

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-45.001 General Requirements.

(1) As a condition of biennial licensure renewal, all licensees shall complete a minimum of thirty contact hours of continuing education in dietetics and nutrition practice within the twenty-four (24) month period prior to the expiration date of the license, of which no more than ten hours may be in management, risk management, personal growth, and educational techniques. Up to fifteen (15) ~~ten~~ hours of credit shall be accepted per biennium for approved home study courses. Those persons certified for licensure in the second half of the biennium are exempt from the continuing education requirements for that biennium. One contact hour equals a minimum of fifty minutes.

(2) through (6) No change.

Specific Authority 456.013(7),(8), 468.507 FS. Law Implemented 456.013(7),(8), 468.514, 468.515 FS. History—New 12-5-90, Amended 1-1-92, 9-24-92, 5-6-93, Formerly 21M-51.001, Amended 9-28-93, Formerly 61F6-51.001, Amended 1-2-95, 11-12-95, Formerly 59R-45.001, Amended 9-26-01, 3-4-02.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dietetics and Nutrition Practice Council

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dietetics and Nutrition Practice Council

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 7, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 27, 2002

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

Division of Workers Compensation

RULE NO.: 4L-6.022
RULE TITLE: Confidentiality of Records Produced by the Division

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 45, November 8, 2002, of the Florida Administrative Weekly. These changes are being made to address concerns expressed by the Joint Administrative Procedures Committee.

Rule 4L-6.022, F.A.C., is changed to read as follows:

4L-6.022 Confidentiality of Records Produced by the Division.

(1) Section 440.185(11), Florida Statutes, provides that any information in a report of injury or illness filed with the Division pursuant to Section 440.185, Florida Statutes that would identify an ill or injured employee is confidential and exempt from the provisions of Section 119.07(1), Florida Statutes and Section 24(a), Article I of the Constitution of the State of Florida. Section 440.125, Florida Statutes, provides in part that any information identifying an injured employee in medical bills which are provided to the Division pursuant to Section 440.13, Florida Statutes is confidential and exempt from the provisions of Section 119.07(1), Florida Statutes and Section 24(a), Article I of the Constitution of the State of Florida.

(2) For purposes of maintaining the confidentiality of information as required pursuant to Sections 440.125 and 440.185(11), Florida Statutes, the following constitutes information that would identify an ill or injured employee: the ill or injured employee's

- (a) Name or signature;
(b) Social security number;
(c) Business, residence, and mailing addresses; and
(d) Residence and business telephone number.

(3) In the Division's response to a public records request, information that would identify an ill or injured employee will be redacted from any report of injury or illness filed with the Division pursuant to Section 440.185, Florida Statutes, and from any medical bill provided to the Division pursuant to Section 440.13, Florida Statutes.

Specific Authority 440.185(10), 440.591 FS. Law Implemented 440.125, 440.185(11) FS. History—New

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NOS.: 6E-2.0041, 6E-2.008, 6E-2.0081, 6E-2.010
RULE TITLES: Delivery of Programs through Nontraditional Assessments, Modes and Methods; Approval of Modifications; Change of Ownership or Control Agents

NOTICE OF CHANGE

Notice is hereby given that proposed Rules 6E-2.0041, 6E-2.008, 6E-2.0081, and 6E-2.010, F.A.C., published in Vol. 28, No. 43, October 25, 2002, Florida Administrative Weekly, have been changed to reflect comments received from the Joint Administrative Procedures Committee on November 12, 2002, and during public discussions at several Rules Development Workshops held between July 2002 and January 8, 2003, and a Public Hearing on January 10, 2003. The proposed rules have been changed so that when adopted they will read:

(Substantial rewording of Rule 6E-2.0041 follows. See Florida Administrative Code for present text.)

6E-2.0041 Delivery of Programs through Nontraditional Assessments, Modes and Methods Nontraditional College Programs.

(1) Introduction. In addition to its responsibility for the maintenance of high standards of quality, the Commission also serves to encourage responsible innovation in postsecondary education to meet societal needs for creatively designed programs delivered in nontraditional ways. It is the intention of the Commission that its standards and procedures shall foster the development of quality innovative programs and emerging new fields of study, and shall not unreasonably hinder educational innovation and competition.

(a) Institutions offering nontraditional programs of study shall document that the instructional methods used will lead to the achievement of stated learning objectives, and that all nontraditional instruction shall be consistent with the abilities, educational skills, experience, and needs of the students enrolled in the programs.

(b) Institutions offering nontraditional programs of study that employ innovative delivery systems or innovative methods, or that carry on research and teaching in emerging fields of study, shall demonstrate that they will achieve the intent of each of the standards contained in Rule 6E-2.004, F.A.C., for the appropriate level of licensure and for annual reviews.

(c) In addition to providing to the Commission the documentation required for each standard contained in Rule 6E-2.004, F.A.C., showing how the intent of each standard will be met in the nontraditional program or delivery system, the institution shall also furnish for each course to be offered:

1. An inventory of equipment and materials to be provided to each student;

2. A detailed description of how each program will be conducted, including detailed course outlines or syllabi, procedures for distribution of materials, examination and evaluation of student work, timely response to students' questions and comments, record keeping, appropriate student services, and technical support.

(d) Institutions holding accreditation as defined in Section 1005.02(1), Florida Statutes, by an accrediting agency recognized by the U. S. Department of Education to deliver nontraditional education, may substitute proof of such accreditation, in good standing, for the above requirements.

(2) Awarding of credit.

(a) Units or credits applied toward the award of a credential in nontraditional programs may be derived from a combination of any or all of the following:

1. Units or credits earned at and transferred from other postsecondary institutions, when congruent and applicable to the receiving institution's program and when validated and confirmed by the receiving institution.

2. Successful completion of challenge examinations or standardized tests demonstrating learning at the credential level in specific subject matter areas.

3. Prior learning, as validated, evaluated, and confirmed by qualified instructors at the receiving institution.

(b) Graduation requirements for nontraditional degree programs shall include provisions for general education appropriate to the type of degree, as specified in Rule 6E-2.004, F.A.C. The Doctor of Philosophy degree, commonly abbreviated Ph.D., shall not be offered or awarded through distance or nontraditional learning without appropriate accreditation by an accrediting agency recognized by the U.S. Department of Education.

(c) At least 20 percent of the units required in a nontraditional degree program shall be given by the institution awarding the degree, and shall not be derived from any combination of transfer, examination, or experiential learning; however, credits earned by active U.S. military members are excluded from this requirement due to the transient nature of the service.

(3) Direct contact instruction. Institutions licensed to operate in Florida and wishing to offer programs or courses through directed individual and group study using direct contact instruction shall describe the teaching-learning methodology to be used, and shall submit illustrative course outlines and competencies and all other documentation as required in Rule 6E-2.004, F.A.C., for the appropriate level of licensure or for subsequent annual reviews.

(4) Indirect contact instruction.

(a) Institutions licensed to operate in Florida and wishing to offer programs or courses through individual and group study mediated and assisted by telecommunications, computer augmented educational services, facsimile transmission, the postal service, or another technological method, shall describe the teaching-learning methodology to be used, and shall submit illustrative course outlines, competencies and all other documentation as required in Rule 6E-2.004, F.A.C., for the appropriate level of licensure or for subsequent annual reviews.

(b) In addition to the other requirements of Rule 6E-2.004, F.A.C., an institution offering instruction by correspondence shall employ a sufficient number of qualified instructors to assure that:

1. The academic content is designed by qualified faculty; and

2. Each student lesson, project, examination, or paper is evaluated by qualified instructors, and the instructor's response to or evaluation of each is sent to the student within a reasonable time as disclosed to the student.

(c) For programs that require the development of a manual or technical skill, such as the use of equipment or tools, the institution must ensure that the student has the opportunity to gain practical hands-on experience appropriate to master the skill. This experience, wherever gained, shall be documented

in the student's file and shall be done under proper supervision and with meaningful evaluation of the competency outcomes. The technical aspects must be designed by qualified technicians.

(5) Credit for prior learning. An institution may grant credit to a student for prior experiential learning only if all of the following apply:

(a) The prior learning is equivalent to the level of learning in which the student is enrolling.

(b) The prior learning is demonstrated to provide a balance between theory and practice, for academic programs; or a verifiable mastery of appropriate skills, for vocational courses or programs. For courses or programs requiring a combination of theory and skills, the prior learning is demonstrated to provide the appropriate combination.

(c) The credit awarded for the prior learning directly relates to the student's course or program and is applied in satisfaction of some of the credential requirements.

(d) College or university level learning for which credit is sought shall be documented by the student in writing, and validated, confirmed, and evaluated by faculty qualified in that specific subject area, who shall ascertain to what college or university level learning the student's prior learning is equivalent, and how many credits toward a degree may be granted for that prior learning. The faculty evaluating the prior learning shall prepare a written report indicating all of the following, which report shall be retained by the college or university for review by visiting Commission representatives upon request:

1. The documents in the student's file on which the faculty relied in determining and confirming the nature of the student's prior learning;

2. The basis for determining that the prior learning is equivalent to college or university level learning, and demonstrates a balance between theory and practice; and

3. The basis for determining to what college or university level the prior learning is equivalent, and the proper number of credits to be awarded toward the degree, based upon that prior learning.

(e) No more than 50 percent of the units required and validated through the institution's internal review process for a degree shall be awarded for prior experiential learning.

(6) Credits earned in a compressed time period. Institutions licensed in Florida and wishing to offer courses or programs in a compressed time period shall show evidence to the Commission that the intent of all standards for licensure, as set forth in Rule 6E-2.004, F.A.C., shall be met.

(7) Instructors. Institutions licensed to operate in Florida and wishing to offer nontraditional programs or courses shall employ or contract with appropriately qualified instructors sufficient in number to provide the instruction, student interaction, and learning outcomes evaluation necessary for the institution to document achievement of its stated purpose, and

for students to achieve the specific learning objectives and competencies required for each program so offered. It shall be the responsibility of the licensed institution to validate each instructor's competence to use the interactive electronic media program or distance learning program effectively, and to provide training in the use of the delivery system if needed.

