

**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 NO.:** 62-285.400  
**RULE TITLE:** Adoption of California Motor Vehicle Emissions 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. 34, No. 35, August 29, 2008 issue of the Florida Administrative Weekly.

The ERC has continued the rule adoption hearing until its next meeting on December 2, 2008, at 9:00 a.m., at the same place given in the August 29 notice.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**RULE NO.:** 68-1.003  
**RULE TITLE:** Florida Fish and Wildlife Conservation Commission Grants Program  
**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. 34, No. 33, August 15, 2008 issue of the Florida Administrative Weekly.

These changes are being made in response to comments received from the Joint Administrative procedures Committee in accordance with subparagraph 120.54(3)(d)1., F.S.

Subsection (7), of the proposed rule has been amended to read:

(f) A grant recipient shall administer the removal and disposal of designated derelict vessels as an independent governmental authority and not as an agent or representative of the Commission. In the event the Division determines that one or more derelict vessels included in a grant constitutes an immediate hazard to navigation by obstructing or threatening to obstruct navigation or in any way constitutes an immediate danger to the environment or to the public safety, the grant recipient or the Division will remove the vessel immediately pursuant to Section 823.11(3)(a), F.S. If the Division removes the vessel or vessels, the grant will be amended to reduce the grant amount by the amount expended by the Division for such removal, or terminated if the amount expended by the Division for such removal exceeds the amount of the grant.

**FINANCIAL SERVICES COMMISSION**

**Finance**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
69V-40.025	Mortgage Broker Examination
69V-40.031	Application Procedure for Mortgage Broker License
69V-40.100	Application Procedure for Transfer in Ownership or Control of Saving Clause Mortgage Lender
69V-40.200	Application Procedure for Mortgage Lender License
69V-40.220	Application Procedure for Correspondent Mortgage Lender License
69V-40.242	Principal Representative

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 45, November 7, 2008 issue of the Florida Administrative Weekly.

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

**Section IV  
Emergency Rules**

**DEPARTMENT OF REVENUE**

**Property Tax Oversight Program**

<b>RULE NO.:</b> 12DER08-28	<b>RULE TITLE:</b> Disclosure and Certification of Compliance; Filing of Documents Relating to 2008 Millage Levy Compliance
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**SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE:** Chapter 2007-321 (House Bill 1B) and Chapter 2008-173 (Senate Bill 1588), Laws of Florida, authorized the Department of Revenue to adopt emergency rules that could remain in effect for 18 months and that could be renewed. These acts further provided that all conditions imposed by Chapter 120, Florida Statutes, were 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 (House Bill 1B), and Chapter 2008-173 (Senate Bill 1588), 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 forms included here are based on the requirements of Chapter 2007-321 (House Bill 1B) and Chapter 2008-173 (Senate Bill 1588), Laws of Florida, as passed by the Legislature, and will replace the forms used in

previous years. 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, taxing authorities, including counties, municipalities, and independent districts, school districts, their associations, and practitioners who have told the Department that they want to receive all information associated with property tax rulemaking. The actions that the Department has taken include: making the proposed drafts available via the Internet for public review and comments, establishing a new Department email address to make it easier for interested parties to submit comments and questions to the agency; emailing copies of the draft forms to interested parties, as well as receiving and incorporating public comments on the drafts of forms.

**SUMMARY:** Emergency Rule 12DER08-28 (Disclosure and Certification of Compliance; Filing of Documents relating to 2008 Millage Levy Compliance), provides assistance regarding certain actions to be taken by local governments and officials. This rule explains the certification process as provided in Sections 200.065(5) and 200.185, Florida Statutes, to county, municipality, independent special districts and their related dependent special districts, municipal service taxing units, and each local taxing authority for 2008 compliance. These requirements apply to all taxing jurisdictions, other than school districts.

**THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS:** Janice Forrester, Department of Revenue, Property Tax Technical Unit, 725 S. Calhoun Street, Tallahassee, Florida 32399-0100; telephone (850)922-7945; Fax (850)488-9482; email address: forrestj@dor.state.fl.us

**THE FULL TEXT OF THE EMERGENCY RULE IS:**

12DER08-28 Disclosure and Certification of Compliance; Filing of Documents relating to 2008 Millage Levy Compliance.

