

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 6-13-85, Amended 1-1-90, Formerly 46-19.001, Amended \_\_\_\_\_.

68B-19.002 Cobia, Size Limit.

(1) No person shall harvest in or from the waters of the state or sell or offer for sale any cobia with a fork length less than 33 inches.

(2) All cobia shall be landed in a whole condition. The possession, while in or on state waters, on any public or private fishing pier, on a bridge or catwalk attached to a bridge from which fishing is allowed, or on any jetty, of a cobia that has have been deheaded, sliced, divided, filleted, ground, skinned, scaled, or deboned is prohibited. Mere evisceration or "gutting" of cobia, or mere removal of gills, before landing is not prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 6-13-85, Amended 1-1-90, 8-31-98, Formerly 46-19.002, Amended \_\_\_\_\_.

68B-19.004 Designation as Restricted Species: Bag and Possession Limits Limit.

(1) Cobia are hereby designated as a restricted species pursuant to s. 370.01(21), Florida Statutes.

(2) Bag Limits:

(a) Recreational Daily Bag Limit – Except as provided in paragraph (b), no person shall harvest more than 1 2 cobia per day from waters of the state. No such person shall possess more than 1 2 cobia while fishing in, on, or above the waters of the state or on any dock, pier, bridge, beach, or other fishing site adjacent to such waters.

(b) Commercial Daily Bag Limit – No person who fishes pursuant to a valid saltwater products license with a restricted species endorsement shall harvest more than 2 cobia per day from waters of the state. No such person shall possess more than 2 cobia while fishing in, on, or above the waters of the state or on any dock, pier, bridge, beach, or other fishing site adjacent to such waters.

(c) Vessel Possession Limit – Whether fishing pursuant to paragraph (a) or (b), the possession of more than the applicable daily bag limit of cobia multiplied by the number of persons fishing aboard any vessel, or 4 cobia, whichever is less, is prohibited. On any single trip aboard a vessel, harvest of cobia shall either be recreational pursuant to paragraph (a) or commercial pursuant to paragraph (b), and the possession of recreational and commercial bag limits simultaneously aboard a vessel is prohibited.

(3) The possession limits of this rule limit shall not apply to any licensed seafood dealer or customer thereof possessing a receipt evidencing purchase of cobia.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-90, Formerly 46-19.004, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 8, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 8, 2000

Section III  
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Library and Information Services

RULE NOS.:	RULE TITLES:
1B-24.001	General
1B-24.003	Records Retention Scheduling and Dispositioning

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. 26, No. 43, October 27, 2000, issue of the Florida Administrative Weekly.

The rule shall now read as follows:

(Substantial rewording of Rules 1B-24.001 and 1B-24.003 follows. See Florida Administrative Code for present text.)

1B-24.001 General.

(1) This chapter establishes standards and procedures for the scheduling and dispositioning of public records to promote economical and efficient management of records and to ensure that records of archival value under an agency’s control are so designated and ultimately transferred to the Florida State Archives.

(2) Each agency in the State of Florida is responsible for complying with the provisions of this chapter.

(3) For the purpose of this chapter:

(a) “Agency” means any state, county, or municipal officer, department, district, division, board, bureau, commission or other separate unit of government created or established by law.

(b) “Custodian” means the elected or appointed state, county, district, or municipal officer charged with the responsibility of maintaining the office having public records, or his or her designee.

(c) “Database Management System” means a set of software programs that controls the organization, storage, and retrieval of data (fields, records and files) in a database. The system also controls the security and integrity of the database.

(d) “Division” means the Division of Library and Information Services of the Department of State.

(e) “Florida State Archives” means the program maintained by the Division for the preservation of those public records and other papers that have been determined by the Division to have sufficient historical or other value to warrant their continued preservation by the State and which have been accepted by the Division for deposit in its custody.

(f) “General Records Schedules” means retention requirements issued by the Division to establish disposition standards for public records common to specified agencies within the State of Florida which state the minimum time such records are to be kept.

(g) “Electronic Records” means any information that is recorded in machine readable form.

(h) “Public Records” are those as defined in section 119.011, Florida Statutes.

(i) “Record (Master) Copy” means public records specifically designated by the custodian as the official record.

(j) “Duplicate (or Convenience) Records” means reproductions of record (master) copies, prepared simultaneously or separately, which are designated as not being the official copy.

(k) “Record Series” means a group of related documents arranged under a single filing arrangement or kept together as a unit because they consist of the same form, relate to the same subject, result from the same activity, or have certain common characteristics.

(l) “Records Retention Schedule” means a standard approved by the Division for the agency’s orderly retention, transfer, or disposition of public records taking into consideration their legal, fiscal, historical, and administrative values.

(m) “Records Management Liaison Officer” means an individual designated by the agency that serves as a contact person to the Division and is assigned responsibilities by the Custodian.

(n) “Intermediate Records” (Processing Files) are temporary records used to create, correct, reorganize, update, or derive output from master data files. Intermediate records are precursors of public records, and are not, in themselves, public records which must be retained. Intermediate records only exist provided a final product is subsequently generated which perpetuates, communicates, or formalizes knowledge of some type. In the absence of such a final product, processing files constitute final evidence of the knowledge to be recorded and shall not be construed as intermediate files for the purposes of this chapter.

(o) “Supporting Documents” means public records assembled or created to be used in the preparation of other records which are needed to trace actions, steps, and decisions covered in the final or master record.

(p) “Drafts” are materials, which constitute precursors of governmental “records” and are not, in themselves, intended as final evidence of the knowledge to be recorded. Information in a form which is not intended to perpetuate, communicate, or formalize knowledge of some type and which is fully represented in the final product is a “draft” and not a “public record.”

Specific Authority 257.36 FS. Law Implemented 257.36 FS. History—New 1-8-80, Amended 1-4-84, Formerly 1A-24.02, 1A-24.002, Amended 1-7-88, 3-23-93, \_\_\_\_\_.

1B-24.003 Records Retention Scheduling and Dispositioning.

(1) Each agency shall submit to the Division a request for records retention on Department of State Form LS5E 105R1-01, “Records Retention Schedule” which is hereby incorporated by reference and made part of this rule, for all records series. A copy of Form LS5E 105R1-01, effective, January 2001, may be obtained from the Bureau of Archives and Records Management, Department of State, Mail Station 9A, The Capitol, Tallahassee, Florida 32399-0250. This schedule shall be developed to reflect the legal, fiscal, historical and administrative requirements of the agency for each record series. The schedule shall designate whether the series constitutes a record (master) copy or duplicate. Form LS5E 105R1-01 is to be signed by the custodian of the records, or his or her designee, and submitted to the Division for determination of official retention requirements.

(2) Retention and scheduling of intermediate files are not feasible due to their transitory nature, and do not require submission of Form LS5E 105R1-01 “Records Retention Schedule”.

(3) Each Records Retention Schedule is analyzed by the Division in the context of an agency’s statutory functions and authorities. Florida Statutes, administrative rules, operating procedures, applicable federal regulations and other such sources shall be researched to assist in the determination of a record’s value.

(4) In addition, the Records Retention Schedule is reviewed to determine whether the records merit further retention by the State in the Florida State Archives. This determination is based upon whether the records have significant legal, fiscal, administrative or historical information value to merit such further retention. The main objectives of this determination are to preserve those records pertaining to the operation of government and to protect the rights and interests of the citizens of the state.

(5) In the event that records are of archival value, an indication is made on the Records Retention Schedule that such historical records are to be transferred to the Florida State Archives as part of the retention requirements.

(6) Local government records having archival value may be loaned to local historical records repositories for preservation provided they are maintained under the provisions of Chapter 119, Florida Statutes.

(7) The Division, with information submitted on Form LS5E 105R1-01, "Records Retention Schedule" and its own research into the legal, fiscal, historical and administrative value of the record series, shall create an official "Records Retention Schedule. Once approved by the Division, the Records Retention Schedule becomes the official retention for the record series of the submitting agency.

(8) After an agency has established an approved Records Retention Schedule in accordance with the foregoing procedures, it may become apparent that the schedule needs to be revised. When changes are necessary, the specific record series of the approved schedule shall be resubmitted by the agency, with an appropriate explanation for the revision. The approved Records Retention Schedule shall receive the next consecutive number.

(9) General Records Schedules are originated by the Division and are used by agencies designated by the Division. Utilization of General Records Schedules eliminates the need to comply with the provisions of Rule 1B-24.003(1) of this chapter.

(10) Prior to records disposition, an agency must ensure that retention requirements have been satisfied. The minimum requirements for each records disposition is the identification and documentation of the following:

- schedule number;
- item number;
- record series title;
- the inclusive dates;
- and the volume in cubic feet.

Photographic reproductions or reproductions through electronic recordkeeping systems may substitute for the original or paper copy, per section 92.29, F.S. Minimum standards for image reproduction shall be in accordance with rules 1B-26.0021 and 1B-26.003, Florida Administrative Code. A public record may be destroyed or otherwise disposed of only in accordance with retention schedules established by the Division.

(11) Each agency shall submit to the Division, once a year, a signed statement attesting to the agency's compliance with records disposition laws, rules, and procedures.

(12) Any record series identified, by either a General Records Schedule or approved Records Retention Schedule, indicating archival value cannot be destroyed without the approval of the Florida State Archives.

(13) The Division shall compile an annual summary of agency records scheduling and disposition activities to inform the Governor and the Legislature on statewide records management practices and program compliance.

Specific Authority 257.36 FS. Law Implemented 257.36 FS. History—New 1-8-80, Amended 1-4-84, Formerly 1A-24.010, Amended 1-7-88, 3-23-93, 7-1-95.

**DEPARTMENT OF BANKING AND FINANCE**

**Board of Funeral and Cemetery Services**

RULE NOS.: 3F-7.0125  3F-7.017	RULE TITLES: Alternative Form of Security for Permanent Outer Burial Receptacle Manufacturers Trust Fund Deposits; Funeral and Burial Services and Merchandise Preneed Contract Payments
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**NOTICE OF ADDITIONAL PUBLIC HEARING**

The Board of Funeral and Cemetery Services hereby gives notice of an additional public hearing on the above-referenced rule(s) to be held on January 23, 2001 at 1:00 p.m., in the City Council Chambers, City Hall, 300 South Adams Street, Tallahassee, FL 32301. These rules were originally published in Vol. 26, No. 47, of the November 22, 2000, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diana M. Evans, Executive Director, Board of Funeral and Cemetery Services, Tallahassee, Florida 32399-0350

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

**DEPARTMENT OF BANKING AND FINANCE**

**Board of Funeral and Cemetery Services**

RULE NO.: 3F-8.003	RULE TITLE: Cancellation of Preneed Contracts; Reasonable Time Defined
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**NOTICE OF ADDITIONAL PUBLIC HEARING**

The Board of Funeral and Cemetery Services hereby gives notice of an additional public hearing on the above-referenced rule(s) to be held on January 23, 2001 at 1:00 p.m., in the City Council Chambers, City Hall, 300 South Adams Street, Tallahassee, FL 32301. These rules were originally published in Vol. 26, No. 47, of the November 22, 2000, Florida Administrative Weekly.

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**DEPARTMENT OF BANKING AND FINANCE**

**Board of Funeral and Cemetery Services**

RULE NO.: 3F-10.003  
 RULE TITLE: Remittances to the Preneed Funeral Contract Consumer Protection Trust Fund

**NOTICE OF ADDITIONAL PUBLIC HEARING**

The Board of Funeral and Cemetery Services hereby gives notice of an additional public hearing on the above-referenced rule(s) to be held on January 23, 2001 at 1:00 p.m., in the City Council Chambers, City Hall, 300 South Adams Street, Tallahassee, FL 32301. These rules were originally published in Vol. 26, No. 47, of the November 22, 2000, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diana M. Evans, Executive Director, Board of Funeral and Cemetery Services, Tallahassee, Florida 32399-0350

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

**DEPARTMENT OF INSURANCE**

**Division of Insurance Fraud**

RULE NO.: 4K-1.001  
 RULE TITLE: Anti-Fraud Reward Program  
 AMENDED 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., Florida Statutes, published in Vol. 26, No. 22, June 9, 2000, of the Florida Administrative Weekly; and a Notice of Change was published in Vol. 26, No. 25, June 23, 2000, of the Florida Administrative Weekly:

1. 4K-1.003(6)

We would add "and as set forth in Rule 4K-1.003(8), (9), and (10)." Therefore it would read: "(6) the criteria for evaluating the application is based on information submitted to the Division of Insurance Fraud after October 1, 1999, leading to the arrest and conviction of persons committing a complex or organized crime investigated by the Division of Insurance,

arising out of a violation of Section 440.105, 624.15, 626.9541, 626.989, or 817.234, Florida Statutes, and as set forth in Rule 4K-1.003(8), (9), and (10)."

2. 4K-1.003(10) (a)-(e)

We would write as follows:

"(10) Rewards shall be paid pursuant to the following schedule:

(a) A reward of up to \$25,000 for theft or fraud valued at \$1,000,000 or more.

(b) A reward of up to \$10,000 for theft or fraud valued at \$100,000 but less than \$1,000,000.

(c) A reward of up to \$5,000 for theft or fraud valued at \$20,000 but less than \$100,000.

(d) A reward of up to \$1,000 for theft or fraud less than \$20,000 but at least \$5,000.

(e) \$250,00 has been allocated to pay rewards. In the event the allocated \$250,000 has been distributed no further rewards shall be granted."

The remainder of the rule reads as previously published.

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-602.220  
 RULE TITLE: Administrative Confinement  
 NOTICE OF CORRECTION

Notice is hereby given that a typographical error appeared in the second notice of change for proposed rule 33-602.220, Administrative Confinement, published in the December 15, 2000, Vol. 26, No. 50, issue of the Florida Administrative Weekly.

In (5)(h) of this rule, the first complete sentence should read "Counseling shall be provided to inmates in administrative disciplinary confinement in-cell or out of cell when deemed necessary by mental health staff."

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE NO.: 59A-5.022  
 RULE TITLE: Physical Plant Requirements for Ambulatory Surgical Centers

**NOTICE OF ADDITIONAL PUBLIC HEARING**

The Office of Plans and Construction hereby gives notice of an additional public hearing on the above-referenced rule to be held on January 16, 2001 at 1:00 p.m. The hearing will be held at 2727 Mahan Drive, Building One, Room 122. The rule was originally published in Vol. 26, No. 39, of the September 29, 2000, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James R. (Skip) Gregory, Bureau Chief, 2727 Mahan Drive, Building One, Room 145, Tallahassee, Florida 32308, (850)487-0713.

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact Mr. Gregory's office at least five calendar days prior to the hearing.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Certificate of Need Program**

RULE NO.:                    RULE TITLE:  
59C-1.005                    Exemptions

**NOTICE OF CHANGE**

Proposed amendments to the above referenced rule are being modified in settlement of a challenge filed at the Division of Administrative Hearings (DOAH). The amendments were originally published in Vol. 26, No. 35, Florida Administrative Weekly, September 1, 2000.

The modifications are to proposed 59C-1.005(6)(e) and (f), which concern the exemptions for an addition to the licensed acute care bed capacity of a hospital, and for a temporary addition of acute care hospital beds. Accordingly, when adopted, the amendments numbered 59C-1.005(6)(e) and (f) will read as follows:

59C-1.005 Exemptions.

(6)(e) Addition of hospital beds in a number not exceeding 10 beds or 10 percent of the licensed capacity of the bed category being expanded, whichever is greater, except for the tertiary services beds and long term care hospital beds excluded under s. 408.036(3)(n), F.S. A request for exemption of a proposed addition of hospital beds shall specify:

1. The current number of licensed beds in the category of beds proposed to be expanded.
2. The exact number of beds proposed to be added.
3. Any inpatient beds of another type proposed to be delicensed or terminated in conjunction with the proposed increase.
4. The request shall certify that:

a. The average occupancy rate for the 12-month period ending 1 month prior to the exemption request, in the category of licensed beds being expanded at the facility, meets or exceeds 80 percent; or, for a distinct part skilled nursing unit, the 12-month average occupancy rate meets or exceeds 96 percent. For the purpose of calculating average occupancy under this sub-subparagraph, the 12-month total of patient days shall be divided by 365 to determine an average daily census, and the average daily census shall then be divided by the total of licensed and approved beds located at the premises of the facility within the category of beds being expanded as of the end of the 12-month period. Approved beds are beds authorized for the facility consistent with the provisions of Rule 59C-1.008(2)(b).

b. Any beds of the same type previously authorized for the facility by an exemption under this paragraph have been licensed and operational for at least 12 months.

5. An exemption granted under this paragraph is subject to the project monitoring requirements of s. 408.040(2)(a)-(c), F.S., and Rule 59C-1.013(2) and (3), F.A.C., including project progress reports, an 18-month validity period for the exemption, and the circumstances for extension of the validity period.

6. Beds authorized under this paragraph shall be inventoried as approved beds until the beds are licensed.

(f)1. Temporary addition of acute care hospital beds in a number not exceeding 10 beds or 10 percent of the licensed acute care bed capacity, whichever is greater. An exemption may be granted to a hospital which has previously experienced high seasonal occupancy or to a hospital that must respond to emergency circumstances. For purposes of this paragraph, "high seasonal occupancy" means that the average occupancy of acute care beds for a period of at least 3 consecutive months ~~but not more than 6 consecutive months~~, during the 12-month period ending one month prior to the exemption request, was at least 85 percent for the entire period of high occupancy considered as a whole. An exemption may be requested based upon the hospital's expectation that it will experience a comparable period of high seasonal occupancy during the 12 months following the exemption request.

2. A request for exemption of a proposed temporary addition of acute care beds shall:

- a. Indicate the exact number of acute care beds to be added, the reason for the temporary addition, and the proposed beginning and ending dates of the temporary addition.
- b. Certify that the applicant will comply with the provisions of s. 395.003(4), F.S., which requires approval from the hospital licensure unit within the agency's Bureau of Health Facility Regulation before operation of a number of beds that is greater than the number indicated on the hospital license.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

RULE NOS.:	RULE TITLES:
61-11.001	Application Deadlines
61-11.002	How to Apply
61-11.004	Certification of Eligibility
61-11.006	Examination Administration
61-11.010	Grading of Examinations and Grade Notification
61-11.012	Petitioning for a Formal Administrative Hearing and Requesting a Pre-hearing Review
61-11.013	Miscellaneous
61-11.015	Definition of a National Examination

61-11.016 Guidelines for Sharing Department  
 – Developed Examinations with  
 Other States' Licensing  
 Authorities

61-11.017 Candidates' Post Exam Review of  
 Examination Questions,  
 Answers, Papers, Grades and  
 Grading Key

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules referenced above in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 41, October 13, 2000, issue of the Florida Administrative Weekly. The changes are in response to written comments received by the Joint Administrative Procedures Committee.

61-11.001 Application Deadlines.

(1) Unless otherwise provided below or in board rule, completed applications for licensure examinations shall be submitted on a form as required by board rule, or department rule when there is no board, to the Department at least 60 days prior to the scheduled examination.

THE REMAINDER OF THE RULE WILL READ AS PUBLISHED.

61-11.002 How to Apply.

Law Implemented 455.213(1), 455.217(1) FS.

THE REMAINDER OF THE RULE WILL READ AS PUBLISHED.

61-11.004 Certification of Eligibility.

(2) ~~When~~ ~~T~~he Department shall determine ~~determines~~ that an application is complete within ~~or~~ thirty (30) days after receipt, ~~whichever comes first~~, ~~The~~ ~~D~~ePARTMENT, where there is no board, shall determine whether the applicant is qualified to take the licensure examination, ~~or~~ ~~W~~here there is a board, the application shall be scheduled for the next available meeting of the appropriate ~~b~~Board for the ~~b~~Board to determine whether the applicant is qualified to take the licensure examination. ~~If~~ ~~T~~his eligibility determination ~~shall be~~ ~~is not~~ made within the time requirements of section 120.60(1), Florida Statutes ninety (90) days from the receipt of the application or within sixty (60) days after receipt of timely requested additional information or correction of errors, the ~~Board or the department where there is no board must approve the application for licensure subject to passage of the required licensure examination.~~

THE REMAINDER OF THE RULE WILL READ AS PUBLISHED.

61-11.006 Examination Administration.

(6) For CBT examinations, candidates are permitted to test out of state, subject to fees charged by the CBT vendor to the candidates for this service.

~~(7) The CBT vendor may with prior approval from the Department charge a fee to a third party for examination related services. Such services may include, but are not limited to, alternate site testing and statistical reporting.~~

THE REMAINDER OF THE RULE WILL READ AS PUBLISHED.

61-11.010 Grading of Examinations and Grade Notification.

(1) Pursuant to section 455.217, Florida Statutes, grading of all examinations shall be processed only as follows:

(c) Departmentally developed practical examinations shall be graded by the Department or its designee. ~~After an examination has been administered, the Board may reject, credit, or give partial credit for any procedure or question which is inappropriately weighted or not consistent with examiner grading criteria.~~ The Department shall review the item analysis, if applicable, ~~and~~ examiner agreement report, and any procedure judged to be statistically questionable after the examination has been administered. Based upon this review, the Department shall ~~may~~ adjust the scoring criteria ~~key~~ by rejecting, crediting, or giving partial credit for any procedure or question which does not adequately and reliably measure the applicant's ability to practice the profession. The Department or its designee shall calculate each candidate's grade using the scoring criteria ~~key~~ or adjusted scoring criteria ~~key~~, if applicable, and shall provide mail each candidate with a grade report.

THE REMAINDER OF THE RULE WILL READ AS PUBLISHED.

61-11.012 Petitioning for a Formal Administrative Hearing and Requesting a Pre-hearing Review.

(1) ~~Pursuant to Section 120.57(1), Florida Statutes, A candidate may petition for a formal hearing before the Division of Administrative Hearings pursuant to sections 120.569 and 120.57, Florida Statutes, and pursuant to the uniform rules in chapter 28-106, Florida Administrative Code, under the following terms and conditions:~~

~~(1) Two (2) copies of the petition shall be filed with the Department of Business and Professional Regulation. If the examination being challenged is an examination developed by or for a national board, council, association, or society (hereinafter referred to as national organization), the Department shall accept the development and grading of such examination without modification.~~

~~(2) Except as noted in (3) below, all petitions for formal hearings shall be filed no later than twenty-one (21) days after the date on the Department's grade notification.~~

~~(3) If any candidate elected to review the examination pursuant to 61-11.017(3), Florida Administrative Code, the request for a hearing must be filed with the Chief, Bureau of Testing no later than twenty-one (21) days after the post-examination review.~~

~~(4) No petition received more than twenty-one (21) days from the date specified in paragraph (2) or (3), as applicable, will be accepted. The petition must state all disputed procedural or substantive facts in issue.~~

~~(5) After the petition has been filed, the candidate and the candidate's attorney will be permitted to review the examination questions and answers for the purpose of preparing for the Administrative Hearing. The request for such review will be submitted to the Department in writing.~~

RENUNBER SUBSEQUENT SECTIONS

THE REMAINDER OF THE RULE WILL READ AS PUBLISHED.

61-11.013 Miscellaneous.

Specific Authority 455.203(5) FS. Law Implemented 455.217(1) FS. History—New 9-25-80, Formerly 21-11.13, 21-11.013, Amended 9-18-96, Repealed.

61-11.015 Definition of a National Examination.

~~(6) Review of examinations developed by or for a national council, association, or society shall be conducted.~~

THE REMAINDER OF THE RULE WILL READ AS PUBLISHED.

61-11.016 Guidelines for Sharing Department – Developed Examinations with Other States' Licensing Authorities.

(1) The ~~D~~epartment shall ~~may~~, under conditions listed below and for a fee which recovers costs associated with such an action, and with the concurrence of the appropriate board, share department-developed examinations with other state licensing authorities.

THE REMAINDER OF THE RULE WILL READ AS PUBLISHED.

61-11.017 Candidates' Post Exam Review of Examination Questions, Answers, Papers, Grades and Grading Key.

(1) Subsections (1) through (7) shall apply to all examinations other than those given pursuant to chapter 475, Florida Statutes, and the Division of Real Estate, Pursuant to section 455.217(3)(4)(d), Florida Statutes, a candidate who has taken and failed a departmentally developed objective multiple choice examination, a departmentally developed practical examination, or an examination developed for the ~~D~~epartment by a professional testing company shall have the right to review the examination items questions, answers, papers, grades, and grading grade keys for the parts of the examination failed or the questions the candidate answered incorrectly only. Review of examinations developed by or for a national council, association, or society (herein after referred as national organization) shall be conducted in accordance with national examination security guidelines and timeframes.