(8) Library and other learning resources.

(a) Institutions licensed to operate in Florida and wishing to offer nontraditional programs or courses shall document to the Commission how they provide, ensure, and maintain access for all students to the information resources and services appropriate to support each program or course.

(b) Institutions shall document how they provide, ensure, and maintain security of examinations and papers.

(c) Institutions shall collect and use student evaluations of content, delivery, and services.

(9) Laboratory experiences. In the case of courses in the experimental or clinical sciences, or other courses requiring hands-on experience, each licensed institution wishing to offer nontraditional programs shall document to the Commission that arrangements have been made to ensure that the requisite laboratory, field, or equivalent experience is available to and used consistently by every enrolled student. Such experience shall be documented in the student's file, and shall occur under appropriate supervision and meaningful evaluation of the competency outcomes.

(10) Catalog. Each institution licensed in Florida and wishing to offer nontraditional programs or courses shall comply with all requirements of Rules 6E-1.0032 and 6E-2.004, F.A.C., and in addition shall publish information in the catalog, whether printed or electronic, pertaining to each of the following:

(a) The institution's policies and procedures for the award of credit for prior learning, including confirmation and validation, assessment policies and procedures, provisions for appeal of decisions, limitations on the number of credits that may be awarded in this manner, and all fees that a student may be required to pay.

(b) The institution's policies regarding the acceptance of credits earned by the student through successful completion of challenge examinations or standardized tests, acceptable scores for each, whether and how many times examinations may be repeated to achieve an acceptable score, limitations on the number of credits that may be awarded in this manner, and all fees that a student may be required to pay.

(c) If the institution offers instruction by correspondence, schedules for normal progress or completion of the course or program, and all fees that a student may be required to pay.

(11) Student records.

(a) Institutions wishing to offer nontraditional programs or courses shall maintain a file for each student, conforming to the general requirements of Rule 6E-2.004, F.A.C., and contain the following:

1. All documents evidencing a student's prior learning upon which the instructors and the institution base the award of any credit or credential.

2. For directed individual or group contact instruction, copies of the learning agreements or learning contracts signed by the instructors and administrators who evaluated the agreements and contracts.

(b) An academic transcript shall be maintained, kept current, and retained permanently for each student. Institutions offering nontraditional courses and programs shall adopt a policy requiring that credits awarded for prior learning, including internal credit by challenge examination, shall be so identified on the student's academic transcript. Institutions shall adopt a policy regarding the length of time for retention of records documenting evaluation, assessment and awarding of nontraditional credit. Retention time shall be sufficient for reasonable future review and confirmation of student work.

(12) Fair consumer practices, as described in Sections 1005.04 and 1005.34, Florida Statutes, and Rule 6E-1.0032, F.A.C., shall be followed by the institution in all aspects of its operation.

Specific Authority 1005.22(1)(e)1., 1005.31(2), (3) 246.041(1)(e), 246.051(1), 246.074 FS. Law Implemented 1005.31 246.041(2), (4), 246.087(1), 246.095 FS. History—New 10-13-83, Formerly 6E-2.041, Amended 11-27-88, 6-20-95, _____.

(Substantial rewording of Rule 6E-2.008 follows. See Florida Administrative Code for present text.)

6E-2.008 Approval of Modifications Amendments to Applications.

(1) No licensed institution shall add new degrees, programs or majors to its offerings or alter any licensed program by more than 20 percent since its last review, change the title of a program or the credential awarded, or discontinue a program, while under a Provisional License. Modifications contemplated by institutions holding an Annual License shall receive approval from the Commission before implementation. Such approval is contingent upon:

(a) A finding by the Commission that the licensee meets the standards contained in Rule 6E-2.004, F.A.C., and, if applicable, Rule 6E-2.0041 or 6E-2.0042, F.A.C., for each proposed new degree, program or major;

(b) Documentation that the modifications are congruent with the guidelines of state or national professional licensing boards;

(c) The licensee's filing the required documentation; and

(d) The licensee's paying the fee required by rule.

(2) In the event that it is deemed necessary by the Commission, a representative of the Commission or a visiting committee shall visit the institution prior to consideration of the modification and shall provide a written report to the Commission of its findings, to be used as one of the bases upon which the Commission will make a determination regarding the modification.

(3) Any other significant change in the information provided in the initial application for, or last review of, licensure, or in subsequent modifications approved by the Commission, including but not limited to change in corporate charter, purpose, administrative structure, finance, or physical facilities, shall be filed with the Commission at least 30 days prior to implementation.

(4) Additional locations, including auxiliary classroom space, shall not be added while under a Provisional License. Institutions holding an Annual License shall receive prior approval of additional locations by the Commission before implementation. For colleges and universities, if the new additional location is more than 10 miles distant from the main Florida headquarters, the college or university shall submit information to the Commission showing that the requirements of Rule 6E-2.004, F.A.C., are met for the additional location. For nondegree schools, each location except an auxiliary classroom space shall be licensed separately. Licensed institutions shall provide to the Commission prior notification of auxiliary classroom space, as defined in subsection 6E-1.003(5), F.A.C. Such notification shall include the address and description of the facilities. The description shall include information regarding student capacity, the purpose of the facility, the impact on existing students, and the scope of the operation.

(5) The Commission shall be notified in writing of minor modifications of programs, fees, or tuition. The Commission shall not be required to review or approve such modifications.

(6) Institutions Licensed by Means of Accreditation shall file a copy of all correspondence with accrediting agencies regarding modifications.

Specific Authority 1005.33(2) 246.041(1)(e), 246.051(1), 246.071, 246.091(3) FS. Law Implemented 1005.33(2) 246.051, 246.087(1), 246.091(2),(3) FS. History—Repromulgated 12-5-74, Formerly 6E-4.01(2)(c), Readopted 11-11-75, Amended 5-7-79, 10-13-83, Formerly 6E-2.08, Amended 5-13-87, 11-29-89, 10-19-93, 4-2-96, 4-11-00, _____.

6E-2.0081 Change of Ownership or Control.

(1) Pursuant to Section 1005.31(8), Florida Statutes, a licensed institution shall notify the Commission prior to a change of ownership or control. The notification shall be made in writing no less than 30 days prior to the change. The Commission shall review each case and, if the standards for licensure are met, take affirmative action to issue a new license after receipt and evaluation of the appropriate documentation and payment of the required fee. The Commission shall make the final determination as to whether a change of ownership or control has occurred.

(2) Change of ownership means a transfer, assignment, or conveyance of issued or outstanding stock or other instrument of ownership which results in a change in control of the institution.

(a) For a privately held corporation, a change of ownership occurs:

1. When a majority of stock or other instrument of ownership is conveyed; or

2. When an amount of stock or other instrument of ownership sufficient to increase an individual's holdings to 50 percent or above is conveyed; or

3. When the majority of the institution's governing board changes within a calendar year.

(b) For a publicly held corporation, a change of ownership occurs:

1. When there is a change of 50 percent or more of the voting members of the board of directors in any 12-month period; or

2. When there is a change in the number of voting members of the board of directors in any 12-month period that will allow a group of directors to exercise control who could not exercise control before the change; or

3. When there is an acquisition of outstanding voting shares by any entity or group whereby that entity or group owns 50 percent or more of the total outstanding voting shares; or

4. When any other transaction occurs that is deemed by an appropriate governmental agency to constitute a change of control, including but not limited to a transaction that requires the corporation to file a notice of change of ownership with the Securities and Exchange Commission of the United States.

(c) For a not-for-profit corporation, a change of ownership occurs:

1. When there is a change of 50 percent or more of the voting members of the controlling board in any 12-month period; or

2. When there is a change in the number of voting members of the controlling board in any 12-month period that will allow a group of members to exercise control who could not exercise control before the change.

(d) For a limited liability company, a change of ownership occurs:

1. When the transfer of 50 percent or more of the direct or beneficial ownership interest is conveyed from one member or members to another member or members; or

2. When there is a transfer of direct or beneficial ownership interest that results in the holding of 50 percent or more of the total direct or beneficial ownership interest by any member other than any previous member who owned 50 percent or more of the total direct or beneficial ownership interest; or

3. When there is a transfer of direct or beneficial ownership interest whereby a member's direct or beneficial ownership interest decreases from more than 50 percent to less than 50 percent; or

4. When there is any other transaction whereby a member or group of members who previously could not exercise control of the company as described in this rule now can exercise control.

(e) For purposes of determining ownership, married couples shall be considered a single entity, and closely related family groups shall be considered a single entity when all of the present and future relevant stockholders actively participate in the management of the corporation. No change of ownership occurs when stock is transferred to a close family member by operation of law or inheritance upon the death of one of the stockholders.

(3) A change in control means any change in the organization of a institution which affects the authority to establish or modify institutional policies, standards, and procedures. A change in control occurs when a person acquires or loses control of an institution or of the parent corporation that owns the institution, whether by means of the sale of the institution, sale of the assets, transfer of the controlling interest of stock, conversion of the institution from nonprofit to for-profit or vice versa, or similar transaction. A change in control does not occur upon the retirement or death of the owner of an institution, if ownership and control passes to a member of the owner's family or to a person with a pre-existing ownership interest in the institution.

(4) With the written notification provided to the Commission as required in subsection (1) of this rule, the institution shall provide:

(a) A written statement of the anticipated effects of such change upon the name, purpose, programs, personnel, administrative organization, finances, and other standards for licensure, and upon its accredited status, if accredited.

(b) A copy of the institution's last application for licensure, or licensure review, annotated to disclose all changes to the materials previously submitted.

(c) The new owners, in the case of a change of ownership, shall provide a written sworn statement attesting to:

1. The accuracy and completeness of the materials presented to the Commission;

2. A guarantee that the new ownership will comply with the requirements of Chapter 1005, Florida Statutes, and these rules;

3. Confirmation that the new owner(s), chief administrative officers, directors, or registered agents are not ineligible to hold such positions in a licensed institution, pursuant to Section 1005.38(2), (3) and (4), Florida Statutes.