(1) Each taxing authority other than a school district shall submit copies of the resolutions or ordinances to the Department of Revenue when the certification of the adopted millage is made to the property appraiser and the tax collector, pursuant to paragraph 12D-17.003(3)(f), Florida Administrative Code. These submissions shall be made within 3 days from the date of the final budget hearing and within 101 days of the certification date.

(2) Each taxing authority other than a school district must certify to the Department within 30 days of adopting 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.

(3) 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.

(4) Certification of compliance for each taxing authority other than a school district shall be made by filing with the Department of Revenue, Form DR-487, Certification of Compliance, (R. 09/08), as required in Rule Chapter 12D-17.004, Florida Administrative Code, together with the following forms:

(a) Form DR-420MM, Maximum Millage Levy Calculation – Final Disclosure (N. 09/08), Form DR-420, Certification of Taxable Value (R. 06/08), Form DR-420TIF, Tax Increment Adjustment Worksheet (R. 06/08), and Form DR-420VMA, Voted Millage Addendum (N. 06/08).

(b) Form DR-487V, Vote Record for Final Adoption of 2008-2009 Millage Levy (R. 09/08), as proof of the vote at the hearing at which the millage was levied.

(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 municipal service taxing unit 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 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 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), 200.065(13) and 200.185(6), Florida Statutes.

(7) This rule shall supersede any existing rule to the contrary to the extent necessary to implement Chapter 2007-321 (House Bill 1B), and Chapter 2008-173 (Senate Bill 1588), Laws of Florida.

Specific Authority Section 9 of Ch. 2007-321, L.O.F. Section 13 of Ch. 2008-173, L.O.F. Law Implemented Sections 1 through 11 of Ch. 2007-321, L.O.F. Sections 11-12 of Ch. 2008-173, L.O.F. History—New 10-31-08.

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: October 31, 2008

## DEPARTMENT OF REVENUE

### Property Tax Oversight Program

RULE NO.: 12DER08-29  
 RULE TITLE: Reporting of Fiscal Data by Fiscally Constrained Counties to the Department of Revenue For Fiscal Year 2008-09

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Chapter 2008-173 (Senate Bill 1588), Laws of Florida, authorized the Department of Revenue to adopt emergency rules that could remain in effect for 18 months and that could be renewed. These acts further provided that all conditions imposed by Chapter 120, Florida Statutes, were 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 2008-173 (Senate Bill 1588), 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 forms included here are based on the requirements of Chapter 2008-173 (Senate Bill 1588), Laws of Florida, as passed by the 2008 Legislature. 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, county governments and the professional associations that represent them. The actions that the Department has taken include: making the proposed drafts available via the Internet for public review and comments, establishing a Department email address to make it easier for interested parties to submit comments and questions to the agency; emailing copies of the draft forms to interested parties, as well as receiving and incorporating public comments on the drafts of forms.

SUMMARY: Emergency Rule 12DER08-29 (Reporting of Fiscal Data by Fiscally Constrained Counties to the Department of Revenue For Fiscal Year 2008-09), provides assistance regarding certain actions to be taken by local governments and officials. Section 16 of Senate Bill 1588 (Chapter 2008-173, L.O.F.) states that on or before November

15 each year, beginning in 2008, each fiscally constrained county shall apply to the Department of Revenue to participate in the distribution of funds appropriated by the Legislature in the form and manner prescribed by the Department. This rule adopts and incorporates by reference Form DR-420FC, Distribution To Fiscally Constrained Counties Application (N. 10/08), to be used by counties that meet the fiscally constrained definition in Section 218.67(1), Florida Statutes.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Janice Forrester, Department of Revenue, Property Tax Technical Unit, 725 S. Calhoun Street, Tallahassee, Florida 32399-0100; telephone (850)922-7945; Fax (850)488-9482; email address: forrestj@dor.state.fl.us

THE FULL TEXT OF THE EMERGENCY RULE IS:

12DER08-29 Reporting of Fiscal Data by Fiscally Constrained Counties to the Department of Revenue For Fiscal Year 2008-09.

