

## Section I

### Notices of Development of Proposed Rules and Negotiated Rulemaking

**DEPARTMENT OF STATE**

<p>RULE NOS.:</p> <p>1-1.008</p> <p>1-1.009</p> <p>1-1.010</p> <p>1-1.011</p>	<p>RULE TITLES:</p> <p>Rule Numbering and Rule Titles</p> <p>Definitions</p> <p>Style and Form for Filing Rules; Certification Accompanying Materials</p> <p>Publication of Notices in the Florida Administrative Weekly (FAW)</p>
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**PURPOSE AND EFFECT:** The purpose of these amendments is to reflect changes made to Chapter 120, Florida Statutes. Specifically, they replace references to the Florida Administrative Weekly with the Florida Administrative Register. They also reflect when material is to be submitted for publication in the newly created Florida Administrative Register.

**SUBJECT AREA TO BE ADDRESSED:** The replacement of the Florida Administrative Weekly with the Florida Administrative Register and the frequency of publication of the Florida Administrative Register, as well as time-limits for submitting material for publication in the Florida Administrative Register.

**RULEMAKING AUTHORITY:** 120.55(1)(c) FS.

**LAW IMPLEMENTED:** 120.55(1)-(6) FS.

**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.**

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Liz Cloud, Program Administrator, Administrative Code and Weekly, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6271

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.**

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

**Division of Driver Licenses**

<p>RULE NO.:</p> <p>15A-6.009</p>	<p>RULE TITLE:</p> <p>Venue</p>
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**PURPOSE AND EFFECT:** The Department seeks a proposed change to this rule in order to clarify jurisdiction for hearings at Bureau of Administrative Review (BAR) offices. This

proposed language could provide cost-savings by providing greater flexibility for Hearing Officers and witnesses to appear telephonically in lieu of personal appearances at BAR offices. **SUBJECT AREA TO BE ADDRESSED:** Location of hearings conducted by the Department of Highway Safety and Motor Vehicles, Bureau of Administrative Reviews.

**RULEMAKING AUTHORITY:** 322.2615(12), 322.2616(13), 322.64(12) FS.

**LAW IMPLEMENTED:** 322.2615, 322.2616, 322.64 FS.

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

**DATE AND TIME:** August 20, 2012, 2:00 p.m.

**PLACE:** Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room Number A-432, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kathy Jimenez-Morales, Chief of Bureau of Administrative Reviews, 2900 Apalachee Parkway, Room #A-432, Tallahassee, Florida 32399, (850)617-2607. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Kathy Jimenez-Morales, Chief of Bureau of Administrative Reviews, 2900 Apalachee Parkway, Room #A-432, Tallahassee, Florida 32399, (850)617-2607

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.**

**REGIONAL PLANNING COUNCILS**

**East Central Florida Regional Planning Council**

<p>RULE NO.:</p> <p>29F-1.108</p>	<p>RULE TITLE:</p> <p>Officers, Term of Office and Duties</p>
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**PURPOSE AND EFFECT:** Split the office of Secretary-Treasurer into two offices, the office of Secretary and the office Treasurer.

**SUBJECT AREA TO BE ADDRESSED:** Structural management and Elected Officers of the Planning Council.

**RULEMAKING AUTHORITY:** 186.505, 120.54 FS.

**LAW IMPLEMENTED:** 186.505 FS.

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

DATE AND TIME: August 3, 2012, 10:00 a.m.  
 PLACE: ECFRPC Office, 309 Cranes Roost Boulevard, Suite 2000, Altamonte Springs, Florida 32701

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Tuesdai Brunsonbyrd-Bowden, (407)262-7772 or tbyrd@ecfrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Hugh Harling, Jr., (407)262-7772 or hharling@ecfrpc.org

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

29F-1.108 Officers, Term of Office and Duties.

(1) At the annual meeting of the Council, the Council shall elect from its membership the following officers: Chairperson, Vice-Chairperson, Secretary and Treasurer and Secretary-Treasurer. Each member so elected shall serve for one (1) year or until reelected or a successor is elected.

(2) The newly elected officers shall be declared installed following their election, and shall assume the duties of office.

