

NAME OF PERSON ORIGINATING PROPOSED RULE:
Vicki Grant
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ana M. Viamonte Ros, M.D. M.P.H.
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 5, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 28, 2009

NAME OF PERSON ORIGINATING PROPOSED RULE:
Vicki Grant
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ana M. Viamonte Ros, M.D. M.P.H.
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 5, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 28, 2009

DEPARTMENT OF HEALTH

Council of Medical Physicists

RULE NO.: 64B23-7.001
RULE TITLE: Application for Physicist-in-Training
PURPOSE AND EFFECT: To update, reorganize, and add questions to the licensure application in accordance with legislation passed during the 2009 Session.

SUMMARY: The application for licensure incorporated in the rule by reference is expanded to include additional questions related to certain felonies and for terminations for cause from Federal and state Medicaid and Medicare programs.

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

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

RULEMAKING AUTHORITY: 483.901(6)(j) FS.

LAW IMPLEMENTED: 483.901(6)(j) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Vicki Grant, Executive Director, MQA, 4052 Bald Cypress Way, Bin #C85, Tallahassee, Florida 32399-3250

THE FULL TEXT OF THE PROPOSED RULE IS:

64B23-7.001 Application for Physicist-in-Training.

Each applicant for physicist-in-training must meet the following requirements:

(1) Each applicant for physicist-in-training must fill out incorporated by reference Form #DH 1279 (effective 10/1/2009 ~~4/1/2009~~), Application for Certification as a Medical Physicist-in-Training, which is available from the department at www.FLHealthSource.com or by calling (850)245-4910, and pay the fee specified in Rule 64B23-3.007, F.A.C.

(2) through (3) No change.

Rulemaking Authority 483.901(6)(j) FS. Law Implemented 483.901(6)(j) FS. History—New 6-10-99, Amended 5-10-09, _____.

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NOS.:	RULE TITLES:
12D-9.001	Taxpayer Rights in Value Adjustment Board Proceedings
12D-9.002	Informal Conference Procedures
12D-9.003	Definitions
12D-9.004	Composition of the Value Adjustment Board
12D-9.005	Duties of the Board
12D-9.006	Clerk of the Value Adjustment Board
12D-9.007	Role of the Clerk of the Value Adjustment Board
12D-9.008	Appointment of Legal Counsel to the Value Adjustment Board
12D-9.009	Role of Legal Counsel to the Board
12D-9.010	Appointment of Special Magistrates to the Value Adjustment Board
12D-9.011	Role of Special Magistrates to the Value Adjustment Board
12D-9.012	Training of Special Magistrates, Value Adjustment Board Members and Legal Counsel
12D-9.013	Organizational Meeting of the Value Adjustment Board
12D-9.014	Prehearing Checklist
12D-9.015	Petition; Form and Filing Fee
12D-9.016	Filing and Service
12D-9.017	Ex Parte Communication Prohibition
12D-9.018	Representation of the Taxpayer
12D-9.019	Scheduling and Notice of a Hearing
12D-9.020	Exchange of Evidence
12D-9.021	Withdrawn or Settled Petitions; Petitions Acknowledged as Correct
12D-9.022	Disqualification or Recusal of Special Magistrates or Board Members
12D-9.023	Hearings Before Board or Special Magistrates

12D-9.024	Procedures for Commencement of a Hearing
12D-9.025	Procedures for Conducting a Hearing; Presentation of Evidence; Testimony of Witnesses
12D-9.026	Procedures for Conducting a Hearing by Electronic Media
12D-9.027	Process of Administrative Review
12D-9.028	Petitions on Transfer of "Portability" Assessment Difference
12D-9.029	Procedures for Remanding Just Value or Classified Use Value Assessments
12D-9.030	Recommended Decisions
12D-9.031	Consideration and Adoption of Recommended Decisions of Special Final Decisions
12D-9.032	Further Judicial Proceedings
12D-9.033	Record of the Proceeding
12D-9.034	Duty of Clerk to Prepare and Transmit Record
12D-9.036	Procedures for Petitions on Denials of Tax Deferrals
12D-9.037	Certification of Assessment Rolls
12D-9.038	Public Notice of Findings and Results of Value Adjustment Board

NOTICE OF PUBLIC HEARING

The Department of Revenue announces a change of hearing regarding the above rule, as noticed in Vol. 35, No. 35, September 4, 2009 Florida Administrative Weekly.

DATE AND TIME: A second hearing was originally scheduled for October 19, 2009. This second hearing has been postponed and will be rescheduled for a later date. The rescheduled date has not been determined. Notice of when this hearing is being rescheduled will be published in the Florida Administrative weekly, posted on the Property Tax Oversight Program's Internet site, and emailed to the Program's interested parties list.

PLACE: The place at which this rescheduled second hearing will be held has not been determined. Notice of where this rescheduled hearing will be held will be published in the Florida Administrative Weekly, and will be posted on the Property Tax Oversight Program's Internet site, and will be emailed to the Program's interested parties list.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The property tax value adjustment board process.

