor verification form.

(a) The homeowner reimbursement form shall be completed out by the homeowner, and the following information must be included on the form:

1. Amount charged by the contractor;
2. Amount homeowner paid the contractor;
3. Homeowner's signature;
4. Homeowner's Social Security number.

(b) The contractor verification form shall be filled out by the participating contractor. The Contractor must complete the form, including a breakdown of labor and material costs. The following information must be included on the form:

1. Total job cost charged to the homeowner (for each type of improvement), including rebates or discounts offered to the homeowner;

2. Participating Contractor's name;
3. Business Name;
4. Participating Contractor's Signature;
5. Participating Contractor Number;
6. Date Work Completed;
7. Building permit number, if applicable.
8. For Opening and Door Protections;

a. The Florida Building Code (FBC) or Notice of Approval (NOA) product approval number;

b. Number of windows or doors and square footage protected;

c. Number of labor hours;

d. Labor Costs;

e. Material Costs;

f. Other Costs (such as permit costs).

g. A Diagram or Cut Sheet completed by the contractor detailing what was protected;

9. For Bracing Gable Ends:

a. Material type;

b. Number of labor hours;

c. Labor costs;

d. Material costs;

e. Other costs (such as permit costs).

(c) Once the required forms are completed, the homeowner must submit the forms and any receipts to: My Safe Florida Home, Reimbursement Request, P. O. Box 8200, Tallahassee, Florida 32314-8200.

(13) A Homeowner will only be reimbursed one time for any or all improvements authorized by Section 215.5586(e), Florida Statutes, up to \$5,000.

(14) When the My Safe Florida Home Program is in receipt of a completed reimbursement request, either an email confirmation or a mailing will be sent confirming the request has been received.

(a) If the forms that are submitted are complete, the homeowner should expect to receive a reimbursement check in approximately 6 to 8 weeks.

(b) If the forms are incomplete, the Program will contact the Homeowner to let them know what information is missing and will do one or more of the following:

1. Request that the Homeowner email, fax or mail the additional documentation;

2. Request the Homeowner to provide photos of the work completed on the home;

3. Incomplete reimbursement requests will remain pending until all necessary documentation is received.

(15) Each home that receives grants under this Program shall be subject to random inspection to comply with Florida law, Section 215.5586(2)(c), Florida Statutes, which requires the Program to re-inspect at least 5 percent of all homes retrofitted with grant funds.

(16) The My Safe Florida Home helpline, (866)513-6734, is available for questions concerning this rule.

(17) Implementation of Legislative Changes to Section 215.5586, Florida Statutes.

(a) Change in grant eligibility requirements.

By operation of Chapter 2007-126, Laws of Florida, amending Section 215.5586(2)(a), Florida Statutes, effective June 12, 2007, the Legislature changed the grant eligibility requirements for persons receiving a completed home inspection after May 1, 2007. The Department interprets this

legislation to be prospective only, and that homeowners who received a completed inspection under Section 215.5586(1), Florida Statutes, on or prior to May 1, 2007, remain eligible for a grant after May 1, 2007.

(b) Change in eligible types of retrofit improvement work. By operation of Chapter 2007-126, Laws of Florida, amending Section 215.5586(2)(e), Florida Statutes, effective June 12, 2007, the Legislature reduced the types of retrofit improvement work eligible for grant subsidy from seven categories to three categories. Prior to June 12, 2007, the Department had issued numerous notices or letters to homeowners advising those homeowners that they were eligible to apply for grant assistance for some or all of the four types of retrofit improvement work that were deleted from Section 215.5586, Florida Statutes, by operation of Chapter 2007-126, Laws of Florida. The Department interprets the Legislative intent in this matter to be as reflected in the following two sub-subparagraphs, and will implement Section 215.5586, Florida Statutes, accordingly.

1. Grants approved by the Department in writing prior to June 12, 2007, remain in force as to any and all of the seven types of retrofit improvement work specified and approved in the grant for the particular house in question.