(a) The Chairperson shall be responsible for overseeing the organization of the work of the Council; for seeing that all policies of the Council are carried out; for signing any contract or other instrument that the Council deems in its best interest; and for presiding over all Council meetings. The Chairperson, or a designated Council Member, shall be an ex officio member of all committees.

(b) The Vice-Chairperson shall act in the Chairperson's absence or inability to act. The Vice-Chairperson shall perform such other functions as may be assigned by the Chairperson or the Council.

(c) The Secretary-Treasurer shall be responsible for minutes for the meeting; keeping the roll of members; general oversight of the financial affairs of the Council and such other duties as may be assigned by the Chairperson or the Council.

(d) The Treasurer shall be responsible for the general oversight of the financial affairs of the Council; and such other duties as may be assigned by the Chairman or the Council.

(3) There shall be an Executive Committee consisting of the Chairperson, Vice-Chairperson, Secretary/Treasurer, Secretary, Treasurer and the immediate past Chairperson still in continuous service on the Council. If there is no immediate past Chairperson still in continuous service, the Council shall

elect a member to serve on the Executive Committee until such time as there is an immediate past Chairperson still in continuous service.

Rulemaking Specific Authority 186.505 FS. Law Implemented 186.505 FS. History--New 9-22-99, Amended 11-16-11,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Hotels and Restaurants**

RULE NO.: 61C-5.020  
 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The purpose and effect of the rule development is to adopt disciplinary guidelines to specify the range of penalties applicable for each offense subject to disciplinary action that the Division of Hotels and Restaurants may impose under Chapter 399, F.S.

SUBJECT AREA TO BE ADDRESSED: The rule development will address disciplinary guidelines for the offenses subject to disciplinary action under Chapter 399, F.S.

RULEMAKING AUTHORITY: 399.10, 455.2273 FS.

LAW IMPLEMENTED: 399.03, 399.049, 399.105, 399.11, 399.125 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michelle Comingore, Operations Review Specialist, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1011, Michelle.Comingore@dbpr.state.fl.us; Telephone: (850)488-1133

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE NOS.: 61D-6.008, 61D-6.011  
 RULE TITLES: Permitted Medications for Horses, Penalty Guidelines for Class I-V Drug Violations in Horses

PURPOSE AND EFFECT: The purpose and effect of the proposed rules will be to implement Florida Statutes pertaining to permitted medications for horses and penalty guidelines for drug violations in horses.

**SUBJECT AREA TO BE ADDRESSED:** These proposed rules address limiting the number of non-steroidal anti-inflammatory drugs (NSAIDs) commonly used in racehorses on race day; and establish penalty guidelines for the stacking of NSAID medications in horses.

**RULEMAKING AUTHORITY:** 550.0251(3), 550.2415(7)(a), (b), (c), (e), (8)(c), (12) FS.

**LAW IMPLEMENTED:** 550.0251, 550.1155, 550.2415 FS.

**A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

**DATE AND TIME:** August 30, 2012, 9:00 a.m. – 12:00 Noon

**PLACE:** Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, North Broward Regional Service Center, 1400 West Commercial Boulevard, Suite 195, Ft. Lauderdale, Florida 33309

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mary Polombo at (850)717-1098. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
61J2-3.011	Continuing Education for School Instructors
61J2-3.013	Distance Education Courses for Hardship Cases

**PURPOSE AND EFFECT:** The purpose of the proposed rules are to bring the rule into compliance with statutory changes.

**SUBJECT AREA TO BE ADDRESSED:** The proposed rules changes affects rule provisions relating to continuing education for school instructors and distance education courses for hardship cases.