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NO.:	RULE TITLE:
12D-16.002	Index to Forms

NOTICE OF PUBLIC HEARING

The Department of Revenue announces a change of hearing regarding the above rule, as noticed in Vol. 35, No. 35, September 4, 2009 Florida Administrative Weekly.

DATE AND TIME: A second hearing was originally scheduled for October 19, 2009. This second hearing has been postponed and will be rescheduled for a later date. The rescheduled date has not been determined. Notice of when this hearing is being rescheduled will be published in the Florida Administrative Weekly, posted on the Property Tax Oversight Program's Internet site, and emailed to the Program's interested parties list.

PLACE: The place at which this rescheduled second hearing will be held has not been determined. Notice of where this rescheduled hearing will be held will be published in the Florida Administrative Weekly, and will be posted on the Property Tax Oversight Program's Internet site, and will be emailed to the Program's interested parties list.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The forms associated with the property tax value adjustment board process.

DEPARTMENT OF TRANSPORTATION

RULE NO.:	RULE TITLE:
14-85.010	Permits

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. 35, No. 35, September 4, 2009 issue of the Florida Administrative Weekly.

A change is being made to include the revision date for Form 575-070-34, Florida Logo Sign Application," and to withdraw the language on the form that reads "Permit fees (both new and renewals) are \$1,000.00 annually." The new language will read "Permit fees are set forth in subsection 14-85.010(2), F.A.C." Information on how to obtain the application from the Program Administrator is also provided. A technical change to subsection 14-85.007(4), F.A.C., to correct the spelling of "diesel."

The rule shall read as follows:

14-85.010 Permits.

(1) through (2) No change.

(3) Initial Permit Application. A business applying to display a business logo must submit a completed Logo Sign Permit Application on Form 575-070-34, Rev. 07/08, incorporated by reference, to the Program Administrator. A Logo Sign Permit Application may be obtained at <http://www.dot.state.fl.us/rightofway/Documents.shtm>. ~~A Logo Sign Application may be obtained from the Program Administrator.~~

(4) through (8) No change.

Rulemaking Authority 334.044(2), 479.261(1), 479.261(7) FS. Law Implemented 479.261(3), 479.261(4), 479.261(5) FS. History–New_____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:
40D-1.607 Permit Processing Fee
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. 35, No. 33, August 21, 2009 issue of the Florida Administrative Weekly.

40D-1.607 Permit Processing Fee.

A permit application processing fee is required and shall be paid to the District when certain applications are filed pursuant to District rules. These fees are assessed in order to defray the cost of evaluating, processing, advertising, mailing, compliance monitoring and inspection, required in connection with consideration of such applications. Fees are non-refundable in whole or part unless the activity for which an application is filed is determined by the District to qualify for a permit with a lower fee or not require a permit. Failure to pay the application fees established herein is grounds for the denial of an application or revocation of a permit. The District’s permit application processing fees are as follows:

- (1) through (11) No change.
- (12) The District will use the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U), all items, compiled by the United States Department of Labor for revising fees under Part IV of Chapter 373, F.S., pursuant to Section 373.109.

Rulemaking Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.109, 373.421(2) FS. History–Readopted 10-5-74, Amended 12-31-74, 10-24-76, 7-21-77, Formerly 16J-0.111, Amended 10-1-88, 1-22-90, 12-27-90, 11-16-92, 1-11-93, 3-23-94, Formerly 40D-0.201, Amended 12-22-94, 10-19-95, 3-31-96, 7-23-96, 10-16-96, 10-26-00 3-15-01, 9-26-02, 8-7-03, 6-5-05, 2-6-07, 5-12-08, 12-30-08,_____.

DEPARTMENT OF VETERANS’ AFFAIRS

Division of Veterans’ Benefits and Assistance

RULE NO.: RULE TITLE:
55A-5.008 Form of Certification

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 38, September 25, 2009 issue of the Florida Administrative Weekly.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers’ Board

RULE NO.: RULE TITLE:
61G3-16.010 Supervised Practice Exception

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 34, August 28, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: RULE TITLE:
61H1-20.007 Generally Accepted Accounting Principles

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. 35, No. 33, August 21, 2009 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee and a discussion and vote on the rule at a meeting of the Board held on September 18, 2009. The rule shall now read as follows:

61H1-20.007 Generally Accepted Accounting Principles.

(1) Non-governmental generally accepted accounting principles in the United States of America shall be deemed and construed to mean the principles and standards as promulgated by the Financial Accounting Standards Board (FASB) Accounting Standards Codification™, published on July 1, 2009 and effective for interim and annual periods ending after September 15, 2009. The FASB Accounting Standards Codification™, is available from FASB at 401 Merritt 7, P. O. Box 5116, Norwalk, CT 06856-5116, telephone (203)847-0700 or at its website at <http://asc.fasb.org/>. A certified public accountant shall not express an opinion that financial statements are presented in conformity with generally accepted accounting principles if such statements contain any departure from any such principle which has a material effect on the statements taken as a whole, unless he/she can demonstrate that due to unusual circumstances that financial statements would otherwise have been misleading. In such cases his/her report must describe the departure, the

approximate effects thereof, if practicable, and the reasons why compliance with the principle would result in a misleading statement.