~~(3)(2)~~ Examination reviews shall be conducted in the presence of a representative of the Department or CBT vendor at the Department's its Tallahassee headquarters or in the same

city where the candidate sat for the exam during regular working hours which are defined as 8:00 a.m. through 4:30 p.m., Monday through Friday, excluding official state holidays.

~~(d) A representative of from the Department Bureau of Testing or the CBT vendor shall remain with all candidates throughout all examination reviews. The representative shall inform Candidates shall be informed that the representative cannot defend the examination or attempt to answer any examination questions during the review. Prior to the review candidates shall be provided written instructions titled "Review Candidates Instructions" form number BPR-TLT-002 incorporated herein by reference and dated 08/01/96 and "Guidelines Governing Examination Reviews" form number BPR-TLT-001, incorporated herein by reference and dated 08/01/96, concerning the conduct rules and guidelines for the review. Prior to any review, all candidates shall acknowledge receipt of these rules and affirm to abide by all such rules in writing.~~

THE REMAINDER OF THE RULE WILL READ AS PUBLISHED.

(8) Division of Real Estate Examination Reviews.

~~(g) The candidate or the candidate's attorney shall notify the Division, in writing, within 60 days from the date of the failure notice, if the candidate desires a hearing as provided by ss. 120.569 and 120.57, Florida Statutes. The candidate or the candidate's attorney shall state with specificity the grounds of appeal, particular examination question(s) or procedures objected to and the objections.~~

~~(g)(h)~~ The review fee shall be \$75.

(h) If an examination review results in a regrade of an examination, that regrade shall be limited to the candidate who filed the examination challenge.

THE REMAINDER OF THE RULE WILL READ AS PUBLISHED.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE NO.: 61G15-20.0016  
RULE TITLE: Laws and Rules 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, as published in Vol. 26, No. 49, December 8, 2000, issue of the Florida Administrative Weekly. The Board, at its meeting held on December 6, 2000, in Tallahassee, Florida, voted to change the rule to read as follows:

61G15-20.0016 Laws and Rules Examination.

All applicants for licensure shall successfully complete an examination in the Laws and Rules applicable to the practice of engineering in Florida as a condition of licensure. The Board hereby designates the "Laws and Rules Study Guide and Questionnaire" as the examination. A copy of said examination

shall be provided to every applicant free of charge, and each applicant shall complete and submit said examination to the Board office. The examination shall consist of multiple choice questions concerning Chapter 471, Florida Statutes and Rule Chapter 61G15, Florida Administrative Code. A passing score of 90% or more is required.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Natlie Lowe, Administrator, Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Veterinary Medicine**

RULE NO.: 61G18-30.001  
 RULE TITLE: Disciplinary Guidelines

**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, as published in Vol. 26, No. 35, September 1, 2000, issue of the Florida Administrative Weekly. The changes are in response to comments received from the staff of the Joint Administrative Procedures Committee. The Board at its meeting held on December 7, 2000, in Palm Beach, Florida, voted to change Subsection (4) of this rule to read as follows:

(4) Based upon consideration of aggravating or mitigating factors present in an individual case, the Board may deviate from the penalties recommended in paragraphs (1), (2), and (3) above. The Board shall consider as aggravating and mitigating factors the following:

- (a) The danger to the public;
- (b) The length of time since the violation;
- (c) The number of times the licensee has been previously disciplined by the Board;
- (d) The length of time licensee has practiced;
- (e) The actual damage, physical or otherwise, caused by the violation;
- (f) The deterrent affect of the penalty imposed;
- (g) The affect of the penalty upon the licensee's livelihood;
- (h) Any effort of rehabilitation by the licensee;
- (i) The actual knowledge of the licensee pertaining to the violation;
- (j) Attempts by licensee to correct or stop violation or refusal by licensee to correct or stop violation;
- (k) Related violations against licensee in another state including findings of guilt or innocence, penalties imposed and penalties served;
- (l) Actual negligence of the licensee pertaining to any violation;

(m) Penalties imposed for related offenses under subsections (1), (2) and (3) above;

(n) Pecuniary benefit or self-gain enuring to licensee;

(o) Any other relevant mitigating or aggravating factors under the circumstances.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sherry Landrum, Executive Director, Board of Veterinary Medicine, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750.

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance Boards**

RULE CHAPTER NO.: 64B-4  
 RULE TITLE: Fees  
 RULE NO.: 64B-4.002  
 RULE TITLE: Office Surgery Inspection Fee

**NOTICE OF CHANGE**

Notice is hereby given that changes have been made to this proposed new rule which was published in the November 9, 2000, issue of the Florida Administrative Weekly, Vol. 26, No. 45. The changes are in response to comments made at a public workshop on the rule, and to comments received from the Joint Administrative Procedures Committee. The new rule reads as follows:

Chapter 64B-4 ~~Fees Certification of Public Records Fee Rule~~

64B-4.002 Office Surgery Inspection Fee.

An inspection fee of \$1500 shall be paid annually for each practice location for which, pursuant to Rule 64B8-9.0091, F.A.C., a physician is required to register with the Board of Medicine, and be inspected by the Department of Health. Each practice location will be assessed the above referenced fee at the time of inspection regardless of the number of physicians who share this office location.

Specific Authority 456.004(6) FS. Law Implemented 458.309(3) FS. History—New \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance Boards**

RULE CHAPTER NO.: 64B-8  
 RULE TITLE: Credentialing  
 RULE NOS.: 64B-8.001  
 RULE TITLES: Initial Registration of Credentials Verification Organizations  
 64B-8.002  
 Biennial Renewal of Credentials Verification Organization Registration  
 64B-8.003  
 Documentation of Accreditation or Certification of a Credentials Verification Organization by a National Accrediting Organization



- 64B-8.004 Documentation of Liability Insurance Coverage by a Credentials Verification Organization
- 64B-8.005 Requirement for Notification of Change in Accreditation or Certification Status or Insurance Status
- 64B-8.009 Forms
- 64B-8.013 Prohibitions – Registered Credentials Verification Organizations
- 64B-8.014 Prohibitions – Subscriber Authorized to Access Core Credentials Data
- 64B-8.015 Penalties – Registered Credentials Verification Organizations
- 64B-8.016 Definition of “Fully Accredited or Certified as a Credentials Verification Organization”
- 64B-8.017 Initial Reporting of Core Credentials
- 64B-8.018 Notification of Corrections, Updates, or Modifications to Core Credentials Data

NOTICE OF CHANGE

Notice is hereby given that changes have been made to these proposed new rules, which were published in the February 4, 2000, issue of the Florida Administrative Weekly, Vol. 26, No. 5. The changes are in response to comments made at a public workshop on the rules, and to comments received from the Joint Administrative Procedures Committee. The rules now read as follows:

64B-8.001 Initial Registration of Credentials Verification Organizations.

Pursuant to s. 456.047(5), Florida Statutes, any credentials verification organization that does business in this state must register with the department. The department shall register a credentials verification organization that has:

- (1) Submitted a completed Application for Credentials Verification Organization Registration Form, DH-MQA 1021, and;
- (2) Remitted an initial credentials verification organization registration fee in the amount of \$700; and
- (3) Submitted documentation of liability insurance coverage and accreditation or certification by a recognized national organization accrediting credentials verification organizations as defined in s. 456.047(2)(a), Florida Statutes.

Specific Authority 456.047(8) FS. Law Implemented 456.047(5),(7) FS. History–New \_\_\_\_\_.

64B-8.002 Biennial Renewal of Credentials Verification Organization Registration.

The department shall renew the biennial registration of a Credentials Verification Organization who has:

- (1) Submitted a completed and updated Application for Credentials Verification Organization Registration Form, DH MQA 1021; and
- (2) Shown proof to the department of accreditation or certification by a national accrediting organization as defined in s. 456.047(2)(a), Florida Statutes;
- (3) Remitted a biennial renewal registration fee in the amount of \$700.

Specific Authority 456.047(5),(8) FS. Law Implemented 456.047(5) FS. History–New \_\_\_\_\_.

64B-8.003 Documentation of Accreditation or Certification of a Credentials Verification Organization by a National Accrediting Organization.

Documentation of accreditation or certification of a credentials verification organization by a national accrediting organization means a copy of the accreditation or certification certificate or letter issued by the issuing organization that shows accreditation or certification status and date of expiration of accreditation or certification.

Specific Authority 456.047(8) FS. Law Implemented 456.047(2)(b),(1),(5) FS. History–New \_\_\_\_\_.

64B-8.004 Documentation of Liability Insurance Coverage by a Credentials Verification Organization.

Documentation of liability insurance coverage by a credentials verification organization means a copy of the liability insurance policy showing amount of coverage, type of coverage, and dates of coverage.

Specific Authority 456.047(8) FS. Law Implemented 456.047(5),(7) FS. History–New \_\_\_\_\_.

64B-8.005 Requirement for Notification of Change in Accreditation or Certification Status or Insurance Status.

A registered credentials verification organization must notify the department in writing within three (3) business days of revocation of accreditation or certification status or a change in liability insurance status.

Specific Authority 456.047(8) FS. Law Implemented 456.047(7),(2)(b),(5) FS. History–New \_\_\_\_\_.

64B-8.009 Forms.

The following forms used by the department in implementing the standardized credentials collection program are listed as follows and are hereby adopted and incorporated by reference, and can be obtained from the Florida Department of Health, Division of Medical Quality Assurance, Bureau of Operations, at 4052 Bald Cypress Way, Bin #C-10, Tallahassee, Florida 32399-3260:

(1) Initial Reporting of Core Credentials Data Form, DH-MQA 1020, effective 12/99;

(2) Reporting of Corrections, Updates, Modifications to Core Credentials Data Form, DH-MQA 1023, effective 12/99;

(3) Practitioner Participation Agreement (Comprehensive Release Form), DH-MQA 1028, effective 1/2000;

(4) Application for Credentials Verification Organization Registration Form, DH-MQA 1021, effective 12/99;

(5) Application for Subscription to Access Authorized Core Credentials Data Form, DH-MQA 1022, effective 12/99.

Specific Authority 456.047(8) FS. Law Implemented 456.047(3)(b)3..4..(c)(5) FS. History–New \_\_\_\_\_.

64B-8.013 Prohibitions – Registered Credentials Verification Organizations.

(1) Each registered credentials verification organization shall:

(a) Maintain full accreditation or certification;

(b) Provide data authorized by the health care practitioner;

(c) Report to the department changes, updates, and modifications to a health care practitioner's core credentials data within forty-five (45) days of the change;

(d) Comply with the prohibition against collection of duplicate core credentials data from a practitioner;

(e) Maintain liability insurance according to the standards established by the applicable accrediting organization; and

(f) Use standardized forms or department approved electronic means for the initial reporting of core credentials data, for the health care practitioner to authorize the release of core credentials data, and for the subsequent reporting of corrections, updates, and modifications thereto.

(2) Failure of a registered credentials verification organization to fulfill the requirements of subsection (1) of this rule, shall result in the imposition of penalties against such registered credentials verification organization as provided in Rule 64B-8.015, FAC.

(3) In the event the department revokes or suspends the registration of a credentials verification organization, the organization must notify all Florida health care practitioners who have designated the organization to provide initial or updated core credentials data, of the department's action, within fifteen (15) days of the revocation or suspension.

Specific Authority 456.047(8) FS. Law Implemented 456.047(3)(4)(5)(7) FS. History–New \_\_\_\_\_.

64B-8.014 Prohibitions – Subscriber Authorized to Access Core Credentials Data.

No subscriber authorized to access core credentials data shall engage in the following prohibited acts:

(1) Release core credentials data without the authorization of the practitioner; and

(2) Fail to comply with the prohibition against collecting or attempting to collect duplicate core credentials data from a practitioner.

Specific Authority 456.047(8) FS. Law Implemented 456.047(3)(4) FS. History–New \_\_\_\_\_.

64B-8.015 Penalties – Registered Credentials Verification Organizations.

When the department finds a credentials verification organization has committed any of the prohibited acts set forth in Rule 64B-8.013, FAC, it shall issue an order imposing penalties as recommended in the following guidelines:

(1) Failure to maintain full accreditation or certification: the minimum penalty shall be suspension of a registration until full accreditation or certification has been obtained. The maximum penalty shall be denial of an application to renew a registration or revocation of a registration.

(2) Failure to provide data authorized by the health care practitioner: for a first offense, the usual penalty shall be a thirty (30) day suspension. For subsequent offenses, the usual penalty shall be denial of an application to renew a registration or revocation of a registration.

(3) Failure to report to the department changes, updates, and modifications to a health care practitioner's core credentials data within forty five (45) days of the change: for a first offense, the usual penalty shall be a thirty-day suspension. For subsequent offenses, the usual penalty shall be denial of an application to renew a registration or revocation of a registration.

(4) Failure to comply with the prohibition against collection of duplicate core credentials data from a practitioner: for a first offense, the usual penalty shall be a thirty (30) day suspension. For subsequent offenses, the usual penalty shall be denial of an application to renew a registration or revocation of a registration.

(5) Failure to maintain liability insurance according to the standards established by the applicable accrediting organization: the minimum penalty shall be suspension of a registration until appropriate liability insurance has been obtained. The maximum penalty shall be denial of an application to renew a registration or revocation of a registration.

(6) Failure to use standardized forms or department approved electronic means for the initial reporting of core credentials data for the health care practitioner to authorize the release of core credentials data, and for the subsequent reporting of corrections, updates, and modifications thereto: for a first offense, the usual penalty shall be a thirty (30) day suspension. For subsequent offenses, the usual penalty shall be denial of an application to renew a registration or revocation of a registration.

Specific Authority 456.047(8) FS. Law Implemented 456.047(2)(3)(4)(5) FS. History–New \_\_\_\_\_.

64B-8.016 Definition of “Fully Accredited or Certified as a Credentials Verification Organization.”

“Fully accredited or certified as a credentials verification organization” as used in s. 456.047(5), Florida Statutes, is defined as:

(1) For the National Committee for Quality Assurance, certified in all credentialing elements, excluding site visits; and/or

(2) For the American Accreditation Healthcare Commission/URAC, full accreditation.

Specific Authority 456.047(8) FS. Law Implemented 456.047(5) FS. History—New

64B-8.017 Initial Reporting of Core Credentials.

(1) Every health care practitioner shall report all core credentials data to the department that is not already on file with the department via department approved electronic means or on the Initial Reporting of Core Credentials Data Form, DH-MQA 1020, effective 12/99.

(2) A health care practitioner may designate a registered credentials verification organization to submit all core credentials data to the department that is not already on file with the department. A registered credentials verification organization designated by a health care practitioner to report core credentials data to the department shall do so via department approved electronic means or upon the Initial Reporting of Core Credentials Data Form, DH-MQA 1020, effective 12/99.

Specific Authority 456.047(8) FS. Law Implemented 456.047(3) FS. History—New

64B-8.018 Notification of Corrections, Updates, or Modifications to Core Credentials Data.

(1) A health care practitioner shall notify the department within forty five (45) days of any corrections, updates, or modifications to the core credentials data by submitting the corrections, updates or modifications via department approved electronic means or on the Reporting of Corrections, Updates, Modifications to Core Credentials Data Form, DH-MQA 1023, effective 12/99.

(2) A health care practitioner may designate a registered credentials verification organization to submit corrections, updates, and modifications to core credentials data to the department. A registered credentials verification organization designated by a health care practitioner to notify the department of any corrections, updates, or modifications to core credentials data shall do so via department approved electronic means or upon a Reporting of Corrections, Updates, Modifications to Core Credentials Data Form, DH-MQA 1023, effective 12/99, within forty five (45) days of the change.

Specific Authority 456.047(8) FS. Law Implemented 455.557(3) FS. History—New

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE NO.:

RULE TITLE:

64B3-10.005

Scope of Practice Relative to Specialty of Licensure

**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 the Vol. 26, No. 38, September 22, 2000, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held on October 27, 2000, in Tampa, Florida.

The rule shall now read as follows:

64B3-10.005 Scope of Practice Relative to Specialty of Licensure.

The following rules are not intended to prevent collection and storage of specimens or the performance of manual pretesting procedures by persons who are exempt by statute or statutorily authorized within their scope of practice. Clinical laboratory personnel qualified as a physician director, a licensed director, supervisor, technologist or technician in the specialty or specialties indicated can perform testing identified as being within the specialty. Tests, which are not yet classified, shall be assigned by the Board upon review.

(1) through (3) No change.

(4) The purpose of the specialty of serology/immunology is to detect and quantitate antibodies to infectious agents as well as microbial and non-microbial antigens. The specialty encompasses all the serological techniques (except those specific to immunohematology) used to detect the interaction of antigens with antibodies for evaluation of the consequences of the immune response. The specialty also encompasses all laboratory procedures performed in the specialty of histocompatibility as defined in subsection (15).

(5) through (10) No change.

(11) The purpose of the specialty of histology is to process cellular and tissue components through methods of fixation, dehydration, embedding, microtomy, frozen sectioning, staining, and other related procedures and techniques employed in the preparation of smears, slides, and tissues. This specialty also encompasses methods for antigen detection and other molecular hybridization testing methods where the purpose is analysis and/or quantification of cellular and tissue components for interpretation by a qualified physician. Technicians licensed in histology are limited to the performance of specimen processing, embedding, cutting, routine and special histologic staining, frozen sectioning and mounting of preparations under the direct supervision of a director, supervisor, or technologist.

(12) The purpose of the specialty of cytology is to process and interpret cellular material derived from the human body delineating data regarding human cytopathological disease. Cytology includes review and interpretation of gynecological cytology preparations in accordance with the provisions of Rule Chapter 64B3-7, F.A.C., and screening non-gynecological cytology preparations where final review and interpretation is the responsibility of a qualified physician.

(13) The purpose of the specialty of cytogenetics is to determine the presence or absence of quantitative (numerical) and qualitative (structural) chromosome abnormalities relating to constitutional and acquired disorders. Laboratory personnel providing counseling associated with the results of cytogenetics testing shall be licensed in cytogenetics at the director level.

(14) The purpose of the specialty of molecular genetics is to perform an analyses on human DNA, RNA and chromosomes to detect heritable or acquired disease-related genotypes, mutations, and phenotypes for clinical purposes. Such purposes would include predicting risk of disease, identifying carriers, and establishing prenatal or clinical diagnoses or prognoses in individuals, families, or populations.

(15) The purpose of the specialty of histocompatibility is to insure the best possible results of the determination of tissue compatibility, prevent transmitted infections, and to investigate and evaluate post-transplant problems. The specialty encompasses blood typing, HLA typing, HLA antibody screening, disease marker. Cluster Designation specific to tissue compatibility, flow cytometry, crossmatching, HLA antibody identification, lymphocyte immunophenotyping, immunosuppressive drug assays, allogenic, isogeneic and autologous bone marrow processing and storage, mixed lymphocyte culture, stem cell culture, cell mediated assays, and assays for the presence of cytokines. Individuals working toward the eligibility requirement for application to take the Board approved certification exam in histocompatibility must be currently licensed as technologists or technicians in either serology/immunology or immunohematology. They must meet the requirements for eligibility to take the Board approved examinations in histocompatibility by receiving at least one year's notarized, documented relevant full-time work experience in an ABHI approved laboratory performing histocompatibility testing. They are eligible to apply for licensure in histocompatibility by endorsement.

(16) In the specialties of clinical chemistry, hematology, immunohematology, microbiology and serology/immunology, clinical laboratory personnel licensed at the technician level may perform testing identified within the scope of each specialty in Rule 64B3-10.005(3)-(5), F.A.C., in any specialty for which they hold licensure if the tests are classified as highly complex pursuant to 42 CFR 493.17 (September 7, 1999), incorporated by reference herein, only when under the direct supervision of a licensed technologist, supervisor, or director

unless the technician meets the minimum qualifications contained in 42 CFR 493.1489 (September 7, 1999), incorporated by reference herein, and the requirements contained in Rule 64B3-5.004(5).

(17) No change.

(18) Individuals using flow cytometry or molecular detection techniques must be able to demonstrate training or experience in this procedure, and must hold licensure in the specific discipline for which they are using flow cytometry and molecular detection techniques.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe R. Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.:	RULE TITLE:
64B8-56.002	Equipment and Devices; Protocols for Laser and Light-based Devices

**SECOND 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. 26, No. 24, of the June 16, 2000, issue of the Florida Administrative Weekly. The changes are in response to comments received at a public hearing held on the rule on December 2, 2000, in Tampa, Florida. These changes supercede the changes published in the previous notice of change, as published in Vol. 26, No. 45, of the October 27, 2000, Florida Administrative Weekly. The changes are as follows:

When changed, subsection (3) of the rule shall read:

(3) "Direct supervision and responsibility" as used herein and in Rule 64B8-52.004, and as used in Section 458.348, F.S. shall mean the responsible physician need not be physically present on the premises but must be within close physical proximity and easily accessible.

(a) The supervising physician, initially upon assuming duties as the supervisor and semiannually thereafter, shall review and inspect the techniques, procedures, and equipment utilized by the electrologist in the performance of laser and light-based hair removal or reduction.

(b) The supervising physician shall ensure that the electrologist has received semi-annual training in the areas of infection control, sterilization, and emergency procedures.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tanya Williams, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NOS.:	RULE TITLES:
64B9-3.002	Qualifications for Examination
64B9-3.008	Licensure by Endorsement

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 36, of the September 8, 2000, issue of the Florida Administrative Weekly. The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee and public comments received on the rules. The Board held a public hearing on these rules on December 6, 2000, in Tallahassee Florida. The Board voted to make changes to the rules. The changes are as follows:

1. In Rule 64B9-3.002, subsection (1)(e)1., shall be changed to read as follows: "1. A minimum score of 550 on the TOEFL Examination, a minimum score of 80% on MELAB, or a minimum MELAB converted score of 80% on the Michigan ECPE Examination;"

2. In Rule 64B9-3.008, subsection (2) shall be changed to read as follows:

"(2) To apply for endorsement pursuant to Section 464.009(1)(a), F.S., an applicant shall be required to show current licensure in another state of the United States and the licensure requirements of the original state of licensure at the time of original licensure. For the purpose of determining if the requirements in the original state of licensure were substantially equivalent to or more stringent than the requirements in Florida at that time, the applicant must demonstrate a passing score on one of the following:

- (a) the NCLEX examination for professional or practical nurses;
- (b) the State Board Test Pool Examination for Professional Nurses given between 1951 and 1981, if the applicant passed with a score of 350 in each subject or a total score of 1800;
- (c) the State Board Test Pool Examination for Practical Nurses given between 1952 and 1981, if the applicant passed with a score of 350;

(d) a state licensing examination for professional nurses given prior to 1951 or a state licensing examination for practical nurses given prior to 1952;

(e) any licensing examination taken as a condition for state licensure by a professional nurse after 1951 or by a practical nurse after 1952, if the examination meets the following standards:

- 1. the examination was developed using accepted psychometric procedures;
- 2. the content and passing score of the examination was substantially equivalent to the examination given in Florida at the time;
- 3. the security of the examination was maintained;

4. at least one of the reliability estimations for the examination is .70 or higher;

5. the examination was revised after each administration to ensure currency of content;

6. for examinations given after 1984, the test plan was based on a job analysis of new nursing graduates."

3. In Rule 64B9-3.008, subsections (3)(d) and (4) shall be deleted.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Dr. Ruth R. Stiehl, Executive Director, Board of Nursing, 4080 Woodcock Drive, Suite 202, Jacksonville, Florida 32207.

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.:	RULE TITLE:
64B9-9.009	Standard of Care for Office Surgery

**NOTICE OF PARTIAL WITHDRAWAL OF RULE AMENDMENTS**

Notice is hereby given that the Board of Medicine is partially withdrawing several amendments to the above referenced rule. The rule was originally noticed in Vol. 26, No. 49, of the Florida Administrative Weekly on December 8, 2000. The portions of the rule amendments which are being withdrawn are as follows:

The amendments to subsections (2)(c), (2)(e), (2)(g), and (6). All other amendments to this rule shall remain as published in the December 8, 2000, Florida Administrative Weekly. The person to be contacted with regard to this rule is Tanya Williams, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753.

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.:	RULE TITLE:
64B15-19.002	Violations and Penalties

**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, as published in Vol. 26, No. 36, September 8, 2000, issue of the Florida Administrative Weekly. The changes are in response to comments received from the staff of the Joint Administrative Procedures Committee. The Board, at its meeting held on December 1-2, 2000, in Orlando, Florida, voted to change the first offense in subsections (9) and (49) of this rule to read as follows:

Subsection (9)	
FIRST OFFENSE:	reprimand and \$5,000 fine      suspension to be followed by probation and \$10,000 fine or denial with ability to reapply in not less than 1 year

Subsection (49)

FIRST OFFENSE: reprimand and \$5,000 fine      probation and \$10,000 fine

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William Buckhalt, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

RULE NO.: 65-28.001      RULE TITLE: Alternate Service Procurement Method (ASPM)

**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. 26, No. 42, October 20, 2000 issue of the Florida Administrative Weekly.