(d) Information and fee required for the criminal justice information investigation authorized by Section 1005.38(4), Florida Statutes.

(5) If a change of ownership or control occurs in the period between regularly scheduled Commission meetings, the materials submitted are complete and in compliance with Commission standards, and if it appears to be in the best interest of the students, interim executive approval of the change and interim Provisional Licensure shall be granted by the Executive Director and reported to the Commission at its next meeting for further action.

(6) The currently licensed institution shall be responsible for arranging and conducting a change in ownership or control in a manner and at a time so that there is no adverse impact on the opportunity of currently enrolled students to complete their training and receive student services. In addition, the institution shall remain responsible for properly completing the training of the enrolled students and for providing the student services, and shall be subject to disciplinary action for any violations of statutes and rules which may occur in that regard during the transition. A change of ownership or control of an institution, or the issuance of a new license, shall not in any manner release the institution from its legal obligations to enrolled students to provide education and services required under the student's enrollment agreement, Chapter 1005, Florida Statutes, or the rules of the Commission. The new licensee shall be under a continuing obligation to fulfill the terms of all contracts with the enrolled students.

Specific Authority 1005.31(8)(b) FS. Law Implemented 1005.31(5),(8) FS. History—New

(Substantial rewording of Rule 6E-2.010 follows. See Florida Administrative Code for present text.)

6E-2.010 Agents; License Required; Procedures for Licensure.

The following provisions shall apply to persons meeting the statutory definition of "agent" found in Section 1005.02(2), Florida Statutes.

(1) No agent shall recruit for an institution required to be licensed under Section 1005.31(1), Florida Statutes, unless the institution is so licensed.

(2) It shall be the responsibility of each institution to require a specific training program for its admissions director, who shall supervise and train all agents and admissions staff employed by the institution. The agent training program shall be submitted to the Commission for review, initially and upon changing the program. Institutions that choose to employ a training provider for their training program may, if the program provided by the contractor has been approved by the commission, provide the program without additional approval. Training of agents shall include information to familiarize agents with the Florida Statutes and applicable rules regarding agents, and with the institution's programs, services, costs, terms of payment, financial aid available for qualified students, refund policy, transferability of credits to other institutions, reasonable employment projections and accurate placement data, status of the institution regarding licensure and accreditation, facts regarding the eligibility of graduates to sit for licensure examinations or fulfill other requirements to practice in Florida the career or profession for which the prospective student wishes to be trained, and other relevant facts. The training program shall reflect the fair consumer practices outlined in Sections 1005.04 and 1005.34, Florida Statutes, and Rule 6E-1.0032, F.A.C. The training program shall be updated as necessary to reflect changes in applicable

laws, rules, and institutional policies; and all agents and admissions staff shall be provided with updated training as necessary.

(3) Each agent applying for initial licensure with an institution shall file with the Commission the required documentation and the appropriate application fee, as well as a fee for the cost of an investigation of criminal justice information as provided in Section 1005.22(1)(h), Florida Statutes, and defined in Section 943.045(3), Florida Statutes. Agents applying for renewal of their existing license with an institution shall submit, with the application for renewal, updated information regarding training taken during the preceding year, contact information, required fees, and a certification signed by the director or chief administrative officer of the institution stating that the information provided is true and correct.

(4) Persons seeking licensure as recruiting agents for institutions shall submit the following materials in conjunction with the application fee:

(a) Confirmation by the chief executive officer or president of the institution that the individual has been appointed as a recruiting agent for the institution;

(b) Documentation that the institution is authorized to operate by the appropriate state or other agency of jurisdiction where the main campus, corporate headquarters, and all other operations of the institution are located, if out of state;

(c) A statement of the institution's status regarding accreditation;

(d) A copy of the institution's current catalog; and

(e) An affirmation signed by the chief executive officer or president of the institution, stating that the agent has received all required training and that the institution shall be responsible for the correct and accurate representation of the institution by the agent in Florida; and that all printed materials, advertisements, and verbal information disseminated in Florida by the agent regarding the institution shall conform to the applicable requirements of Florida law and rules, including: Chapter 501, Florida Statutes; Chapter 1005, Florida Statutes; and Chapters 6E-1 through 6E-4, F.A.C.

(5) Upon receipt of the required materials and results of the criminal justice information investigation required for new applicants by Section 1005.22(1)(h), Florida Statutes, showing that the applicant has not been found in violation of laws or rules governing recruiting practices or other relevant matters, the staff of the Commission shall review the materials and make a recommendation to the Executive Director regarding licensure of the applicant. The staff shall request additional information regarding the applicant or the institution to be represented, if the materials submitted do not contain the information necessary to determine eligibility. If the Executive Director finds that the applicant and the institution to be represented meet the standards set forth in this rule and in Chapter 1005, Florida Statutes, the agent's license shall be

issued or extended for one year. A report of agents issued licenses or extensions shall be provided to the Commission on a quarterly basis. If the criminal background investigation reveals relevant convictions or pleas, the application will be denied.

(6) The criteria for nontransferable licensure of a recruiting agent are:

(a) Evidence of appointment by the institution to be a recruiting agent for the institution;

(b) Evidence that the institution to be represented is authorized to operate by the appropriate state or other agency of jurisdiction where the main campus, corporate headquarters, and all other operations of the institution are located, if out of state;

(c) Evidence that the agent has satisfactorily completed an approved training program and has demonstrated competent knowledge and mastery of the content;

(d) Affirmation that the agent has not had an agent's license or similar authorization revoked in Florida or in another state or other jurisdiction, and has not been found in violation of laws or rules governing recruiting practices; and

(e) Affirmation that the agent will represent the institution correctly and accurately and will comply with all applicable laws and rules.

(7) Each agent's license shall be effective for a period of one year from the date of issuance, and is not transferable to another agent or to another institution to be represented. If an individual recruits students for more than one institution, that individual must receive a separate agent's license and receive and document separate agent's training for each institution represented.

(8) Each initial agent's license shall be issued for a maximum period of one year from the date of issuance. After receiving initial licensure, an agent shall apply annually for licensure by submitting the documentation and fee set forth in this rule.

(9) Each institution employing recruiting agents shall notify the Commission in writing within ten days after the resignation or dismissal of an agent. Agents shall be required to return their agent's license within 10 days of resignation or dismissal.

(10) An agent's license is subject to denial, probation, or revocation for cause as set forth in Section 1005.38, Florida Statutes, and Rule 6E-2.0061, F.A.C. Grounds shall include violation of applicable Florida law; misrepresentation of the institution, its programs, or other pertinent facts; obtaining an agent's license by fraudulent misrepresentation, bribery, or through an error of the Commission; failure to follow fair consumer practices; failure to comply with the provisions of Chapter 1005, Florida Statutes; prior revocation or disciplinary action against the agent for violation of these or similar standards; revocation of the represented institution's license in Florida or of its authorization to operate in the state or other

jurisdiction where the main campus, corporate headquarters, and all other operations of the institution are located; or, in the case of an out-of-state institution not licensed by the Commission, any activity by or on behalf of the institution which would be grounds for denial or revocation of its licensure under the provisions of Rule 6E-2.0061, F.A.C., if it were subject to licensure in Florida. A person whose agent's application has been denied or revoked shall not solicit students, nor shall a person solicit students while his or her agent's license is under probation.

(11) Revocation of an agent's license shall lead to an investigation of the licensed institution to determine whether the institution's license should be placed on probation or revoked for failing to train or supervise its agents adequately, or for allowing or encouraging its agents to violate the provisions of Florida Statutes and rules, if the activities leading to the disciplinary action appear to be related to such circumstances.

(12) All monies collected by an agent from or on behalf of students recruited shall be turned over to the institution represented. All checks received shall be made payable to the institution represented, and receipts for cash shall be given to the student in the name of the institution.

(13) All licensed agents representing an institution shall be called agent, admissions representative, sales representative, or field representative. The terms counselor or advisor, or modifications thereof, shall not be used by agents.

(14) Agents shall not have the authority to accept an applicant for admission on behalf of the institution. If an applicant is determined by the institution not to be eligible for admission, or not to possess the ability to complete the program successfully, all monies paid shall be refunded in accordance with the institution's refund policy.

(15) An agent shall not offer a bonus or discount to the prospective student, and shall not make statements indicating that the prospective student must make a decision immediately or within a short period of time. No reference shall be made, either verbally or in writing, that other inducements, including but not limited to travel, equipment or textbooks, will be provided free to the prospective student for signing up during a specific period of time or for bringing in other new students.

Specific Authority 1005.31(10), 246.041(1)(c), 246.051(1), 246.071, 246.087(2) FS. Law Implemented 1005.04, 1005.22(1)(h), 1005.31(10), 1005.33, 1005.38(1), 1005.39, 246.051, 246.081(4), 246.087(2), 246.095, 246.097(2), 246.111 FS. History—Repromulgated 12-5-74, Formerly 6E-4.01(4), Readopted 11-11-75, Amended 2-6-78, Formerly 6E-2.10, 6E-2.11, Amended 5-13-87, 11-27-88, 11-29-89, 12-10-90, 10-19-93, 4-11-00.

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NO.:

RULE TITLE:

6E-4.005

Student Protection Fund; Trainout Procedures for Closure

NOTICE OF CHANGE

Notice is hereby given that proposed Rule 6E-4.005, F.A.C., published in Vol. 28, No. 43, October 25, 2002, Florida Administrative Weekly, has been changed to reflect comments received from the Joint Administrative Procedures Committee on November 12, 2002, and during public discussions at several Rules Development Workshops held between July 2002 and January 8, 2003, and a Public Hearing on January 10, 2003.

The proposed rule has been changed so that when adopted it will read:

6E-4.005 Student Protection Fund; Trainout Procedures for Closure.

Subsections (1)-(4), (6)(a), and (6)(b) of this rule shall apply to all licensed nonpublic nondegree schools. Subsections (5) and (6)(c) shall apply to all licensed institutions.

(1) Establishment of Fund. There is hereby established a fund to be known as the Student Protection Fund, pursuant to Section 1005.37, Florida Statutes.