2. Homeowners who received a notice or letter from the Department dated prior to June 12, 2007, advising those homeowners that they were eligible to apply for grant assistance for some or all of the four types of retrofit improvement work that have subsequently been deleted from Section 215.5586, Florida Statutes, by operation of Ch. 2007-126, but which homeowners were not approved for a grant prior to June 12, 2007, are not eligible for a grant to accomplish any of the four types of retrofit improvement work deleted by the Legislature effective June 12, 2007, notwithstanding that the inspection report or other papers provided to them by the Department prior to June 12, 2007, which recommended, advised, or indicated that the homeowner was eligible to apply for a grant for one or more of the four types of deleted retrofit improvement work.

Specific Authority 215.5586(6) FS. Law Implemented 215.5586 FS. New _____.

DEPARTMENT OF FINANCIAL SERVICES

Division of Consumer Services

RULE NO.:

RULE TITLE:

69J-7.007

Grants-Medical Condition Exception

PURPOSE AND EFFECT: Section 215.5586, F.S. establishes the MyFloridaSafe Home Program to provide grants to encourage residential property owners meeting specified criteria to improve the structural integrity of their residential structures to make them less vulnerable to hurricane damage. In most cases, replacing one set of code compliant hurricane shutters with another set does not meet the statutory mandate that improvements funded by MySafeFlorida Home grant be

used to make structures less vulnerable to hurricane damage. However, if a medical condition makes an existing shutter system too difficult to deploy, its replacement with a more easily deployed system may reduce hurricane damage vulnerability. The proposed rule provides a procedure for homeowners with a medical condition which impairs shutter deployment to obtain a grant to replace shutters.

SUBJECT AREA TO BE ADDRESSED: MySafeFlorida Home Grant Standards.

SPECIFIC AUTHORITY: 215.5586(6) FS.

LAW IMPLEMENTED: 215.5586 FS.

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

DATE AND TIME: Wednesday, May 28, 2008, 9:30 a.m.

PLACE: 142 Larson Building, 200 East Gaines Street, Tallahassee, Florida

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: Ellen Simon, (850)413-4270. 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 IS: Ellen Simon, Assistant General Counsel, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399, (850)413-4270

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69J-7.007 Grants – Medical Condition Exception.

(1) Definitions.

(a) “Grant” refers to a grant under Section 215.5586(2), Florida Statutes.

(b) “Department” refers to the Florida Department of Financial Services.

(c) “MSFH” refers to the My Safe Florida Home program.

(2) General Provision. A grant shall only be used to mitigate the risk of hurricane damage. Subject to the exception below, the Department will not in the My Safe Florida Home program under Section 215.5586, Florida Statutes, approve a grant to replace opening protection on a home, where the home already has existing opening protection that complies with Florida Building Code requirements for new construction in the location where the home is located.

(3) Exception. Replacement of a Florida Building Code compliant opening protection system that is unlikely to be deployed due to medical limitations on the Homeowner with a

system that is more likely to be deployed because these limitations do not impede deployment of the system to be installed shall be a basis for a grant subject to the requirements of this section. If a homeowner who otherwise meets all criteria for a grant regarding opening protection except that they already have opening protection that meets Florida Building Code requirements for new construction, establishes by written medical opinion as required herein that applicant is for medical reasons deemed incapable of or is advised against engaging in actions necessary to deploy and install the existing opening protection devices, or establishes by official letter from the Department of Veteran Affairs or Disabled American Veterans that the applicant is permanently or totally disabled, the Department will waive the prohibition set forth in subsection (2).

(4) Required Medical Opinion. In order to establish that an applicant is, for medical reasons, deemed incapable of or has been advised against engaging in actions necessary to deploy and install existing opening protection devices, the applicant must submit:

(a) A written medical opinion, on a physician’s letterhead which:

1. Bears the original signature of a physician as defined by Section 458, 459, 460, 461, or 463, Florida Statutes;

2. Bears the physician’s license number assigned by the Department of Health;

3. Is dated within 6 months of the date of application for grant; and

4. Contains a statement that in the physician’s opinion the applicant, due to age, physical stature, physical handicap, or medical condition, is not deemed by the physician to currently be physically capable of manually installing, removing, or deploying the existing opening protection devices, or is advised by the physician not to attempt to manually install, remove, or deploy the existing opening protection devices due to risk of serious injury or exacerbation of existing injury or medical condition or;

(b) An official letter from the Department of Veteran Affairs or Disabled American Veterans which:

1. Contains a description of the medical condition of the homeowner or that the homeowner is permanently or totally disabled; and

2. Is dated within 3-5 years of the date of application for grant.

(5) Procedures.