(2) Governmental generally accepted accounting principles in the United States of America shall be deemed and construed to mean the principles and standards as promulgated by the Governmental Accounting Standards Board (GASB) Summary of Statement No. 55 The Hierarchy of Generally Accepted Accounting Principles for State and Local Governments (Issued 03/09) and available from GASB at 401 Merritt 7, P. O. Box 5116, Norwalk, CT 06850-5116, telephone: (203)847-0700 or at its website at <http://www.gasb.org/>, for state and local governments or the principles and standards as promulgated by the Federal Accounting Standards Advisory Board (FASAB), available from FASAB, 750 First Street, Suite 1001, Washington, D.C. 20002, telephone (202)512-7350 or at its website at <http://www.fasab.gov/index.html> for federal governmental entities. A certified public accountant shall not permit his/her name to be associated with financial statements of units of government unless he/she has complied with these standards and departure from such standards must be justified by those who do not follow them.

Rulemaking Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History—New 12-4-79, Amended 2-3-81, 3-16-81, 1-25-82, 7-6-82, 12-9-82, 7-27-83, 3-22-84, 7-2-85, Formerly 21A-20.07, Amended 9-23-86, 5-22-88, 4-8-90, 4-21-91, Formerly 21A-20.007, Amended 10-19-94, 9-30-97, 9-29-02,_____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-20.008
 RULE TITLE: Generally Accepted Auditing Standards

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. 35, No. 33, August 21, 2009 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee and a discussion and vote on the rule at a meeting of the Board held on September 18, 2009. The rule shall now read as follows:

61H1-20.008 Generally Accepted Accounting Standards.

Non-issuer ((non-issuers are (1) all entities who are not issuers as that term is defined by the Sarbanes-Oxley Act of 2002, and (2) entities who audits are not required by Securities &

Exchange Commission (SEC) rules to be conducted in accordance with the standards of the Public Company Accounting Oversight Board (PCAOB)) generally accepted auditing standards shall be deemed and construed to mean auditing standards generally accepted in the United States of America in effect as of June 30, 2009, including, but not limited to, general, field work and reporting standards approved and adopted by the membership of the American Institute of Certified Public Accountants (AICPA), available from the AICPA's Resource Online at www.cpa2biz.com or by telephonic request at 1(888)777-7077). A certified public accountant shall not permit his/her name to be associated with financial statements in such a manner as to imply that he/she is acting as an independent certified public accountant unless he/she has complied with the applicable generally accepted auditing standards and departures from such standards must be justified by those who do not follow them. Issuer (issuer means an issuer (as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C.78c)), the securities of which are registered under section 12 of that Act (15 U.S.C. 781), or that is required to file reports under section 15(d) (15 U.S.C. 780(d)), or that files or has filed a registration statement that has not yet become effective under the Securities Act of 1933 (15 U.S.C. 77a et seq.), and that it has not withdrawn), generally accepted auditing standards shall be deemed and construed to mean auditing and attest standards generally accepted in the United States of America in effect as of July 1, 2009 as published by the PCAOB and available at its website at www.pcaob.org.

Rulemaking Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History—New 12-4-79, Amended 3-16-81, 7-6-82, 12-9-82, 7-27-83, 3-22-84, 7-2-85, Formerly 21A-20.08, Amended 9-23-86, 5-22-88, 4-8-90, 4-21-91, Formerly 21A-20.008, Amended 10-19-94, 9-30-97, 9-29-02,_____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-20.009
 RULE TITLE: Standards for Accounting and Review Services

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. 35, No. 33, August 21, 2009 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee and a discussion and vote on the rule at a meeting of the Board held on September 18, 2009. The rule shall now read as follows:

61H1-20.009 Standards for Accounting and Review Services.

“Standards for Accounting and Review Services” shall be deemed and construed to mean Statements on Standards for Accounting and Review Services published by the American Institute of Certified Public Accountants in effect as of June 30, 2008, available from the AICPA’s Resource Online at www.cpa2biz.com or by telephonic request at 1(888)777-7077). Certified public accountants performing accounting services in connection with a review or compilation of financial statements shall comply with the Standards for Accounting and Review Services and departures from such standards must be justified by those who do not follow them.

Rulemaking Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History–New 12-4-79, Amended 3-16-81, 1-25-82, 7-6-82, 12-9-82, 7-27-83, 3-22-84, 7-2-85, Formerly 21A-20.09, Amended 9-23-86, 5-22-88, 4-8-90, 4-21-91, Formerly 21A-20.009, Amended 10-19-94, 9-30-97, 9-29-02,_____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-20.0092 RULE TITLE: Government Auditing Standards

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. 35, No. 33, August 21, 2009 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee and a discussion and vote on the rule at a meeting of the Board held on September 18, 2009. The rule shall now read as follows:

61H1-20.0092 Government Auditing Standards.