(2) Payment into the Student Protection Fund shall be made by all licensed nonpublic nondegree schools.

(3) Assessment Paid by Licensed Nondegree Schools. Each licensed school shall pay annually to the fund a specified amount equal to .0005 of the annual gross tuition revenue generated in Florida.

(4) Computation and Payment of Assessment.

(a) The Commission shall require each school to make a \$500 payment to the Student Protection Fund before an initial Provisional License is issued. After the second year of operation, the \$500 may be used to offset future payments to the Student Protection Fund.

(b) The counting period shall be the institution's fiscal year.

(c) For programs offered by correspondence or distance education, only income from Florida students shall be counted for purposes of computing the assessment. For purposes of this rule, a Florida student is a student whose mailing address for purposes of receiving distance education lessons and materials from the school is a Florida address.

(d) The full and timely payment of the assessment is a condition of licensure. Failure to make such payment shall be grounds for disciplinary action against the school, or for changing the status of a school which is Licensed by Means of Accreditation to a Provisional License, or for denial of an application for license renewal.

(5) Application for and Granting of Train-out Awards.

(a) Any institution that enrolls a student who was enrolled in a licensed school but who was unable to complete a program at such school because the school ceased operations or terminated the program in which the student was enrolled may

qualify for payments from the Student Protection Fund for training out the student in the program in which the student was previously enrolled.

(b) A licensed institution offering to train out an affected student(s) may apply for an award by letter to the Commission requesting a train-out award and identifying the school which ceased operations; the last known date that the school was open, or the closing date, if known; the program in which the student was enrolled; the date that the student's program was terminated; the student's Social Security number; and the approximate date on which the student began the program. Train-out institutions must provide to the Commission an accurate itemization of actual costs incurred during the training. The institution must also provide to the Commission an accounting of other funds that will be provided for the student. These funds will be considered when the Commission determines the amount of an award. The Commission will base awards on the availability of funds, the actual costs incurred, and the amount of other funds received. The train-out award and the cost of completing the program shall not exceed the actual cost of training out the student, minus other payments made by or on behalf of a student, minus the amount of any remaining accounts receivable. The Commission shall pay the award to the train-out institution within 45 days of the date of approval by the Commission.

(6) Additional Provisions.

(a) Direct expenses for the administration of the fund shall be charged to the fund.

(b) Pursuant to Section 1005.37(3), Florida Statutes, the owners of a school that terminates a program before all students have completed it shall be assessed a fee by the Commission in an amount not to exceed the cost to the Student Protection Fund of implementing the trainout. Failure to pay the fee to the Commission shall be grounds for disciplinary or civil action against the school and its owners. Improper closing of a school without meeting the obligations required by Chapter 1005, Florida Statutes, and these rules, shall result in actions as provided in Sections 1005.36 and 1005.38, Florida Statutes.

(c) Before closing, a licensed institution shall:

1. Notify the Commission in writing at least 30 days prior to closing the institution, pursuant to Section 1005.36, Florida Statutes;

2. Establish and submit to the Commission a written plan for the closure to include the following:

a. The method of training out students, including written agreements with other institutions which may provide part or all of the trainout;

b. The method by which all student academic records to the Commission or the Commission's designee;

c. A time-line showing the steps to be taken for orderly closure of the institution;

d. A list of current mailing addresses and telephone numbers for all active students currently enrolled at the institution;

e. Copies of notices to the students that the institution will provide for the students' trainout or refunds;

f. Evidence of refunds made to students not receiving trainout, repaying all outstanding student loans, or pro-rata refunds to students not having loans;

3. Notify the Commission, and provide documentation of meeting all student obligations, at the conclusion of the trainout.

4. When the Commission is notified that an institution is closing or has closed, the Commission shall:

a. Have a representative of the Commission visit the institution as soon as practicable to review the current status of the institution and to provide a report to the Commission;

b. Review the trainout plan to determine compliance with this rule;

c. Assist in identifying and securing trainout at other institutions;

d. Ensure that students are notified of their rights and responsibilities;

e. Share information regarding the closure with appropriate federal and state agencies and any other appropriate oversight bodies.

5. If the Commission is not notified, or if the institution has not provided for an orderly closing, the Commission shall:

a. Organize a trainout committee composed of staff, Commission members, and other individuals to oversee an orderly trainout;

b. Notify all appropriate agencies to seek assistance in the institutional closure; and

c. Refer the matter to the Department of Legal Affairs or the State Attorney for investigation and prosecution.

Specific Authority 1005.37 FS, Law Implemented 1005.35(4)(g), 1005.36(3), 1005.37 FS, History--New _____.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
14-57	Railroad Safety and Clearance Standards, and Public Railroad-Highway Grade Crossings
RULE NOS.:	RULE TITLES:
14-57.010	Definitions for Use in Part II
14-57.011	Public Railroad-Highway Grade Crossing Costs
14-57.012	Standards for Opening and Closing of Public Railroad-Highway Grade Crossings

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. 28, No. 48, November 27, 2002, issue of the Florida Administrative Weekly.

SUMMARY OF CHANGES: The following changes result from a review of comments received from the Joint Administrative Procedures Committee:

1. Rules 14-57.010, 14-57.011, and 14-57.012: Remove Section 335.141, Florida Statutes, from Specific Authority citations.

2. 14-57.010(2): The form reference within the rule is being changed to reflect the actual title of the form, i.e., "Railroad Grade Crossing Application." Also, because the form contained references to a statutory citation and an obsolete rule reference, the form is being revised and the revision date is changed to (01/03) instead of the (10/00) currently shown.

3. 14-57.011(2): The effective date of the Federal Policy Guide is January 31, 2002. This effective date is listed on the document and the reference in the rule is being changed to show this date. The incorporation by reference is to read as follows:

(2) Installation and Modification. The method of determining responsibility for installation or modification costs shall be as follows: At all public railroad-highway grade crossings, the method of determining railroad responsibility will be in accordance with the Federal Highway Administration Federal-Aid Policy Guide, Subchapter B, Part 140, Subpart I, January 31, 2002, Transmittal 30, incorporated herein by reference. To obtain copies of this document, go to www/fjwa/dpt/gpv: link to Legislation and Regulations.

4. 14-57.012(3)(b): The Department's *Design Standards for Design, Construction and Maintenance and Utility Operations on the State Highway System* is effective January 2002. Therefore, the incorporation by reference statement is revised to read as follows:

(b) Minimum Active Grade Crossing Traffic Control Devices. All new public railroad-highway grade crossings shall have, as a minimum, roadside flashing lights and gates on all roadway approaches to the crossing, usually placed on the right of approaching traffic. Lamp units shall be in accordance with the standards recommended by the MUTCD. The location of the roadside flashing lights and gates shall be in accordance with the Department's *Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System*, "Railroad Grade Crossing Traffic Control Devices," January 2002, with the primary emphasis being the visibility of the flashing lights and gates. The Department's *Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System*, "Railroad Grade Crossing Traffic Control Devices," January 2002, is hereby incorporated by this rule and made a part of the rules of

this Department. Copies of this document and any amendments thereto are available at <http://www11.myflorida.com/rddesign/Design%20Standards/designstds.htm>.

5. 14-57.012(3)(g)1.: The title for 14-57.012(g) is changed from "Exceptions" to "Delay of Installation." The proposed 14-57.012(3)(g)1. is deleted in its entirety and the proposed 2. and 3. are changed to 1. and 2.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 02-24R

RULE CHAPTER NO.: 62-730
 RULE CHAPTER TITLE: Hazardous Waste

RULE NO.: 62-730.150
 RULE TITLE: General

NOTICE OF CORRECTION

PURPOSE AND EFFECT: Clerical error resulted in an unintended variation between rule language as proposed by the Department of Environmental Protection in its Notice of Proposed Rulemaking published on July 26, 2002 (in the Department's official notice internet site at www.dep.state.fl.us under the link titled "Official Notices," and in the Florida Administrative Weekly) and the rule language as published in the Florida Administrative Code. One subparagraph, 62-730.150(8)(c)2., was affected. Specifically, the word "muffler" was inadvertently omitted from the final rule as published, and a superfluous sentence was accidentally added. Today's notice corrects these errors and conforms the final rule with the proposed rule as noticed on July 26, 2002.

THE PERSON TO BE CONTACTED REGARDING THE CORRECTED RULE IS: Agusta P. Posner; Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000, (850)245-2282

THE FULL TEXT OF THE CORRECTED RULE IS:

62-730.150 General.

(8)(c)2. The shop engages in the repair or modification of light truck or automobile engines, brakes, mufflers, or transmissions/transmission axles, unless the shop is excluded in paragraph Rule 62-730.150(8)(d), F.A.C. ~~"Light truck or automobile engines" include fuel delivery systems and engine cooling systems.~~

DEPARTMENT OF HEALTH

Division of Disease Control

RULE NO.: 64D-3.018
 RULE TITLE: Partner Notification

NOTICE OF WITHDRAWAL

Notice is hereby given that the above notice of change in Vol. 28, No. 33, August 16, 2002 and the rule, as noticed in Vol. 28, No. 37, September 13, 2002 Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-1.400
 RULE TITLE: Forms for Client Notice and Contact

NOTICE OF CHANGE

Notice is hereby given that changes have been made to the proposed rules, published in Vol. 28, No. 45 issue of the Florida Administrative Weekly on November 8, 2002, in accordance with subparagraph 120.54(3)(d)1., F.S. These changes are the result of potential objections raised by the Joint Administrative Procedures Committee in a letter dated December 31, 2002. Note that technical changes in regard to form titles and edition dates were also made and are not detailed here.

A listing of the forms that are repealed in this rule, but the functions of which have been incorporated by reference as a form in another rule, is as follows:

- HRS-SES Form 1007, Mar 80, Fair Hearing Request
- CF-ES Form 2064, Jun. 98, Your Rights and Responsibilities
- CF-ES Form 2066, 2066S, 2066H, Jun. 98, Request for Assistance
- HRS-ES Form 2067, Sept. 90, Application for Public Assistance
- HRS-ES Form 2914, Jul. 86, Authorization to Release Medical Information
- HRS-ES Form 3059, May 92, Decision Pending/Request for Verification.