**RULEMAKING AUTHORITY:** 455.2123, 475.05 FS.

**LAW IMPLEMENTED:** 455.2123, 475.04, 475.17(2), 475.451(2)(c), 475.451(3), (6) FS.

**A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

**DATE AND TIME:** Tuesday, August 21, 2012, 8:30 a.m. or as soonest thereafter as possible

**PLACE:** Zora Neale Hurston Building, Division of Real Estate, Conference Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Division of Real Estate, (407)481-5662. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Deputy Clerk of the Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
61J2-5.018	Vacancies of Office

**PURPOSE AND EFFECT:** The purpose of the proposed rule is to discuss vacancies of office.

**SUBJECT AREA TO BE ADDRESSED:** The proposed rule amendments affect provisions relating to vacancies of office.

**RULEMAKING AUTHORITY:** 475.05 FS.

**LAW IMPLEMENTED:** 475.01(3), 475.15, 475.31, 475.42 FS.

**A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

**DATE AND TIME:** Tuesday, August 21, 2012, 8:30 a.m. or as soonest thereafter as possible

**PLACE:** Division of Real Estate, Conference Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Division of Real Estate, (407)481-5662. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Deputy Clerk of the Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Drugs, Devices and Cosmetics**

RULE NO.: 61N-1.012                      RULE TITLE: Records of Drugs, Cosmetics and Devices

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to alleviate burden on business by requiring distributions that are the result of an error do not have to be listed on the pedigree if the return occurs within 14 calendar days rather than the current 7 day requirement.

SUBJECT AREA TO BE ADDRESSED: The listing on pedigrees of distributions that are made in error if the return is completed within 14 days of the original distribution.

RULEMAKING AUTHORITY: 499.003, 499.05, 499.0121, 499.0122, 499.013, 499.014, 499.052 FS.

LAW IMPLEMENTED: 499.01, 499.003, 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.028, 499.04, 499.041, 499.05, 499.051, 499.052, 499.06, 499.063, 499.064, 499.066, 499.067 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: R. Kathleen Brown-Blake, 1940 North Monroe Street, Suite 42, Tallahassee, FL 32399, (850)488-0062

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF HEALTH**

**Board of Hearing Aid Specialists**

RULE NO.: 64B6-7.002                      RULE TITLE: Guidelines for Disposition of Disciplinary Cases

PURPOSE AND EFFECT: The Board proposes the rule amendment to make the rule consistent with Sections 456.072(2)(d) and 456.072(1)(II), F.S.

SUBJECT AREA TO BE ADDRESSED: Guidelines for Disposition of Disciplinary Cases.

RULEMAKING AUTHORITY: 456.079 FS.

LAW IMPLEMENTED: 456.079 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE NOS.:	RULE TITLES:
64E-4.001	Registration
64E-4.002	Definitions
64E-4.003	Exemptions
64E-4.004	Laser Safety Officer (LSO)
64E-4.005	Out-of-State Laser Radiation Sources
64E-4.006	Maximum Permissible Exposure (MPE)
64E-4.007	General Requirements for the Safe Operation of All Facilities
64E-4.008	Caution Signs, Labels, and Posting
64E-4.009	Surveys
64E-4.010	Measurement and Instrumentation
64E-4.011	Notification and Reports of Incidents
64E-4.012	Records
64E-4.013	Laser Radiation
64E-4.014	Scanning Devices
64E-4.015	Report to Department
64E-4.016	Measurements for Maximum Permissible Exposure

PURPOSE AND EFFECT: Review this Chapter and amend rule language as necessary to ensure that all rules conform to statutory requirements, national laser safety standards, federal regulations, and the current practices and procedures for laser radiation.

SUBJECT AREA TO BE ADDRESSED: Registration; definitions; exemptions; out-of-state laser radiation sources; personnel; maximum permissible exposure; measurement & instrumentation; general requirements for safe operation; caution signs, labels and posting; notification and reports; surveys; records; forms; application procedures and requirements; federal regulations; and national recommendations and standards.

RULEMAKING AUTHORITY: 501.122(2) FS.

LAW IMPLEMENTED: 501.122(2), 501.122(2)(a), (c), (d) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Brenda Andrews, Bin #C21, 4052 Bald Cypress Way, Tallahassee, FL 32399-1741, (850)245-4266, Brenda\_Andrews@doh.state.fl.us

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE NO.: 65A-1.716 RULE TITLE: Income and Resource Criteria

PURPOSE AND EFFECT: The proposed rule increases the average monthly private pay nursing facility rate used in the Medicaid eligibility determination process.

SUBJECT AREA TO BE ADDRESSED: The average monthly private pay nursing facility rate.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.906, 409.919 FS.