**THE FULL TEXT OF PROPOSED RULE CHANGES:**

- 65-28.001(1)(a)-(i). Add the following definition:
  - (j) “Best And Final Offer” or “BAFO” means the last substantial concession made by a potential provider which conveys the message that there is no further room for movement – that the present offer is the final one and the provisions contained therein are the most advantageous provisions that will be offered to the department.
- 65-28.001(3)(a) Change the third sentence to read as follows: The department may advertise the project in newspapers of general circulation, professional journals, or in other publications or in electronic format.
- 65-28.001(4)(b) 5. Change to read as follows:
  - 5. The evaluation criteria, along with their relative importance;

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE NOS.: 65A-2.022      RULE TITLES: Rights and Responsibilities of Applicants and Recipients

65A-2.023      Application and Determination of Eligibility

65A-2.032      General Eligibility Criteria

65A-2.033      Eligibility Factors Other Than Need

65A-2.036      Amount of Optional State Supplementation Payments

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rules identified above as published in the Vol. 26, No. 45, November 9, 2000, issue of the Florida

Administrative Weekly in accordance with subparagraph 120.54(3)(d)1., F.S. These changes are the result of comments made at a noticed public hearing held on December 4, 2000, and of potential objections raised by the Joint Administrative Procedures Committee in a letter dated November 29, 2000.

In Rule paragraph 65A-2.022(1), delete the second sentence, ~~“The OSS monthly payment is made to assist individuals residing in Assisted Living Facilities (ALFs) with the cost of room and board.”~~ In the same rule paragraph, amend the third sentence as follows, “The OSS payment is made to assist individuals residing in ~~other~~ special living arrangements with ~~is inclusive of~~ room, board and personal care.

In Rule paragraph 65A-2.023(3), at the end of the paragraph delete the last sentence, ~~“However, failure to mail the notice to the operator is not grievable under Chapter 120, F.S., or Chapter 65-2, F.A.C.”~~, and insert a new sentence to read, “The notice of decision is provided by form CF-ES 2235, Dec. 2000 (incorporated by reference).”

In Rule paragraph 65A-2.032(8), following the third parenthetical phrase of the single sentence, delete the word ~~“appropriately”~~ and further toward the end of the sentence delete the words ~~“approved department policies, as specified in”~~.

In the single sentence of rule paragraph 65A-2.032(9)(c) following the words “residential treatment facility”, amend the sentence to read, “meets is the most appropriate placement need.”

In the single sentence of rule paragraph 65A-2.032(9)(d) following the words “residential treatment facility”, amend the sentence to read, “meets is the most appropriate placement need.”

In Rule paragraph 65A-2.032(9)(f), delete the last sentence ~~“However, failure to mail the notice to the operator is not grievable under Chapter 120, F.S., or Chapter 65-2, F.A.C.”~~

In Rule paragraph 65A-2.033(1), the second sentence following the “and”, delete ~~“appropriate”~~ and following the word “placement” insert the word “need”.

In Rule paragraph 65A-2.036(1), delete the second sentence, ~~“Base provider rates may vary depending upon type of specialized living facility and covered services in such facilities.”~~

In Rule paragraph 65A-2.036(3), delete subparagraph (a), as follows:
 

- ~~“(a) The monthly income eligibility standard is \$608.40 for residents of assisted living facilities.”~~

In Rule paragraph 65A-2.036(3), amend subparagraphs (b) and (c) as follows:
 

- ~~“(a)(b) The monthly income eligibility standard is \$715 for residents of all other specialized living arrangements and for individuals protected under 65A-2.033(4).”~~
- “(b)(e) The personal needs allowance (PNA) is \$43 54.”

In Rule paragraph 65A-2.036(4), delete the text of subparagraph (a), as follows:

~~“(a) For Assisted Living Facilities (ALF), the base provider rate is inclusive of room and board only.~~

~~1. For OSS eligible individuals, the base (ALF) provider rate is \$554.40.~~

~~2. For individuals eligible for OSS, the assisted living facility may receive payment for the personal care provided by billing Medicaid for assistive care services. To receive such payments the individual must be Medicaid eligible and the assisted living facility must be enrolled as a Medicaid provider.”~~

Subparagraph (b) of Rule paragraph 65A-2.036(4) becomes an unlettered subparagraph and the first sentence is amended as follows:

“(b) For all special living arrangements ~~other than assisted living facilities~~ and for the individuals protected under 65A-2.033(4), the provider rate is inclusive of room, board and personal care.”

**FLORIDA HOUSING FINANCE CORPORATION**

RULE NOS.:	RULE TITLES:
67-21.002	Definitions
67-21.003	Application and Selection Process for Loans
67-21.0035	Applicant Administrative Appeal Procedures
67-21.004	Federal Set-Aside Requirements
67-21.0041	Public Policy Criteria Requirements
67-21.0045	Determination of Method of Bond Sale
67-21.006	Development Requirements
67-21.007	Fees
67-21.008	Terms and Conditions of Loans
67-21.010	Issuance of Revenue Bonds
67-21.013	Private Placements of Multifamily Mortgage Revenue Bonds
67-21.014	Credit Underwriting Procedures
67-21.015	Use of Bonds with Other Affordable Housing Finance Programs
67-21.016	Compliance Procedures
67-21.018	Refundings and Troubled Development Review
67-21.019	Issuance of Bonds for 501(c)(3) Corporations

**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. 26, No. 44, November 3, 2000, issue of the Florida Administrative Weekly.

67-21.002 Definitions.

(5) "Annual Household Income" means the gross income of a person, together with the gross income of all persons who intend to permanently reside with such person in the

Development to be financed by Florida Housing, as of the date of occupancy shown on the Income Certification promulgated from time to time by Florida Housing.

(7) "Application" means the completed Form MFMRB2001, its instructions, and its appendices together with exhibits submitted to Florida housing by the Applicant in accordance with the provisions of this Rule Chapter and in the Application in order to apply for the Program.

Application Instructions.

Second paragraph, page 1, has been changed to read as follows:

ONE ORIGINAL Application (with an original signature on Form 5) and THREE photocopies must be submitted, unless the Development is proposing to use Florida Housing's Guarantee Fund Program (in which case ONE ORIGINAL and FOUR photocopies must be provided) or the Development is proposing to participate in HUD Risk Sharing (in which case ONE ORIGINAL and FOUR FIVE photocopies must be provided). IN ALL CASES, THE BINDER CONTAINING THE ORIGINAL SHOULD BE CLEARLY IDENTIFIED AS THE ORIGINAL.

Fourth paragraph, page 1, has been changed to read as follows:

The Application fee is \$4,500 ~~11,500~~ [see Rule 67-21.007(2), F.A.C.] which includes the minimum estimated costs for the ~~Limited Restricted Appraisal, Market Study, Completeness and Threshold Check~~ and the TEFRA Fee. If actual costs exceed estimated costs for these items, Applicant shall be responsible for payment of the balance due as invoiced. The checks for this Application fee must be made payable to Florida Housing Finance Corporation and submitted with the completed Application. FAILURE TO SUBMIT THE FEE WITH THE APPLICATION WILL RESULT IN THE DETERMINATION THAT THE APPLICATION IS INCOMPLETE AND THE APPLICATION WILL NOT BE PROCESSED FURTHER.

Fifth paragraph, page 1 and continuing on page 2, has been changed to read as follows:

BE SURE TO ANSWER ALL QUESTIONS, FOLLOW ALL INSTRUCTIONS AND FILL IN ALL LINES. DO NOT LEAVE ANY BLANKS. IF AN ITEM IS NOT APPLICABLE TO THIS DEVELOPMENT, INDICATE BY USING "N/A". ONLY INFORMATION CONTAINED WITHIN THIS APPLICATION WILL BE CONSIDERED FOR PURPOSES OF THE COMPLETENESS AND THRESHOLD CHECK ("CTC"), AND FLORIDA HOUSING AND THE CREDIT UNDERWRITER SHALL NOT ACCEPT ANY ADDITIONAL INFORMATION TO BE CONSIDERED DURING THE CTC, EXCEPT AS PROVIDED FOR IN SECTION 67-21.003(4) AND EXCEPT THAT THE CREDIT UNDERWRITER WILL ORDER AND EVALUATE THE ~~LIMITED RESTRICTED~~ APPRAISAL AND THE MARKET STUDY.

Third paragraph, page 2, has been changed to read as follows:

The Corporation has attempted to simplify the Application process; however, if you have any questions about the Multifamily Mortgage Revenue Bond Program, please call Esrone McDaniels ~~Don Stuart~~, Administrator, at (850)488-4197.

”NOTE:”, page 2, has been changed to read as follows:

NOTE: Applications will not be accepted prior to February 6, 2000. Applications must be received by the Corporation and clocked in by 5:00 PM, Tallahassee time, February 9, 2000 ~~December 2, 1999~~. No fax transmissions will be received at the Corporation’s offices.

Ranking Criteria.

Fourth indented paragraph, page 1, has been changed to read as follows:

THIRD, Developments shall be prioritized based on the highest number of Public Policy Criteria, up to a maximum of five; the more Public Policy Criteria selected, the higher the priority. For example, those selecting 4 Public Policy Criteria shall receive a higher priority ranking than those selecting only 3, etc.;

Seventh indented paragraph, page 1, has been changed to read as follows:

(B) After application of the above-referenced criteria, an initial ranking list shall be established. The top-ranked Elderly, Urban In-Fill, Rehabilitation and Farmworker Developments (up to an aggregate allocation amount not to exceed \$17,000,000 each) shall be prioritized for funding. No more than one Elderly Development, one Urban In-Fill Development, one Rehabilitation Development and one Farmworker Development shall be prioritized pursuant to this paragraph (B).

Eighth indented paragraph, page 1, first sentence to the colon, has been changed to read as follows:

(C) After application of (B) above, a separate ranking list shall be developed which incorporates the provisions of (A) and (B) and the following:

First indented paragraph, page 2, has been changed to read as follows:

The amount of State Bond Allocation initially designated by the Board for multifamily housing (not the amount that may be available as identified in the Notice of Fund Availability, and exclusive of any amount reserved to address pending administrative or legal proceedings pursuant to Section 67-21.003(7), F.A.C.) will be allocated geographically according to county size based on population (small, medium or large) as shown on Page 5 of this Appendix C. Such initial amount will be allocated as follows:

Large	<u>64%</u>
Medium	<u>26%</u>
Small	<u>10%</u>

Second paragraph, page 2, has been changed to read as follows:

FHFC Staff shall select from the Master Ranking List the highest-ranked projects in each geographic category for inclusion on a separate “Geographic Set-Aside Ranking List”, up to the amounts in each geographic category which are sufficient to fully fund the next ranked project. In the event application of paragraph (B) necessitates an adjustment in the above-referenced geographic percentages (e.g., all four Developments prioritized in paragraph (B) are located in small counties), the percentages applicable to the other geographic categories shall be adjusted ratably. The remaining portion of the Master Ranking List not included in the allocations referenced above shall be maintained as the “Master Waiting List”.

Third paragraph, page 2, has been changed to read as follows:

The following shall be utilized in the application of the above-referenced criteria and development of the respective ranking lists:

No. 1, page 2, has been changed to read as follows:

1. In the event of a tie in ranking after the application of (A) through (C) ~~the above-referenced ranking criteria~~, the Board shall select by lot the Application to be ranked higher.

No. 2, page 2, has been changed to read as follows:

2. In the event the application of (A) ~~above-referenced ranking criteria~~ results in any criteria being rendered meaningless (e.g., if no ties exist prior to the application of the Fifth Criteria), such shall not affect the applicability of the prior-ordered criteria.

No. 5., page 3, has been changed to read as follows:

5. In the event the available amount of remaining allocation is insufficient to fully fund the next ranked Application, it shall be held for such next ranked Application until December 1 ~~November 15~~, 2001 at which point it shall be released to the next ranked unfunded Application on the Master Waiting List which can be fully funded. Applicants are not permitted to down-size their allocation request for purpose of becoming fully funded, except in the limited circumstances set forth in Section 67-21.003(7), F.A.C. Additional or returned allocation which becomes available for the Multifamily Bond Program, whether at the discretion of the Board, from the State Pool, released allocation as a result of the withdrawal or failure to proceed of any ranked Application designated for funding or from any other source, will be applied to the highest ranking Application on the Master Waiting List (without regard to geographic set-asides) to the extent that the Application can be fully funded.

Application Forms.

Form 1, page 1, first paragraph, second sentence, has been changed to read as follows:



Failure to completely, consistently and accurately respond to the requested information and provide the necessary backup documentation shall, after the cure period described in Section 67-21.003(4), F.A.C., to the extent applicable, result in the determination that the Application has failed the Completeness and Threshold Check (“CTC”).

Form 1, page 1, third paragraph, has been changed to read as follows:

All Financial Beneficiaries as defined by Rule 67-21.003(37)(38) must be fully disclosed. To the extent that all Financial Beneficiaries are not included in the disclosure of the Principals of the Applicant and/or the Developer, attach a listing of those Financial Beneficiaries. This information can be found behind tab labeled “Form 1, Exhibit \_\_\_\_\_”.

Form 1, page 2, Item B. “Designated Contact Person”, has been changed to read as follows:

Person with ~~verifiable decision-making authority~~ with whom the Corporation will correspond concerning the Application and this Development for the Applicant/Borrowing Entity (not a “third-party” consultant).

Form 1, page 2, Item I.C., “Principals of Applicant Entity”, each “Phone” identification block has been changed to read as follows:

Phone #: \_\_\_\_\_

Form 1, page 3, Item II.C., “Principals of Developer”, each “Phone” identification block has been changed to read as follows:

Phone #: \_\_\_\_\_

Form 1, page 4, Item III.C., “Principals of Management Agent”, each “Phone” identification block has been changed to read as follows:

Phone #: \_\_\_\_\_

Form 1, page 5, Item IV., “Architect or Engineer”, Item IV. A. has been changed as follows:

A. Name of Architect or Engineer: \_\_\_\_\_  
Engineer”, Item IV.C. has been changed as follows:

Form 1, page 5, Item IV., “Architect or Engineer”, Item IV.c. has been changed as follows:

C. Experience of Architect or Engineer:

The Architect or Engineer must complete the certification form provided on page 12 9 of this form. The executed certification form can be found behind the tab labeled ~~the tab labeled~~ “Form 1, Exhibit \_\_\_\_\_”.

Form 1, page 6, Item VII., “Guarantor(s) Information”, has been changed to read as follows:

The information as indicated below should be provided for all proposed guarantors. Upon notification by the Credit Underwriter, Applicant must immediately provide financial statements for each guarantor for each of the past three years. The financial statements must be prepared and certified as accurately representing the guarantor’s financial condition. If audited statements are unavailable for each proposed

guarantor, unaudited financial statements and ~~or~~ federal tax returns for the past three years must be provided. These will be reviewed by the Credit Underwriter for several purposes, including determination of sufficient financial liquidity. If it is determined in credit underwriting that the proposed guarantors do not demonstrate sufficient financial liquidity, the Credit Underwriter may require additional guarantors or other additional security. This will not result in a penalty to the Applicant.

Form 1, page 8, “Certification of Member of Development Team, Developer”, last sentence of the paragraph, has been changed to read as follows:

I hereby certify that neither the Developer, Applicant, any Principal or Financial Beneficiary has any existing Developments participating in Florida Housing programs that remain in non-compliance with the Code, applicable rule chapter, or applicable loan documents and for which any applicable ~~the~~ cure period granted for correcting such non-compliance has ended.

Form 1, page 10, “Certification of Member of Development Team, Management Agent”, last sentence of the paragraph has been deleted.

Form 2, page 1, first paragraph, second sentence, has been changed to read as follows:

Failure to completely, consistently and accurately respond to the requested information and provide the necessary backup documentation shall, after the cure period described in Section 67-21.003(4), F.A.C., to the extent applicable, result in the determination that the Application has failed the Completeness and Threshold Check (“CTC”).

Form 2, page 1, Item I., “Amenities”, Item I.A. has been changed to read as follows:

A. A list of UNIT amenities (washer/dryer, microwave oven, ceiling fans, etc.) must be provided. Set forth in Form 4, Part VIII, Section \_\_\_\_\_ is a required list of amenities. This list can be found behind the tab labeled “Form 2, Exhibit \_\_\_\_\_”.

Form 2, page 5, Item IX., “Environmental Site Assessment – Phase I”, second paragraph, last sentence, has been changed to read as follows:

To ensure that the report is accurate and thorough, the provider must certify that the report(s) is (are) are in accordance with American Society for Testing and Materials (ASTM) format E 1527-~~0097~~.

Form 2, page 6, Item XII., “Soil Test Report”, first paragraph is changed to read as follows:

A report signed by a qualified geotechnical engineer stating that the site is acceptable for the Development being proposed must be provided as a part of this Application. The report ~~It~~ must, at a minimum, include the following:

Form 2, page 6, Item XII., “Soil Test Report, Item XII.A., has been changed to read as follows:

A. Standard penetration test in accordance with ASTM D 1586 which includes at least one boring per proposed building to a depth to be determined at the discretion of the engineer providing the report, unless if in the judgement of the engineer such amount of borings is impractical or unnecessary to construct the proposed Development, in which case said report shall so state. Larger buildings may require additional borings, also to be determined at the discretion of the engineer.

Form 2, page 11, "Verification of Availability of Infrastructure, Electricity", No. 3. has been changed to read as follows:

3. To the best of our knowledge, nNo variance or local hearing is required to make electricity available to the proposed Development.

Form 2, page 11, "Verification of Availability of Infrastructure, Electricity", No. 4., has been changed to read as follows:

4. To the best of our knowledge, tThere are no moratoriums pertaining to electric service which are applicable to the proposed Development.

Form 2, page 11, "Verification of Availability of Infrastructure, Electricity", No. 5. has been deleted.

Form 2, page 12, "Verification of Availability of Infrastructure, Water", No. 3. has been changed to read as follows:

3. To the best of our knowledge, nNo variance or local hearing is required to make potable water available to the proposed Development.

Form 2, page 12, "Verification of Availability of Infrastructure, Water", No. 4., has been changed to read as follows:

4. To the best of our knowledge, tThere are no moratoriums pertaining to potable water which are applicable to the proposed Development.

Form 2, page 12, "Verification of Availability of Infrastructure, Water", No. 5. has been deleted.

Form 2, page 13, "Verification of Availability of Infrastructure, Sewer Capacity, Package Treatment, or Septic Tank", No. 3. has been changed to read as follows:

3. To the best of our knowledge, nNo variance or local hearing is required to make this service available to the proposed Development.

Form 2, page 13, "Verification of Availability of Infrastructure, Sewer Capacity, Package Treatment, or Septic Tank", No. 4., has been changed to read as follows:

4. To the best of our knowledge, tThere are no moratoriums pertaining to this service which are applicable to the proposed Development.

Form 2, page 13, "Verification of Availability of Infrastructure, Sewer Capacity, Package Treatment, or Septic Tank", No. 5. has been deleted.

Form 2, page 14, "Verification of Availability of Infrastructure, Roads", No. 1. has been change to read as follows:

1. Existing roads provide access to the proposed Development, or paved roads will be constructed as part of the proposed Development.

Form 2, page 14, "Verification of Availability of Infrastructure, Roads", No. 3. has been changed to read as follows:

3. To the best of our knowledge, nNo variance or local hearing is required for these roads to be available to the proposed Development.

Form 2, page 14, "Verification of Availability of Infrastructure, Roads", No. 4. has been changed to read as follows:

4. To the best of our knowledge, tThere are no moratoriums pertaining to road usage which are applicable to the proposed Development.

Form 2, page 15, "Verification of Availability of Infrastructure, Natural Gas", No. 3. has been changed to read as follows:

3. To the best of our knowledge, nNo variance or local hearing is required to make gas available to the proposed Development.

Form 2, page 15, "Verification of Availability of Infrastructure, Natural Gas", No. 4. has been changed to read as follows:

4. To the best of our knowledge, tThere are no moratoriums pertaining to gas service which are applicable to the proposed Development.

Form 2, page 15, "Verification of Availability of Infrastructure, Natural Gas", No. 5. has been deleted.

Form 3, page 1, first paragraph, second sentence, has been changed to read as follows: Failure to ~~totally and~~ consistently and accurately respond to the requested information and provide the necessary backup documentation will, after the cure period described in Section 67-21.003(4), F.A.C., to the extent applicable, result in the determination that the Application has failed the Completeness and Threshold Check ("CTC").

Form 3, page 1, Item III., "Fifteen year income, expense, and occupancy projection:", has been changed to read as follows:

III. Fifteen year income, expense, and occupancy projection: Include a fifteen year income, expense, and occupancy projection consistent with all financing commitments. This projection must reflect rents increasing at a rate of 3% per year and expenses increasing at a rate of 4% per year. It must demonstrate that the Development can meet 1:10 debt service coverage requirements based on current ~~an assumed~~ interest rates ~~of \_\_\_% per annum for tax exempt~~

bonds, and an assumed interest rate per annum of \_\_\_% for taxable bonds. Use the format provided on pages 6-9 of this Form 3.

Form 3, page 3, "Use of Funds" block, first title has been changed to read as follows:

Actual Annual Construction Costs

Form 3, page 4, "Financial Costs" block, fourth item has been changed to read as follows:

~~Escrow~~ Deposit Fund

Form 3, pages 6, 7, 8 and 9, title at top of each page has been changed to read as follows:

15 YEAR INCOME, EXPENSE, AND OCCUPANCY PROJECTION

Form 4, page 1, first paragraph, second sentence, has been changed to read as follows:

Failure to ~~totally and~~ completely, consistently and accurately respond to the requested information and provide the necessary backup documentation will, after the cure period described in Section 67-21.003(4), F.A.C., to the extent applicable, result in the determination that the Application has failed the Completeness and Threshold Check.

Form 4, page 1, Item III., "Development Type:", this section has been changed to read as follows:

III. Development Type: Identify which of the following best describes the proposed Development:

New Construction (50% or more of the units are new construction)

Acquisition/Rehabilitation\*(Less than 50% of the units are new construction)

Rehabilitation\*(Meets the requirements in Rule 67-21.002, F.A.C. for a Rehabilitation Development ~~Less than 50% of the units are new construction~~)

Farmworker Development\*\* (Meets the requirements in Rule 67-21.002, F.A.C. for a Farmworker Development)

Elderly Development\*\* (Meets the requirements in Rule 67-21.002, F.A.C. for an Elderly Development)

Urban In-Fill Development (Meets the requirements in Rule 67-21.002, F.A.C. for an Urban In-Fill Development)

Applicant should check the box for either New Construction, Acquisition/Rehabilitation or Rehabilitation and any other box that is applicable.

\* Note: If the Development is currently occupied, the Applicant must contact Florida Housing's Compliance Section to obtain information regarding requirements that must be met prior to closing on the bonds.

\*\*Note: Applicants intending to qualify as Elderly Developments or Farmworker Developments must submit herewith (i) an independent market analysis demonstrating a local need for such housing, and (ii) a detailed plan to attract, serve and keep the targeted population, per Rules 67-21.002(29), F.A.C., and 67-21.002(32), F.A.C., respectively.

Form 4, Item V., "Public Policy Criteria", the entire section has been amended and now reads as follows:

V. PUBLIC POLICY CRITERIA: Please select a minimum of two Public Policy Criteria from Item 2 below. Item 1 is required of all Applications.

Note: Some of the Public Policy Criteria selections increase the actual numbers of units set aside for residents at different income levels. Please ensure that this is accurately reflected in Item IV above.

1. The following is required of ALL Applications:

At least 20% or 40% percent of each unit size larger than one bedroom and studio units in the Development shall be occupied or reserved for occupancy by Lower Income Tenants in proportion to minimum Set-aside requirement elected, as follows:

a. If the Development satisfies the 20/50 Set-aside, 20 percent of the units at or below 50 percent of area median gross income limit, adjusted for family size and determined in accordance with Section 142 (d) of the Code; or

b. If the Development satisfies the 40/60 Set-aside, 40 percent of the units at or below 60 percent of area median gross income limit, adjusted for family size and determined in accordance with Section 142(d) of the Code; or

c. In the case of Developments financed solely through the issuance of Taxable Bonds (or for specific cases pursuant to the Code, Tax-exempt Bonds), 20% of the units at or below 80 percent of state or county median income limit, whichever is higher, and with family size adjustment (for developments financed prior to the 1986 Code, as amended, without family size adjustment).