“Government Auditing Standards” shall be deemed and construed to mean Government Audit Standards issued by the Comptroller General of the United States, in effect as of July 2007. (Entitled Government Auditing Standards, July 2007 Revision (GAO-07-731G), available from the United States General Accounting Office, Washington, D.C. 20548-0001 or from its website at <http://www.gao.gov/govaud/ybk01.htm>. A certified public accountant shall not permit his/her name to be associated with financial statements of units of government

unless he/she has complied with these standards and departure from such standards must be justified by those who do not follow them.

Rulemaking Authority 473.304, 473.315 FS. Law Implemented 473.304, 473.315 FS. History–New 10-28-86, Amended 5-22-88, 4-8-90, 4-21-91, Formerly 21A-20.0092, Amended 10-19-94, 9-30-97, 9-29-02,_____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-20.0093 RULE TITLE: Rules of the Auditor General

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. 35, No. 33, August 21, 2009 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee and a discussion and vote on the rule at a meeting of the Board held on September 18, 2009. The rule shall now read as follows:

61H1-20.0093 Rules of the Auditor General.

(1) “Rules of the Auditor General” shall be deemed and construed to mean the following Rules of the Auditor General of the State of Florida in effect as follows:

Chapter	Title
10.550	Local Governmental Entity Audits, effective 9/30/2009
10.650	Florida Single Audits Non-profit and For-profit Organizations, effective 9/30/2009
10.700	Audits of Certain Nonprofit Organizations, effective 6/30/2009
10.800	Audits of District School Board, effective 6/30/2009
10.850	Audits of Charter Schools and Similar Entities, effective 6/30/2009

These rules are available from the State of Florida, Auditor General’s Office, or from its website at <http://www.myflorida.com/audgen>, under the Rules and Guidelines section.

(2) Certified public accountants performing accounting services in connection with Local Governmental Entity Audits required to be filed with the Auditor General of the State of Florida shall comply with the standards set forth in Rule

Chapter 10.550-10.559, Rules of the Auditor General of the State of Florida. Departures from such standards must be justified by those who do not follow them.

(3) Certified public accountants performing accounting services in connection with Standards for Florida Single Audit Act Audits for Nonprofit and For-Profit Organizations required by Section 215.97, Florida Statutes, to be filed with the Auditor General of the State of Florida shall comply with the standards set forth in Chapter 10.650, Rules of the Auditor General of the State of Florida. Departures from such standards must be justified by those who do not follow them.

(4) Certified public accountants performing accounting services in connection with Standards for Audits of Certain Nonprofit Organizations required by Section 215.981(1), 1001.453(4), 1004.28(5), or 1004.70(6), Florida Statutes, to be filed with the Auditor General of the State of Florida shall comply with the standards set forth in Chapter 10.700, Rules of the Auditor General of the State of Florida. Departures from such standards must be justified by those who do not follow them.

(5) Certified public accountants performing accounting services in connection with Standards for Audits of District School Boards required by Section 11.45 or 218.39, Florida Statutes, to be filed with the Auditor General of the State of Florida shall comply with the standards set forth in Chapter 10.800, Rules of the Auditor General of the State of Florida. Departures from such standards must be justified by those who do not follow them.

(6) Certified public accountants performing accounting services in connection with Standards for Audits of Charter Schools and Similar Entities required by Section 218.39 or 1002.37, Florida Statutes, to be filed with the Auditor General of the State of Florida shall comply with the standards set forth in Chapter 10.850, Rules of the Auditor General of the State of Florida. Departures from such standards must be justified by those who do not follow them.

Rulemaking Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History—New 10-22-86, Amended 5-22-88, 4-8-90, 4-21-91, Formerly 21A-20.0093, Amended 9-30-97, 9-29-02,_____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-20.0095
 RULE TITLE: Standards for Consulting Services
 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. 35, No. 33, August 21, 2009 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee and a discussion and vote on the rule at a meeting of the Board held on September 18, 2009. The rule shall now read as follows:

61H1-20.0095 Standards for Consulting Services.

“Standards for Consulting Services” shall be deemed and construed to mean the Statement on Standards for Consulting Services No. 1, as published by the AICPA, in effect as of June 30, 2002, available from the AICPA’s Resource Online at www.cpa2biz.com or by telephonic request at 1(888)777-7077.

Rulemaking Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History—New 5-20-91, Formerly 21A-20.0095, Amended 9-30-97, 9-29-02,_____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-20.0096
 RULE TITLE: Services for Tax Practice
 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. 35, No. 33, August 21, 2009 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee and a discussion and vote on the rule at a meeting of the Board held on September 18, 2009. The rule shall now read as follows:

61H1-20.0096 Services for Tax Practice.