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

DATE AND TIME: August 22, 2012, 1:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Cindy Keil. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Cindy Keil, Economic Self-Sufficiency Program, (850)717-4113, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700, cindy\_keil@dcf.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**FLORIDA HOUSING FINANCE CORPORATION**

RULE NOS.:	RULE TITLES:
67-59.001	Purpose and Intent
67-59.005	Definitions
67-59.010	Programs
67-59.020	Eligibility for UMAP or UMAP/MLRP
67-59.030	Eligibility for MLRP Only
67-59.040	Application
67-59.050	Form of Assistance
67-59.060	Partial Payment
67-59.070	Quarterly Reviews

PURPOSE AND EFFECT: The purpose of this Rule Chapter is to establish the procedures by which the Corporation shall develop eligibility criteria, administer the Application process, determine loan amounts and make mortgage loans for existing homeowners.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from persons relative to the development of eligibility and program requirements for the Hardest Hit Fund Program.

SUMMARY: Florida Housing Finance Corporation (“Florida Housing” or “Corporation”) received Hardest Hit Funds from the United States Department of Treasury to create and administer foreclosure prevention assistance programs that address the unique issues of the state of Florida.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The agency has determined that this rule will not have an adverse impact on small business. A SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 420.507(33) FS.

LAW IMPLEMENTED: 420.507(33) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: August 28, 2012, 10:00 a.m.

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

The hearing will be accessible via phone at 1(888)808-6959, Conference Code #9884197.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: David R. Westcott, Director of Homeownership Programs, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

67-59.001 Purpose and Intent.

In 2010, the United States Department of the Treasury (“US Treasury”) created the Housing Finance Agency Innovation Fund for the Hardest Hit Housing Markets (“Hardest Hit Fund”) and allocated funds under the Emergency Economic Stabilization Act of 2008 (“EESA”) to Florida and other states. Florida Housing was directed by US Treasury to create and administer foreclosure prevention assistance programs and to use a portion of these funds specifically for targeted unemployment programs that provide temporary assistance to eligible homeowners. Florida Housing’s use of these funds is governed by written agreements with US Treasury. The Agreements, FHMF-01, Rev 7/12, are hereby adopted and incorporated by reference. Copies may be obtained at no cost, by contacting Florida Housing, HHF program at (850)488-4197.

Rulemaking Authority 420.507(33) FS. Law Implemented 420.507(33) FS. History–New \_\_\_\_\_.

67-59.005 Definitions.

(1) “Applicant” means a person who has applied for Hardest Hit Fund assistance.

(2) “Florida Housing” means the Florida Housing Finance Corporation as defined in section 420.503, Florida Statutes.

(3) “Hardest Hit Fund” means the Housing Finance Agency Innovation Fund for the Hardest Hit Housing Markets as established by the US Treasury.

(4) “Programs” mean the Unemployment Mortgage Assistance Program (UMAP) and the Mortgage Loan Reinstatement Program (MLRP) created under the Hardest Hit Fund.

(5) “US Treasury” means the United States Department of the Treasury.

(6) “Unencumbered Assets” means assets including savings, checking and money market accounts, certificates of deposit, stocks, bonds, mutual funds, taxable investment accounts and cash, but does not include qualified retirement accounts such as an IRA, 401(k), 403(b) and 457 and Keough Accounts. It also does not include qualified education accounts such as a Florida Prepaid College Plan, 529 accounts and Coverdell Education Savings Accounts.

Rulemaking Authority 420.507(33) FS. Law Implemented 420.507(33) FS. History–New \_\_\_\_\_.

67-59.010 Programs.

The following Programs are available under the Hardest Hit Fund:

(1) Unemployment Mortgage Assistance Program (UMAP) will provide up to the lesser of 12 months or \$24,000 in payments to the mortgage servicer to assist eligible unemployed or underemployed Applicants with their first mortgage until they can resume payments on their own.

(2) Mortgage Loan Reinstatement Payment (MLRP) Program will provide up to \$25,000 (\$18,000 when used in conjunction with UMAP) towards mortgage arrearages for eligible Applicants.

Rulemaking Authority 420.507(33) FS. Law Implemented 420.507(33) FS. History–New \_\_\_\_\_.