2. Choose at least two from a, b, c, d, e, f, g, h and i ~~g~~ below. (Provision of more than the minimal requirements in a given subsection (for example, picking both tenant programs for (b)) does not entitle the Applicant to more than one Public Policy Criteria for such subsection. The maximum number of Public Policy Criteria is five):

(a) For Developments other than Elderly Developments, at least 20% of the units in the Development shall constitute three bedroom units or greater.

(b) For Developments other than Elderly Developments, provision of one or more of the following tenant programs at no charge to the tenant:

Homeownership Opportunity Program – Applicant must provide a homeownership opportunity program available to all residents in compliance with their current lease. The program must set-aside 5% of the resident's gross rent towards a downpayment for that resident when the resident moves from the development into homeownership. The resident may be suspended from the program during the period of a lease if the resident violates any provision of the lease. Upon renewal of the lease, the resident must be reinstated into the program for the period of that renewal, with suspension permitted under the same terms as discussed above. The homeownership

opportunity program must also include financial counseling for all residents, with emphasis on credit counseling and other items necessary for successful purchase of, and maintenance of, a home.

After School Program for Children – This program requires the Applicant or its Management Agent to provide DAILY, SUPERVISED, STRUCTURED, age-appropriate activities for children during the after-school hours. Activities must be on-site and at no charge to the residents.

(c) For Developments other than Elderly Developments, provision of two or more of the following tenant programs at no charge to the tenant:

First Time Homebuyer Seminars – Applicant must arrange for and provide at no cost to the resident, in conjunction with local realtors or lending institutions, semiannual on-site seminars for residents interested in becoming homeowners.

Literacy Training – Applicant must make available, at no cost to the resident, a literacy tutor(s) to provide weekly literacy lessons to residents in private space on-site.

Job Training – Applicant must provide, at no cost to the resident, regularly scheduled classes in typing, computer literacy, secretarial skills or other useful job skills. Regularly scheduled means not less often than once each quarter.

(d) For Elderly Developments, provision of one or more of the following tenant programs at no charge to the tenant:

Meals – The Applicant commits to provide for daily (at least one meal per day) delivery of meals to the tenants or provide for the daily preparation and serving of meals in a designated common facility at a cost not to exceed \$3.00 per meal, subject adjust to a 3% annual cost of living adjustment. Programs such as “Meals on Wheels” will not qualify.

Private Transportation – This service must be provided by the Applicant or its Management Agent at a cost to the resident not to exceed \$3.00 per day, subject adjust to a 3% annual cost of living adjustment. The Development must make available a safe and serviceable vehicle that can transport residents to off-site locations for such things as medical appointments, public service facilities, and/or educational or social activities. A nearby bus stop or access to programs such as “Dial-A-Ride” will not be acceptable for purposes of this program.

(e) For Elderly Developments, provision of one or more of the following tenant programs at no charge to the tenant:

Daily Activities – Applicant or its Management Agent must provide supervised, structured activities at least five days per week. Activities must be on-site and at no charge to the residents.

Assistance with Light Housekeeping, Shopping and/or Laundry – Applicant must provide weekly assistance with at least two of the following: (1) light housekeeping, and/or (2) grocery shopping, and/or (3) laundry, at a rate which is at least 25% lower than market.

~~Residence Assurance Check-In Program – Applicant commits to provide and use an established system for checking in with each resident on a pre-determined basis not less than once per day. Residents may opt out of this program with a written certification that they chose not to participate.~~

(f) For Elderly Developments, provision of one or more of the following tenant programs:

Residence Assurance Check-In Program – Applicant commits to provide and use an established system for checking in with each resident on a pre-determined basis not less than once per day. Residents may opt out of this program with a written certification that they chose not to participate.

~~Assistance with Light Housekeeping, Shopping and/or Laundry – Applicant must provide weekly assistance with at least two of the following: (1) light housekeeping, and/or (2) grocery shopping, and/or (3) laundry, at a rate which is at least 25% lower than market.~~

Manager On Call 24 Hours Per Day – Applicant must provide a manager and/or security guard on the Development’s premises at all times who is available and accessible to the tenants 24 hours per day, seven days per week at no charge to the tenant.

(g) For any Development, three or more of the following tenant programs at no charge to the tenant:

Health Care – Regularly scheduled visits by health care professionals such as nurses, doctors, or other licensed care providers. At a minimum, the following services must be provided at no cost to the resident: health screening, flu shots, vision and hearing tests. Regularly scheduled is defined as not less often than once each quarter. On-site space must be provided.

Tenant Activities – These specified activities are planned, arranged, provided and paid for by the Applicant or its Management Agent. These activities must be an integral part of the management plan. The Applicant must develop and execute a comprehensive plan of varied activities that brings the residents together and encourages community pride. The goal here is to foster a sense of community by bringing residents together on a REGULARLY SCHEDULED basis by providing activities such as holiday or special occasion parties, community picnics, newsletters, children’s special functions, etc.

Financial Counseling – This service must be provided by the Applicant or its Management Agent at no cost to the resident. Financial counseling must include the following components: must be regularly scheduled (not less often than once each quarter); must be free of charge to the residents; must include tax preparation assistance by qualified professionals; must include educational workshops on such topics as “Learning to Budget”, “Handling Personal Finances”, or “Comparison Shopping for the Consumer”<sup>2</sup>

Computer Lab – The Applicant commits to provide one computer per 50 units along with basic word processing, spreadsheets and assorted educational and entertainment software programs.

Day Care – Choose ONE of the following:

Licensed day care facility at least four hours per day five days per week for children or adults on-site.

OR

A discount of at least 20% at a day care facility for children or adults within 3 miles of the Development

Case Management/Resident Stabilization Services – This service must be provided by a qualified social worker at no cost ~~to~~ ~~of~~ the resident. This program requires that the following services be made available on-site no less often than once a week: crisis intervention, individual and family needs assessment, problem solving and planning, appropriate information and referral to community resources and services based on need, monitoring of ongoing ability to retain self-sufficiency, and advocacy to assist clients in securing needed resources.

(h) For any Development, the Applicant’s agreement to a Qualified Project Period that shall extend a minimum of 10 years beyond the period of time provided for in the Code.

(i) For refundings only, the commitment to set aside an additional 10% of units for Lower Income Tenants beyond the requirements of Rule 67-21.004(1), F.A.C.

Form 4, page 13, Item VIII., “Construction Standards/Amenities”, Item a. (1) has been amended to read as follows:

a.(1) In addition to meeting all building code, Fair Housing Act, and Americans with Disabilities Act Requirements, the following items are required for all Developments:

X Air conditioning (window units are not allowed), in all units

X Dishwasher, in all new construction units

X Garbage Disposal, in all new construction units

X Cable TV Hook-Up, in all units

X At least two full bathrooms in all 3 bedroom or larger new construction units

X At least 1 and a 1/2 bathrooms (one full bath and one with at least a toilet and sink) in all new construction 2 bedroom units

X Minimum square footage requirements for all new construction of units of ~~650~~ ~~700~~ square feet (one bedroom), 900 square feet (two bedroom), ~~1080~~ ~~1150~~ square feet (three bedroom), and 1300 square feet (four bedroom or greater)

X Full sized appliances in all units

X Bathtub in at least one bathroom in new construction non-elderly units

Form 4, page 15, Item VIII., “Construction Standards/Amenities”, Item VIII.a.(2), first paragraph is changed to read as follows:

For all Elderly Developments, the Developer must provide the following features in the specified percentages of all residential units in New Construction (NC) and ~~Substantial~~ Rehabilitation (SR) Developments. NOTE: Features required in less than 100% of the units must be provided in the SAME units so that the designated number/percentage of units is fully useable by handicapped or frail Elderly Households.

Form 4, page 15, Item VIII., “Construction Standards/Amenities”, Item VIII.b., first paragraph is changed to read as follows:

b. For New Construction Units, the Applicant may select items from the following list (Applicants must choose ~~choosing~~ items in this category totaling 25 points or more ~~receive credit for one public policy criteria for ranking purposes~~).

Form 4, page 15, Item VIII., “Construction Standards/Amenities”, Item VIII.c., first paragraph is changed to read as follows:

c. For Rehabilitation ~~of Existing~~ Developments, the Applicant may select items from the following list (Applicants must choose ~~choosing~~ items in this category totaling 16 points or more ~~receive credit for one public policy criteria for ranking purposes~~):

Form 4, page 16, Item VIII., “Construction Standards/Amenities”, Item VIII.d., first paragraph is changed to read as follows:

d. For Elderly Developments, or Developments with Elderly Units, the Applicant may select from the following list (Applicants must choose ~~choosing~~ items in this category totaling 16 points [2 points each] or more ~~receive credit for one public policy criteria for ranking purposes~~):

Form 4, page 16, Item VIII., “Construction Standards/Amenities”, Item VIII.d., fourth option is changed to read as follows:

All bathrooms in elderly units handicapped accessible ~~with grab bars per ANSI requirements~~.

Form 4, page 16, Item VIII., “Construction Standards/Amenities”, Item VIII. e., first paragraph is changed to read as follows:

e. For Non-Elderly Developments, or Developments with non-elderly units, the Applicant may select from the following list (Applicants must choose ~~choosing~~ items in this category totaling 16 points [2 points each] or more ~~receive credit for one public policy criteria for ranking purposes~~):

Form 4, page 17, Item VIII., “Construction Standards/Amenities”, Item VIII.f., first paragraph is changed to read as follows:

f. Energy Conservation Feature – For all Developments, the Applicant may select from the following list (Applicants ~~must choose choosing~~ items in this category totaling 15 points or more ~~receive credit for one public policy criteria for ranking purposes~~):

Form 4, page 18, “Jurisdiction of Development”, has been renumbered as follows:

~~VIII~~ IX. Jurisdiction of Development: Please complete the following information about the jurisdiction of the proposed Development.

Form 4, page 18, “Completion Date”, has been renumbered as follows:

IX. Completion Date: If funded, what is the estimated date by which all units will be completed?

(21) "Credit Underwriting Report" means a report that is produced by the Credit Underwriter designated by Florida Housing and includes a thorough analysis of the proposed Development and a statement as to whether a loan is recommended, and if so, the amount recommended. The Credit Underwriter or Florida Housing may request such additional information as is necessary to properly analyze the credit risk being presented to Florida Housing and the bondholders. The Applicant shall pay the cost of such credit underwriting in addition to any other fees payable to Florida Housing in conjunction with the Application and Program financing.

(34) "Final Board Approval" means formal action by the Board of Directors to adopt a resolution to authorize financing of award a portion of Florida Housing's State Bond Allocation to a Development and which triggers preparation of Program Documents.

(37) "Financial Beneficiary" means one who is to receive a financial benefit of:

(a) 3% or more of Total Development Cost (including deferred fees) if Total Development Cost is \$5 million or less; or

(b) 3% of the first \$5 million and 1% of any costs over \$5 million (including deferred fees) if ~~T~~total Development Cost is greater than \$5 million.

This definition includes any party which meets the above criteria, such as the Developer and its principals and principals of the Applicant entity. The definition does not include third party lenders, third party management agents or companies, housing credit syndicators, credit enhancers who are regulated by a state or federal agency and who do not share in the profits of the Development or building contractors whose total fees are within the limit described in Rule 67-21.002(39)(35), F.A.C.

(39) "General Contractor" means an entity duly licensed in the State of Florida meeting the following criteria:

(a) The Development superintendent is an employee of the General Contractor and the costs of that employment are charged to the general requirements line item of the General Contractor's budget;

(b) The Development construction trailer and other overhead is paid directly by the General Contractor and charged to general requirements;

(c) Building permits are issued in the name of the General Contractor;

(d) Payment and performance bond (or approved alternate security for General Contractor's performance, such as a letter of credit or other guarantee acceptable to Florida Housing) is issued in the name of the General Contractor by a company rated at least "A-" by AMBest & Co. ~~and none of General Contractor duties can be subcontracted; and~~

(e) None of the General Contractor duties to manage and control the construction of the Development may be subcontracted; and

~~(f)(e)~~ No more than 20 percent of the construction cost is sub-contracted to any one entity.

(53) "Lower Income Tenants" means individuals or families whose annual income does not exceed either 50 percent or 60 percent (depending on the minimum Set-Aside elected) of the area median income as determined by HUD with adjustments for household size. In no event shall occupants of a Development unit be considered to be Lower Income Tenants if all the occupants of a unit are students (as defined in Section 151(c)(4) of the Code) or if the tenants do not comply with the provisions of the Code defining Lower Income Tenants. (See Section 142 of the Code.) If Taxable Bonds, (other than Taxable Bonds issued simultaneously with Tax-Exempt Bonds, in which case the above referenced provisions apply) or Bonds that do not require State Bond Allocation are being used to finance the Development, Lower Income Tenants shall be defined as an individual or family with an Annual Household Income not in excess of 80 percent of the state or county median income, whichever median income is higher. In the event Bonds are issued on behalf of a corporation organized under Section 501(c)(3) of the Code, the Set-Aside shall not be less than that required by the 501(c)(3) documents.

(57) "Notice of Funding Availability" or "NOFA" means the notification published in the Florida Administrative Weekly which shall contain the deadline for submission of Applications, the estimated funding amount, and any targeting requirements. Said notice shall be published at least 30 days prior to the deadline contained in such notice. ~~The NOFA shall be mailed to all entities on FHFC's Program mailing list.~~

(59) "Private Placement" or "Limited Offerings" means the sale of Florida Housing Bonds directly or through an underwriter or placement agent to 35 or fewer initial purchasers who are not purchasing the Bonds with the intent to offer the Bonds for retail sale and who are Qualified Institutional Buyers. ~~Private placements may only be used to finance Developments as specified in Section 67-21.013, F.A.C.~~

(67) "Rehabilitation Development" means a Development, the Rehabilitation Expenditures with respect to which equal or exceed 50% ~~45%~~ of the portion of the cost of acquiring such Development to be financed with Bond proceeds. "Rehabilitation Expenditures" has the meaning set forth in Section 147(d)(3) of the Code.

(77) "Urban In-Fill Development" means a Development (i) in a site or area that is targeted for in-fill housing or neighborhood revitalization by the local, county, ~~or state~~ or federal government as evidenced by its inclusion in a HUD Empowerment/Enterprise Zone, HUD-designated qualified census tracts, Florida Enterprise Zone, areas designated under a Community Development Block Grant (CDBG) or areas designated as a HOPE VI or Front Porch Florida Communityies or a Community Redevelopment Area as described and defined in the Florida Community Redevelopment Act of 1969, and (ii) in a site which is located in an area that is already developed and part of an incorporated area or existing urban service area.

#### 67-21.003 Application and Selection Process for Loans.

(1) Florida Housing hereby adopts by reference the Application and its appendices (Form MFMRB2001) which provide the instructions and forms necessary for submission of an Application for participation in the Program. Said Application package may be obtained from Florida Housing by contacting the Multifamily Bond Program Administrator at 227 N. Bronough Street, Suite 5000, Tallahassee, Florida 32301. ~~A detailed proposed timeline including deadlines for receipt of information necessary to complete the final Credit Underwriting, shall be provided to all Applicants, as soon as practical, after the cycle has closed. The detailed timeline shall include the deadlines which must be met for those Applicants using either or Florida Housing Guarantee Fund and the HUD Risk Sharing programs, and may be modified by action of the Board.~~

(2) An Application may be submitted at any time after the Application package is made available and subject to any limitations set forth in the NOFA; however, priority in reviewing and ranking Applications for award of State Bond Allocation for the current calendar year 2001 shall be given to Applications received by Florida Housing by the deadline specified in the Notice of Funding Availability published in the Florida Administrative Weekly and which received a satisfactory CTC based upon the initial Application, with permitted changes as specified in 67-21.003(4). Any Applications received after the noticed deadline shall not be processed, reviewed, or ranked in any way until such time as the list of Applications received by the noticed deadline has been exhausted. No modifications to Applications will be accepted after the noticed deadline, except for supplemental information to correct identified deficiencies as referenced in Section 67-21.003(4) and except for changes permitted by Section 67-21.003(19). Developments wholly owned by

not-for-profit entities ~~corporations~~ qualifying under Section 501(c)(3) of the Code which are not requesting State Bond Allocation are governed by Rule 67-21.019, F.A.C.

(3) All Applications must be complete, accurate, consistent, legible and timely when submitted, and must be accompanied by the applicable Application Fee which includes the estimated costs for the TEFRA and the CTC. An original and three photocopies shall be submitted, except if a Development is proposing to participate in HUD Risk Sharing, an original and four photocopies shall be submitted.

(4) Upon receipt of an Application, all required copies and all applicable fees, staff shall assign a tracking number and a Credit Underwriter for each Application. The Applications shall then be forwarded to the assigned Credit Underwriter for the CTC. Said draft CTC shall be completed by the Credit Underwriter within twenty-one (21) days after receipt of such Application from Florida Housing. Florida Housing shall cause a review committee selected by the Board to review the draft CTCs, including any noted deficiencies. After modification, if any, of such draft CTC based upon the actions of the review committee, the Credit Underwriter shall forward to each Applicant a list of any deficiencies identified in the CTC. The Applicant will thereupon have seven calendar days from the receipt of such deficiency list to correct any deficiencies, provided that the following information must be clearly provided in the initial Application and may not be modified or supplemented:

- (a) County,
- (b) Allocation request,
- (c) Number of units,

(d) Whether the proposed Development is an Elderly Development, Farmworker Development, Rehabilitation Development, or an Urban In-Fill Development,

- (e) The public policy criteria selected, ~~and~~

(f) The existence of credit enhancement resulting in the Bonds being rated AAA, AA or A by a nationally recognized rating service ~~The proposed financing structure (whether a private placement or credit enhancement, etc.),~~

(g) The Financial Beneficiaries of the financing, except as permitted by Rule 67-21.003(20), F.A.C., after the expiration of the cure period, and

(h) ~~(g)~~ The Credit Enhancer; provided that an Applicant shall be permitted once before the issuance of a Final Credit Underwriting Report to change to a Credit Enhancer deemed by the Credit Underwriter to be equivalent to or better than the Credit Enhancer listed in the Application. ~~or,~~

(h) ~~Any other factor which would otherwise affect an Applicant's ranking.~~ Applicant will not be provided any additional opportunity to cure any deficiency after the expiration of the seven calendar day cure period. Failure to cure any deficiency shall result in such Application failing CTC. In the event Florida Housing fails to identify any deficiency in the list of deficiencies forwarded to the

Applicant, it shall be foreclosed from later identifying such deficiency. The foregoing shall not be deemed to preclude rejection for failure to adequately cure an identified deficiency.

(7) Based on the order of the ranked Applications after informal appeals and the availability of State Bond Allocation designated by the Board for multifamily housing, the Board shall designate those Applications to be offered the opportunity to enter Final Credit Underwriting. Notwithstanding the rankings, a portion of the State Bond Allocation equal to the amount of allocation requested in any contested Program application, including applications from a previous cycle, shall be reserved by the Board for future allocation necessary to resolve administrative proceedings or legal proceedings with respect to Program private activity bond allocations. In the event any such administrative proceedings or legal proceedings remain outstanding on November 16~~5~~, 2001, allocation authority subject to any such prior reservation, together with allocation made available to Florida Housing pursuant to Section 159.809(4), Florida Statutes, shall be released for application to the current ranked list of Applicants, ~~and a Florida Housing shall make a new reservation with respect to such unresolved administrative proceedings or legal proceedings from the 2002 allocation shall be made from the next available allocation~~ authority. Any remaining 2001 allocation which as of ~~December 1 November 16~~, 2001 is insufficient to fully fund the next ranked Application shall be offered to the next ranked Applicant, continuing down the Master Waiting List until sufficient to fully fund a proposed Development. Applicants shall be permitted to downsize their allocation request by up to 15% of the original allocation request for the purpose of becoming fully funded but may not reduce the number of units or the unit sizes in the development. Any unused allocation shall be carried over and applied to the 2002 calendar year allocation. The Board may, upon a determination that such is necessary to assure timely processing of Applicants with respect to future State Bond Allocation which may become available, invite up to ~~the next an additional~~ five Developments on the Master Waiting List into Final Credit Underwriting beyond what is expected to be funded with the available State Bond Allocation designated by the Board for multifamily housing. Applicants shall be notified in writing of the opportunity to enter final Credit Underwriting. A detailed timeline for submitting required fees and information to the Credit Underwriter shall be included. Failure to meet the deadlines established by such timeline shall result in the immediate termination of Credit Underwriting activities and the Application shall be moved to the bottom of the Master Waiting List. Applicants electing to proceed to final Credit Underwriting do so at their own risk. Any Applicant which declines invitation to final Credit Underwriting shall be removed from the ranked list.

(10) Applications that successfully complete the CTC, as accepted by Florida Housing after review by the review committee after the 14 day cure period referenced in (8) above

shall be evaluated and ranked by staff subject to review by the review committee using the criteria established by the Board pursuant to Rule 67-21.004~~1~~, F.A.C. This ranking shall be presented to the Board for approval and authorization of invitations to Credit Underwriting. In the event that time constraints preclude presentation of this ranking to the Board for approval and authorization of Credit Underwriting, staff shall offer Applicants the opportunity to enter Credit Underwriting at their own risk only to the extent that there is sufficient State Bond Allocation designated by the Board for multifamily housing to fully fund the proposed Developments.

(14) Florida Housing shall notify the Applicant, in writing, of the Board's determination related to approval of the final Credit Underwriting Report and require ~~that~~ the Applicant to submit one-half of the Good Faith Deposit within 7 calendar days from the date of such notice. Developments designated for a portion of the current year's State Bond Allocation shall be required to close at such time as set forth in such designation. In the event the loan does not close within the designated time frame for reasons other than acts of God, acts of war, riot or insurrection or other matters beyond the control of the Developer or Applicant and the closing date is not extended in writing by FHFC, then the State Bond Allocation shall be forfeited.

(15) Upon favorable recommendation of the final Credit Underwriting report and preliminary recommendation of the method of bond sale from Florida Housing's Financial Advisor, ~~or from the staff,~~ the Board shall designate by resolution the method of bond sale considered appropriate for financing. The Board shall consider authorizing the execution of the Loan Commitment and shall consider final Board approval reserving State Bond Allocation for a Development. Requests for Taxable Bonds shall be considered by the Board in an amount recommended by the Credit Underwriter. The Board shall also assign a bond underwriter, structuring agent, or Financial Advisor and any other professionals necessary to complete the transaction. Staff shall assign FHFC counsel as needed.

(16) Following receipt of one-half of the Good Faith Deposit, Florida Housing's assigned counsel shall begin preparation of documenting the terms of the transaction, ~~including~~ the Loan Commitment.

(17) Upon execution of a Loan Commitment Applicant shall pay the balance of the Good Faith Deposit and Florida Housing shall authorize the preparation of the Program required Documents which shall include:

- (a) Loan Agreement;
- (b) Note;
- (c) Mortgage;
- (d) Guarantee Instrument Agreements, if any;
- (e) Land Use Restriction Agreement;
- (f) Trust Indenture;
- (g) Preliminary and Final Official Statements, if any;
- (h) Financial Monitoring Agreements;



- (i) Compliance Monitoring Agreements; and
- (j) Such other documents as are necessary to establish and secure the Mortgage Loan and the issuance of the Bonds.

(19) If an Applicant or any Principal or Financial Beneficiary of an Applicant or a Developer has any existing developments participating in any Corporation programs that remain in non-compliance with the Code, ~~or~~ the applicable Rule Chapter or applicable loan documents and any applicable ~~the~~ cure period granted for correcting such non-compliance has ended; at the time of submission of the Application or at the time of issuance of a ~~Final Credit Underwriting Report~~, the requested allocation will, upon a determination by the Board that such non-compliance substantially increases the likelihood that such Applicant will not be able to produce quality affordable housing, be denied and the Applicant and ~~the~~ affiliates of the Applicant or Developer will be prohibited from new participation in any Florida Housing program ~~of the programs~~ for a period of one year and until such time as all of their existing developments participating in any Corporation programs are in compliance.

~~(21)(22)~~ At no time during the Application, CTC, and appeal process may Applicants or their representatives contact Board members concerning their own Development or any other Applicant's Development. If an Applicant or its representative does contact a Board Member in violation of this section, the Board shall, upon a determination that such contact was deliberate, disqualify such Applicant's Application.

67-21.0035 Applicant Administrative Appeal Procedures.