A listing of forms that have been repealed by this action, but either will be incorporated by reference in or are under consideration for incorporation by reference in another rule, is as follows:

- HRS-ES Form 2058, Oct. 88, Declaration of United States Citizenship/Lawful Alien Status
 - HRS-ES Form 2065, Nov. 91, Parent Responsibility Contact Letter
 - HRS-ES Form 2264, Jan. 89, Notice of Determination of Resource Transfer
 - HRS-AA Form 2504, Oct. 89, Assignment of Rights to Support
 - HRS-ES Form 2505, Oct. 89, Affidavit for Designated Representative
 - CF-ES Form 2601, Jun. 98, Notice of Case Action
 - HRS-SES Form 2640, Oct. 79, Child Support Cooperation Notice
 - HRS-ES Form 2689B, Feb. 90, Periodic Eligibility and Income Report
 - HRS-ES Form 2918, Nov. 90, Medicaid Notice of Case Action
- A listing of forms that have been repealed by this action is as follows:
- HRS-MED Form 1006, May 83, Nursing Home Contribution Notice

HRS-ES Form 1027, Dec. 82, Emergency Certification for Medicaid – Request
 HRS Form 1248, Jul. 90, Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Program Benefits
 HRS Form 1293A, Jan. 91, Medical Resources Documentation
 HRS Form 1330, April 82, Notice of Ineligibility or Change in Service Status
 HRS-ES Form 2009, Jul. 86, Appointment Notice/Request for Information
 HRS-ES Form 2068, Feb. 92, Signature Page for Application for Public Assistance
 CF-ES 2095, Oct. 98, Jobs and Benefits Work Registration Referral
 CF-ES 2096, Oct. 98, WAGES Overview and Work Activity Referral
 CF-ES 2097, Oct. 98, WAGES Participation and Information Notice
 HRS-ES Form 2233, Oct. 87, Medicaid Notice of Case Action Change/Cancellation
 HRS-ES Form 2235, Jun. 83, Notice of Case Action (OSS/HCE)
 HR-ES Form 2236, Oct. 89, Medicaid Notice of Application Disposition
 HRS-AA Form 2508, Jul. 90, Resource Assessment
 HRS-AA Form 2509, Apr. 90, Alternative Placement Notice
 HRS-ES Form 2636, Jun. 83, Protective Payee Accounting
 HRS-ES Form 2637, Jun. 87, Support Payment Notification Letter
 HRS-ES Form 2647, Dec. 79 Warrant Photocopy Availability Notice
 HRS-ES Form 2692, Oct. 93, Family Support Act Child Care Referral
 HRS-ES Form 2692a, Oct. 93, Family Support Act Child Care Referral Children’s Information
 HRS-ES Form 2693, Oct. 92, Child Care Rights and Responsibilities
 HRS-ES Form 2902, Jan. 89, Medically Needy Billing Authorization Form
 HRS-ES Form 2911, Aug. 90, Disability Report
 HRS-ES Form 2912, Jul. 86, Supplemental Mental Disability Report
 HRS-ES Form 2913, Jul. 86, Vocational Report
 HRS-SES Form 3010, Feb. 92, Food Stamp Authorization
 HRS-ES Form 3012, Jan. 92, Food Stamp ID Card
 HRS-ES Form 3044, Jan. 87, Notice of Expiration of Certification Period
 HRS-ES Form 3050, Dec. 85, Notice of Decision
 HRS-ES Form 3083, May 90, Statement for Food Stamps Work Registrants

HRS Form 4181, Jul. 92, Support Services Notice of Redetermination, Termination or Denial
 HRS-ES Form 4184, Sept. 93, Project Independence Registration and Information Notice

Rule text changes are as follows.

At the end of section (1) insert a new sentence to read:

The edition date on some of these forms is listed with a notation that the edition replaces a previous edition that may be used. This notation is to indicate that the new edition of the form does not implement a policy change and that supplies of the previous edition may be exhausted prior to exclusive use of the new edition.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NOS.:	RULE TITLES:
65A-1.701	Definitions
65A-1.710	SSI-Related Medicaid Coverage Groups
65A-1.711	SSI-Related Medicaid Non-Financial Eligibility Criteria
65A-1.713	SSI-Related Medicaid Income Eligibility Criteria

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules, published in Vol. 28, No. 41 issue of the Florida Administrative Weekly on October 11, 2002, in accordance with subparagraph 120.54(3)(d)1., F.S. These changes are the result of the department’s decision to amend an age eligibility factor for the Traumatic Brain Injury and Spinal Cord Injury Home and Community-Based Services Waiver Program and to delete the Qualified Individuals (QI) 2 program as it has been discontinued. The specific changes are as follows.

Rule 65A-1.701, F.A.C.

Paragraph (36) is amended to read:

(36) Traumatic Brain Injury and Spinal Cord Injury/Home and Community-Based Services: A Home and Community-Based Services (HCBS) waiver program for individuals ages 18 ~~through 64 and older~~ who have a traumatic brain or spinal cord injury and are not enrolled or eligible for the Medically Needy Program.

Rule 65A-1.710, F.A.C.

Paragraph (7) is amended to read:

(7) Traumatic Brain Injury and Spinal Cord Injury Waiver Program. Individuals must be: eligible for SSI, MEDS-AD or Home and Community Based Services; must be age 18 through

~~64 or older~~; must not be enrolled in or eligible for the Medically Needy Program; and, must have a traumatic brain or spinal cord injury.

Rule 65A-1.711, F.A.C.

Paragraph (4)(f) is amended to read:

(f) Be age 18 through 64 ~~or older~~ and disabled in accordance with SSI disability criteria set forth in 42 CFR §§ 435.540 and 435.541, F.S., (both incorporated by reference) with a medical condition of traumatic brain injury or spinal cord injury in accordance with the Centers for Medicare and Medicaid Services approved Medicaid waiver.

Rule 65A-1.713, F.A.C.

Paragraph (1)(k) is deleted:

~~(k) For a Qualified Individual 2 (QI2), income must be greater than 135 percent of the federal poverty level, but equal to or less than 175 percent of the federal poverty level. QI2 is eligible only for one-time annual reimbursement of a portion of the Medicare premium by Medicaid.~~

(1)(l) through (1)(m) renumbered (1)(k) through (1)(m)
No change.

IF REQUESTED WITHIN 10 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME AND DATE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m., February 12, 2003

PLACE: 1317 Winewood Boulevard, Building 3, Room 100, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE NOTICE OF CHANGE OR THE HEARING IS: Audrey Mitchell, Program Administrator, Economic Self-Sufficiency Services, Program Support Unit, 1317 Winewood Boulevard, Building 3, Room 421, Tallahassee, Florida 32399-0700, (850)488-3090

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
67-21.007	Fees
67-21.008	Terms and Conditions of Loans
67-21.014	Credit Underwriting Procedures
67-21.016	Compliance Procedures

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. 28, No. 51, December 20, 2002, issue of the Florida Administrative Weekly.

67-21.002 Definitions.

(8) "Application" means, ~~with respect to the MMRB Program,~~ the completed forms from the Universal Application Package, together with all exhibits submitted to Florida Housing in accordance with the provisions of this rule chapter in order to apply for the Program.

(31) "Developer Fee" means the fee earned by the Developer. Such fee shall be limited to 18 percent of Total Development Cost excluding land and, for rehabilitation, building acquisition costs. A Developer Fee on the building acquisition cost shall be limited to 4% of the cost of the building(s) exclusive of land cost. Consulting fees, if any, must be paid out of the Developer Fee. Consulting fees include, ~~but are not limited to,~~ payments for Application consultants, construction management or supervision, or local government consultants. Fees of the Applicant's or Developer's attorney(s) awarded in conjunction with litigation against Florida Housing with respect to a Development shall also not be included in Total Development Costs. Fees for services provided by architects, accountants, appraisers, engineers or Financial Advisors may be included as part of the Total Development Costs, except that those fees for a Financial Advisor that are in excess of \$18,000 must be paid out of the Developer Fee. In the event of extraordinary circumstances, Applicant may petition the Board for relief from the attorney fee and Financial Advisor caps. For the purpose of the HUD Risk Sharing Program, if there exists an Identity of Interest relationship as defined herein between the Applicant or Developer and the General Contractor, the allowable fees shall in no case exceed the amount allowed for the Developer Fees pursuant to the HUD subsidy layering regulations. Florida Housing shall not authorize fees to be paid for duplicative services or duplicative overhead.

(34) "Difficult Development Area" or "DDA" means any area designated by the Secretary of Housing and Urban Development as having high construction, land, and utility costs relative to area median gross income in accordance with section 42(d)(5) of the Code. A list of the 2003 Florida DDAs is adopted and incorporated herein by reference. A copy of such list is available on FHFC's web site www.floridahousing.org. The United States Department of Housing and Urban Development maintains the official DDA list. The incorporated Florida DDA list is designed to assist the Applicant in the Application process. Applicants are responsible for providing Florida Housing with accurate DDA information.

(56) "Income Certification," "Tenant Income Certification" or "Form TIC-1" means the form which is adopted and incorporated herein by reference, effective 6/2002, and which shall be used to certify the income of all tenants residing in a Set-Aside unit in a Development. A copy of such form is available on FHFC's web site at www.floridahousing.org.

(74) "Program Report" or "Form PR-1" means the report format which is required to be completed and submitted to Florida Housing pursuant to this rule chapter, and is adopted and incorporated herein by reference, effective October 2002 on the date of the latest amendment to this rule chapter. A copy of such form is available on FHFC's web site at www.floridahousing.org.