(a) A homeowner desiring to apply for a grant to replace opening protection under this rule shall fill out and file with the Department a Department form DFS-xx-xxx, entitled “Application For Medical Condition Exception.”

(b) The homeowner shall provide the Department with the original of the required written and signed medical opinion or statement as specified in this rule.

(c) The form DFS-xx-xxx shall be filed by the homeowner with the Department by mailing same to the Department at: MSFH, Grant Application Review, P. O. Box 7300, Tallahassee, FL 32314-7300.

(d) The Department will review the form DFS-xx-xxx and within 30-45 days of receipt advise the applicant of the status of the application.

1. If the application for medical condition exception is denied, the applicant will be advised by the Department in writing sent to the mailing address provided by the applicant.

2. If the application for medical condition exception is approved by the Department, the Department will notify the applicant in writing; no approval will be deemed to have been given unless such a writing is issued by the Department. Any grant issued under the approved medical exception will be subject to the "Grant Award Letter," "Grant Agreement, Terms and Conditions" document, and a "Reimbursement Request Packet," as those forms are adopted under Department Rule 69J-7.005, F.A.C. Grants awarded by the Department are conditioned on all the terms, conditions, and other provisions set forth by the Department in the three Department forms identified in the preceding sentence. By accepting the grant the applicant agrees to all the said terms, conditions, and provisions. No change to the terms, conditions, and provisions of a grant shall be effective against the Department unless agreed to in writing signed by My Safe Florida Home program management.

(6) Grants under this rule are subject to all the requirements, restrictions, and limitations otherwise applicable to grants under Section 215.5586, Florida Statutes, and rules implementing that section.

Specific Authority 215.5586(6) FS. Law Implemented 215.5586 FS. History—New _____.

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Licensing (Formerly 1C)

RULE NO.:	RULE TITLE:
5N-1.140	Security Officer, Recovery Agent and Private Investigative Intern School Curriculum; Examinations; Retention of Records

PURPOSE AND EFFECT: The purpose is to amend Rule 5N-1.140, F.A.C., to require Class "CC" private investigative interns to become trained before being licensed; to incorporate by reference a private investigative intern course curriculum developed by the Division; and to set in place procedures for

how training and examinations will be conducted and by whom. The effect is to implement 2007 Laws of Florida, s. 1, ch. 2007-232.

SUMMARY: Adds a requirement that applicants for licenses to become private investigative interns take 40 hours of training (two training courses) and two examinations and submit proof of completion of the training before becoming licensed; incorporates by reference a training guide; provides for the general content of the training, who will provide training, and examination criteria; and adds Form 16062(9/08), Certificate of Completion; amends the rule title.

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: 493.6203(6)(b) FS.

LAW IMPLEMENTED: 493.6203(6)(b) FS.

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

DATE AND TIME: June 6, 2008, 10:00 a.m.

PLACE: Conference Room, 2520 North Monroe Street, Tallahassee, Florida 32303

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John V. McCarthy, Assistant General Counsel, Department of Agriculture and Consumer Services, Division of Licensing, 2520 North Monroe Street, Tallahassee, FL 32303

THE FULL TEXT OF THE PROPOSED RULE IS:

5N-1.140 Security Officer, ~~and~~ Recovery Agent and Private Investigative Intern School Curriculum; Examinations; Retention of Records.

(1) through (3) No change.

(3) Private Investigator Examination. Beginning January 1, 2008 applicants for "Class M," "MA," and "C" licenses must submit proof, completed by the provider on Form 16060 (1/08), Certificate of Completion (incorporated by reference and available at <http://mylicensesite.com/forms/index.html>), of having successfully passed an examination that covers the provisions of Chapter 493, F.S. The examination, consisting of 100 questions, will be administered by a provider approved by the Division, after the examination fee of \$100 is paid to the Division and the applicant's identity is verified by the provider. A passing score shall be 75 correct answers. The examination provider shall retain an examination file on each applicant for 2 years.