(1) Following the cure period referenced in Rule 67-21.003(4) and the Credit Underwriter's completion and Florida Housing's review and acceptance of the CTC, a notice regarding whether or not the Application received a satisfactory CTC and a copy of the initial rankings shall be provided to each Applicant.

(2) Applicants who wish to contest the decision relative to the CTC for their own Application or their own ranking must petition for a review of the decision in writing within 21 calendar days of the date of the notice. The request must specify in detail the basis for the appeal and the issues to be appealed. Unless the appeal involves disputed issues of material fact, the appeal shall be conducted on an informal basis. Florida Housing staff shall review the appeal and shall provide to the Applicant a written position paper which indicates whether a change will be made regarding each issue appealed. If the Applicant disagrees with Florida Housing's position paper, the Applicant shall be given an opportunity to participate in an informal administrative hearing. If the appeal raises issues of material fact, a formal hearing shall be conducted pursuant to Section 120.57(1), Florida Statutes. Failure to timely file a petition shall constitute a waiver of the right of the Applicant to such an appeal.

(3) For purposes of 67-21.035(2) above, the written notification, petition, or request for review is deemed timely filed when it is received by the FHFC prior to 5:00 PM Tallahassee, Florida time of the last day of the designated time period at the following address: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, Attention: Corporation Clerk. For the purpose of this subsection, "received" means delivery by hand, U.S. Postal Service, or other courier service; ~~or by facsimile~~. Petitions or requests for review that are not timely filed shall constitute a waiver of the right of the Applicant to such a review.

67-21.004 Federal Set-Aside Requirements.

Each Application shall designate one of the following minimum federal Set-Aside requirements that the Development shall meet commencing with the first day on which at least 10 percent of the units in the property are occupied:

(2) Forty percent of the residential units in the Development shall be occupied by or reserved for occupancy by one or more persons or a family whose Annual Household Income does not exceed 60 percent of the area median income limits adjusted for family size, (the 40/60 Set-Aside); or

(3) For refundings of Tax-exempt Bonds originally issued under the Internal Revenue Code of 1954, as amended, 20 percent of the residential units in the Development shall be occupied by or reserved for occupancy by one or more persons or a family whose Annual Household Income does not exceed 80 percent of the area median income limits adjusted for family size, (the 20/80 Set-Aside).

67-21.0041 Public Policy Criteria Requirements

(1) All Applicants shall commit to provide at least the following percentages of each unit size in excess of one bedroom and studio units in the Development to be occupied or reserved for occupancy by Lower Income Tenants in proportion to the minimum Set-Aside requirement elected:

(c) In the case of Developments financed solely through the issuance of Taxable Bonds or refundings of Tax-Exempt Bonds originally issued under the Internal Revenue Code of 1954, as amended, (or for specific cases pursuant to the Code, Tax-exempt Bonds), 20 percent of such units at or below 80 percent of state or county median income limit, whichever is higher, with family size adjustment (or for Developments financed prior to the Code, as amended, without family size adjustment). The foregoing shall not apply to Developments which are also financed with tax-exempt debt in which at least 50 percent of the Bonds issued are tax-exempt in nature.

(2) In addition to satisfying 67-21.0041(1) above, a Development Application shall reflect the Applicant's commitment to satisfy a minimum of two of the Public Policy Criteria listed in (a)-(i)~~(e)~~ below. The maximum number of Public Policy Criteria is five.

(c) For Developments other than Elderly Developments, provision of two or more of the following tenant programs identified in the Application: First Time Homebuyer Seminars, Literacy Training or Job Training.

(e) For Elderly Developments, provision of one or more of the following tenant programs identified in the Application:

1. Daily Activities,
2. Assistance with Light Housekeeping, Shopping and/or Laundry.
- ~~3. Shopping and/or Laundry.~~

(i) For refundings only, the commitment to set aside an additional 10 percent of units for Lower Income Tenants beyond the requirements of Rule 67-21.0041(1), F.A.C.

(3) All Public Policy Criteria and factors selected by the Applicant shall be verified beginning with Credit Underwriting and continuing through the Qualified Project Period. Any proposed changes to the Public Policy Criteria selected by the Applicant and identified in its Development Application may be only changed to other Public Policy Criteria set forth in Rule 67-21.0041 and must be submitted to Florida Housing for prior approval. Florida Housing may grant such approval only if it would not alter the Application ranking.

(4) Initial consideration shall be given based on any or all of the criteria set forth below as shall be established by the Board and included in the Application and in such order of priority as set forth in the Application. Such criteria shall be incorporated in the Application as Appendix C.

(a) Developments with no other Florida Housing subsidy except (Developments utilizing (i) Florida Housing's Guarantee Fund, (ii) HUD Risk-Sharing, (iii) the Predevelopment Loan Fund or (iv) SAIL to the extent specified in the Ranking Criteria ~~shall not be considered as having a Florida Housing subsidy~~);

(m) Public Policy Criteria ~~s~~Selected by the Applicant.

67-21.0045 Determination of Method of Bond Sale.

(5) For those transactions that Florida Housing's Financial Advisor recommends as candidates for a competitive sale, Florida Housing shall engage a structuring agent. The Applicant may, at its sole expense, engage a Financial Advisor for the transaction. Any cost to the Applicant for the Financial Advisor in excess of \$18,000 must be paid out of Developer Fee, in accordance with 67-21.002(24)(25).

67-21.006 Development Requirements.

A Development shall at a minimum meet the following requirements or an Applicant shall be able to certify that the following requirements shall be met with respect to a Development:

(5) All of the dwelling units shall be rented or shall be available for rent on a continuous basis to members of the general public, and the Applicant shall not give preference to any particular class or group in renting the dwelling units in the

Development, except to the extent that dwelling units are required to be occupied in compliance with the Code or are being held for Elderly Persons or ~~and~~ Farmworkers.

(15) The Applicant and Developer of a proposed Rehabilitation Development shall make every effort to rehabilitate existing housing (i) without displacing existing tenants or (ii) by temporarily moving existing tenants to unaffected units within the Development until the renovation of affected units is ~~are~~ completed.

67-21.007 Fees.

Florida Housing shall collect the following fees and charges in conjunction with the Program:

(13) Failure to pay any fee on or before ten days after the due date shall cause no further processing of ~~towards~~ the Loan ~~commitment~~.

67-21.008 Terms and Conditions of Loans.

(1) Each Mortgage Loan for a Development made by Florida Housing shall:

(b) Provide for a fully amortized payment of the Mortgage Loan in full beginning on the earlier of 24 months after closing or stabilized occupancy and ending no later than the expiration of the useful life of the property, and in any event, not later than 45 years from the date of the Mortgage Loan;

(5) Florida Housing shall charge such Program administration fees as are required to pay the cost of administering the Program during the life of the Bonds and Loan.

(12) The Applicant shall, prior to the requested date for funding, supply in draft form to Florida Housing the following documents with respect to the Development being financed, together with any other documents required by the Loan Agreement:

(h) A copy of the deed or form of deed conveying the land for the Development to the Applicant, or a copy of the lease creating a long-term leasehold estate in favor of the Applicant acceptable to the Credit Underwriter.

(14) Florida Housing ~~may require that all Loans be guaranteed or collateralized but~~ shall require all Loans to be secured to the extent necessary to protect Florida Housing and Bond holders.

~~(17) The Total Development Cost (excluding land cost and the amount of any applicable impact fees) for each Development selected for financing in the Program shall not exceed \$70,000 per unit.~~

67-21.010 Issuance of Revenue Bonds.

Florida Housing shall fund Mortgage Loans with the proceeds from the sale of Revenue Bonds. The issuance and sale of the Bonds shall be governed by resolutions adopted by Florida Housing and by applicable law and rule. If Bonds cannot be sold or cannot be sold in an amount or at an interest rate or under conditions which satisfy the Final Credit Underwriting

~~Report, as the same may be amended, are in the best interest of Florida Housing.~~ Florida Housing shall terminate its Loan Commitment and such other agreements as were executed in conjunction with the proposed Loan.

67-21.013 Private Placements of Multifamily Mortgage Revenue Bonds.

Any issuance of Revenue Bonds by means of a negotiated Private Placement shall be sold only to a Qualified Institutional Buyer. Such Private Placements may only be utilized for financings where the Applicant has demonstrated that the utilization of a Private Placement produces a substantial benefit to the Development not otherwise available from credit enhancement structures used to finance single room occupancy Developments wholly owned by a not for profit corporation, assisted living facilities, Farmworker Developments and Urban In-Fill Developments. Florida Housing shall designate the placement agent with respect to such Bonds, who shall be on Florida Housing's approved bond underwriters list. A Qualified Institutional Buyer who is an underwriter may contract to immediately resell such Bonds to other Qualified Institutional Buyers, which transaction shall continue to constitute a Private Placement. The amount of any placement agent fee and any amounts paid by any third party to an initial Qualified Institutional Buyer which is an underwriter shall be subject to the approval of Florida Housing or its designee. Unless such Bonds are rated in one of the three highest rating categories by a nationally recognized rating service, such Bonds shall not be held in a full book-entry system (but may be DTC-Eligible) and shall comply with at least one of the following criteria:

(1) The Bonds shall be issued in minimum denominations of \$100,000 and each purchaser of such Bond, including subsequent purchasers unless the requirements of (2) or (3) below are met, shall certify to Florida Housing prior to any purchase or transfer of any Bond that such purchaser is a Qualified Institutional Buyer; or

(2) The Bonds shall be issued in minimum denominations of \$250,000 and an investment letter satisfactory to Florida Housing and its counsel shall be obtained from each initial purchaser of the Bonds (including any purchaser purchasing such Bonds in an immediate resale from an underwriter), but shall not be required of subsequent purchasers of the Bonds, to the effect that, among other things, such purchaser is a Qualified Institutional Buyer, is purchasing such Bonds for its own account and not for immediate resale to other than another Qualified Institutional Buyer, and has made an independent investment decision as a sophisticated or institutional investor; or

(3) The Bonds shall be issued in minimum denominations of \$250,000 and an investment letter satisfactory to Florida Housing and its counsel shall be obtained from each initial purchaser of the Bonds and from each subsequent transferee of the Bonds prior to any transfer thereof, to the effect that such purchaser is a Qualified Institutional Buyer.

67-21.014 Credit Underwriting Procedures.

(1) After the cycle closing date, Florida Housing shall assign and forward all Applications to the Credit Underwriter for the Completeness and Threshold Check.

(a) A statement by Florida Housing's Credit Underwriter as to compliance with the Completeness and Threshold Checklist set forth in the Application after applicable cure periods shall be required for a Development to be invited to ~~Final Credit Underwriting except as provided in 67-21.003(10).~~

(2) The Credit Underwriter shall in final Credit Underwriting analyze and verify all information in the Application package in order to make a recommendation to the Board on the feasibility of the Development, without taking into account the willingness of a credit enhancer to provide Credit Enhancement.

(g) If the Credit Underwriter requires additional clarifying materials in the course of the underwriting process to complete the Credit Underwriting Report, the Credit Underwriter shall notify Florida Housing and request the information from the Applicant. Such requested information shall be submitted within ~~ten five~~ business days of receipt of the request therefor. Failure for any reason to submit required information on or before within ten days of the specified deadline shall result in the Application being moved to the bottom of the ranked list.

(h) If audited financial statements are unavailable from the Applicant or from those members of the development team that are guaranteeing completion, the Applicant shall submit unaudited financial statements and ~~or~~ federal tax returns for the past three years to the Credit Underwriter.

(j) A full or self-contained appraisal as defined by the Uniform Standards of Professional Appraisal Practice and a separate market study shall be ordered by the Credit Underwriter from an appraiser qualified for the geographic area and product type not later than when an Application enters ~~Final~~ Credit Underwriting. The Credit Underwriter shall review the appraisals to properly evaluate the loan request in relation to the property value.

67-21.015 Use of Bonds with Other Affordable Housing Finance Programs.

(1) Subject to any ranking criteria which may be imposed pursuant to Rule 67-21.004~~1~~(4)(a), F.A.C., Applicants may use Tax-exempt or Taxable Bond financing in conjunction with other affordable housing finance programs administered by Florida Housing, including, by way of example, and not of limitation, the Housing Credit, the State Apartment Incentive Loan, the Florida Affordable Housing Guarantee, HOME Investment Partnerships Rental Loan, Predevelopment Loan Program and HUD Risk Sharing Programs.

67-21.016 Compliance Procedures.

(6) The Applicant shall submit Program Reports pursuant to the following: The initial Program Report shall be submitted prior to the time of Loan closing, if the Development is occupied, or by the 25th of the month following rental of the initial unit in the Development. Subsequent Program Reports shall be submitted each month and are due no later than the 25th of each month thereafter. The Program Reports shall be accompanied by the certificate of continuing program compliance and copies of all Tenant Income Certifications executed since the last Program Report and shall ~~(to be sent to Florida Housing and the monitoring agent).~~

67-21.018 Refundings and Troubled Development Review.

(4) In connection with all refundings, the following shall apply:

(c) A Credit Underwriting and an existing property valuation report shall be required, ~~(which may incorporate any Credit Underwriting undertaken within the past twelve months in connection with a transfer of ownership of the same Development);~~

67-21.019 Issuance of Bonds for 501(c)(3) Entities Corporations.

(1) Florida Housing shall entertain requests for it to serve as the issuer of Tax-exempt Bonds for the acquisition or construction of multifamily housing to be owned by a not-for-profit entity corporation ~~entity corporation~~ organized under Section 501(c)(3) of the Code.

(2) In connection with all Bonds issued pursuant to 67-21.019, F.A.C., Applicants shall be required to comply with the provisions of Rule 67-21.003, 67-21.004~~1~~ and Rule 67-21.0045 through 67-21.018, F.A.C., as if the 501(c)(3) Bonds are being issued as Tax-exempt Bonds under Section 141 of the Code, except that:

(a) With respect to Rule 67-21.004~~1~~, F.A.C., paragraph (4) does not apply;

(b) With respect to Rule 67-21.003~~7~~(4), F.A.C., and Rule 67-21.014, F.A.C., no CTC or CTC fee shall be required; and

(c) Only one Public Policy Criteria shall be satisfied in addition to the minimum federal Set-Aside.

(3) In addition, Applicant shall submit the following:

(c) An opinion from Applicant's counsel ~~(at Applicant's sole expense)~~ evidencing the Applicant's qualifications as a 501(c)(3) entity and Applicant's authority to incur bond debt for multifamily housing; and

(d) If ~~a~~ the Development to be acquired is intended to be exempt from ad valorem taxes, evidence that it has notified ~~on forms provided by Florida Housing,~~ all local ad valorem applicable taxing authorities of the acquisition of the proposed Development by a 501(c)(3) entity Corporation.

**FLORIDA HOUSING FINANCE CORPORATION**

RULE NOS.:	RULE TITLES:
67-48.002	Definitions
67-48.003	Notice of Funding or Credit Availability
67-48.004	Application and Selection Procedures for Developments
67-48.005	Applicant Administrative Appeal Procedures
67-48.008	No Discrimination
67-48.009	SAIL General Program Procedures and Restrictions
67-48.0095	Additional SAIL Application Ranking and Selection Procedures
67-48.012	SAIL Credit Underwriting and Loan Procedures
67-48.021	HOME Credit Underwriting and Loan Procedures
67-48.025	Qualified Allocation Plan
67-48.026	Housing Credit Underwriting Procedures
67-48.028	Carryover Allocation Provisions

**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. 26, No. 44, November 3, 2000, issue of the Florida Administrative Weekly.

67-48.002 Definitions.

(11) "Application Package" or "Form CAP01" means the computer disks, forms, tabs and instructions thereto, obtained from the Corporation at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, which shall be completed and submitted to the Corporation in accordance with this Rule Chapter in order to apply for the SAIL, HOME, and/or HC Program(s). The Application Package is adopted and incorporated herein by reference, effective on the date of the latest amendment to this Rule Chapter.

Application Instructions.

Third indented paragraph, page 1, has been changed to read as follows:

Pursuant to Rule 67-48.004(11), F.A.C., if it is necessary to supplement or revise the Application, such documentation must be bound with the original labeled "Original" and accompanied by three photocopies of the original. Pages of the Application that are not revised or otherwise changed may not be resubmitted. A computer disk containing all revised completed forms must also be provided. Each page of such additional documentation and revisions shall be marked as "revised."

"NOTE:.", page 3, has been changed to read as follows:

NOTE: Applications will NOT be accepted prior to February 6, 2001 January 30, 2001. Applications must be received by the Corporation and clocked in by 5:00 p.m., Tallahassee time, February 26, 2001 February 20, 2001. No fax or other electronic transmissions will be received at the Corporation's offices. Applications received after the deadline will be clocked-in and returned to the Applicant.

"IMPORTANT" note added to page 3, as follows:

IMPORTANT: PERIODICALLY THROUGHOUT THE APPLICATION, SCORING AND APPEALS PROCESS, ALL APPLICANTS SHOULD CHECK FLORIDA HOUSING'S WEB SITE FOR UPDATED INFORMATION CONCERNING THE 2001 COMBINED RENTAL CYCLE. THE WEB SITE ADDRESS IS www.floridahousing.org, choose "Multifamily Programs", choose "Combined Cycle", and choose "2001".

Threshold and Fee Requirements.

Section I, HC Item 2., page 3, Small County limits, has been changed to read as follows:

2. Housing Credit Allocations are limited by geographic distribution. No Applicant may request nor be given an allocation in excess of the following limits unless the Development is in a DDA or a QCT:

Small County: ~~\$750,000.00~~ \$585,000

Those Applicants whose Developments are located in a DDA or a QCT must conform to the following Housing Credit Allocation limits:

Small County: ~~\$975,000.00~~ \$760,500

Section I, Item I.2., page 4, has been changed to read as follows:

2.a. Each ~~HC and HOME~~ Applicant must understand, acknowledge and agree that by applying under this category, it will comply with the Federal Fair Housing Act requirements and rent at least 80% of the units to residents that qualify as elderly pursuant to that Act;

b. ~~SAIL Applications must have a minimum of 40% of the Development's residential units set aside for those at age 62 or older Elderly Households see 67-48.002(34), FAC], regardless of the income commitments indicated on Form 11. NOTE: Applicant further understands, acknowledges and agrees that by applying under this category, it will also comply with the Federal Fair Housing Act requirements and rent at least 80% of the units to residents that qualify as elderly pursuant to that Act;~~

Section I, Item J, has been changed to read as follows:

J. ~~In order for a proposed Development to be classified as a Universal Access Facility (UAF) for purposes of this Application, the Development must comply with ALL items listed in this section. The Development must provide the following features in the specified percentages of all residential units in New Construction (NC) and Substantial Rehabilitation (SR) Developments. NOTE: Features required in less than 100% of the units must be provided in the SAME units so that~~

~~the designated number/percentage of units is fully useable by handicapped households, and such units must be located on the ground floor or have elevator access.~~

Feature	NC	SR
<del>At least One Bathroom with:</del>	25%	20%
<del>30" x 48" approach in front of fixtures</del>		
<del>30" x 60" curbless shower or tub with adequate</del>		
	clearance for transfer to or from a wheelchair	
<del>Offset controls in shower</del>		
<del>Mixer valve with pressure balancing and hot water limiter</del>		
<del>Knee space under lavatory</del>		
<del>Integral transfer seat in shower</del>		
<del>Full extension pull-out drawers with loop handler</del>		
<del>Kitchens with:</del>	25%	20%
<del>Front mounted controls on appliances</del>		
<del>Cook top staggered burners to eliminate dangerous reaching</del>		
<del>Knee space under sink</del>		
<del>Microwave at roll under workstation</del>		
<del>Dishwasher located directly next to sink</del>		
<del>Thermostat placed at 48" maximum height</del>	100%	20%
<del>Tight napped Berber type carpet</del>	100%	100%
<del>36" entrances on all exterior doors</del>	100%	100%
<del>All wall electrical outlets placed at 18" to 24"</del>	100%	20%
<del>Scald control valves on shower faucet</del>	100%	100%
<del>Fire retardant window treatments</del>	100%	100%
<del>Peephole at 4' 10" on all exterior doors</del>	100%	100%
<del>Toggle type switches for all lights, fans, etc.</del>	100%	100%
<del>Adjustable shelving in master bedroom closets</del>	100%	100%
<del>Lever action handles on all doors in units and public areas</del>	100%	100%
<del>Horizontal grab bars around shower per ANSI requirements</del>	100%	20%
<del>Horizontal grab bars around toilet per ANSI requirements</del>	25%	20%
<del>Grab bars or wooden hand/chair rails which protrude with a 3" 4" shelf like top installed 33" 36" above the floor in hallways in specified percentage of units.</del>	25%	20%
Site Amenities must include:		
<del>Wheelchair accessible playground</del>		
<del>Wheelchair accessible sport courts</del>		
<del>Wheelchair accessible picnic table and BBQ</del>		
<del>Wheelchair accessible exercise room</del>		
<del>25% of the parking spaces which are van accessible</del>		

Section I, Item K, has been changed to read as follows:

~~J.K.~~ The SAIL Minimum Set-Aside Requirement shall be (pursuant to Rule 67-48.002(98), F.A.C.):

Form 1, Applicant and Development Data.

Section I, Applicant Information.

Item C, Developer Entity, page 3, has been changed to read as follows:

The Developer entity ~~must~~ (including Principals with experience as listed in Form 3) must be consistent with Form 3 AND MAY NOT BE CHANGED UNTIL AFTER FINAL CERTIFICATE(S) OF OCCUPANCY HAS BEEN ISSUED FOR THE PROPOSED DEVELOPMENT.

Item J.1., page 4, first sentence has been changed to read as follows:

J.1. Attach the determination letter from the IRS and the legal opinion letter as evidence of Non-Profit status [see Rule 67-48.002(77), F.A.C.]

Section II, Development Information

Item B, page 6, has been changed to include the following:

If Scattered Sites, attach an additional page with the Address of each site, and include behind tab labeled as "Form 1, Exhibit \_\_\_\_". NOTE: Applicants may not submit more than one Application for the same site in this funding cycle. Two or more Applications with the same Financial Beneficiary for Developments located within a five mile radius of one another will be considered to be submissions for the same subject property for purposes of the foregoing. See Rule Section 67-48.004(15).

Item E, page 8, has been changed to include the following:

Will the Proposed Development constitute a Single Room Occupancy (SRO), as defined in Chapter 67-48, F.A.C.?  
Yes      No     

Form 2, Portfolio Diversification and Geographic Distribution.

Section II, Portfolio Diversification, page 2, has been changed to read as follows:

A. Targeted Tenant Population: Indicate the targeted group and the percentage of the residential units that will be targeted for that population for this Development. Check all that apply:

Targeted Group	Percentage of Residential Units Targeted*		
	<u>SAIL</u>	<u>HOME</u>	<u>HC</u>
<input type="checkbox"/> General Family	___%	___%	___%
<input type="checkbox"/> Large Family (3 or more bedrooms per unit)	___%	___%	___%
<input type="checkbox"/> Elderly	___%	___%	___%
<input type="checkbox"/> Farmworker	___%	___%	___%
<input type="checkbox"/> Commercial Fishing Worker	___%	___%	___%
<input type="checkbox"/> Assisted Living	___%	___%	___%

<input type="checkbox"/> Homeless	___%	___%	___%
<input type="checkbox"/> Disabled	___%	___%	___%
TOTAL	100%	<u>100%</u>	<u>100%</u>

Form 3, Experience of Development Team.

Second paragraph, page 1, third sentence has been changed to read:

See Rule 67-48.004(20)(9), F.A.C.

Section A. Title, page 1, has been changed to read as follows:

Experience of Developer or Principal.

First paragraph, first sentence, page 1, has been changed to read as follows:

The Developer or Principal must complete the certification form provided on Page 4 of 14 and attach the executed certification behind tab labeled "Form 3, Exhibit \_\_\_\_".

Certification of Member of Development Team – Developer, page 4, has been changed to include the following:

Certification of Member of Development Team – Developer or Principal

Name of Principal, if applicable: \_\_\_\_\_

First sentence of certification paragraph has been changed to read as follows:

As the Developer or a Principal of the Developer of the referenced Development, I hereby certify that I have the requisite skills, experience and credit worthiness to successfully produce the units proposed by this Application.

Developer and witness signature lines have been changed to include the following:

Developer's <u>or Principal's</u> Signature	Witness to Developer's <u>or Principal's</u> Signature

Form 4, Development Funding & Economic Viability.