(77) "Qualified Census Tract" or "QCT" means any census tract which is designated by the Secretary of Housing and Urban Development as having either 50% or more of the households at an income which is less than 60% of the area median gross income, or a poverty rate of at least 25%, in accordance with section 42(d)(5)(C) of the Code. A list of the 2003 Florida QCTs is adopted and incorporated herein by reference. A copy of such list is available on FHFC's web site www.floridahousing.org. The United States Department of Housing and Urban Development maintains the official QCT list. The incorporated Florida QCT list is designed to assist the Applicant in the Application process. Applicants are responsible for providing Florida Housing with accurate QCT information.

~~(80) "Recap of Tenant Income Certification Information" or "Form AR-1" means a report format which is required to be completed and submitted to the Corporation pursuant to this rule chapter and is adopted and incorporated by reference, effective on the date of the latest amendment to this rule chapter. A copy of such form is available on FHFC's web site at www.floridahousing.org.~~

(81) through (84) renumbered (80) through (83) No change.

~~(84)~~(85)(b) For Tax-exempt Bonds – 20 percent or more of the residential units in the Development shall be occupied or held available for occupancy by a Family whose Annual Household Income does not exceed 50 percent of the sState or county median income whichever is higher, or 40 percent or more of the residential units in the Development shall be occupied by or held available for a Family whose Annual Household Income does not exceed 60 percent of the sState or county median income, whichever is higher, or that which is required by the Code at the time of issuance of the Bonds or required by Florida Housing to meet its programmatic purposes.

(86) through (95) renumbered (85) through (94) No change.

~~(95)~~(96) "Total Development Cost" means the sum total of all costs incurred in the construction of a Development all of which shall be subject to the approval by the Credit Underwriter and shall be approved by Florida Housing as reasonable and necessary. Such costs may include, ~~but not be limited to:~~

~~(96)~~(97) "Universal Application Package" or "UA1016 Rev. 3-03" means the forms and instructions, obtained from Florida Housing at 227 North Bronough Street, Suite 5000,

Tallahassee, Florida 32301-1329, which shall be completed and submitted to Florida Housing in accordance with this rule chapter in order to apply for the ~~MMRB~~ Program. The Universal Application Package is adopted and incorporated herein by reference, effective on the date of the latest amendment to this rule chapter.

The Application forms have been changed as follows:

Part III.A.11.c., Proximity to closest Development Address or location coordinates identified on the FHFC development Proximity List (the List), has been changed by the addition of a new (2), the renumbering of (2) through (4) as (3) through (5), and revision of the 2.5 mile and 5 mile proximity distance requirements.

Part III.E.2.a., Minimum Number of HOME-Assisted Units Required by HUD, has been changed by the addition of a new (6).

Part III.E.2.b., Commitment to Set-Aside Units Beyond the Minimum, has been changed to clarify when the questions must be answered.

Part III.E.2.c., Summary of HOME-Assisted Units, has been renumbered as d. and a new c., Total Set-Aside Percentage, has been added.

Part V.A.2., HOME Applicant funding request, has been changed to require the Applicant to state the total maximum HOME subsidy allowed.

The Application exhibits have been changed as follows:

Developer or Principal of Developer Certification Form, change to experience requirement

Management Agent or Principal of Management Agent Certification Form, change to experience requirement

General Contractor or Principal of General Contractor Certification Form, change to experience requirement

Architect or Engineer Certification Form, change to experience requirement

Service Provider or Principal of Service Provider Certification Form, change to experience requirement

The Application instructions have been changed as follows:

Part II.A.2.b., replacement of the Applicant entity

Part II.B.1.c., Developer or principal of Developer experience requirements

Part II.B.2.b., Management Agent or principal of Management Agent experience requirements

Part II.B.3.b., General Contractor or principal of General Contractor experience requirements

Part II.B.7.b., Service Provider or principal of Service Provider experience requirements

Part III.A.11.b.(1), Grocery Store definition

Part III.A.11.b.(4), Pharmacy definition

Part III.A.11.c., Proximity to closest Development Address or location coordinates identified on the List, has been changed by the addition of a new (2), the renumbering of (2) through (4) as (3) through (5), and revision of the 2.5 mile and 5 mile proximity distance requirements.

Part III.E.2.a., Minimum Number of HOME-Assisted Units Required by HUD.

Part III.E.2.c., Summary of HOME-Assisted Units, has been renumbered as d. and a new c., Total Set-Aside Percentage, has been added.

Part V.A.4.f., Rural Development Applicants.

Section B.7.a., Ranking and Selection Criteria, a new (4) has been added and (4) through (6) have been renumbered (5) through (7)

Section B.7.e.(5), Ranking and Selection Criteria

Section B.7.e.(7)(c), Ranking and Selection Criteria

Fees, Section 7.d.

~~(97)(98)~~ No change.

67-21.003 Application and Selection Process for Loans.

(4) Applicants who wish to notify the Corporation of possible scoring errors relative to another Applicant's Application must file with the Corporation, within 7 ~~40~~ Calendar Days of the date of receipt of the preliminary scores, a written Notice of Possible Scoring Error (NOPSE). Each NOPSE must specify the assigned Application number and the scores in question, as well as describe the alleged deficiencies in detail. Each NOPSE is limited to the review of only one Application's score. Any NOPSE that seeks 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 NOPSEs that may be submitted. The Corporation's staff will review each written NOPSE timely ~~R~~received.

(6) Within 9 ~~7~~ Calendar Days of receipt of the notice set forth in subsection (5) above, each Applicant shall be allowed to cure its Application by submitting ~~submit~~ additional documentation, revised pages and such other information as the Applicant deems appropriate to address the issues raised pursuant to subsections (3) and (5) above that could result in rejection of the Application or a score less than the maximum available. 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, except that documents executed by third parties must be submitted in their entirety even if only a portion of the original document was revised. 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).

(10) 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 Applications for funding and offer the opportunity to enter Credit Underwriting, and shall designate those that are below the funding line on the MMRB ranked list. Any additional ~~2002~~ allocation designated by the Board for MMRB shall be applied to the next unfunded Application(s) on the ranked list, but only to the extent said Application's request can be fully funded. Any remaining ~~2002~~ allocation designated by the Board for multifamily housing, which as of December 1 of each year, ~~2002~~ is insufficient to fully fund the next ranked Application shall be offered to the next ranked Applicant, continuing down the ranked list until sufficient to fully fund a proposed Development. After December 1, 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, at the option of the Board, be carried over and applied to the next ~~2003~~ calendar year allocation or applied to single family housing. Florida Housing may, after the cure period and upon a determination that such is necessary to assure timely processing of Applicants, invite Applicants who meet threshold into Credit Underwriting at their own risk. Applicants shall be notified in writing of the opportunity to enter 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 ranked list. Applicants electing to proceed to Credit Underwriting without designation for funding do so at their own risk, and said opportunity does not ensure that the Application will be funded. Any Applicant that declines invitation to Credit Underwriting, when invited by the Board, shall be removed from the ranked list.

(13)(d) An Applicant or any Principal, Affiliate or Financial Beneficiary of an Applicant or a Developer is in arrears for any financial obligation it has to the Corporation ~~and/or~~ any agent or assignee of the Corporation.

(14)(j) The total set-aside percentage as stated in the last row of the total set-aside breakdown chart in ~~of~~ the Total Set-Aside Commitment section of the Application; All other items may be submitted as cures pursuant to paragraph (6) above.

~~(17) With respect to MMRB Program Applications, When two or more Applications receive the same numerical score, the Applications will be ranked as outlined in the Application instructions.~~

~~(20) Prior to instituting any change resulting in any modification or deviation from the Application or Credit Underwriting Report, Applicant shall notify the Corporation. All changes to the Development plans, resident programs and other specifications which were used to describe the Development in accordance with this rule chapter and the Universal Application Package and represented to the Credit Underwriter and Development servicer are affected by this prior notification requirement. Failure to obtain the Corporation's approval prior to implementing any such changes shall result in the Applicant and any of the Applicant's Affiliates being ineligible to participate in any program administered by the Corporation for a period of two years, which shall begin from the date the Board approves disqualification of the Applicant and its Application.~~

(21) through (28) renumbered (20) through (27) No change.

67-21.0035 Applicant Administrative Appeal Procedures.

(2) Each Applicant that wishes to contest its final score must file a petition with the Corporation on or before the 21st Calendar Day after the date Applicant receives its notice of rights. The petition must conform to subsection 28-106.201(2) or 28-106.301(2), F.A.C., ~~as applicable~~, and specify in detail each issue and score sought to be challenged. Submission by facsimile or other electronic means will not be accepted. If the petition does not raise a disputed issue of material fact, the challenge will be conducted pursuant to Section 120.57(2), F.S. If the petition raises one or more disputed issues of material fact, a formal administrative hearing will be conducted pursuant to Section 120.57(1), F.S. At the conclusion of any administrative hearing, a recommended order shall be entered by the designated hearing officer which will then be considered by the Board.

67-21.007 Fees.

~~(11) Failure to pay any fee on or before ten Calendar Days after the due date shall cause no further activity by Florida Housing or its agents with respect to the Loan.~~

67-21.008 Terms and Conditions of Loans.

(1)(g) Require the submission to Florida Housing of an annual audited financial statement for the Development, and for the Applicant if revenue from multiple projects is being pledged. An annual financial statement compiled or reviewed ~~by a licensed Certified Public Accountant in accordance with Statement on Standards for Accounting and Review Services (SSARS) No. 1~~ may be submitted in lieu of an audited financial statement for the Development prior to the issuance

of a certificate of occupancy for any unit in the Development, provided that the subsequent annual audited financial statement shall include all operations since inception.

67-21.014 Credit Underwriting Procedures.

(2)(h)2. For Principals and Guarantors, audited financial statements or financial statements compiled or reviewed ~~by a licensed Certified Public Accountant in accordance with Statement on Standards for Accounting and Review Services (SSARS) No. 1, which is adopted and incorporated herein by reference~~, for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. If audited financial statements or financial statements compiled or reviewed in accordance with SSARS No. 1 are not available, unaudited financial statements prepared within the last 90 days and reviewed by the Credit Underwriter in accordance with the Fannie Mae Multifamily Delegated Underwriting and Servicing (DUS) Guide, effective ~~November 23, 1999~~ January 7, 2002, which is adopted and incorporated herein by reference, and the two most recent years tax returns.