“Standards for Tax Services” shall be deemed and construed to mean Statements on Standards for Tax Services, as published by the American Institute of Certified Public Accountants, and in effect as of December 31, 2003, available from the AICPA’s Resource Online at www.cpa2biz.com or by telephonic request at 1(888)777-7077. A certified public accountant shall not

perform tax services unless he/she has complied with these standards and departures from these standards must be justified by those who do not follow them.

Rulemaking Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History—New 5-20-91, Formerly 21A-20.0096, Amended 9-30-97, 9-29-02,_____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-20.0097
 RULE TITLE: Standards for Personal Financial Planning

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. 35, No. 33, August 21, 2009 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee and a discussion and vote on the rule at a meeting of the Board held on September 18, 2009. The rule shall now read as follows:

61H1-20.0097 Standards for Personal Financial Planning.

“Standards for Personal Financial Planning” shall be deemed and construed to mean Basic Personal Financial Planning Engagement Functions and Responsibilities First Issued October 1992; Revised January 1996, aka Statements on Responsibilities in Personal Financial Planning Practice, as published by the American Institute of Certified Public Accountants, available from the AICPA’s Resource Online at www.cpa2biz.com or by telephonic request at 1(888)777-7077. A certified public accountant shall not perform personal financial planning unless he/she has complied with these standards and departures from these standards must be justified by those who do not follow them.

Rulemaking Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History—New 11-8-95, Amended 9-30-97, 9-29-02,_____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-20.0099
 RULE TITLE: Standards for Attestation Engagements

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. 35, No. 33, August 21, 2009 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee and a discussion and vote on the rule at a meeting of the Board held on September 18, 2009. The rule shall now read as follows:

61H1-20.0099 Standards for Attestation Engagements.

“Standards for Attestation Engagements” shall be deemed and construed to mean Statements on Standards for Attestation Engagements published by the American Institute of Certified Public Accountants, (entitled Codification of Statements on Standards for Attestation Engagements, Numbers 1 to 14, dated December 2006, available from the AICPA’s Resource Online at www.cpa2biz.com or by telephonic request at 1(888)777-7077. A certified public accountant shall not permit his/her name to be used in conjunction with any applicable attestation engagement unless he/she has complied with these standards and departures from these standards must be justified by those who do not follow them.

Rulemaking Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History—New 9-29-96, Amended 6-22-98, 9-29-02,_____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-21.001
 RULE TITLE: Independence

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. 35, No. 33, August 21, 2009 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

1. Subsection (2) shall now read as follows:

(2) In order to delineate the standards against which a certified public accountant's independence or lack thereof is to be judged, the Board has created a document entitled "Standards for Determining Independence in the Practice of Public Accountancy for CPAs Practicing Public Accountancy in the State of Florida" (effective 12-31-2004) (hereinafter "Standards for Independence") which document is hereby incorporated by reference in this Rule. The standards contained in the "Standards for Independence" are similar to those contained in the Code of Professional Conduct promulgated by the American Institute of Certified Public Accountants. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-24.001
 RULE TITLE: Advertising
 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. 35, No. 33, August 21, 2009 issue of the Florida Administrative Weekly.

The change is in response to a discussion and vote on the rule at a meeting of the Board held on September 18, 2009. The changes are as follows:

- Subsection (2) shall now read as follows:
 (2) "Advertising" shall mean:
 - The changes made to (2)(a) and (b) will remain as noticed.
- THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: 61J1-4.010
 RULE TITLE: Supervision and Training of Registered Trainee Appraisers
 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. 35, No. 17, May 1, 2009 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

- Subsection (2)(d) shall now read as follows:

(d) Registering the appraiser trainee with Department through use of DBPR form RE-2060, effective September 14, 2009, hereby incorporated by reference and available at <http://www.myflorida.com/dbpr/re/documents/RE-2060ReqforChngofStatusRTA1107.pdf>.

2. Subsection (6) shall now read as follows:

(6) Separate appraiser logs shall be maintained by both the registered trainee appraiser and the supervisory appraiser through use of DBPR form RE-2300-1, effective May, 2008, hereby incorporated by reference and available at <http://www.myfloridalicense.com/dbpr/re/documents/re-2300a-1Rev0508.pdf>.