Section I. Financing Or Other Sources Of Funding

Firm Commitment, first sentence of the fourth bullet paragraph, page 4, has been changed to read as follows:

- If the commitment is not from a regulated financial institution<sup>1</sup> in the business of making loans or a governmental entity, evidence of ability to fund must be provided. Evidence of ability to fund includes: (1) a copy of the lender's most current audited financial statements no more than 15 months old; OR (2) signed copies of the two most recent unaudited financial statements if the current statement is no more than six months old; OR (3) a signed copy of the most recent unaudited fiscal year end financial statement accompanied by a signed interim financial statement no more than three months old; OR (4) if the loan has already been funded, a copy of the note and recorded mortgage.

Syndication/HC Equity, third sentence in the first bullet paragraph, page 4, is changed to read as follows:

In order for a syndication/equity commitment to be scored firm, it must expressly state the syndication rate (amount of equity being provided divided by the anticipated amount of credits the syndicator expects to receive), capital contribution pay-in schedule (stating the amounts to be paid prior to or simultaneous with the closing of construction financing and stating the amounts to be paid prior to completion of construction, the percentage of the anticipated amount of credit allocation being purchased, the total amount of equity being provided, and the anticipated Housing Credit Allocation.

Development Cost Pro Forma paragraph, page 5, has been changed to read as follows:

This section must include all anticipated costs of the Development construction, rehabilitation, or acquisition. Any amounts which are not an anticipated cost to the Development, such as waived fees or charges, should NOT be included in the Development Cost Pro Forma. NOTE: deferred Developer fees are NOT considered "waived fees". ~~Exact amounts must be shown for Developer fee, FHFC Application fee, administrative fee, and FHFC credit underwriting fee.~~

Developer Fees, the note following this paragraph, page 6, has been changed to read as follows:

NOTE: The maximum allowable Developer fee will be tested ~~must be calculated~~ by multiplying the Development Cost (Line B, Page 11) by the applicable percentage (16%, ~~18%~~ or 4%). This calculation will be carried to 2 6 decimal places and may NOT be rounded.

Section II. Development Cost Pro Forma

The NOTES paragraph, page 9, has been changed by the addition of a new item (7), as follows:

(7) Hard and soft cost contingency amounts cannot exceed the limits stated in Rule 67-48.

Form 5, Local Government Contributions.

Section I. Contributions

Second sentence of the opening paragraph, page 1, has been changed to read as follows:

For purposes of this form, examples that DO NOT qualify as contributions include, but are not limited to, the following: (1) reduction of local parking space requirements except for: (a) new construction or rehabilitation Developments which are Elderly Developments or Developments located in areas targeted for in-fill housing or neighborhood revitalization by the local or state government, and (b) the local government verifies that the existing code would require the additional parking, and (c) the local government verifies that the parking requirements were waived specifically for the subject Development, (2) density bonus, (3) rezoning, (4) zoning variances, ~~and~~ (5) Local Government recommendations, and (6) contributions given in exchange for consideration or promise of consideration.

Last sentence of the opening paragraph, page 1, has been changed to read as follows:

State, Federal, or local government funds initially obtained by or derived from a local government qualify as a local governmental contribution even though the funds are directly administered by an intermediary such as a housing finance authority, a public housing authority, a community reinvestment corporation, or a State-certified Community Housing Development Organization, provided that they otherwise meet the requirements of this Form, including those relating to the executed verification form and the letter of award or commitment.

Second "NOTE", page 5, first sentence has been changed to read as follows:

NOTE: Funds administered by the local government or public housing authority, including federal funds and SHIP funds, may be included in the contribution as long as the appropriate verification form and all required supporting documentation are included.

Local Government Verification Of Contribution – Grant form, page 7, has been changed to include the following:

The \_\_\_\_\_ does not expect to be repaid or reimbursed by the (City or County)

Applicant, or any other entity, provided the funds are expended solely for the Development referenced above. No consideration or promise of consideration has been given with respect to the grant. For purposes of the foregoing, the promise of providing affordable housing does not constitute consideration. This grant is provided specifically with respect to the proposed Development. The source of the grant is: \_\_\_\_\_.

(e.g., SHIP, HOME, CDBG)

Local Government Verification Of Contribution – Fee Waiver form, page 8, has been changed to include the following:

No consideration or promise of consideration has been given with respect to the fee waiver. For purposes of the foregoing, the promise of providing affordable housing does not constitute consideration. This fee waiver is provided specifically with respect to the proposed Development.

Local Government Verification Of Contribution – Loan form, page 9, has been changed to include the following:

No consideration or promise of consideration has been given with respect to the loan. For purposes of the foregoing, the promise of providing affordable housing does not constitute consideration. This loan is provided specifically with respect to the proposed Development.

Local Government Verification Of Contribution – Tax-Exempt Bond Financing form, page 10, has been changed to include the following:

No consideration or promise of consideration has been given with respect to the tax-exempt bond financing. For purposes of the foregoing, the promise of providing affordable

housing does not constitute consideration. This tax-exempt bond financing is provided specifically with respect to the proposed Development.

Local Government Verification Of Contribution – Other Contributions form, page 11, has been changed to include the following:

No consideration or promise of consideration has been given with respect to the contribution. For purposes of the foregoing, the promise of providing affordable housing does not constitute consideration. This contribution is provided specifically with respect to the proposed Development.

Local Government Verification Of Contribution – Exemption From Ad Valorem Tax form, page 13, has been changed to include the following:

No consideration or promise of consideration has been given with respect to the exemption from ad valorem tax. For purposes of the foregoing, the promise of providing affordable housing does not constitute consideration. This exemption from ad valorem tax is provided specifically with respect to the proposed Development.

Form 7, Development Feasibility and Ability to Proceed

Section I. Quality of Design, Item B, page 2 Introductory paragraph for Elderly features has been changed to read as follows:

Elderly. Must have at least 80% of the units set aside for the Elderly in order to receive points under this section as reflected on Form 2, Item II. ~~All common areas must be wheelchair accessible.~~ Two (2) points will be awarded for each item marked below up to a maximum of 16 points.

The list of design features has been changed to include the following:

- \_\_\_ Basic Furnishings in Each Unit (must have a bed, chest of drawers, table and two chairs)
- \_\_\_ Microwave Oven in Each Unit

Introductory paragraph for Non-Elderly features, Page 2, has been changed to read as follows:

Non-Elderly. The list below must be used for all demographic categories other than Elderly, e.g. family, homeless, disabled, ~~Assisted Living~~, Farmworker or Commercial Fishing Worker. NOTE: Applications which set-aside 80% or more of units for the Elderly as reflected on Form 2, Item II are NOT eligible to receive points in this sub-section. ~~All common areas must be wheelchair accessible.~~ Two (2) points will be awarded for each item marked below up to a maximum of 16 points.

The list of Non-Elderly features on Page 3 has been changed as follows:

- \_\_\_ Child care or Adult day care facility available within three miles of the property
- \_\_\_ ~~Library/study room~~

- \_\_\_ Two or more parking spaces per total number of units (Note: 25% of the parking spaces must be van accessible if Applicant commits to Universal Access Facility (UAF) on Forms 11, 16 and/or 21)
- \_\_\_ ~~24 Hour Emergency Call Service in Set-Aside Units with “Panic Button” in all bathrooms, all bedrooms and kitchens~~
- \_\_\_ ~~Exercise Room with Appropriate Equipment~~
- \_\_\_ ~~Centrally Located Offices for Service Coordinators or Providers~~
- \_\_\_ ~~Food Preparation Facilities (conventional oven and range, refrigerator and sink) and Sanitary Facilities in Each Unit~~
- \_\_\_ ~~Car Care Area~~
- \_\_\_ ~~Bicycle Rack~~

Section I. Quality of Design, Item C, Energy Conservation Features, page 3, has been changed as follows:

C. Energy Conservation Features. Select items from the list below. Points will be awarded as indicated on each item to a maximum of ~~22~~ 30 points:

Section II. Site Control, option for Qualified Long-Term Lease, page 4, has been changed to read as follows:

Qualified Long-Term Lease AND Leasehold Policy of Title Insurance Showing

Marketable Title in the name of the lessor and proposed lessee of the subject property: If site control is demonstrated by a long-term lease, a copy of the executed lease must be provided. The lease must have an unexpired term of 50 years from the date of this Application and the Lessee MUST be the Applicant. The lease may be contingent only upon the receipt of SAIL or HOME and/or HC.

Section IV. Site Plan/Plat Approval, Item A.2., page 7, first sentence, has been changed to read as follows:

Applicant must provide a preliminary plat of the Development, certified by a licensed architect, surveyor or engineer, or a final recorded plat, along with an executed copy of the “Local Government Verification of Status of Plat Approval” form (found at Form 7, P. 15 of 22) directly behind tab labeled “Form 7, Exhibit \_\_\_”.

Scoring Matrix, page 11, has been changed as follows:

Scoring Matrix:

	Maximum Score
Quality of Design	<del>53</del> 61 points
Site Control – Threshold	0 points
Zoning – Threshold	0 points
Site Plan / Plat Approval	20 points
Environmental Safety	20 points
Use of Infrastructure	20 points

Maximum points for Form 7 are ~~113~~ 421



Local Government Verification of Status of Site Plan Approval (for Multifamily Developments) form, page 14, "Legally Authorized Body" language has been changed to read as follows:

\*"Legally Authorized Body" is NOT an individual. Applicant must state the name of the City Council, County Commission, Board, Department, Division, etc., with authority over such matters.

Local Government Verification of Status of Plat Approval (for Single-Family Developments) form, page 15, "Legally Authorized Body" language has been changed to read as follows:

\*"Legally Authorized Body" is NOT an individual. Applicant must state the name of the City Council, County Commission, Board, Department, Division, etc., with authority over such matters.

Verification of Environmental Safety Phase II Environmental Assessment form, page 18, has been changed to move the certification from the middle of the page to the bottom of the page.

Verification of Availability of Infrastructure – Electricity form, page 19, Item 2, has been changed to read as follows:

2. There are no impediments to the proposed Development for obtaining electric service other than payment of hook-up or installation fees, line extensions to be paid for by the Applicant in connection with the construction of the Development, or other such routine administrative procedure.

Verification of Availability of Infrastructure – Water form, page 20, Item 2, has been changed to read as follows:

2. There are no impediments to the proposed Development for obtaining potable water service other than payment of hook-up or installation fees, line extensions to be paid for by the Applicant in connection with the construction of the Development, or other such routine administrative procedure.

Verification of Availability of Infrastructure – Sewer Capacity, Package Treatment, or Septic Tank form, page 21, Item 2, has been changed to read as follows:

2. There are no impediments to the proposed Development for obtaining the specified waste treatment service other than payment of hook-up or installation fees, line extensions to be paid for by the Applicant in connection with the construction of the Development, or other such routine administrative procedure.

Verification of Availability of Infrastructure – Roads form, page 22, Item 2, has been changed to read as follows:

2. There are no impediments to the proposed Development using the roads other than payment of impact fees or providing curb cuts, turn lanes, or signalization.

Form 8, Resident Programs

Section B, introductory paragraph, page 2, has been changed to read as follows:

B. Qualified Resident Programs for Elderly, ~~or SRO, ALF or UAF~~ Developments. In order to receive points under this section, Applicant must have at least 80% of the residential units set aside for the Elderly as reflected on Form 2, Item II; OR must have selected "SRO", ~~"ALF" OR "UAF"~~ on Form 1, Section II.E as reflected on ~~Forms 11, 16 and/or 21~~ Forms 11, 16 and/or 21-2, Item II. (Maximum Points = 20) NOTE: All SAIL Applicants shall be required to choose the "Welfare to Work or Self-Sufficiency Programs" activity set forth below. This is a required activity for SAIL; HOME and HC Applicants MAY NOT choose this activity under this Section B.

Section C, introductory paragraph, page 4, has been changed to read as follows:

C. Qualified Programs for Non-Elderly Developments. (Maximum Points = 20) NOTE: Applications which set aside 80% or more of the residential units for the Elderly, as reflected on Form 2, Item II, or which selected "SRO" on Form 1, Section II.E, ~~"ALF" or "UAF"~~ as reflected on ~~Forms 11, 16 and/or 21-2, Item II~~ are NOT eligible to receive points for Part C. Mark the appropriate box for all programs to which the Applicant wishes to commit. NOTE: All SAIL Applicants shall be required to choose the "Welfare to Work or Self-Sufficiency Programs" activity set forth below.

Form 10, Leveraging

Section I, SAIL/HOME Applicants – Requirements for Leveraging on Amount of Loan, Scoring Matrix for SAIL Applicants who are eligible for a loan in excess of 25% per Rule 67-48.009, page 3, has been changed to read as follows:

Scoring Matrix for SAIL Applicants who are eligible for a loan in excess of 25% per Rule 67-48.009:	
25.01% to 45.99%	<del>40</del> 40 Points
46.00% to 54.99%	<del>30</del> 7 Points
55.00% to 65.99%	<del>15</del> 5 Points
66.00% to 100.0%	0 Points

Section II, Leveraging by Corporation Funding per Set-Aside Unit, Item A., page 4, has been changed to read as follows:

3. Form 23 HC Request Amount multiplied by 7.5 \$\_\_\_\_\_

(NOTE: Complete this item only if the Development has or is anticipating an allocation of 9% housing credits. For Developments that have received an allocation of 9% credits, enter the product of multiplying the sum of the allocated

amount of credits plus, if applicable, the binding commitment amount of credits, by 7.5. If Development is in a DDA/QCT, multiply such amount by .7692.

6. EQUALS Total Corporation Funding Per Set-Aside Unit: \$ \_\_\_\_\_

THIS FIGURE MAY NOT EXCEED \$65,000.00 PER SET-ASIDE UNIT THE COMPUTED ITEM 6 FIGURE WILL BE USED AS A FINAL TIEBREAKER IN THE EVENT TWO OR MORE HOME APPLICATIONS TIE OR IN THE EVENT TWO OR MORE SAIL APPLICATIONS TIE. THE APPLICATION WITH THE LOWER FIGURE WILL BE RANKED HIGHER. For example: SAIL Application A received a score of 600 points and it has been determined it will receive \$60,000 per set-aside unit in Corporation funding. SAIL Application B received a score of 600 points and it has been determined it will receive \$59,000 per set-aside unit in Corporation funding. SAIL Application B will be ranked higher than SAIL Application A. The computed Item 6 figure will also be used to establish the leveraging tiebreaker priority for HC as set forth in the QAP.

Form 11, Demographic and Set-Aside Commitment

Section III, Commitment to Serve Lower Area Median Income, Instructions, page 2, has been changed as follows:

~~Instructions: Applicants that have committed on Form 11 to construct and maintain an Assisted Living Facility (ALF) are not required to complete this Section. NO POINTS will awarded to ALFs for this Section.~~

Section IV, Summary of Total Set-Aside Commitment, page 4, has been changed to read as follows:

IV. Summary of Total Set-Aside Commitment –

~~ALF Applicants (as reflected at Section VII.F. of this form) = Maximum 50 Points; Non-ALF Applicants = Maximum 35 Points;~~

Item A. 1, opening paragraph, page 4, has been changed as follows:

~~A. Scoring for Section IV:~~

~~1. All Applicants, other than those that have committed to construct and maintain an Assisted Living Facility on Form 11, are eligible to receive points in the following manner:~~

~~Item A. 2., page 4, has been changed as follows:~~

~~2. All Applicants that have committed to construct and maintain an Assisted Living Facility on Form 11 will be awarded points in the following manner:~~

~~Five points will be awarded for each whole percentage point that an Applicant commits to provide over the minimum set-aside it has chosen in Section II of this Form, up to a maximum of 50 points.~~

~~Examples: An Applicant that has chosen the minimum set-aside of 20% of the units at 50% AMI in Section II and commits to do 30% of the units at 50% AMI in Section IV will receive 50 points. If the same Applicant commits to do 29.9% of the units at 50% AMI in Section IV, it will receive 45 points.~~

~~No points would be awarded for the .9%. If an Applicant has chosen the minimum set-aside of 40% of the units at 60% AMI in Section II, commits to do 45% of the units at 60% AMI in Section IV and plans to do the rest of the units at market, then it would be awarded 25 points.~~

~~Section VII, Demographic Commitment~~

~~Introductory paragraph to Section VII, page 7, has been changed to read as follows:~~

~~VII. Demographic Commitment – A maximum of 30 points is available for Item VII. APPLICANT MAY SELECT ONLY ONE FROM ITEMS A, B, C, or D, ~~E, F OR G~~. IF MORE THAN ONE FROM ITEMS A, B, C, or D, ~~E, F OR G~~ IS SELECTED, THE APPLICATION WILL AUTOMATICALLY BE REJECTED. SEE RULE 67-48.004(18)(j), F.A.C. APPLICANT MAY ALSO SELECT ITEM E H IN CONJUNCTION WITH EITHER A, B, C, or D, ~~E, F OR G~~.~~

~~Items E, F, G and H, page 9, have been changed as follows:~~

~~~~E. SRO FOR HOMELESS AND/OR DISABLED (20 Points):-~~~~

~~1. Development must have, at a minimum, one full kitchen for every 16 units, one set of sanitary facilities for every 16 units (with a ratio of at least one sink, one shower, and one toilet for every 4 units). At least 50% of the Residential Units must be set-aside for homeless (as defined in the Stewart B. McKinney Homeless Assistance Act) or disabled (as defined in the Social Security Act) residents; and;~~

~~2. Attach a detailed plan to attract and serve this targeted population. The detailed plan can be found behind tab labeled "Form 11, Exhibit \_\_\_\_". Failure to provide the required plan will result in zero points for this section.~~

~~OR~~

~~~~F. ASSISTED LIVING FACILITY (ALF) (20 Points):-~~~~

~~No less than 100% of the residential units must be set aside for Assisted Living Facility residents as defined in Section 67-48.002(14). The Development must be maintained as an Assisted Living Facility for the duration of the affordability period.~~

~~OR~~

~~~~G. UNIVERSAL ACCESS FACILITY (20 Points):-~~~~

~~1. The Applicant agrees to comply with the requirements set forth in Section I.J. (pages 5-7) of the Threshold and Fee Requirements.~~

~~2. Attach a detailed plan to attract and serve this targeted population. The detailed plan can be found behind tab labeled "Form 11, Exhibit \_\_\_\_". Failure to provide the required plan will result in zero points for this section.~~

~~~~E.H. GEOGRAPHIC DISTRIBUTION BY TARGETED AREAS (10 Points):~~~~

~~Scoring Summary and NOTE, page 10, have been changed to read as follows:~~

SCORING SUMMARY for PART VII:

- A. Elderly 20 Points
- B. Large Family 20 Points
- C. Farmworker/Commercial Fishing Worker 20 Points
- D. Urban In-Fill 20 Points
- ~~E. SRO 20 Points~~
- F. Assisted Living Facility 20 Points
- G. Universal Access Facility 20 Points
- ~~E.H. Geographic Distribution by Targeted Areas 10 Points~~

NOTE: APPLICANT MAY CHOOSE OPTION A, B, C, ~~OR D, E, F OR G.~~ IF MORE THAN ONE FROM ITEMS A, B, C, ~~OR D, E, F OR G~~ IS SELECTED, THE APPLICATION WILL AUTOMATICALLY BE REJECTED. SEE RULE 67-48.004(18)(j), F.A.C. OPTION E H MAY BE COMBINED WITH OPTION A, B, C, ~~OR D, E, F OR G.~~

Local Government Verification of Qualification as Urban In-Fill Development form, page 11, has been changed to include the following:

1. The proposed Development is located on a site or in an area that is targeted for in-fill housing or neighborhood revitalization by the local, county, ~~or state~~ or federal government as evidenced by its inclusion in a HUD Empowerment/Enterprise Zone; a HUD-designated qualified census tracts; Florida Enterprise Zone; areas that are designated under a Community Development Block Grant (CDBG); areas designated as HOPE VI or Front Porch Florida Community Communities, or a Community Redevelopment Area as described and defined in the Florida Community Redevelopment Act of 1969; and

2. the site is in an area that is already developed and is part of an incorporated area or existing urban service area.

Form 16, Special Targeting  
Section II, Targeted Resident Groups

Introductory paragraph to Section II, page 2, has been changed to read as follows:

Applicants who commit to provide Special Targeting, as indicated below, may earn a maximum of 20 points. The Applicant may select Section A, B, ~~OR C, D, E OR F.~~ IF MORE THAN ONE FROM ITEMS A, B, ~~OR C, D, E OR F~~ IS SELECTED, THE APPLICATION WILL AUTOMATICALLY BE REJECTED. SEE RULE 67-48.004(18)(i), F.A.C.

Items D, E and F, pages 3 and 4, have been changed as follows:

~~☐ D. SRO FOR HOMELESS AND/OR DISABLED (20 Points):-~~

~~1. Development must have, at a minimum, one full kitchen for every 16 units, one set of sanitary facilities for every 16 units (with a ratio of at least one sink, one shower, and one toilet for every 4 units). At least 50% of the Residential Units~~

~~must be set aside for homeless (as defined in the Stewart B. McKinney Homeless Assistance Act) or disabled (as defined in the Social Security Act) residents; and,~~

~~2. Attach a detailed plan to attract and serve this targeted population. The detailed plan can be found behind tab labeled "Form 16, Exhibit \_\_\_\_". Failure to provide the required plan will result in zero points for this section.~~

~~OR~~

~~☐ E. ASSISTED LIVING FACILITY (ALF) (20 Points): No less than 100% of the residential units must be set aside for Assisted Living Facility residents as defined in Section 67-48.002(14). The Development must be maintained as an Assisted Living Facility for the duration of the affordability period.~~

~~OR~~

~~☐ F. UNIVERSAL ACCESS FACILITY (20 Points): 1. The Applicant agrees to comply with the requirements set forth in Section I.J. (pages 5 — 7) of the Threshold and Fee Requirements.~~

~~2. Attach a detailed plan to attract and serve this targeted population. The detailed plan can be found behind tab labeled "Form 16, Exhibit \_\_\_\_". Failure to provide the required plan will result in zero points for this section.~~

Scoring Summary and NOTE, page 4, have been changed to read as follows:

SCORING SUMMARY for PART II:

- A. Farmworker/Commercial Fishing Worker 20 Points
- B. Large Family 20 Points
- C. Elderly 20 Points
- ~~D. SRO 20 Points~~
- E. Assisted Living Facility 20 Points
- F. Universal Access Facility 20 Points

NOTE: APPLICANT MAY CHOOSE OPTION A, B, ~~OR C, D, E, OR F.~~ IF MORE THAN ONE FROM ITEMS A, B, ~~OR C, D, E, OR F~~ IS SELECTED, THE APPLICATION WILL AUTOMATICALLY BE REJECTED. SEE RULE 67-48.004(18)(j), F.A.C. MAXIMUM POINTS FOR SECTION II OF FORM 16 = 20.

Form 19, Commitment to Provide Set-Aside Units Beyond the Minimum Set-Aside Selected

Section II, Commitment to Serve Lower Area Median Income, Instructions, page 1, has been changed as follows:

~~Instructions: Applicants that have committed on Form 21 to construct and maintain an Assisted Living Facility (ALF) are not required to complete this Section. NO POINTS will be awarded to ALFs for this Section.~~

Section III, Summary of Total Set-Aside Commitment, page 4, has been changed to read as follows:

III. Summary of Total Set-Aside Commitment –  
ALF Applicants (as reflected at Section II.G. of Form 21) = Maximum 50 Points; Non-ALF Applicants = Maximum 35 Points:

Item A. 1, opening paragraph, page 4, has been changed as follows:

A. Scoring information for this Section:

~~1. All Applicants, other than those that have committed to construct and maintain an Assisted Living Facility on Form 21, are eligible to receive points in the following manner:~~

Item A. 2., page 5, has been changed as follows:

~~2. All Applicants that have committed to construct and maintain an Assisted Living Facility on Form 21 will be awarded points in the following manner:~~

~~Five points will be awarded for each whole percentage point that an Applicant commits to provide over the minimum set aside it has chosen in Section I of this Form, up to a maximum of 50 points.~~

~~Examples: An Applicant that has chosen the minimum set aside of 20% of the units at 50% AMI in Section I and commits to do 30% of the units at 50% AMI in Section III will receive 50 points. If the same Applicant commits to do 29.9% of the units at 50% AMI in Section III, it will receive 45 points. No points would be awarded for the .9%. If an Applicant has chosen the minimum set aside of 40% of the units at 60% AMI in Section I, commits to do 45% of the units at 60% AMI in Section III and plans to do the rest of the units at market, then it would be awarded 25 points.~~

Item B, page 5, has been changed as follows:

B. Complete the following:

DO NOT INCLUDE MANAGER UNITS, REGARDLESS OF INCOME ELIGIBILITY, AS A PART OF THE TOTAL RESIDENTIAL UNITS, PER INTERNAL REVENUE RULING 92-61.

