

24. Florida black bear (*Ursus americanus floridanus*) (other than those found in Baker and Columbia counties or in Apalachicola National Forest or which are held in captivity under permit)

25. Everglades mink (*Mustela vison evergladensis*)

26. Southeastern beach mouse (*Peromyscus polionotus niveiventris*)

(2) The Gopher tortoise (*Gopherus polyphemus*) is hereby declared to be threatened, and shall be afforded the protective provisions specified in this paragraph. No person shall take, attempt to take, pursue, hunt, harass, capture, possess, sell or transport any gopher tortoise or parts thereof or their eggs, or molest, damage, or destroy gopher tortoise burrows, except as authorized by Commission permit or when complying with Commission approved guidelines for specific actions which may impact gopher tortoises and their burrows. A gopher tortoise burrow is a tunnel with a cross-section that closely approximates the shape of a gopher tortoise. Permits will be issued based upon whether issuance would further management plan goals and objectives.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-22-80, 7-1-83, 7-1-85, Formerly 39-27.04, Amended 6-1-86, 5-10-87, 4-27-89, 6-23-99, Formerly 39-27.004, Amended 9-29-03, \_\_\_\_\_.

## Section IV Emergency Rules

### DEPARTMENT OF REVENUE

#### Property Tax Administration Program

RULE NO.:	RULE TITLE:
12DER07-09	Disclosure and Certification of Compliance; Option to Prefile Documents

**SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE:** Chapter 2007-321, Laws of Florida, authorizes the Department of Revenue to adopt emergency rules that remain in effect for 18 months and that may be renewed. This act further provides that all conditions imposed by Chapter 120, Florida Statutes, are deemed to be met.

**REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES:** The Legislature expressly authorized the Department of Revenue to adopt emergency rules that implement the provisions of Chapter 2007-321, Laws of Florida. The law provides that these emergency rules remain in effect for a period of 18 months and that they may be renewed. The Department of Revenue has taken several actions to inform interested parties about the forms, procedures, and emergency rules that are being developed to implement this new law, and to give such parties

an opportunity, to review and comment. These interested parties include Property Appraisers and the professional associations that represent them, counties, municipalities, and independent districts and their associations. The actions that the Department has taken include: requesting the assistance of other state agencies and professional associations in ascertaining if the information in the relevant sections of Chapter 2007-321, Laws of Florida, had been understood; and, establishing a new website on which to post information, forms, and procedures associated with implementation of this act; emailing and/or mailing copies of the draft forms to interested parties; and receiving public comments on the drafts of forms DR-420C, DR-420I, DR-420M, DR-487, DR-487P, and DR-487V.

**SUMMARY:** Emergency Rule 12DER07-09 (Disclosure and Certification of Compliance; Option to Prefile Documents). This rule adopts and incorporates by reference three maximum millage levy calculation disclosure forms: one for use by counties (Form DR-420C), one for use by municipalities (Form DR-420M), and one for use by independent special districts (Form DR420I). Also, this rule adopts and incorporates by reference two documents used to certify compliance with the provisions of Chapter 200, Florida Statutes: Form DR-487P can be used by a county, a municipality, or an independent special district to prefile the appropriate DR-420C, DR-420M, or DR-420I with the Department of Revenue; if the governing body does not choose the option of prefilng, it must file the appropriate DR-420C, DR-420M, or DR-420I form, along with Form DR-487, with the Department. In addition, the rule adopts and incorporates by reference a form to record the vote of a governing body on its final adoption of its 2007-2008 millage levy.

This rule requires that each taxing authority, other than a school district, must certify to the Department its adoption of an ordinance or resolution levying a millage, as provided in Florida law. The rule explains that a county or municipality, dependent special district of a county or municipality, or any municipal service taxing unit of a county is subject to notification that it is in violation of state law if the total county or municipal property taxes exceed the maximum total county or municipal taxes.

This rule explains the alternative available under the legislation, instead of forfeiture of half-cent sales tax revenues by a county or municipality where total county or municipal property taxes exceed the maximum total county or municipal property taxes. The alternative is for one or more taxing authorities which have their taxes included in the maximum total taxes levied to reduce their millage by an amount that reduces total taxes levied to an amount that no longer exceeds the maximum total taxes levied.

This rule explains that, if a county or municipality, dependent special district of such county or municipality, or municipal service taxing unit of such county does not remedy the

noncompliance with state law or does not recertify compliance with state law, the county or municipality will forfeit distribution of local government half-cent sales tax revenues for the period of twelve months following the determination of such noncompliance with state law.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Sharon Gallops, Department of Revenue, Property Tax Technical Unit, 725 S. Calhoun Street, Tallahassee, Florida 32399-0100; telephone (850)414-6108; Fax (850)488-9482; email address gallops@dor.state.fl.us

THE FULL TEXT OF THE EMERGENCY RULE IS:

12DER07-09 Disclosure and Certification of Compliance; Option to Prefile Documents.