3. For subsection (6)(a) through (i) will be removed from the rule.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas W. O'Bryant, Jr., Deputy Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-17.510	General
62-17.520	Definitions
62-17.535	Notification of Construction of Transmission Lines Not Subject to the Act
62-17.540	Application for Corridor Certification, Amendments, Modifications
62-17.543	Alternate or Multiple Corridor Information
62-17.545	Fees, Disbursement of Funds, Contracts
62-17.570	Insufficiency of Application, Resolution Procedures
62-17.580	Conduct of Studies
62-17.590	Agency Reports, Compiled Agencies' Report with Summaries
62-17.600	Conditions of Certification; Delegated Modifications
62-17.610	Proprietary Interest in State-owned Lands
62-17.625	Criteria for Rejection of an Alternate Corridor
62-17.660	Post-Certification Monitoring and Reporting

62-17.665	Dredging and Filling, Water Quality; Post-Certification Review
62-17.680	Modification of Certification
62-17.695	Emergency Replacement
62-17.700	Revocation or Suspension of Certification
62-17.710	Termination of Certification
62-17.750	Public Notice
62-17.760	Evidence of Notice, Additional Notice

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 38, September 25, 2009 issue of the Florida Administrative Weekly. The date that the Notice of Proposed Rule Development was published in the FAW was incorrectly listed as September 25, 2009. The Notice of Proposed Rule Development was published in the FAW on January 23, 2009.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.:	RULE TITLE:
62-204.800	Federal Regulations Adopted by Reference

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 36, September 11, 2009, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.:	RULE TITLE:
64B16-26.204	Licensure by Endorsement

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 39, October 2, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.:	RULE TITLE:
64B18-14.012	Address of Record

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. 35, No. 4, January 30, 2009 issue of the Florida Administrative Weekly.

The change outlines the procedure regarding how a licensee may update their address with the Board. The changes are as follows:

64B18-14.012 Address of Record.

It shall be the duty of each licensee to provide to the Department of Health written notification of the licensee’s current mailing address and place of practice within fifteen (15) business days upon change thereof. Such written notification may be provided by United States mail, or alternatively, a licensee may update his or her address at the Board’s website [http://www.doh.state.fl.us/mqa/podiatry/po_maintain.html]. If a licensee chooses to update his or her mailing address or place of practice via the Board’s website, it shall be the responsibility of the licensee to confirm that such information has been accurately updated. The term “place of practice” means the address(es) of the physical location(s) where the licensee practices podiatric medicine.

Rulemaking Authority 456.035, 461.005 FS. Law Implemented 456.035 FS. History–New_____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.:	RULE TITLE:
65A-1.900	Overpayment and Benefit Recovery

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. 35, No. 13, April 3, 2009 issue of the Florida Administrative Weekly.

(1) Administrative Definitions Applicable to Overpayment and Benefit Recovery.

(b) Intentional Program Violation: Intentional Program Violation (IPV) or fraud is defined pursuant to Section 414.39 (1)-(2) and (4), F.S., 7 C.F.R. §273.16 (c); and 45 C.F.R. §235.110 (a)(2) ~~and Section 414.14, F.S.~~

(f) Notification: Notification, for purposes of this section, is any correspondence from the Department that advises an individual of the status of an overpayment. Any notification will be in compliance with 7 C.F.R. §273.18 (e)(3), ~~45 C.F.R. §235.110 and Section 414.14, F.S.~~

(2) Individuals Responsible for Repayment of Overpayment.

(b) Food stamp overpayments will be recovered from an individual as specified in 7 C.F.R. §273.18 (a)(4) (2009), incorporated by reference ~~(2009)~~.

(3) Monthly Repayment Amounts.

(b) Monthly repayment amounts of all food stamp overpayments will be determined in accordance with 7 C.F.R. §273.18 (c) (2009), incorporated by reference ~~(2009)~~.

(4) Method of Repayment.

1. As specified in 45 C.F.R. §233.20(a)(13) (2008), incorporated by reference (2008); or

(b) The method of repayment of all food stamp overpayment will be as specified in 7 C.F.R. §273.18 (f)-(g) (2009), incorporated by reference (2009).

(6) Compromising Food Stamp Claims. Effective August 1, 2001, a food stamp claim or any portion of a food stamp claim may be compromised with the exception of court ordered restitutions or IPV's. The Department reserves the right to approve or not approve the compromise.

(a) Individuals with an overpayment claim in the Food Stamp Program may request a compromise of their claim at any time after they are notified of the claim.

(b) For purposes of a compromise request made pursuant to this rule, the Department will determine the economic household circumstances reasonably demonstrate the overpayment claim will not be paid within three years of being notified of the overpayment claim and will compromise to zero dollars when at least one of the following is present: The Department will only consider such claims for individuals liable on the overpayment claim being considered or someone duly authorized to do so on behalf of the liable individual(s).

1. The death or prognosis of death of any liable individual within three years of being notified;

2. Pending litigation in a court, including a bankruptcy court, that involves any liable individual's obligation to repay the overpayment within three years of being notified;

3. Any liable individual is sentenced to a period of incarceration that will expire after the three-year period the overpayment is expected to be paid; or

4. The liable individual(s) sole household's income is based only on either age or disability projecting a fixed, limited economic potential to repay the overpayment within three years.