1. Enter the number of Total Residential Units in the Development: \_\_\_\_\_

~~2. Has the Applicant committed to construct and maintain an Assisted Living Facility on Form 21 (Section II.G.)?~~

Yes: \_\_\_\_\_ No: \_\_\_\_\_

~~2.3. Complete the following chart: Percentages may be taken out to two decimal points. Section III will be relied upon for scoring purposes and for the Applicant's commitment whenever there is an inconsistency between the Sections of this form.~~

Form 21, Special Targeting  
Section II, Special Targeting

Introductory paragraph to Section II, page 2, has been changed to read as follows:

II. Special Targeting. If the Applicant commits to provide special targeting for the proposed Development, choose ONE of the following (25 points). APPLICANT CAN ONLY CHOOSE EITHER OPTION A, B, C, D, or E, ~~F, G OR H~~. IF MORE THAN ONE FROM ITEMS A, B, C, D, or E, ~~F, G OR H~~ IS SELECTED, THE APPLICATION WILL AUTOMATICALLY BE REJECTED. SEE RULE 67-48.004(18)(i), F.A.C.

Items F, G and H and the NOTE, pages 7 and 8, have been changed as follows:

~~F. SRO FOR HOMELESS AND/OR DISABLED (25 Points):~~

~~1. Development must have, at a minimum, one full kitchen for every 16 units, one set of sanitary facilities for every 16 units (with a ratio of at least one sink, one shower, and one toilet for every 4 units). At least 50% of the Residential Units must be set aside for homeless (as defined in the Stewart B. McKinney Homeless Assistance Act) or disabled (as defined in the Social Security Act) residents; and,~~

~~2. Attach a detailed plan to attract and serve this targeted population. The detailed plan can be found behind tab labeled "Form 21, Exhibit \_\_\_\_\_". Failure to provide the required plan will result in zero points for this section.~~

~~OR~~

~~G. ASSISTED LIVING FACILITY (ALF) (25 Points): No less than 100% of the residential units must be set aside for Assisted Living Facility residents as defined in Section 67-48.002(14). The Development must be maintained as an Assisted Living Facility for the duration of the affordability period.~~

~~OR~~

~~H. UNIVERSAL ACCESS FACILITY (25 Points):~~

~~1. The Applicant agrees to comply with the requirements set forth in Section I.J. (pages 5-7) of the Threshold and Fee Requirements.~~

~~2. Attach a detailed plan to attract and serve this targeted population. The detailed plan can be found behind tab labeled "Form 21, Exhibit \_\_\_\_\_". Failure to provide the required plan will result in zero points for this section.~~

NOTE: As described in the instructions to Sections C, D, and E, ~~F and H~~, all required attachments and/or verification forms must be included as exhibits to Form 21 in order to receive any points for the chosen category.

Scoring Summary and NOTE, page 9, have been changed to read as follows:

SCORING SUMMARY:

|   |                      |
|---|----------------------|
| A. Large Family                               | 25 Points            |
| B. Elderly                                    | 25 Points            |
| C. Farmworker/Commercial Fishing Worker       | 25 Points            |
| D. HOPE VI and/or Front Porch                 | 25 Points            |
| E. Urban In Fill – NOT HOPE VI or Front Porch | 25 Points            |
| <del>F. SRO</del>                             | <del>25 Points</del> |
| G. Assisted Living Facility                   | 25 Points            |
| H. Universal Access Facility                  | 25 Points            |

NOTE: APPLICANT MAY COMBINE ITEM I WITH ITEM II, OPTION A or B. APPLICANT CAN ONLY CHOOSE EITHER OPTION A, B, C, D, or E, ~~F, G OR H~~ OF SECTION II. IF MORE THAN ONE FROM ITEMS A, B, C, D, or E, ~~F, G OR H~~ IS SELECTED, THE APPLICATION

WILL AUTOMATICALLY BE REJECTED. SEE RULE 67-48.004(18)(i), F.A.C. MAXIMUM POINTS FOR FORM 21 = 25.

Local Government Verification of Qualification as Urban In-Fill Development form, page 11, has been changed to include the following:

1. The proposed Development is located on a site or in an area that is targeted for in-fill housing or neighborhood revitalization by the local, county, or state or federal government as evidenced by its inclusion in a HUD Empowerment/Enterprise Zone; a HUD-designated qualified census tracts; Florida Enterprise Zone; areas that are designated under a Community Development Block Grant (CDBG); areas designated as HOPE VI or Front Porch Florida Community Communities, or a Community Redevelopment Area as described and defined in the Florida Community Redevelopment Act of 1969; and

2. The site is in an area that is already developed and is part of an incorporated area or existing urban service area.

Form 22, Allocation Information

Following Section C. Historic Housing Credits, page 2, the following "NOTE" has been added:

NOTE: For your information, at the tab entitled "HC Calculation," found within this Application Package, you will find an optional form to assist you in calculating the qualified basis.

(20) "Categorical Set-Aside" means, with respect to the SAIL Program, the reservation of funds for Commercial Fishing Workers or Farmworkers, Families and Elderly persons, in accordance with Section 420.5087, Florida Statutes. "Categorical Set-Aside" means, with respect to the Housing Credit Program, the amount of Allocation Authority which has been designated by the Corporation and the QAP as a set-aside to be allocated for a specific purpose.

(45) "Farmworker" means any laborer who is employed on a seasonal, temporary or permanent basis in the planting, cultivating, harvesting or processing of agricultural or aquacultural products in rural areas as defined by the U.S. Census Bureau and who has derived at least 50% of his income in the immediately preceding 12 calendar months from such employment. "Farmworker" also includes a person who has retired as a laborer due to age, disability or illness. In order to be considered retired from farmwork due to age, a person must be 50 years of age or older and must have been employed for a minimum of 5 years as a farmworker immediately preceding retirement. In order to be considered retired from farmwork due to disability or illness, it must be:

(77) "Non-Profit" means a qualified non-profit entity as defined in the HUD Regulations, Section 42(h)(5)(C), subsection 501(c)(3) or 501(c)(4) of the Code and organized under Chapter 617, Florida Statutes, if Florida Corporation, or organized under similar state law if organized in a jurisdiction other than Florida, to provide housing and other services on a

not-for-profit basis, which owns at least 51% of the ownership interest in the Development held by the general partner entity and which entity is acceptable to federal and state agencies and financial institutions as a Sponsor for affordable housing. The purpose of the Non-Profit must be, in part, to foster low-income housing and such purpose must be reflected in the Articles of Incorporation of the Non-Profit entity. Qualification as a Non-Profit entity must be evidenced to the Corporation by the receipt from the Applicant, upon Application, of a written opinion from legal counsel. The total cost of securing this written legal opinion will be borne entirely by the Applicant. ~~The IRS determination letter must be submitted during the credit underwriting process.~~ A Non-Profit entity shall own an interest in the Development, either directly or indirectly; shall not be affiliated with or controlled by a for-profit corporation; and shall materially participate in the development and operation of the Development throughout the total affordability period as stated in the Land Use Restriction Agreement and the Extended Use Agreement. If an Applicant submits Application to the Corporation as a Non-Profit entity but does not qualify as such, the Application will be rejected and the Applicant will be disqualified from participation for the current cycle.

(87) "Qualified Allocation Plan" or "QAP" means, with respect to the HC Program, the Qualified Allocation Plan which is adopted and incorporated herein by reference, effective on the date of the latest amendment to this Rule Chapter, and which was approved by the Governor of the State of Florida ~~on \_\_\_\_\_~~, pursuant to Section 42(m)(1)(B) of the Code and sets forth the selection criteria and the preferences of the Corporation for Developments which will receive Housing Credits. The QAP is included as an attachment to the Application Package.

Section 5, page 10, has been changed to add the following sentence:

In the event the per capita allocation available to the State is increased by Congress prior to October 1, 2001, such additional allocation shall be distributed among the Geographic Set-Asides in the percentages referenced in Section 4 above, and the 12% Non-Profit goal will be calculated based on the Allocation Authority available on March 22, 2001, plus the amount of any such per capita increase.

Section 6

First paragraph, page 10, has been changed to read as follows:

6. Following Board action on approval ~~of~~ informal appeal scoring, FHFC will endeavor to allocate not less than 12% of the 2001 Allocation Authority amount as of March 22, 2001 for Developments with Applicants qualified as Non-Profit pursuant to Rule 67-48.002(77), F.A.C. FHFC is required by Section 42, IRC to allocate not less than 10% of its Allocation Authority to qualified Non-Profits. FHFC has determined that an initial allocation of 12% to qualified Non-Profits will help

ensure that the 10% requirement will be met in the event that all Developments included in the initial 12% do not receive an allocation.

Paragraph f, page 13, has been changed to read as follows:

f. The last Non-Profit Applicant moved into the funding range in order to meet the initial 12% goal or in order to meet the minimum 10% federal requirement after October 1, 2001, will be fully funded contingent upon successful credit underwriting even though that may result in a total Non-Profit allocation in excess of 12% or, if applicable, 10%.

#### Section 7

The first two paragraphs, pages 13 through 15, have been changed to read as follows:

7. FHFC's goal is to have a diversified rental housing portfolio. Therefore, its special targeting goal is to allocate credits, regardless of Geographic Set-Aside and to the extent such targeting goals can be met in accordance with these procedures, to a minimum of ~~two~~ three Elderly Developments, one Farmworker/Fishing Worker Development in addition to any Developments funded under the Rural Development 514/516 Set-Aside, one ~~Assisted Living Facility (ALF), one Single Room Occupancy (SRO) Development for the homeless and/or disabled,~~ Urban In-Fill Development in which at least 75% of the set-aside units are located in one or more High Rise buildings (7 stories or higher) (a "UI High Rise"), and two additional Urban In-Fill Developments ~~and one Universal Access Facility (UAF).~~ Developments will be classified as Elderly, Farmworker/Fishing Worker, ~~ALF, SRO,~~ and Urban In-Fill ~~and UAF~~ only to the extent so designated on Form 21 of the Application. ~~A Development that has classified itself as an ALF on Form 21, will be classified as being Elderly as it relates to meeting the goal of having credits allocated to a minimum of three Elderly Developments (regardless of whether it constitutes an Elderly Development) and will also count towards meeting the goal of one ALF.~~ Developments funded within the HOPE VI/Front Porch Florida Set-Aside, as stated in Section 3 above, will count toward meeting the goal of funding Urban In-Fill Developments. Either a Front Porch Florida Development or HOPE VI Development in which at least 75% of the set-aside units are located in one or more High Rise buildings 7 stories or higher will meet the requirement of funding at least one UI High Rise. Developments which intend to qualify as a UI High Rise must also designate a High Rise design on Form 1 of the Application. No action will be taken to move an Elderly Development ~~other than an ALF~~ from below to above the tentative funding line in order to achieve the goal of ~~two~~ three Elderly Developments if by doing so, more than 20% of the Allocation Authority amount as of March 22, 2001 will be tentatively allocated to Elderly Developments. ~~Housing credits tentatively allocated to ALFs will be counted when determining whether or not more than 20% of the Allocation Authority amount as of March 22, 2001 will be tentatively allocated to Elderly Developments; however, if application of~~

~~the foregoing results in more than 20% of the allocation to Elderly Developments and an ALF has not been funded, the ALF will be funded by means of the special targeting procedure set forth in this Section 7.~~ Any adjustments made in the ranking of Developments to meet the special targeting goal will be made after any necessary adjustments have been made to insure FHFC has met its 12% Non-Profit set aside. No additional adjustments will be made to achieve the special targeting goal if the Executive Director or the Board of Directors determines, based on a negative recommendation from the Credit Underwriter, that an Elderly, Farmworker/Fishing Worker, ~~ALF, UAF, SRO~~ or Urban In-Fill Development in the initial funding range, should not receive a credit allocation.

The special targeting goals will be achieved by first looking at those Developments above the respective tentative funding lines (drawn for the purpose of this procedure) across all Set-Asides to determine if the special targeting goal has been met. The Elderly special targeting goal will be met if at least ~~two~~ three Elderly Developments are in the tentative funding range or more than 20% of the Allocation Authority amount as of March 22, 2001 is tentatively allocated to Elderly Developments in the tentative funding range. If more than 20% of the March 22, 2001 Allocation Amount is tentatively allocated to Elderly Developments by virtue of their scores, no action will be taken to reduce the amount allocated to Elderly Developments.

The fourth paragraph, pages 15 and 16, has been changed to read as follows:

Special targeting Developments will be funded in the following sequence, to the extent possible: first, a Development targeting Elderly, then a Development targeting Farmworker/Commercial Fishing Worker, then a Development located in an Urban In-Fill area, ~~then an ALF, then a SRO, then a UAF,~~ then a second Elderly, then a second Urban In-Fill, ~~then a third Elderly,~~ then a third Urban In-Fill. ~~An ALF will be counted as Elderly, as well as an ALF.~~ The highest scoring Applicant meeting threshold that is in the special target category chosen to be moved into funding will be chosen first to determine if it can be moved into the funding range. If not, then the next highest scoring Applicant meeting threshold with the same special target category will be chosen to determine if it can be moved into the funding range. This will be repeated as many times as needed until an Applicant in that special target category has been selected. In the event no Applicants meeting the special targeting criteria sought can be brought into the funding range, the highest scoring Applicant meeting threshold in the next special target category will be chosen. For example, if a Development targeting Elderly was needed but none could be brought into the tentative funding range, then, if needed, an attempt would be made to move a Farmworker/Commercial Fishing Worker Development into the funding range. Further explanation can be found in Situation C below. In the event there is any remaining allocation available after meeting the

Non-Profit and special targeting goals, the remaining allocation will be distributed to Applicants in scoring rank order within their respective Geographic Set-Asides.

The fifth paragraph, page 16, has been changed to read as follows:

The movement of Developments needed to meet the special targeting goals will be accomplished by moving the highest scoring Development meeting threshold required to meet special targeting from its current ranking to the first ranking position below the tentative funding line within its respective Geographic Set-Aside and the lowest ranked Applicant in the current funding range not required to achieve the 12% Non-Profit ~~goal Set-Aside~~ or a prior special targeting goal shall be moved below the application so moved up. This will be repeated as many times as it takes to get the Applicant required for special targeting into the funding range.

The sixth paragraph, page 17, has been changed to read as follows:

The procedure described above will be followed to bring each Development required for special targeting into the funding range. An exception to the procedure is that an Elderly Development that is below the tentative funding line that is located in a different county than Elderly Development(s) already in the tentative funding range will be moved up in ranking into the funding range before a higher ranked Elderly Development located in the same county as an Elderly Development already in the tentative funding range. A further exception is that if it is necessary to bring a UI High Rise into the funding range to achieve the special targeting goals, and the highest-ranked UI High-Rise has applied as either a Front Porch Applicant or a HOPE VI Applicant, such UI High Rise shall be moved to the highest ranked position below the tentative funding line in the Front Porch/HOPE VI Set-Aside and the lowest-ranked Applicant in the funding range in the Front Porch/HOPE VI Set-Aside not otherwise required to meet a special targeting goal or the 12% Non-Profit goal shall be moved to a position immediately below the UI High Rise so moved. If all ranked Applicants in the Front Porch/HOPE VI Set-Aside are required to meet a special targeting goal, such UI High Rise shall not be moved up as aforesaid and the highest ranking UI High Rise which can be moved into the funding range in accordance with the following paragraph shall be moved up in its Geographic Set-Aside as specified in the following paragraph.

#### Section 8

Situation A, third paragraph, page 20, has been changed to read as follows:

In order to bring E1 into the funding range, it will be brought up in ranking to fourth position. NR2 will then be brought down one position below E1 in ranking. This puts E1 into third position. Therefore, the Applicants now in the funding range are: R1 in first position, requesting \$1,500,000; R3 in second position, requesting \$750,000; E1 in third

position, requesting \$500,000; and NR2 in fourth position requesting \$1,000,000 with only \$250,000 available in credits to fund it (\$3,000,000 minus \$1,500,000 minus \$750,000 minus \$500,000). Applicant NR2 would not be funded for it fails to meet the provisions of Section 14 of the QAP. Applicant U1 would then be picked to determine if it could be moved into funding range. If it could be, then Applicant E2 would be picked. If Applicant U1 could not be moved into funding range then an attempt would be made to move Applicant U2 followed by an attempt to move Applicant E2.

Situation G, page 22, has been changed to read as follows:

Situation G: This situation is completely different than those above. FHFC Board has approved the Final Ranking and Scoring Spreadsheet which includes ~~two~~ three Elderly Applications in the funding range. The ~~two~~ three Elderly Applications are invited into credit underwriting but one of the Elderly Applications is unable to successfully complete credit underwriting or receives a negative recommendation from the credit underwriter as of October 15, 2001. The credits reserved for this Application will be first used to fund those Applications that have been partially funded, in the order specified in Section 9 of the QAP. Any remaining funds will be carried over to the 2002 cycle. An Elderly Application below the funding line will have no priority.

Section 9, first sentence, page 22, has been changed to read as follows:

With the exception of additional Allocation Authority received as a result of a per capita increase as provided in Section 5, ~~a~~Any additional Allocation Authority received by FHFC from the national pool or returned housing credits between March 22, 2001 and September 30, 2001 or such later date as the Board shall approve final rankings, or any unused Allocation Amount within a Set-Aside as provided in Sections 1, 2, 3 and 5 hereof will be used (a) to fund any Development that has been partially funded (excluding Applicants not funded because their total Allocation request exceeds the permissible Binding Commitment limits set forth in Section 14 hereof) in the following order of Set-Asides: (i) Large County, (ii) Medium County, (iii) Small County, (iv) Front Porch/HOPE VI, (v) Rural Development 514/516 and (vi) Rural Development 515, and then (b) to fund the next highest scoring Application regardless of Set-Aside until all available housing credits are allocated.

Section 13, page 24, has been changed to read as follows:

13.a. Florida Housing will assign each Housing Credit Application received by the Application Deadline a random lottery number at or prior to final rankings. This will be accomplished as follows: Each Application received before the deadline will receive an Application number. Florida Housing will run the total of such numbers through a computer program similar to that used by the State Division of Bond Finance, in

order to assign a random lottery number to each such Application. The foregoing procedure shall be verified for accuracy by Florida Housing's external auditors.

b. The total number of Housing Credit Applications will then be multiplied by 65%. The resulting figure will be rounded up to the next whole number (such resulting figure after rounding is referred to herein as the "Leveraging Cut-Off").

c. Florida Housing will thereafter establish a list of each Housing Credit Applicant's Total Corporation Funding Per Set-Aside Unit, as indicated on Form 10, Part II(A)(6) of the Application, from lowest to highest.

d. Florida Housing will then, beginning with the Application with the lowest Total Corporation Funding Per Set-Aside Unit, go down the list of Applications until it reaches the Application whose place on the list is equal to the Leveraging Cut-Off, and draw a line below this Application. In the event that an Application below the line has the same Total Corporation Funding Per Set-Aside Unit as the Application immediately above the line, the line will be moved down to incorporate this Application. The group of Applications above the line will be classified as "Group A" and those Applications below the line will be classified as "Group B".

e. Unless otherwise specified herein, any determination of priority among Applications with tied scores (including any determination of which tied Application shall be dropped to bring up a Non-Profit Applicant or meet a special targeting goal) shall be determined first by giving priority to Applications within Group A, and then by lowest lottery number by lot. A lottery will be held for all tied scores, providing a stratification of priority for each such tie, prior to making adjustments for achieving the 12% Non-Profit goal or the special targeting goals. The procedures for any such determination by lot shall be as set forth by rule of FHFC. In the event an Applicant has challenged its score through a formal administrative hearing and a final order has not been entered at time of final ranking and, if successful in its challenge, said Applicant would be tied and included in any determination by lot, Florida Housing shall include such Applicant in the determination by lot as if said Applicant had been successful in its challenge for purposes of establishing its priority. Such Applicant will only be funded to the extent it is ultimately successful in its challenge and, based upon its resulting score, would have been above the funding line after application of the procedures set forth above if included in the final rankings.

Example: There are 70 Housing Credit Applications. Each Application is assigned a lottery number as described above. The Applications are listed from lowest Total Corporation Funding Per Set-Aside Unit to highest Total Corporation Funding Per Set-Aside Unit (the list). The Leveraging Cut-Off is calculated by multiplying 70 (the total amount of HC Applications) by 65%. This results in 46 (45.5 rounded up to

the next whole number). Within the 70 Applications are three Applications: Application A, Application B and Application C. Application A received a lottery number of 22 and is listed as the 46th Application on the leveraging list. Application B received a lottery number of 15, is the only other Application that has the same amount of Total Corporation Funding Per Set-Aside Unit as Application A and is listed as the 47th Application on the leveraging list. Application C received a lottery number of 1 and is listed as the 55th Application on the leveraging list. A line is drawn below Application B. If Application B had not had the same amount of Total Corporation Funding per Set-Aside Unit as Application A, then the line would have been drawn below Application A. As such, Applications A and B are in Group A and Application C is in Group B. Subsequently, after scoring, Applications A, B and C are the only Applications that receive maximum points in the Large County Geographic Set-Aside. The Applications would be ranked as follows: Application B is ranked in first place because it is in Group A and has a lower lottery number than Application A. Application A is ranked in second place because it is in Group A while Application C is in Group B. Application C would be ranked in third place because it is in Group B, even though it received the lowest lottery number.

Section 14, page 24, has been changed to read as follows:

14. ~~Except as otherwise set forth~~ ~~Notwithstanding anything to the contrary contained~~ herein ~~and except for Binding Commitments awarded pursuant to Chapter 67-48.005(2), F.A.C.,~~ no Binding Commitment shall be awarded for an amount in excess of 40% of the Applicant's total allocation request. In the event the Applicant's total allocation request is in excess of 105% of the sum of the amount of Allocation available for such Applicant and the Binding Commitment limitation, such Applicant will not be funded. Applicants ranked lower than the subject Applicant in the applicable Set-Aside will not be funded, and any excess Allocation Authority shall be applied as provided in Section 9 hereof. All determinations regarding Binding Commitments and application of the above-referenced limitation shall be made after application of Sections 6, 7 and 13 hereof.

Part I, Selection Criteria

Section C, Development Characteristics, Special Targeting, page 28, has been changed as follows:

- ~~\* An Assisted Living Facility will be targeted.~~
- ~~\* Developments which provide Single Room Occupancy housing for the homeless and/or disabled will be targeted.~~
- ~~\* Developments which provide specific facilities for the Disabled will be targeted.~~
- \* Developments which address family housing will be targeted.
- \* Developments which address Elderly housing will be targeted.



This criterion is specifically addressed in the Application at Form 21 entitled Special Targeting which is incorporated in FHFC rules by reference.

Section E, Tenant Populations with Special Housing Needs, page 29, has been changed to read as follows:

- \* Developments which will serve large families will be targeted.
- \* Developments which will serve the Elderly will be targeted.
- \* Developments which will serve Farmworker/Fishing Worker will be targeted.
- \* ~~Developments which will serve the homeless and/or disabled will be targeted.~~

These criteria are specifically addressed at Form 21 entitled Special Targeting which is incorporated in FHFC rules by reference.

Section F, Participation of Local Tax Exempt Organizations, page 30, has been changed to read as follows:

F. Participation of ~~Local~~ Tax-Exempt Organizations:

- \* Developments sponsored by ~~local~~ (Florida) tax-exempt organizations will be targeted.

This criterion is specifically addressed in the Application at Form 1 entitled Applicant and Development Data, which is incorporated in FHFC rules by reference.

Part II, Priorities

Section A, page 30, has been changed to read as follows:

A. Developments which serve either Elderly, Large Family, Farmworker/Fishing Worker, Developments financed with USDA RD 514 and/or RD 516 that reserve 100% of their units for Farmworker/Fishing Worker households, Developments financed with USDA RD 515, ~~Developments which serve as Assisted Living Facilities, Developments which provide Single Room Occupancy for the homeless and/or disabled, Developments which serve the Disabled through Universal Access facilities,~~ or Developments which are located in an Urban In-Fill area, including those which meet the criteria to be classified as either a HOPE VI or Front Porch Florida Development, will be targeted.

- \* This criterion is specifically addressed in the Application at Form 21 entitled Special Targeting and in Sections 1, 2, 3 and 7 above.

Section E, page 32, has been changed to read as follows:

E. Developments which require the least amount of housing credits to produce an affordable unit will be targeted.

- \* This criterion is specifically addressed in Section 13 of this QAP.