3. For the General Contractor, audited financial statements or financial statements compiled or reviewed ~~by a licensed Certified Public Accountant in accordance with SSARS No. 1~~, for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. The audited or compiled statements may be waived if a payment and performance bond equal to 100% of the total construction cost is issued in the name of the General Contractor by a company rated at least "A-" by AMBest & Co.

4. For the Applicant and General Partner, audited financial statements or financial statements compiled or reviewed ~~by a licensed Certified Public Accountant in accordance with SSARS No. 1~~, for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. If the entities are newly formed (less than 18 months in existence as of the date that Credit Underwriting information is requested), a copy of any and all tax returns with related supporting notes and schedules.

67-21.016 Compliance Procedures.

(5)(e) Income Certification Form TIC-1 for each tenant. ~~A sample Form TIC-1 can be obtained from Florida Housing.~~

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-48.002	Definitions
67-48.004	Application and Selection Procedures for Developments
67-48.005	Applicant Administrative Appeal Procedures
67-48.006	Compliance and Reporting Requirements
67-48.010	Terms and Conditions of SAIL Loans

67-48.012	SAIL Credit Underwriting and Loan Procedures
67-48.014	HOME General Program Procedures and Restrictions
67-48.021	HOME Credit Underwriting and Loan Procedures

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. 28, No. 51, December 20, 2002, issue of the Florida Administrative Weekly.

67-48.002 Definitions.

(6) "Annual Owner Compliance Certification Form" or "Form AOC-1" means, with respect to a Housing Credit Development, a report format which is required to be completed and submitted to the Corporation, pursuant to subsection 67-48.006(7), F.A.C., and is adopted and incorporated herein by reference, effective 1/2001 on the date of the latest amendment to this rule chapter. A copy of such form is available on FHFC's web site www.floridahousing.org.

(33) "Development Cash Flow" means, with respect to SAIL Developments, ~~actual~~ cash flow of a SAIL Development as calculated in the statement of cash flows prepared in accordance with generally accepted accounting principles and as adjusted for items including but not limited to extraordinary fees and expenses, payments on debt subordinate to the SAIL loan and capital expenditures.

(36) "Difficult Development Area" or "DDA" means any area designated by the Secretary of Housing and Urban Development as having high construction, land, and utility costs relative to area median gross income in accordance with Section 42(d)(5), of the Code. A list of the 2003 Florida DDAs is adopted and incorporated herein by reference. A copy of such list is available on FHFC's web site www.floridahousing.org. The United States Department of Housing and Urban Development maintains the official DDA list. The incorporated Florida DDA list is designed to assist the Applicant in the Application process. Applicants are responsible for providing Florida Housing with accurate DDA information.

(47) "Final Cost Certification Application" or "Form FCCA" means, with respect to a Housing Credit Development, that Form FCCA which is adopted and incorporated herein by reference, effective on August 2001 the date of the latest amendment to this rule chapter, and which shall be used by an Applicant to itemize all expenses incurred in association with construction or rehabilitation of a Housing Credit Development. Such form will be made available from the Corporation and shall be completed, executed and submitted to the Corporation, as specified in subsections 67-48.023(6)-(7), F.A.C., along with the executed Extended Use Agreement, IRS Forms 8821 for all Financial Beneficiaries, a copy of the syndication agreement disclosing the rate and all terms, the

required certified public accountant opinion letter, photographs of the completed Development, the monitoring fee, and documentation of the placed-in-service date as specified in FCCA instructions. The Final Housing Credit Allocation will not be issued until such time as all items in the preceding sentence are received and processed by the Corporation. A copy of Form FCCA is available on FHFC's web site www.floridahousing.org. IRS Form 8821 is adopted and incorporated herein by reference and can be obtained from the Internal Revenue Service by calling 1(800)829-4477.

(74) "Income Certification", "Tenant Income Certification" or "Form TIC-1" means the Form TIC-1, which is adopted and incorporated by reference, effective 6/2002, and which shall be used to certify the income of all residents residing in a set-aside unit in a Development. A copy of such form is available on FHFC's web site www.floridahousing.org.

(88) "Program Report" or "Form PR-1" means the report format which is required to be completed and submitted to the Corporation pursuant to Rule 67-48.006, F.A.C., and is adopted and incorporated herein by reference, effective October 2002 on the date of the latest amendment to this rule chapter. A copy of such form is available on FHFC's web site www.floridahousing.org.

(89) "Progress Report" or "Form Q/M Report" means, with respect to a Housing Credit Development, a report format that is required to be completed and submitted to the Corporation pursuant to subsection 67-48.028(4), F.A.C., and is adopted and incorporated herein by reference, effective 08/97 on the date of the latest amendment to this rule chapter. A copy of such form is available on FHFC's web site www.floridahousing.org.

(91) "Qualified Allocation Plan" or "QAP" means, with respect to the HC Program, the 2003 Qualified Allocation Plan which is adopted and incorporated herein by reference, effective upon on the date of the latest amendment to this rule chapter, and which was approval approved by the Governor of the State of Florida, 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 available on FHFC's web site www.floridahousing.org.

(92) "Qualified Census Tract" or "QCT" means any census tract which is designated by the Secretary of Housing and Urban Development as having either 50% or more of the households at an income which is less than 60% of the area median gross income, or a poverty rate of at least 25 percent, in accordance with Section 42(d)(5)(C), of the Code. A list of the 2003 Florida QCTs is adopted and incorporated herein by reference. A copy of such list is available on FHFC's web site www.floridahousing.org. The United States Department of Housing and Urban Development maintains the official QCT list. The incorporated Florida QCT list is designed to assist the

Applicant in the Application process. Applicants are responsible for providing Florida Housing with accurate OCT information.

~~(93) “Recap of Tenant Income Certification Information” or “Form AR-1” means, with respect to the HOME and/or HC Program(s), a report format which is required to be completed and submitted to the Corporation pursuant to this rule chapter and is adopted and incorporated herein by reference, effective on the date of the latest amendment to this rule chapter. A copy of such form is available on FHFC’s web site www.floridahousing.org.~~

(94) through (98) renumbered (93) through (97) No change.

(98)(a) The Development received a tentative allocation or tentative funding commitment and the pro forma in the prior Housing Credit or Multifamily Mortgage Revenue Bonds Application submitted for the Development ~~in other programs of the Corporation~~ reflected SAIL funding; and

(100) through (111) renumbered (99) through (110) No change.

(111) “Universal Application Package” or “UA1016 (Rev. 3-03)” – The Application forms have been changed as follows: Part III.A.11.c., Proximity to closest Development Address or location coordinates identified on the FHFC development Proximity List (the List), has been changed by the addition of a new (2), the renumbering of (2) through (4) as (3) through (5), and revision of the 2.5 mile and 5 mile proximity distance requirements.

Part III.E.2.a., Minimum Number of HOME-Assisted Units Required by HUD, has been changed by the addition of a new (6).

Part III.E.2.b., Commitment to Set-Aside Units Beyond the Minimum, has been changed to clarify when the questions must be answered.

Part III.E.2.c., Summary of HOME-Assisted Units, has been renumbered as d. and a new c., Total Set-Aside Percentage, has been added.

Part V.A.2., HOME Applicant funding request, has been changed to require the Applicant to state the total maximum HOME subsidy allowed.

The Application exhibits have been changed as follows:

Developer or Principal of Developer Certification Form, change to experience requirement

Management Agent or Principal of Management Agent Certification Form, change to experience requirement

General Contractor or Principal of General Contractor Certification Form, change to experience requirement

Architect or Engineer Certification Form, change to experience requirement

Service Provider or Principal of Service Provider Certification Form, change to experience requirement

The Application instructions have been changed as follows:

Part II.A.2.b., replacement of the Applicant entity

Part II.B.1.c., Developer or principal of Developer experience requirements

Part II.B.2.b., Management Agent or principal of Management Agent experience requirements

Part II.B.3.b., General Contractor or principal of General Contractor experience requirements

Part II.B.7.b., Service Provider or principal of Service Provider experience requirements

Part III.A.11.b.(1), Grocery Store definition

Part III.A.11.b.(4), Pharmacy definition

Part III.A.11.c., Proximity to closest Development Address or location coordinates identified on the List, has been changed by the addition of a new (2), the renumbering of (2) through (4) as (3) through (5), and revision of the 2.5 mile and 5 mile proximity distance requirements.

Part III.E.2.a., Minimum Number of HOME-Assisted Units Required by HUD

Part III.E.2.c., Summary of HOME-Assisted Units, has been renumbered as d. and a new c., Total Set-Aside Percentage, has been added.

Part V.A.4.f., Rural Development Applicants

Section B.7.a., Ranking and Selection Criteria, a new (4) has been added and (4) through (6) renumbered (5) through (7)

Section B.7.e.(5), Ranking and Selection Criteria

Section B.7.e.(7)(c), Ranking and Selection Criteria

Fees, Section 7.d.

(113) through (114) renumbered (112) through (113) No change.

67-48.004 Application and Selection Procedures for Developments.

(4) Applicants who wish to notify the Corporation of possible scoring errors relative to another Applicant’s Application must file with the Corporation, within 7 ~~10~~ Calendar Days of the date of receipt of the preliminary scores, a written Notice of Possible Scoring Error (NOPSE). Each NOPSE must specify the assigned Application number and the scores in question, as well as describe the alleged deficiencies in detail. Each NOPSE is limited to the review of only one Application’s score. Any NOPSE that seeks 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 NOPSEs that may be submitted. The Corporation’s staff will review each written NOPSE timely ~~received~~.

(6) Within 7 ~~9~~ Calendar Days of receipt of the notice set forth in paragraph (5) above, each Applicant shall be allowed to cure its Application by submitting ~~submit~~ additional documentation, revised pages and such other information as the Applicant deems appropriate to address the issues raised pursuant to paragraphs (3) and (5) above that could result in rejection of the Application or a score less than the maximum

available. 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, except that documents executed by third parties must be submitted in their entirety even if only a portion of the original document was revised. 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).