(c) The Department requires verification of subparagraphs 1. through 4. above. When a decision is made concerning the compromise request, the Department will provide written notice of the decision including information about hearing appeal rights. For purposes of a compromise request made pursuant to this rule, the Department will determine that an individual's economic household circumstances reasonably demonstrate the overpayment claim or debt will not be paid within three years of the debtor being notified of the overpayment claim or debt only when the information or materials permitted by paragraph (d) below also include or involve at least one of the following:

1. The death of the debtor or liable individual(s);

2. The probability of an impending death of the debtor or liable individual(s);

3. Pending litigation in a court, including a bankruptcy court, that involves the debtor or liable individual's obligation to repay the overpayment or debt;

~~4. The debtor or liable individual(s) are sentenced to a period of incarceration in a city, county, state or federal correctional institution that will exceed the three year period by which the overpayment or debt is expected to be paid; or~~

~~5. The debtor or other liable individual(s) sole household's income is based on either age or disability projecting a fixed, limited economic potential to repay the overpayment or debt within three years.~~

~~(d) For purposes of evaluating a compromise request, in addition to the information or materials required by paragraph (e) above, individuals liable for an overpayment claim or debt may submit to the Department any other information or written materials related to their household's economic circumstances. Expenses taken into account include food, shelter, medical, transportation, clothing and personal and household incidentals, child or adult care and court ordered child support payments as described in subparagraphs (1)(g)1. through 7. Any items paid by someone outside the household are not used. The Department requires verification if it considers reported items excessive. The information or materials must state how the overpayment claim or debt will not be paid within the three year period. When a decision is made concerning the compromise request, the Department will give the individual making the request a written notice of the decision including information about hearing appeal rights.~~

~~1. The overpayment or debt will be compromised to zero for situations indicated in subparagraphs 1. through 4. above.~~

~~2. The overpayment or debt will be compromised to no less than \$5.00 per month for situations indicated in subparagraph 5. above.~~

(8) Notification of Overpayment. The Department must notify the individuals responsible for repayment of overpayment in writing that overpayment exists and that they are required, by law, to repay the entire amount pursuant to Section 414.41 (1), F.S., or that they may seek compromise of a food stamp overpayment pursuant to 7 C.F.R. §273.18(e)(3), (7) (2009), incorporated by reference (2009).

(10) Determination of Intentional Program Violation.

(a) Pursuant to Sections 414.33, 414.36 and 414.39 and 414.41, F.S., when the Department has information that an individual has committed fraud, it will refer the case to the Florida Department of Law Enforcement, Public Assistance Fraud (PAF) Unit for investigation. In cases where PAF the Department determines that an individual has committed fraud in the cash assistance or Food Stamp Programs, it will pursue a determination of IPV through either court action, administrative disqualification hearing, or both, where permitted by 7 C.F.R. §273.16 (a) (2009), incorporated by reference (2009), or 45 C.F.R. §235.110 (2008), incorporated by reference (2008) and Section 414.41, F.S. The PAF Unit will pursue a determination of IPV through court action in instances where it determines that an individual has committed fraud in the Medicaid Program.

(b) Individuals found by an administrative hearing officer or court to have committed an act of IPV while receiving, or attempting to receive, food stamp, cash assistance, or food stamp and cash assistance benefits will be disqualified from participation in the program(s) under which that act was committed or attempted in accordance with 7 C.F.R. §273.16 (b) ~~(2009)~~, incorporated by reference ~~(2009)~~, ~~45 C.F.R. §235.110~~ or Section 414.41, F.S. Section 414.14, F.S.

(11) Treasury Offset Program.

(a) The Department will refer individuals who owe past-due, legally enforceable federal food stamp overpayment debts to the U.S. Department of the Treasury for purposes of collection of such debt through offset against federal payments pursuant to 26 U.S.C. §6402 (d)(1)-(2), (f) 26 U.S.C. 6402 ~~(d)(1)-(2), (f)~~. Referral of individuals owing such debt will be completed in accordance with procedures and criteria contained in 26 C.F.R. §301.6402-6 ~~26 C.F.R. Part 301-§301.6402-6~~ and 31 C.F.R. Part 5 Subpart C et. seq., as provided for in 7 C.F.R. §3.46 ~~7 C.F.R. Part 3 Subpart D §3.46~~.

(b) A past-due, legally enforceable debt exists when an individual in receipt of overpayment as defined in Section 414.41(1), F.S. and paragraph (1)(a) ~~(1)(b)~~ of this rule is at least 180 days delinquent in repayment of the overpayment, and the overpayment has not been discharged through administrative or legal action.

(c) The Department must make a reasonable attempt as defined in 26 C.F.R. §301.6402-6(d) ~~26 C.F.R. Part 301, §301.6402-6(d)~~, to notify individuals owing such debt that:

(12) The following forms, incorporated by reference, are used by the Department in the process of establishing and recovering overpayment: Information Concerning Administrative Disqualification Hearings, CF-ES 3057, 09/2009 ~~09/2006~~; Request for Additional Information, CF-ES 3400, 09/2009 ~~02/2006~~; Waiver of Administrative Disqualification Hearing With a Program Loss, CF-ES 3410, 09/2006; Waiver of Administrative Disqualification Hearing Without a Program Loss, CF-ES 3410A, 09/2006; Disqualification Consent Agreement, CF-ES 3414, 11/2007; and Notice of Compromise Decision, CF-ES 3110, 09/2009 ~~03/2009~~. Copies of the forms and materials incorporated by reference are available from the ACCESS Florida Headquarters Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700. Forms are also available on the Department's web site at <http://www.dcf.state.fl.us/DCFForms/Search/DCFFormSearch.aspx>.