(1) Each taxing authority other than a school district is requested and encouraged to prefile with the Department of Revenue within three days of adoption of a resolution or ordinance levying a millage, as provided in Section 200.065(4), Florida Statutes, or as soon thereafter as practicable.

(2) Prefiling shall be made by filing Form DR-487P, Pre-Filing Certification of Compliance, (N. 09/07, hereby incorporated by reference), together with the following forms:

(a) Form DR-420C, County Maximum Millage Levy Calculation Final Disclosure (N. 09/07, hereby incorporated by reference), DR-420I, Independent Special District Maximum Millage Levy Calculation Final Disclosure (N. 09/07, hereby incorporated by reference), or DR-420M, Municipality Maximum Millage Levy Calculation Final Disclosure (N. 09/07, hereby incorporated by reference), as applicable.

(b) The record of vote of governing body, Form DR-487V, Vote Record for Final Adoption of 2007-2008 Millage Levy (N. 09/07, hereby incorporated by reference), as proof of the vote at the hearing at which the millage was levied.

(3) If these documents are prefiled as described in subsection (2) they will be considered part of the final certification of compliance to be made as required by subsection (4).

(4)(a) Each taxing authority other than a school district must certify to the Department within 30 days of adoption of an ordinance or resolution levying a millage, as described in Section 200.068, Florida Statutes, that the taxing authority has complied with Chapter 200, Florida Statutes. The certification must include maximum millage rates calculated pursuant to Sections 200.065(5) and 200.185, Florida Statutes, together with values and calculations upon which the maximum millage rates are based.

(b) Such certification of compliance shall be made by filing with the Department together with Form DR-487, Certification of Compliance (R. 09/07, hereby incorporated by reference), as required in rule chapter 12D-17.004, Florida Administrative Code, the items listed in subsection (2) above, if not previously pre-filed with the Department.

(5) If any county or municipality, dependent special district of such county or municipality, or municipal service taxing unit of such county is in violation of Subsection 200.065(5) or Section 200.185, Florida Statutes, because total county or municipal ad valorem taxes exceeded the maximum total county or municipal ad valorem taxes, respectively, that county or municipality, and any MSTU and/or dependent district, shall be subject to notification.

(6)(a) As provided in Sections 200.065(5) and 200.185, Florida Statutes, as an alternative to the county or municipality forfeiting the half-cent sales tax revenues, if any county or municipality, dependent special district of such county or municipality, or municipal service taxing unit of such county is in violation of Subsection 200.065(5) or Section 200.185, Florida Statutes, because total county or municipal ad valorem taxes exceeded the maximum total county or municipal ad valorem taxes, one or more taxing authorities whose taxes are included in the maximum total taxes levied must reduce their millage sufficiently so that the maximum total taxes levied is not exceeded.

(b) If a taxing authority does not so reduce its millage so that the maximum total taxes levied is not exceeded, or if any such county or municipality, dependent special district of such county or municipality, or municipal service taxing unit of such county has not remedied the noncompliance or recertified compliance with chapter 200, Florida Statutes, as provided in Section 200.065(13)(e), Florida Statutes, the county or municipality shall forfeit the distribution of local government half-cent sales tax revenues during the 12 months following a determination of noncompliance, as described in Sections 218.63(2) and (3), Section 200.065(13), and Section 200.185(6), Florida Statutes.

Specific Authority Section 9 of Ch. 2007-321, L.O.F. Law Implemented Sections 1 through 11 of Ch. 2007-321, L.O.F. History–New 9-14-07.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: September 14, 2007

#### **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.: 53ER07-56  
 RULE TITLE: Instant Game Number 717, EASY WILD 8s

SUMMARY: This emergency rule describes Instant Game Number 717, "EASY WILD 8s," 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: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER07-56 Instant Game Number 717, EASY WILD 8s.

(1) Name of Game. Instant Game Number 717, "EASY WILD 8s."

(2) Price. EASY WILD 8s lottery tickets sell for \$2.00 per ticket.

(3) EASY WILD 8s 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 EASY WILD 8s lottery ticket, the ticket must meet the applicable requirements of Rule 53ER06-4, F.A.C.