~~E.E.~~ The FHFC will initially allocate not less than 12% (as described in Section 64 of this QAP) of the state's Allocation Authority to Developments involving qualified, Non-Profit Applicants, provided they are Non-Profits organized under Chapter 617, Florida Statutes or similar state statute if

incorporated outside Florida, and as set forth in Section 42(h)(5) of the Internal Revenue Code, as amended, and Rule Chapter 67-48, Florida Administrative Code.

Section G, page 33, has been changed to read as follows:

~~G.F.~~ FHFC has a goal to allocate housing credits to a minimum of two ~~three~~ Elderly Developments. No action, though, will be taken to move an Elderly Development from below to above the tentative funding line in order to achieve the goal of two ~~three~~ Elderly Developments if more than 20% of the Allocation Authority amount as of March 22, 2001 is tentatively allocated to Elderly Developments already above the tentative funding line. If an Elderly Development meeting threshold has to be brought from below to above the tentative funding line to meet this objective, then priority will go to the highest scoring Elderly Development located in a county different than those Elderly Developments already above the tentative funding line.

Section H, page 33, has been changed to read as follows:

~~H.G.~~ In the event Developments have to be brought from below the tentative funding line to above the line in order to meet special targeting goals then the Developments will be moved into the funding range by first selecting an Elderly Application, then a Farmworker/Commercial Fishing Worker, then an Urban In-Fill, ~~then an Assisted Living Facility, then a SRO, then a UAF.~~ An ALF counts as an Elderly Development as well as an ALF. If funds remain, allocation will be provided to a second Elderly Development, then a second Urban In-Fill Development, then a third Urban In-Fill Development, as necessary this sequence, excluding Farmworker/Commercial Fishing Worker, ALF, SRO and UAF, will be repeated as necessary until all available Allocation Authority is used.

(107) "Urban In-Fill Development" means a Development (i) in a site or area that is targeted for in-fill housing or neighborhood revitalization by the local, county, ~~or~~ state or federal government (as evidenced by its inclusion in a HUD Empowerment/Enterprise Zone, a HUD-designated qualified census tracts, Florida Enterprise Zone, areas designated under a Community Development Block Grant (CDBG), areas designated as HOPE VI or Front Porch Florida Community Communities), or a Community Redevelopment Area as described and defined in the Florida Community Redevelopment Act of 1969, and (ii) in a site which is located in an area that is already developed and part of an incorporated area or existing urban service area.

67-48.003 Notice of Funding or Credit Availability.

(1) Applications shall be received by the Corporation by the deadline noticed in the Florida Administrative Weekly, which notice shall be published at least 45 Calendar Days prior to any such deadline. ~~Such notice shall also be mailed to each person and entity on the Corporation's HOME/SAIL/HC mailing list.~~

(3)(b) The Corporation shall utilize at least 15% of the HOME allocation for CHDOs pursuant to the HUD Regulations, to be divided between the multifamily and single family cycles as approved by the Board of Directors; In the event of CHDO Applications in excess of 15% of the HOME allocation designated for multifamily, such Applications shall be funded up to a cumulative maximum of 25%, including partial funding of any such Application. Any remaining unfunded portion of such CHDO Application(s) shall remain eligible to compete for non-CHDO designated funding provided; however, that no single multifamily Application shall be funded in an amount in excess of 25% of the HOME allocation designated for multifamily unless such Application is the only CHDO Application seeking funding in the current Application cycle. In order to apply under the CHDO set-aside, Applicants must have at least 51% ownership interest in the Development held by the General Partner entity.

(3)(c)1. Funds will be allocated to qualified CHDOs in order of ranking, until 15% of the available funds have been allocated, subject to the provisions of Rule 67-48.003(3)(b).

(3)(d) The Board shall determine any geographic or other targeting requirements that will be included in said notice and published in the Florida Administrative Weekly ~~and mailed to all interested parties on the Corporation mailing list.~~

~~(10) Trailers, mobile homes, manufactured housing and other such non-site built housing are not eligible for any FHFC funding.~~

67-48.004 Application and Selection Procedures for Developments.

(3) All Applications must be complete, consistent, accurate, legible and timely when submitted, except as described further below. All Applications must be received by the Application Deadline as specified in the Notice of Funding or Credit Availability for each Program. Neither Applications nor any additional information described in paragraph (11) below will be accepted by facsimile transmission or other electronic means. Corporation staff may not assist any Applicant by copying, collating, or adding documents to an Application nor shall any Applicant be permitted to use the Corporation's facilities or equipment for purposes of compiling or completing an Application. Applications must be submitted on the forms provided in the Application Package and ~~or~~ on forms generated by the computer disk(s) provided in the Application Package. Failure to comply with this provision will result in rejection of the Application.

(4) An original Application and three photocopies shall be securely bound in separate three ring binders with numbered index tabs for each form and exhibit with the materials provided in the Application Package when submitted. Exhibits must be placed behind each form to which they refer. The submitted Application which is considered the original shall contain authentic, penned in ink signatures on those forms which specifically request original signatures. Signatures

which are faxed, scanned, photocopied, or otherwise duplicated will not be considered acceptable signatures within the original Application and the Corporation will reject the Application. Each Applicant must submit a computer disk containing all completed forms. Nothing on the computer disk that is not otherwise contained within the original Application will be considered. In the event of an inconsistency between the written Application and the computer disk, the written Application shall govern. Information on the computer disk will not be used for scoring purposes.

(9) Applicants who wish to notify the Corporation of possible scoring errors relative to another Applicant's Application must file with the Corporation, within 10 Calendar Days of the date of receipt of the preliminary scores, a written request for a review of the other Applicant's score. Each request must specify the assigned Application number and the forms and the scores in question, as well as describe the alleged deficiencies in detail. Each request is limited to the review of only one Application's score. Requests which seek the review of more than one Application's score will be considered improperly filed and ineligible for review. There is no limit to the number of requests which may be submitted. The Review Committee will review each written request timely received. Failure to timely and properly file a request shall constitute a waiver of the right of the Applicant to such a review of the preliminary score; however, Applicants shall retain the rights set forth in paragraph (12) below.

(11) Within 15 Calendar Days of the notice set forth in subsection 10 above, each Applicant shall be allowed to submit additional documentation, revised forms and such other information as the Applicant deems appropriate to address the issues raised pursuant to paragraphs (8) and (10) above that could result in rejection of the Application, imposition of penalties or a score less than the maximum available on each form. Where specific pages of the Application are revised, changed or added, each new page(s) must be marked as "revised," and submitted. Failure to mark each new page(s) "revised" will result in the Corporation not considering the revisions, changes or additions to that new page. Pages of the Application that are not revised or otherwise changed may not be resubmitted. Where revised or additional information submitted by the Applicant creates an inconsistency with another item in that Application, the Applicant shall also be required in its submittal to make such other changes as necessary to keep the Application consistent as revised. The Applicant shall submit an original and three copies of all additional documentation and revisions. Only revisions, changes and other information Received by the deadline set forth herein will be considered. Any subsequent revision submitted prior to the deadline shall include a written request from the Applicant for withdrawal of any previously submitted revision(s). Each Applicant must submit a computer disk

containing all revised completed forms. Nothing on the computer disk that is not otherwise contained within the original of the revised forms will be considered.

(12) Within 10 Calendar Days of the deadline for receipt by the Corporation of the documentation set forth in paragraph (11) above, all Applicants may submit to the Corporation a notice of alleged deficiencies in any other Application. Each notice is limited only to issues created by documents revised and/or added by the Applicant submitting the Application pursuant to paragraph (11) above. Each request must specify the assigned Application number, the forms and the documents in question, as well as describe the alleged deficiencies in detail. Each notice is limited to the review of only one Applicant's submission. However, there is no limit to the number of notices which may be submitted. Notices which seek the review of more than one Applicant's submission will be considered improperly filed and ineligible for review. The Review Committee will only review each written notice timely Received.

(15) Applications shall be limited to one submission per subject property with exception of Tax-Exempt Bond-Financed Developments applying noncompetitively for Housing Credits. Two or more Applications with the same Financial Beneficiary for Developments located within a five mile radius of one another will be considered to be submissions for the same subject property for purposes of the foregoing. In the event any two or more Applications are considered to be submissions for the same subject property as described above, the highest ranked Application shall be considered and all others rejected.

(16) If any Applicant or any Affiliate of an Applicant is determined by the Corporation to have engaged in fraudulent actions or to have deliberately and materially misrepresented information within the current Application or in any previous Applications for financing or Housing Credits administered by the Corporation, the Applicant and any of Applicant's Affiliates will be ineligible to participate in any program administered by the Corporation for a period of up to two years, which will begin from the date the Board approves the disqualification of the Applicant's Application. Such determination shall be either pursuant to a factual hearing before the Board at which the Applicant shall be entitled to present evidence or as a result of a finding by a court of law or recommended order of an administrative law judge. The Applicant or Affiliate of the Applicant determined to be ineligible shall be entitled to file a petition contesting such determination within 21 Calendar Days of notice by the Corporation pursuant to the provisions of Chapter 120, Florida Statutes. Failure to timely file a petition shall constitute a waiver of the right to contest the determination.

(18) Notwithstanding any other provision of these rules, there are certain items that must be included in the Application and cannot be revised, corrected or supplemented after the

Application Deadline. Failure to submit these items in the Application at the time of the Application Deadline shall result in rejection of the Application without opportunity to submit additional information. Any attempted changes to these items will not be accepted. Those items are as follows:

(g) Whether the Development design constitutes a High Rise as set forth in Form 1, Section II;

(h)(g) County as set forth in Form 2, Section I;

(i)(h) Targeted resident population as set forth in Form 16, Sections II and III, and Form 21, Sections I and II;

(j)(i) Total number of units, residential units, set-aside units, Categorical Set-Aside and demographic commitment as set forth in Form 11, Sections I, III, IV, V and VII for the SAIL Program;

(k)(j) Total number of units and set-aside units as set forth in Form 13, Section III for the HOME Program unless the change results from the revision allowed under (m) below;

(l)(k) Total number of units, residential units and set-aside units as set forth in Form 19, Sections I, II, III and IV for the HC Program;

(m)(l) Requested amount as set forth in Forms 12, 18, and 23, as applicable; notwithstanding the foregoing, requested amounts exceeding the Corporation and Program funding limits can be reduced by the Applicant to reflect the maximum request amount allowed (and no other changes to this amount will be allowed);

(n)(m) The Applicant fails to file its Application by the Application Deadline;

(o)(n) The Application is not accompanied by the correct Application fee as specified in this Rule Chapter;

(p)(o) The Application is scanned or submitted on altered or retyped forms.

(20) If an Applicant or any Principal, Affiliate or Financial Beneficiary of an Applicant or a Developer has any existing Developments participating in any Corporation programs that remain in non-compliance with the Code, ~~or~~ this Rule Chapter, or applicable loan documents, and any applicable the cure period granted for correcting such non-compliance has ended, at the time of submission of the Application or at the time of issuance of a final credit underwriting report the requested allocation will, upon a determination by the Board that such non-compliance substantially increases the likelihood that such Applicant will not be able to produce quality affordable housing, be denied and the Applicant and the Affiliates of the Applicant or Developer will be prohibited from new participation in any of the Programs for the subsequent cycle and continuing until such time as all of their existing Developments participating in any Corporation programs are in compliance.

(21) With respect to the SAIL, and HOME and HC Program Applications, when two or more Applications receive the same numerical score, except as otherwise set forth in the QAP with respect to the HC Program, the Application which

has the higher total score on Forms 3, 4, and 7 shall be ranked higher to be prioritized will be determined by lot. With respect to the SAIL and HOME Program Applications, if two or more Applications remain tied, the Corporation shall give priority to the Application with the lowest total Corporation funding per set-aside unit based on the calculation set forth in Form 10, Part II. With respect to the HC Program Application, when two or more Applications receive the same numerical score, the Application to be prioritized will be determined as provided in the QAP.

(22) At no time during the Application, scoring and appeal process may Applicants or their representatives contact Board members concerning their own Development or any other Applicant's Development. At no time from the Application Deadline until the issuance of the pre-appeal scores as set forth in paragraph subsection 14 above, may Applicants or their representatives verbally contact Corporation staff concerning their own Application or any other Applicant's Development. If an Applicant or its representative does contact a Board member in violation of this section, the Board shall, upon a determination that such contact was deliberate, disqualify such Applicant's Application.

#### 67-48.005 Applicant Administrative Appeal Procedures.

(1) Following the Review Committee's determination of pre-appeal scores as set forth in Rule 67-48.004(14), ~~notice of intended funding or denial of funding will be provided to each Applicant~~ will be provided with a statement that Applicants who wish to contest the decision relative to their own Application must petition the Corporation for review of the decision in writing within 21 Calendar Days of the date of receipt of the notice. Only petitions Received by the deadline set forth herein will be considered. The petition must specify in detail each issue, form and score sought to be appealed. Unless the appeal involves disputed issues of material fact, the appeal will be conducted on an informal basis. If the appeal raises disputed issues of material fact, a formal administrative hearing will be conducted pursuant to Section 120.57(1), Florida Statutes. Failure to timely file a petition shall constitute a waiver of the right of the Applicant to such an appeal. Written notifications, petitions or requests for review will NOT be accepted via telefax or other electronic means. No Applicant or other person or entity will be allowed to intervene in the appeal of another Applicant.

(2) Following the entry of all final orders in all appeals resolved pursuant to Section 120.57(2), Florida Statutes, and in accordance with the prioritization of the QAP and Rule 67-48, F.A.C., the Corporation shall prepare post-appeal scores and a final ranking. For those Applicants with Section 120.57(1), Florida Statutes, appeals that have not yet had final orders entered as of the date of the final ranking, the Corporation shall, if any such Applicant ultimately obtains a final order that would have put its Application in the funding range had it been entered prior to the final ranking, provide the requested

funding and allocation (as applicable) from the next available funding and allocation (as applicable), whether in the current year or a subsequent year. Applications that have applied for both Housing Credits and SAIL or HOME will only be funded if in the funding range for both programs at the time of the final rankings at such time as funds and credits are both available together. Nothing contained herein shall affect any applicable credit underwriting requirements.

#### 67-48.008 No Discrimination.

~~The Corporation, its staff or agents, Applicants, or participants in any Program shall not discriminate under that Program against any person or family, on the basis of race, creed, color, national origin, age, sex, religion, marital or familial status, or handicap, or against persons or families on the basis of their having minor children.~~

#### 67-48.009 SAIL General Program Procedures and Restrictions.

(9) SAIL loans proceeds shall not be used to fund any contingency reserves.

(10) Except for small county requests, Applicants may not request SAIL funding for Developments receiving priority in FHFC's multifamily bond program for having no other FHFC funding.

#### 67-48.0095 Additional SAIL Application Ranking and Selection Procedures.

~~(5) To the extent that funds are available in the 10% amount reserved for counties with a population of 100,000 or less, those Applicants that have successfully competed for HC in the same cycle and require SAIL for financial feasibility will receive SAIL funds in conjunction with the requirements of Section 67-48.009, F.A.C., if the Development has no more than 60 total units.~~

(5)(6) In the event that the 10% of program funds required to be allocated to counties with a population of 100,000 or less remains unallocated at the conclusion of a successive three-year cycle, the unallocated funds shall be carried forward and shall be added to the funds reserved for counties with a population of 100,000 or less for the next successive three-year period.

(6)(7) After the six-month period referenced in Rule 67-48.0095(1) has expired, the Corporation shall allocate SAIL funds to Applicants meeting threshold requirements, without regard to demographic category.

(7)(8) Based upon fund availability, the Corporation shall notify Applicants of selection for participation in the SAIL Program in rank order within each set-aside category, as clarified in (4) above. When the amount of an Applicant's loan request exceeds the remaining funds available, the Corporation shall offer the Applicant a tentative loan amount equal to the remaining funds. Rejection of such offer will cause the Corporation to make the offer to the next highest ranked Applicant within the category. This process shall be followed

until all funds in the category are either committed in this category or combined with available funds from other categories and offered to the next highest scorer in any category.

~~(8)~~(9) Selection for SAIL Program participation is contingent upon fund availability after determination of final loan amounts and the appeals process as set forth in Rule 67-48.005, F.A.C.

67-48.012 SAIL Credit Underwriting and Loan Procedures.

(2) The Credit Underwriter shall verify all information in the Application Package, including information relative to the Applicant, Developer, Syndicator, General Contractor and other members of the Development team.

~~(e) A full or self-contained appraisal as defined by the Uniform Standards of Professional Appraisal Practice and a separate market study shall be ordered by the Credit Underwriter, at the Applicant's expense, from an appraiser qualified for the geographic area and product type not later than completion of credit underwriting. An appraisal shall be required during the credit underwriting process. The Applicant may choose an appraiser from the Credit Underwriter's approved list of appraisers; however, the Credit Underwriter shall order, at the Applicant's expense, the appraisal of the subject property. The Credit Underwriter shall use the same appraiser as the first mortgage lender provided the appraisal has not been ordered. The Credit Underwriter shall review the appraisal to properly evaluate the loan request in relation to the property value. Appraisals and separate market studies which have been ordered and submitted by third party credit enhancers, first mortgagors or syndicators and which meet the above requirements and are acceptable to the Credit Underwriter may be used instead of the appraisal or market study referenced above.~~

~~(h) In addition to an operating expenses reserve, the Credit Underwriter must include an estimate for replacement reserves and operating expense reserves deemed appropriate by the Credit Underwriter when calculating the final net operating income available to service the debt. A minimum amount of \$200 per unit must be used for all Developments. However, the amount may be increased based on a physical needs assessment. An Applicant may choose to fund a portion of the replacement reserves at closing. The amount cannot exceed 50% of the required replacement reserves for 2 years and must be placed in escrow at closing.~~

~~(k) Contingency reserves which total no more than 5% of hard and soft costs for new construction and no more than 15% of hard and soft costs for Substantial Rehabilitation may be included within the Total Development cost for Application and underwriting purposes. Contingency reserves shall not be paid from SAIL funds. However, contingency reserves which total no more than 3% of hard and soft costs may be included within the total Development cost.~~

(o) If audited financial statements are unavailable from the Applicant, the Credit Underwriter shall request federal tax returns and unaudited or internally prepared financial statements for the past two years.

67-48.021 HOME Credit Underwriting and Loan Procedures.

(2) Based upon availability of funds, the Corporation shall issue a preliminary commitment notifying each Applicant of selection for participation in the HOME Program in the order of each Applicant's ranking within each set-aside category. When an Applicant's tentative loan amount exceeds the remaining fund availability, the Corporation shall offer the Applicant a tentative loan amount equal to the remaining funds. Rejection of such an offer will cause the Corporation to make the offer to the next highest ranked Applicant within the category. This process shall be followed until all funds for the set-aside category are committed.

(e) The Credit Underwriter shall use the following procedures during the underwriting evaluation:

3. Require audited financial statements and, if unavailable from the Applicant or Affiliates, the Credit Underwriter shall request federal tax returns and unaudited or internally prepared financial statements for the past two years.

7. Contingency reserves which total no more than 5% of hard and soft costs for new construction and no more than 15% of hard and soft costs for Rehabilitation may be included within the Total Development cost for Application and underwriting purposes. Any Contingency reserves shall not be paid from HOME funds.

~~(f) A full or self-contained appraisal as defined by the Uniform Standards of Professional Appraisal Practice and a separate market study shall be ordered by the Credit Underwriter, at the Applicant's expense, from an appraiser qualified for the geographic area and product type not later than completion of credit underwriting. An appraisal shall be required during the credit underwriting process. The Applicant may choose an appraiser from the Credit Underwriter's approved list of appraisers; however, the Credit Underwriter shall order the appraisal for the subject property. The Credit Underwriter shall use the same appraiser as the first mortgage lender provided the appraisal has not been ordered. The Credit Underwriter shall review the appraisal to properly evaluate the loan request in relation to the property value. Appraisals and separate market studies which have been ordered and submitted by third party credit enhancers, first mortgagors or syndicators and which meet the above requirements and are acceptable to the Credit Underwriter may be used instead of the appraisal or market study referenced above.~~

67-48.025 Qualified Allocation Plan.

(2) The specific criteria of the Qualified Allocation Plan as mandated by Congress and addressed at Section 42(m)(1)(B) of the Internal Revenue Code, as amended, ~~have been~~ are hereby approved by the Governor on \_\_\_\_\_ December 16, 1999, and are adopted by reference herein.

67-48.026 Housing Credit Underwriting Procedures.

(1) After the final rankings are approved by the Board administrative appeal procedures have been completed, the Corporation shall offer all Applicants within the funding range the opportunity to enter credit underwriting.

(8) The Credit Underwriter shall use the following procedures during the underwriting evaluation:

(c) Developer fee shall be limited to 16% of Development cost excluding land and building acquisition cost. A Developer fee on the building acquisition cost shall be limited to 4% of the cost of the building exclusive of land. A total Developer fee of 18% of Development cost, excluding land and building acquisition costs, shall be allowed if the proposed Development is qualified for Housing Credits pursuant to Rule 67-48.027 pertaining to Tax-Exempt Bond-Financed Developments.

(h) A full or self-contained appraisal as defined by the Uniform Standards of Professional Appraisal Practice and a separate market study shall be ordered by the Credit Underwriter, at the Applicant's expense, from an appraiser qualified for the geographic area and product type not later than completion of credit underwriting. The Credit Underwriter shall review the appraisal to properly evaluate the proposed property's financial feasibility. Appraisals and separate market studies which have been ordered and submitted by third party credit enhancers, first mortgagors or syndicators and which meet the above requirements and are acceptable to the Credit Underwriter may be used instead of the appraisal or market study referenced above. An appraisal shall be required during the credit underwriting process. The Applicant may choose an appraiser from the Credit Underwriter's approved list of appraisers; however, the Credit Underwriter shall order the appraisal for the subject property. The Credit Underwriter shall use the same appraiser as the first mortgage lender provided the appraisal has not been ordered.

~~(l)(m)~~ In addition to an operating expenses reserve, the Credit Underwriter must include an estimate for replacement reserves and operating expense reserves deemed appropriate by the Credit Underwriter when calculating the final net operating income available to service the debt. A minimum amount of \$200 per unit must be used for all Developments. However, the amount may be increased based on a physical needs assessment.

~~(m)(n)~~ The Corporation's assigned Credit Underwriter shall order conduct, at the Applicant's sole expense, a pre-construction analysis for all new construction or a physical needs assessment for Rehabilitation and shall conduct a and

review of all of the Development's costs. ~~In addition, the Credit Underwriter shall analyze the physical needs assessment submitted as part of the Application. If the Credit Underwriter determines that the submitted physical needs assessment is insufficient, the Credit Underwriter shall order a new physical needs assessment at the Applicant's sole expense.~~

~~(n)(o)~~ Contingency reserves which total no more than 5% of hard and soft costs for new construction and no more than 15% of hard and soft costs for Rehabilitation may be included within the Total Development cost for Application and underwriting purposes.

~~(o)(p)~~ If the Credit Underwriter requires additional clarifying materials in the course of the underwriting process, the Credit Underwriter shall request same from the Applicant and shall specify deadlines for the submission of same.

67-48.028 Carryover Allocation Provisions.

(2) In order to qualify for Carryover, an Applicant shall have tax basis in the Housing Credit Development which is greater than 10% of the reasonably expected basis in the Housing Credit Development by the due date specified in Rule 67-48.028(3), F.A.C., ~~close of the calendar year in which the Preliminary Allocation is made~~ pursuant to section 42(h)(1)(E) of the Code. Certification that the Applicant has met the greater than 10% basis requirement shall be signed by the Applicant's attorney or certified public accountant.

Section IV  
Emergency Rules

DEPARTMENT OF INSURANCE

RULE TITLE: \_\_\_\_\_ RULE NO.:

Emergency Restrictions and Limitations on Construction Materials Mining Activities 4ER00-5

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Department of Insurance hereby states that the following circumstances constitute an immediate danger to the public health, safety, and welfare:

1. CS/SB 772, creating Section 552.30, F.S., was enacted by the legislature on May 5, 2000, and became effective on June 14, 2000, upon signature by the Governor. This law designates the State Fire Marshal as the *sole and exclusive authority* to promulgate standards, limits, and regulations regarding the use of explosives in conjunction with construction materials mining activities. Prior to enactment of this law the counties or municipalities established these standards.
2. The rules relate directly to public safety in that the subject of the regulation is an inherently dangerous activity.
3. The bill upon its effective date nullified the county and municipal standards. However, the State Fire Marshal filed Emergency Rule incorporating those local standards to provide time to adopt a permanent rule. Subsequently the State Fire