Rulemaking Authority 409.919, 414.41, 414.45 FS. Law Implemented 414.31, 414.36, 414.41 FS. History—New 7-21-92, Amended 1-5-93, 9-5-93, Formerly 10C-1.900, Amended 7-9-98, 4-2-00, 2-26-02, 3-18-03, 7-21-05, 1-19-09, _____.

IF REQUESTED WITHIN 7 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: October 29, 2009, 2:00 p.m.
 PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, FL 32399
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cindy Keil, ACCESS Florida Program Policy, (850)410-3291, 1317 Winewood Boulevard, Building 3, Tallahassee, Florida 32399-0700, cindy_keil@dcf.state.fl.us.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: 69A-3.012
 RULE TITLE: Standards of the National Fire Protection Association and Other Standards Adopted

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. 35, No. 28, July 17, 2009 issue of the Florida Administrative Weekly.

(6) Notice required for structures with light-frame truss-type construction.

Purpose: The purpose of this rule is to require the placement of an identifying symbol on structures constructed with a light-frame weight truss component in a manner sufficient to warn persons conducting fire control and other emergency operations of the existence of light-frame truss-type construction in the structure.

(a) Definitions.

1. through 2. No change.

3. “Townhouse” means a single family dwelling unit constructed in a group of three or more attached units with property lines separating each unit in which each unit extends from foundation to roof with open space on at least two sides.

(b) Any commercial, industrial, or any multiunit residential structure of three units or more ~~(excluding townhouses)~~; which uses horizontal or vertical light-frame truss-type construction in any portion shall be marked with an approved symbol. Townhouses are not multiunit residential structures and therefore not subject to this rule. Each approved symbol shall include within the center circle one of the following designations:

(c) through (e) No change.

(7) through (11) No change.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 26, 2008

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: 69A-60.008
 RULE TITLE: Notice required for buildings with light-frame truss-type construction

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. 35, No. 28, July 17, 2009 issue of the Florida Administrative Weekly.

(2) Definitions

(a) through (b) No change.

(c) ~~“Townhouse” means a single family dwelling unit constructed in a group of three or more attached units with property lines separating each unit in which each unit extends from foundation to roof and with open space on at least two sides.~~

(3) Any commercial, industrial, or multiunit residential structure of three units or more, ~~(excluding townhouses)~~ which uses horizontal or vertical light-frame truss-type construction in any portion shall be marked with an approved symbol. Townhouses are not multiunit residential structures and therefore not subject to this rule. Each approved symbol shall include within the center circle one of the following designations:

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 26, 2008

Section IV
Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER09-47
RULE TITLE: Instant Game Number 1038, HOLIDAY CASH

SUMMARY: This emergency rule describes Instant Game Number 1038, “HOLIDAY CASH,” 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 of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Louisa Warren, Senior Attorney, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER09-47 Instant Game Number 1038, HOLIDAY CASH.

(1) Name of Game. Instant Game Number 1038, “HOLIDAY CASH.”

(2) Price. HOLIDAY CASH lottery tickets sell for \$1.00 per ticket.

(3) HOLIDAY CASH lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning HOLIDAY CASH lottery ticket, the ticket must meet the applicable requirements of Rule 53ER08-89, F.A.C.

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



(5) Determination of Prizewinners.

A ticket having three like prize amounts and corresponding prize amount captions in the play area shall entitle the claimant to a prize of that amount. The prizes are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$30.00, \$40.00, \$100 and \$2,500.

(6) The estimated odds of winning, value and number of prizes in Instant Game Number 1038 are as follows:

GAME PLAY	WIN	ESTIMATED ODDS OF 1 IN	NUMBER OF WINNERS IN 50 POOLS OF 240,000 TICKETS PER POOL
\$1	\$1	10.71	1,120,000
\$2	\$2	15.00	800,000
\$4	\$4	42.86	280,000
\$5	\$5	150.00	80,000
\$10	\$10	100.00	120,000
\$20	\$20	300.00	40,000
\$30	\$30	1,500.00	8,000
\$40	\$40	2,000.00	6,000
\$100	\$100	2,400.00	5,000
\$2,500	\$2,500	120,000.00	100

(7) The estimated overall odds of winning some prize in Instant Game Number 1038 are 1 in 4.88. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(8) For reorders of Instant Game Number 1038, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(9) Payment of prizes for HOLIDAY CASH lottery tickets shall be made in accordance with the rule of the Florida Lottery governing payment of prizes.