(13)(d) An Applicant or any Principal, Affiliate or Financial Beneficiary of an Applicant or a Developer is in arrears for any financial obligation it has to the Corporation and/or any agent or assignee of the Corporation. For purposes of the SAIL and/or HOME Program, this rule subsection does not include permissible deferral of SAIL and/or HOME interest.

(14)(j) With regard to the SAIL and HC Programs, the Total Set-Aside Percentage as stated in the last row of the total set-aside breakdown chart in of the Total Set-Aside Commitment section of the Application, unless, With regard to the HOME Program, the Total Set-Aside Percentage as stated in the Total Set-Aside Percentage section of the Application, unless the change results from the revision allowed under (1)(m) below; All other items may be submitted as cures pursuant to paragraph (6) above.

~~(20) Prior to instituting any change resulting in any modification or deviation from the Application or credit underwriting report, Applicant shall notify the Corporation. All changes to the Development plans, resident programs and other specifications which were used to describe the Development in accordance with this rule chapter and UA1016 (Rev. ___03) and represented to the Credit Underwriter and Development servicer are affected by this prior notification requirement. Failure to obtain the Corporation's approval prior to implementing any such changes shall result in the Applicant and any of the Applicant's Affiliates being ineligible to participate in any program administered by the Corporation for~~

~~a period of two years, which shall begin from the date the Board approves disqualification of the Applicant and its Application.~~

67-48.005 Applicant Administrative Appeal Procedures

(2) Each Applicant that wishes to contest its final score must file a petition with the Corporation on or before the 21st Calendar Day after the date Applicant receives its notice of rights. The petition must conform to subsection 28-106.201(2) or 28-106.301(2), F.A.C., ~~as applicable~~, and specify in detail each issue and score sought to be challenged. Submission by facsimile or other electronic means will not be accepted. If the petition does not raise a disputed issue of material fact, the challenge will be conducted pursuant to Section 120.57(2), F.S. If the petition raises one or more disputed issues of material fact, a formal administrative hearing will be conducted pursuant to Section 120.57(1), F.S. At the conclusion of any administrative hearing, a recommended order shall be entered by the designated hearing officer which will then be considered by the Board.

67-48.006 Compliance and Reporting Requirements.

(6)(e) Income Certification Form TIC-1 for each resident. ~~A copy of such form is available on FHFC's web site www.floridahousing.org.~~

(7)(a) The initial HC Program Report shall be submitted upon request of the compliance monitor or Florida Housing prior to the initial management review and physical inspection, but no later than 120 days following the leasing of any unit. Subsequent Program Reports shall be submitted each year of the Housing Credit Compliance Period and shall be due no later than the dates assigned by the Corporation. The Program Reports shall be accompanied by:

~~1. Recap of Tenant Income Certification Information Form AR-1;~~

~~2. cCopies of Tenant Income Certifications executed since the last Program Report for at least 10% of the Housing Credit Set-Aside units in the Development (to be sent to the monitoring agent only); and~~

3. With respect to the HC Program, the Annual Owner Compliance Certification Form to be signed by the owner of the Development certifying that for the preceding 12 month period the Development met its Housing Credit Set-Aside requirements (to be sent to the Corporation only). Forms PR-1 ~~and~~, AOC-1 ~~and AR-1~~ shall be provided by the Corporation and shall be submitted for all Developments receiving Housing Credit Allocations since January 1, 1987.

(b) The initial HOME Program Report shall be submitted prior to the time of loan closing, if occupied, or, if not occupied, at loan closing upon request of the compliance monitor or Florida Housing prior to the initial management review and physical inspection, but no later than 120 days

following the leasing of any unit. Subsequent Program Reports shall be submitted annually on the dates assigned by the Corporation. The Program Reports shall be accompanied by:

1. ~~Recap of Tenant Income Certification Information Form AR-1;~~ and

2. ~~c~~Copies of Tenant Income Certification executed since the last Program Report for at least 10% of the HOME-Assisted Units in the Development (to be sent to the monitoring agent only).

(c) The initial SAIL 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 ~~Recap of Tenant Income Certification Information Form AR-1~~ and copies of all Tenant Income Certifications executed since the last Program Report (to be sent to the monitoring agent).

67-48.010 Terms and Conditions of SAIL Loans.

(3)(c) Payment on the loans shall be based upon the ~~actual~~ Development Cash Flow. Interest may be deferred as set forth in subsection 67-48.010(6), F.A.C., without constituting a default on the loan.

(13) The SAIL loan shall be for a period of not more than 15 years, ~~to include the construction/stabilization period.~~ However, if both a SAIL loan and federal housing credits are to be used to assist a Development, the Corporation may set the SAIL loan term for a period commensurate with the investment requirements associated with the Housing Credit syndication. The loan term may also exceed 15 years as required by the Federal National Mortgage Association whenever it is participating in the financing of the Development, or if otherwise approved by the Board.

67-48.012 SAIL Credit Underwriting and Loan Procedures.

(2)(i)2. For Principals and guarantors, audited financial statements or financial statements compiled or reviewed ~~by a licensed Certified Public Accountant in accordance with Statement on Standards for Accounting and Review Services (SSARS) No. 1, which is adopted and incorporated herein by reference,~~ for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. If audited financial statements or financial statements compiled or reviewed ~~by a licensed Certified Public Accountant in accordance with Statement on Standards for Accounting and Review Services (SSARS) No. 1,~~ are not available, unaudited financial statements prepared within the last 90 days and reviewed by the credit underwriter in accordance with the Fannie Mae Multifamily Delegated Underwriting and

Servicing (DUS) Guide, effective ~~January 7, 2002 November 23, 1999,~~ which is adopted and incorporated herein by reference, and the two most recent year's tax returns.

3. For the General Contractor, audited financial statements or financial statements compiled or reviewed ~~by a licensed Certified Public Accountant in accordance with SSARS No. 1,~~ for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. The audited or compiled statements may be waived if a payment and performance bond equal to 100% of the total construction cost is issued in the name of the General Contractor by a company rated at least "A-" by AMBest & Co.

4. For the Applicant and general partner, audited financial statements or financial statements compiled or reviewed ~~by a licensed Certified Public Accountant in accordance with SSARS No. 1,~~ for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. If the entities are newly formed (less than 18 months in existence as of the date that credit underwriting information is requested), a copy of any and all tax returns with related supporting notes and schedules.

67-48.014 HOME General Program Procedures and Restrictions.

(2) 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. In order to apply under the CHDO set-aside, the CHDO must have at least 51% ownership interest in the Development held by the General Partner entity and meet all other CHDO requirements as defined by HUD in 24 CFR 92 and other Corporation requirements identified in the CHDO Checklist. The CHDO Checklist is adopted and incorporated herein by reference, ~~effective 11/02,~~ and is available on FHFC's web site www.floridahousing.org.

(4) The maximum per-unit subsidy amount of HOME funds that the Corporation ~~shall may~~ invest on a per-unit basis in affordable housing ~~shall may~~ not exceed the per-unit dollar limits established ~~by the Corporation as identified in the current Application instructions and included on the HUD Subsidy Limits chart, which is adopted and incorporated by reference, effective 12-31-02. A copy of such chart is available on FHFC's web site www.floridahousing.org pursuant to the HUD Regulations.~~

67-48.021 HOME Credit Underwriting and Loan Procedures.

(6)(b) For Principals and guarantors, audited financial statements or financial statements compiled or reviewed ~~by a licensed Certified Public Accountant in accordance with Statement on Standards for Accounting and Review Services (SSARS) No. 1, which is adopted and incorporated herein by reference,~~ for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. If

audited financial statements or financial statements compiled or reviewed by a licensed Certified Public Accountant in accordance with Statement on Standards for Accounting and Review Services (SSARS) No. 1 are not available, unaudited financial statements prepared within the last 90 days and reviewed by the credit underwriter in accordance with the Fannie Mae Multifamily Delegated Underwriting and Servicing (DUS) Guide, effective January 7, 2002 ~~November 23, 1999~~, which is adopted and incorporated herein by reference, and the two most recent year's tax returns.

(c) For the General Contractor, audited financial statements or financial statements compiled or reviewed by a licensed Certified Public Accountant in accordance with SSARS No. 1, for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. The audited or compiled statements may be waived if a payment and performance bond equal to 100% of the total construction cost is issued in the name of the General Contractor by a company rated at least "A-" by AMBest & Co.

(d) For the Applicant and general partner, audited financial statements or financial statements compiled or reviewed by a licensed Certified Public Accountant in accordance with SSARS No. 1, for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. If the entities are newly formed (less than 18 months in existence as of the date that credit underwriting information is requested), a copy of any and all tax returns with related supporting notes and schedules.

Section IV Emergency Rules

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 464,
SUPER BLACKJACK

RULE NO.: 53ER03-6

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 464, "SUPER BLACKJACK," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER03-6 Instant Game Number 464, SUPER BLACKJACK.

(1) Name of Game. Instant Game Number 464, "SUPER BLACKJACK."

(2) Price. SUPER BLACKJACK lottery tickets sell for \$2.00 per ticket.

(3) SUPER BLACKJACK lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex area on the ticket. To be a valid winning SUPER BLACKJACK lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any SUPER BLACKJACK lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

(4) The play symbols and play symbol captions for Hands 1 through 10 will be imaged in either black or red ink and are as follows:

INSERT SYMBOLS

(5) The "DEALER'S HAND" play symbols and play symbol captions will be imaged in black ink only and are as follows:

INSERT SYMBOLS

(6) The prize symbols and prize symbol captions are as follows:

INSERT SYMBOLS

(7) The legends are as follows:

INSERT SYMBOLS

(8) Determination of Prizewinners. There are ten hands on a ticket.

(a) A ticket having two cards (both cards imaged in black ink, or one card imaged in black ink and one card imaged in red ink) in the play area of one hand, the total of which is greater than the total of the two cards in the "DEALER'S HAND" play area shall entitle the claimant to the corresponding prize shown for that hand.