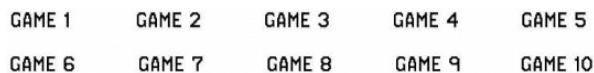
(4) The play symbols and play symbol captions are as follows:



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



(6) The legends are as follows:



(7) Determination of Prizewinners.

(a) There are ten games on a ticket. A ticket having a "8 WIN" play symbol and corresponding play symbol caption in a game shall entitle the claimant to the corresponding prize

shown for that game. A ticket having a "88 HINDBL" symbol in a game shall entitle the claimant to all 10 prizes.

(b) The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$25.00, \$50.00, \$100, \$500, \$1,000 and \$18,000. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$2.00 instant ticket or combination of instant tickets with a total value of \$2.00, except as follows. A person who submits by mail an EASY WILD 8s lottery ticket which entitles the claimant to a prize of a \$2.00 instant ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(8) The estimated odds of winning, value and number of prizes in Instant Game Number 717 are as follows:

GAME PLAY	WIN	ODDS OF 1 IN	NUMBER OF WINNERS IN 42 POOLS OF 180,000 TICKETS PER POOL
TICKET	\$2 TICKET	8.33	907,200
\$2	\$2	37.50	201,600
\$2 x 2	\$4	75.00	100,800
\$1 + (\$2 x 2)	\$5	37.50	201,600
\$5	\$5	37.50	201,600
\$1 + (\$2 x 2) + \$5	\$10	150.00	50,400
\$5 (TWO 8's)	\$10	50.00	151,200
\$10	\$10	150.00	50,400
\$5 x 5	\$25	150.00	50,400
\$5 x 10	\$50	1,200.00	6,300
\$25 (TWO 8's)	\$50	600.00	12,600
\$50	\$50	1,200.00	6,300
\$10 x 10	\$100	9,000.00	840
\$50 (TWO 8's)	\$100	3,600.00	2,100
\$100	\$100	9,000.00	840
\$100 (TWO 8's)	\$200	15,000.00	504
\$500 (TWO 8's)	\$1,000	90,000.00	84
\$1,000	\$1,000	90,000.00	84
\$18,000	\$18,000	945,000.00	8

(9) The estimated overall odds of winning some prize in Instant Game Number 717 are 1 in 3.89. 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.

(10) For reorders of Instant Game Number 717, the estimated odds of winning, value and number of prizes shall be proportionate to the number of tickets reordered.

(11) By purchasing an EASY WILD 8s lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(12) Payment of prizes for EASY WILD 8s lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 9-14-07.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: September 14, 2007

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER07-57  
 RULE TITLE: Instant Game Number 718, THE BIG CHEESE

SUMMARY: This emergency rule describes Instant Game Number 718, “THE BIG CHEESE,” 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: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER07-57 Instant Game Number 718, THE BIG CHEESE.

(1) Name of Game. Instant Game Number 718, “THE BIG CHEESE.”

(2) Price. THE BIG CHEESE lottery tickets sell for \$1.00 per ticket.

(3) THE BIG CHEESE 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 THE BIG CHEESE lottery ticket, the ticket must meet the applicable requirements of Rule 53ER06-4, F.A.C.

(4) The “YOUR NUMBERS” play symbols and play symbol captions are as follows:

<b>1</b> <small>ONE</small>	<b>2</b> <small>TWO</small>	<b>3</b> <small>THREE</small>	<b>4</b> <small>FOUR</small>	<b>5</b> <small>FIVE</small>	<b>6</b> <small>SIX</small>	<b>7</b> <small>SEVEN</small>	<b>8</b> <small>EIGHT</small>	<b>9</b> <small>NINE</small>	<b>10</b> <small>TEN</small>
<b>11</b> <small>ELEVEN</small>	<b>12</b> <small>TWELVE</small>	<b>13</b> <small>THIRTEEN</small>	<b>14</b> <small>FOURTEEN</small>	<b>15</b> <small>FIFTEEN</small>	<b>16</b> <small>SIXTEEN</small>	<b>17</b> <small>SEVENTEEN</small>	<b>18</b> <small>EIGHTEEN</small>	<b>19</b> <small>NINETEEN</small>	

(5) The “CHEESE NUMBERS” play symbols and play symbol captions are as follows:

<b>1</b> <small>ONE</small>	<b>2</b> <small>TWO</small>	<b>3</b> <small>THREE</small>	<b>4</b> <small>FOUR</small>	<b>5</b> <small>FIVE</small>	<b>6</b> <small>SIX</small>	<b>7</b> <small>SEVEN</small>	<b>8</b> <small>EIGHT</small>	<b>9</b> <small>NINE</small>	<b>10</b> <small>TEN</small>
<b>11</b> <small>ELEVEN</small>	<b>12</b> <small>TWELVE</small>	<b>13</b> <small>THIRTEEN</small>	<b>14</b> <small>FOURTEEN</small>	<b>15</b> <small>FIFTEEN</small>	<b>16</b> <small>SIXTEEN</small>	<b>17</b> <small>SEVENTEEN</small>	<b>18</b> <small>EIGHTEEN</small>	<b>19</b> <small>NINETEEN</small>	

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


<b>TICKET</b>	<b>\$1.00</b>	<b>\$2.00</b>	<b>\$5.00</b>
<small>TICKET</small>	<small>ONE</small>	<small>TWO</small>	<small>FIVE</small>
<b>\$10.00</b>	<b>\$20.00</b>	<b>\$50.00</b>	<b>\$100</b> <b>\$1,200</b>
<small>TEN</small>	<small>TWENTY</small>	<small>FIFTY</small>	<small>ONE HUN</small> <small>TLV HUN</small>

(7) The legends are as follows:

**CHEESE NUMBERS    YOUR NUMBERS**

(8) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the “YOUR NUMBERS” play area that matches a play symbol and corresponding play symbol caption in the “CHEESE NUMBERS” play area shall entitle the claimant to the prize shown for that play symbol.

(b) A ticket having a “ WIN ALL” symbol in the “YOUR NUMBERS” play area shall entitle the claimant to all five prizes.

(c) The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$20.00, \$50.00, \$100 and \$1,200. A claimant who is entitled to a prize of a “TICKET” shall be entitled to a prize of a \$1.00 instant ticket, except as follows. A person who submits by mail a THE BIG CHEESE lottery ticket which entitles the claimant to a prize of a \$1.00 instant ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 718 are as follows:

GAME PLAY	WIN	ODDS OF 1 IN	NUMBER OF WINNERS IN 56 POOLS OF 180,000 TICKETS PER POOL
TICKET	\$1 TICKET	10.00	1,008,000
\$1	\$1	10.00	1,008,000
\$1 x 2	\$2	30.00	336,000
\$1 x 5 (CHEESE)	\$5	75.00	134,400
\$5	\$5	150.00	67,200
\$2 x 5 (CHEESE)	\$10	150.00	67,200
\$10	\$10	150.00	67,200
\$5 x 5 (CHEESE)	\$25	300.00	33,600
\$10 x 5 (CHEESE)	\$50	3,000.00	3,360
\$50	\$50	3,000.00	3,360
\$20 x 5 (CHEESE)	\$100	90,000.00	112
\$100	\$100	90,000.00	112
\$1,200	\$1,200	336,000.00	30

(10) The estimated overall odds of winning some prize in Instant Game Number 718 are 1 in 3.69. 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.

(11) For reorders of Instant Game Number 718, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a THE BIG CHEESE lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(13) Payment of prizes for THE BIG CHEESE lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 9-14-07.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.  
EFFECTIVE DATE: September 14, 2007

**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."

**Section V**  
**Petitions and Dispositions Regarding Rule Variance or Waiver**

**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**

NOTICE IS HEREBY GIVEN THAT on June 19, 2007, the St. Johns River Water Management District's Governing Board has issued an order concerning Rule 40C-41.063, F.A.C., Conditions for Issuance of Permits.

Granted a variance under Section 120.542, F.S. (SJRWMD FOR #2007-34), to Family Investment Group, Inc. (Petitioner). The Petition for Variance was received by SJRWMD on April 10, 2007. Notice of receipt of the petition requesting the variance was published in the F.A.W., Vol. 33, No. 19 on May 11, 2007. No public comment was received. This order provides a temporary variance from subparagraph 40C-41.063(1)(c)1. of the Florida Administrative Code and Section 11.1.3 of the Applicant's Handbook: Management and Storage of Surface Waters (February 1, 2005). These rules provide in pertinent part that a surface water management system may not result in an increase in the amount of water being diverted from the Upper St. Johns River Hydrologic Basin to intercoastal receiving waters. Generally, the Order sets forth the basis of the Governing Board's decision to grant the variance as follows: 1) requiring Petitioner to comply with these rules onsite would create a technological hardship, and 2) Petitioner's financial contribution to the C-1 Rediversion Project or an Alternative Rediversion Project will accomplish the purpose of Chapter 373 of the Florida Statutes to prevent harm to the water resources, by facilitating the project's implementation. The C-1 Rediversion Project is a restoration project designed to allow water that would be diverted from the St. Johns River to coastal receiving waters by the Melbourne-Tillman Water Control District canal system to drain once again to the St. Johns River.