(1) This rule applies to counties that meet the fiscally constrained definition in Section 218.67(1), Florida Statutes. Pursuant to Section 16 of Chapter 2008-173, Laws of Florida, such counties are required to apply for a distribution of funds appropriated by the Legislature for the purpose of offsetting reductions in property tax revenues occurring as a direct result of the implementation of revisions to Article VII, Florida Constitution approved in the special election held on January 29, 2008 (Amendment 1). Application must be in a form and manner prescribed by the Department of Revenue. For fiscal year 2008-09, these reductions include the additional \$25,000 homestead exemption, the \$25,000 tangible personal property exemption and Save Our Homes portability.

(2) An application is to be filed with the Department of Revenue on Form DR-420FC, Distribution To Fiscally Constrained Counties Application (N. 10/08), which is hereby incorporated by reference.

(3) Each fiscally constrained county must provide the completed form to the Department of Revenue by November 15, beginning in 2008. The form must be prepared by the county property appraiser. The following is a summary of the information required on the form:

(a) An estimate of the reduction in taxable value for all county taxing jurisdictions directly attributable to the constitutional amendment. For fiscal year 2008-09, this estimate shall be based on values certified to the taxing authority by the property appraiser on Form DR-420, if available. If such estimates are not available, estimates pursuant to this emergency rule must be based on values comparable to those certified on Form DR-420, Certification of Taxable Value (R. 06/08);

(b) Millage rates for all county taxing jurisdictions as included on the tax roll extended pursuant to Section 193.122, Florida Statutes, for all such jurisdictions for both the current and prior year;

(c) Rolled-back rates, if available, for each jurisdiction determined as provided in Section 200.065, Florida Statutes, and included on Form DR-420 by each taxing jurisdiction;

(d) Maximum millage rates, if available, for each jurisdiction that could have been levied by a majority vote pursuant to Section 200.185, Florida Statutes, as included on Form DR-420MM, Maximum Millage Levy Calculation – Final Disclosure (N. 09/08), by each taxing jurisdiction.

(4) The calculation must include both operating and debt service levies, including millages levied for two years or less under Section 9(b), Article VII, Florida Constitution.

(5) Copies of Form DR-420FC, Distribution To Fiscally Constrained Counties Application, are available, without cost, by one of the following methods: 1) downloading selected forms from the Department's Internet site at <http://dor.myflorida.com/dor/property/>; or, 2) calling Property Tax Oversight at (850)488-3338.

(6) This rule shall supersede any existing rule to the contrary to the extent necessary to implement Chapter 2008-173, (Senate Bill 1588) Laws of Florida.

Specific Authority Section 13 of Ch. 2008-173, L.O.F. Law Implemented Sections 16 of Ch. 2008-173, L.O.F., 200.065, 218.67, F.S. History—New 10-31-08.

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: October 31, 2008

#### **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 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 November 7, 2008, the Suwannee River Water Management District, received a petition for variance from Reva Jane Hamilton, 6790 Tree Top Court, Keystone Heights, FL 32656, pursuant to Section 120.542, F.S. Petitioner is seeking a variance from subsection 40B-4.3030(4), F.A.C., as to the requirements that buildings in the floodway shall be elevated at least one foot above the 100-year flood/one percent annual chance of flood elevation. The property owner constructed an unpermitted structure in Madison County, in Township 1 North, Range 11 East, Section 8, which is not elevated at least one foot above the 100-year flood/one percent annual chance of flood elevation. These rules are intended to set forth criteria for development activities within a Work of the District. Comments on this petition should be filed with: Jon Dinges, District Clerk, SRWMD, 9225 CR 49, Live Oak, FL 32060, within 14 days of publication of this notice. The petition has been assigned ERP Number 08-0362.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Robin Lamm, Administrative Assistant, Suwannee River Water Management District, 9225 CR 49, Live Oak, FL 32060, (386)362-1001 or 1(800)226-1066 in Florida only.

### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN THAT on October 29, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order for an Emergency Variance for subsection(s) 61C-4.010(6) and (7), Florida Administrative Code (F.A.C.), Section 509.221(1)(b), Florida Statutes (F.S.) and Section 6-402.11, 2001 FDA Food Code from Gino's Pizza VI located in Orlando. The above referenced F.A.C. states that all bathrooms shall be of easy and convenient access to both patrons and employees, and shall be located on the same floor of the premises served...They are requesting to be take-out only with no seats and use public bathroom facilities located on the second level for the public and employees.