67-59.020 Eligibility for UMAP or UMAP/MLRP.

To be eligible for assistance under the UMAP Program or the MLRP Program when used in conjunction with the UMAP Program:

(1) The Applicant must document that he or she is a borrower or co-borrower on the mortgage loan and document that he or she:

(a) Has suffered a temporary employment-related hardship through no fault of his or her own;

(b) Is a Florida resident;

(c) Occupies the property as his or her primary residence;

(d) Has a total household income, adjusted for household size, that is below 140% of the county area median income. The Area Median Income List, AMI-01, Rev. 7/12, for counties in Florida is hereby adopted and incorporated by reference. Copies may be obtained at no cost, by contacting Florida Housing, HHF program at (850)488-4197.

(e) Does not have Unencumbered Assets in excess of \$5,000 or three times the amount of their monthly payment of principal, interest, taxes, insurance and association dues (PITIA), whichever is greater;

(f) Has a total monthly housing debt greater than 31% of the gross monthly household income;

(g) Does not have a bankruptcy that has not been discharged or dismissed;

(h) Has not been convicted of a mortgage related felony in the last ten years; and

(i) Does not own more than one property other than their primary residence.

(2) The Applicant must document that his or her primary residence:

(a) Is located in Florida;

(b) Is a single family home, a townhouse, a condominium where financial reporting for the condominium association, pursuant to Section 718.111(13), F.S., for the most recent two years is provided by the Applicant, a 1 to 4 family home where the owner occupies one unit or a mobile or manufactured home on a permanent foundation;

(c) Is not abandoned, vacant or condemned;

(d) Is not the subject of any pending litigation, except for a mortgage foreclosure action by the first mortgage servicer.

(3) The Applicant must document that the mortgage loan for his or her primary residence:

(a) Is serviced by a regulated financial institution, Habitat for Humanity, the United States Department of Agriculture or other servicer whose servicing activities are regulated by the State of Florida or the United States Government;

(b) Has an outstanding principal balance that does not exceed \$400,000; and

(c) Is in first lien position.

(4) Procedures for determining eligibility are detailed in the Florida Hardest Hit Fund Procedures Manual, HHFM-01, Rev. 6/12, which is hereby adopted and incorporated by reference. Copies may be obtained at no cost, by contacting Florida Housing, HHF program at (850)488-4197.

(5) Should it be determined at any time that an Applicant has provided false or misleading information in an attempt to improperly obtain Hardest Hit Fund assistance, the Applicant will be deemed ineligible for all Programs and the matter will be referred to the US Treasury and other authorities, as appropriate.

Rulemaking Authority 420.507(33) FS. Law Implemented 420.507(33) FS. History--New \_\_\_\_\_.

67-59.030 Eligibility for MLRP Only.

To be eligible for assistance under the MLRP Program:

(1) The Applicant must document that he or she is a borrower or co-borrower on the mortgage loan and document that he or she:

(a) Has suffered a temporary employment-related hardship through no fault of his or her own, from which he or she has now recovered;

(b) Is a Florida resident;

(c) Occupies the property as his or her primary residence;

(d) Has a total household income, adjusted for household size, that is below 140% of the county area median income. The Area Median Income List, AMI-01, Rev. 7/12, for counties in Florida is hereby adopted and incorporated by reference. Copies may be obtained at no cost, by contacting Florida Housing, HHF program at (850)488-4197.

(e) Does not have Unencumbered Assets in excess of \$5,000 or three times the amount of their monthly payment of principal, interest, taxes, insurance and association dues (PITIA), whichever is greater;

(f) Has a total monthly housing debt less than 31% of the gross monthly household income;

(g) Does not have a bankruptcy that has not been discharged or dismissed;

(h) Has not been convicted of a mortgage related felony in the last ten years; and

(i) Does not own more than one property other than their primary residence.

(2) The Applicant must document that the property:

(a) Is located in Florida;

(b) Is a single family home, a townhouse, a condominium where financial reporting for the condominium association, pursuant to Section 718.111(13), F.S., for the most recent two years is provided by the Applicant, a 1 to 4 family home where the owner occupies one unit or a mobile or manufactured home on a permanent foundation;

(c) Is not abandoned, vacant or condemned;

(d) Is not the subject of any pending litigation, except for a mortgage foreclosure action by the first mortgage servicer.

(3) The Applicant must document that the mortgage loan:

(a) Is serviced by a regulated financial institution, Habitat for Humanity, the United States Department of Agriculture or other servicer whose servicing activities are regulated by the State of Florida or the United States Government;

(b) Has an outstanding principal balance that does not exceed \$400,000; and

(c) Is in first lien position.

(4) Procedures for determining eligibility are detailed in the Florida Hardest Hit Fund Procedures Manual, HHFM-01, Rev. 6/12, which is hereby adopted and incorporated by reference. Copies may be obtained at no cost, by contacting Florida Housing, HHF program at (850)488-4197.

(5) Should it be determined at any time that an Applicant has provided false or misleading information in an attempt to improperly obtain Hardest Hit Fund assistance, the Applicant will be deemed ineligible for all Programs and the matter will be referred to the US Treasury and other authorities, as appropriate.

Rulemaking Authority 420.507(33) FS. Law Implemented 420.507(33) FS. History--New \_\_\_\_\_.

67-59.040 Application.

(1) Applicants may apply online at [www.flhardesthithelp.org](http://www.flhardesthithelp.org). Applicants without internet access may call (877)863-5244 for assistance.

(2) Applicants will be assigned to a Florida Housing-approved third party advisor agency that will work with the Applicant and collect the information necessary to make a preliminary eligibility determination.

(3) An Applicant whom an advisor agency determines to be preliminarily eligible for one or more Programs will be submitted to Florida Housing for review and underwriting of the preliminary determination of eligibility.

(4) An Applicant deemed ineligible will be issued a letter specifying the reason(s) for ineligibility and provided information on how to dispute the determination.

(5) Upon confirmation of the preliminary determination that an Applicant has met the eligibility criteria, Florida Housing will offer to make payments to the Applicants mortgage servicer pursuant to the terms of the applicable Program. Should the Applicant's mortgage servicer decline to participate in the Hardest Hit Fund Programs or decline to accept payments on the Applicant's loan, then Florida Housing will be unable to provide any assistance to the Applicant. Applicants will be notified if they have been declined by their mortgage servicer.

Rulemaking Authority 420.507(33) FS. Law Implemented 420.507(33) FS. History--New \_\_\_\_\_.

67-59.050 Form of Assistance.

(1) Eligible Applicants who have not been declined by their mortgage servicer will receive assistance under the applicable Program(s) in the form of a forgivable loan. Applicants must execute Hardest Hit Fund loan documents before any assistance is provided. Assistance will be paid by Florida Housing directly to the Applicant's mortgage servicer.

(2) The assistance provided will be in the form of a 0% interest, non-recourse, deferred payment, forgivable loan. The loan will be forgiven over a five year period, starting at month 18, at a rate of 20% per year. If the home is sold or refinanced prior to the maturity date and there are sufficient funds to the Applicant out of the transaction, then the balance of the loan that has not been forgiven must be repaid.

Rulemaking Authority 420.507(33) FS. Law Implemented 420.507(33) FS. History--New \_\_\_\_\_.

67-59.060 Partial Payment.

(1) Eligible Applicants who receive assistance under the UMAP Program will be required to make a partial monthly payment of 25% of their monthly household income towards their mortgage during the period of assistance.

(2) Applicants must have an active deposit account that is capable of being electronically debited by Florida Housing for the partial payment amount. Applicants must execute the documents allowing for such debit at the time of their Hardest Hit Fund loan closing.

(3) Should Applicant fail to make the partial payment as required, Florida Housing will terminate Applicant's participation in the Program.

Rulemaking Authority 420.507(33) FS. Law Implemented 420.507(33) FS. History--New \_\_\_\_\_.

67-59.070 Quarterly Reviews.

(1) Eligible Applicants who receive assistance under the UMAP Program will be required to certify on a quarterly basis that they are still eligible for UMAP assistance and provide all necessary documentation.

(2) Should Applicant fail to provide all of the information necessary to verify his or her continued eligibility in the UMAP Program, Florida Housing will terminate Applicant's participation in the Program.

Rulemaking Authority 420.507(33) FS. Law Implemented 420.507(33) FS. History--New \_\_\_\_\_.

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

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Len Tylka, Chairman of the Board, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 9, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 37, No. 51, December 22, 2011

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
69A-62.001	Uniform Minimum Firefighter Employment Standards; Adoption of OSHA Standards
69A-62.003	Uniform Minimum Firefighter Employment Standards; Adoption of 29 C.F.R. 1910.134(g)(3) and 1910.134(g)(4), Including Notes One and Two and Additional Requirements Applicable to Fire Scenes

PURPOSE AND EFFECT: These rules are being amended to remove duplicative verbiage by clarifying and simplifying seemingly conflicting language between the rules. These amendments clarify the requirements for a firefighter employee to enter a structure fire; remove language that is out of date; clarify what firefighter employees, who are not trained to enter a structure fire, may do on the fire scene; remove adopted OSHA regulations that are not needed; and replace language directing customers to come to the division to view adopted regulations with on-line access.

SUBJECT AREA TO BE ADDRESSED: Firefighter employment standards.

RULEMAKING AUTHORITY: 633.01(1), 633.821 FS.

LAW IMPLEMENTED: 633.45(1)(a), 633.821 FS.

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

DATE AND TIME: Tuesday, August 28, 2012, 9:30 a.m.

PLACE: Florida State Fire College, Classroom 105, 11655 N.W. Gainesville Rd., Ocala, FL 34482

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Charlie Brush, Safety Programs Manager, Bureau of Fire Standards, Division of State Fire Marshal, Department of Financial Services, 11655 N.W. Gainesville Rd., Ocala, FL 34482, (352)369-2836 or charlie.brush@myfloridacfo.com

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed above.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT AVAILABLE AT NO CHARGE FROM CONTACT PERSON LISTED ABOVE.

## Section II Proposed Rules

### REGIONAL PLANNING COUNCILS

#### Treasure Coast Regional Planning Council

RULE NO.:                   RULE TITLE:  
29K-2.006                   Preapplication Conference

PURPOSE AND EFFECT: The purpose of the proposed rule is to repeal Rule 29K-2.006, F.A.C., regarding Preapplication Conferences pertaining to Developments of Regional Impact. The effect will be to eliminate this rule.

SUMMARY: Repeal of Rule 29K-2.006, F.A.C., relating to Preapplication Conferences.

#### SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The determination by the Agency staff that the proposed rule's potential economic impact did not exceed any of the criteria established in Section 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 380.06(7)(a) FS.

LAW IMPLEMENTED: 380.06(7)(a) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: September 12, 2012, 9:30 a.m.

PLACE: Wolf High Technology Center Indian River State College Chastain Campus, 2400 S.E. Salerno Road, Stuart, FL 34997

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ms. Liz Gulick at Treasure Coast Regional Planning Council, phone (772)221-4060, fax (772)221-4067, email lgulick@tcprc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Michael Busha, Executive Director, Treasure Coast Regional Planning Council, 421 S.W. Camden Ave., Stuart, FL 34994, Telephone: (772)221-4060, email mbusha@tcprc.org

THE FULL TEXT OF THE PROPOSED RULE IS:

29K-2.006 Preapplication Conference.

Rulemaking Specific Authority 380.06(7)(a) FS. Law Implemented 380.06(7)(a) FS. History--New 11-1-82, Formerly 29K-2.06, Repealed\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Michael Busha, Executive Director

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Treasure Coast Regional Planning Council

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 15, 2012

### REGIONAL PLANNING COUNCILS

#### Treasure Coast Regional Planning Council

RULE NO.:                   RULE TITLE:  
29K-3.001                   Intergovernmental Coordination and Review Procedures

PURPOSE AND EFFECT: The purpose of the proposed rule is to repeal Rule 29K-3.001, F.A.C., relating to Intergovernmental Coordination and Review Procedures and the effect will be to eliminate this rule.

SUMMARY: Repeal of Rule 29K-3.001, F.A.C., relating to Intergovernmental Coordination and Review Procedures.

#### SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: