

financial obligations. The rule currently states that homeowners will be able to receive a free wind inspection if the homeowner lives in a single-family, site-built, detached home. However, during the 2009 Florida Legislative session, the My Safe Florida Home program was not granted any additional funding to sustain the program. Therefore, there is no current funding to provide free inspections to Florida homeowners. If an Emergency Rule is not put into place repealing Rule 69J-7.003, F.A.C., homeowners will be ostensibly granted a right under the rule that has been abrogated by the Florida Legislature. This emergency rule serves to repeal Rule 69J-7.003, F.A.C.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The Department of Financial Services believes that adopting an emergency rule is essential to protect the public because without the repeal of the existing rule, homeowners may take measures to protect their homes which place them at risk of assuming unintended financial obligations. In the absence of this emergency rule, homeowners may contract with home inspectors while under the misconception that the home inspection will be at no cost to them. Because funding for the home inspection program has been discontinued by the Florida Legislature, state funds are not currently available for this purpose.

SUMMARY: This emergency rule repeals Rule 69J-7.003, F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Ellen Simon, Chief Counsel, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0333, phone (850)413-4270

THE FULL TEXT OF THE EMERGENCY RULE IS:

69JER09-1 (69J-7.003) Free Wind Inspections.

The following rule which would have become effective on July 1, 2009, is hereby repealed.

~~(1) The process to apply for a free wind inspection is for a homeowner to apply on-line at <http://www.mysafe.floridahome.com/NewApplicant.asp> or by telephone at 1(866)513-6734.~~

~~(2) The application for a free wind inspection will be approved if the homeowner lives in a single-family, site-built, detached home. Properties that are ineligible for a free wind inspection include mobile homes, manufactured homes, apartments, condominiums, multi-family dwellings and businesses.~~

~~(3) An application number will be assigned to each applicant. The application number will be utilized for identification purposes for all services in the My Safe Florida Home Program.~~

~~(4) If approved, the homeowner will be contacted by an approved inspection firm or inspector by telephone within three weeks to schedule the free inspection.~~

~~(5) As part of the inspection, the inspector will review any documents the homeowner has on their opening protections (such as shutters, impact resistant windows or garage door). The inspector will also review any documents in regards to roofs under five years old. If the inspector is unable to determine the wind protection rating or building code approval number of the existing shutters or roof shingles, and the homeowner is unable to provide documentation to substantiate this information, then the inspector will not be able to confirm that the homeowner has hurricane-rated opening protection or roof covering.~~

~~(6) The inspector will take photos of the applicant's home during the inspection if the inspector believes that the photos will facilitate the preparation of the inspection report.~~

~~(7) At the end of the inspection, the homeowner will be asked to sign a form verifying an inspection was conducted. After the inspection, the inspector shall send the homeowner a free inspection report within 45 days. The report shall include the following information:~~

~~(a) An outline of improvements that could be made to the home to increase resistance to hurricane wind damage;~~

~~(b) An estimate of how much each improvement would cost to complete;~~

~~(c) An estimate of insurance discounts that may be available, if insurance information was provided when applying for the inspection; and~~

~~(d) A hurricane resistance rating that shows the home's current ability, and future ability with improvements, to withstand hurricanes.~~

Rulemaking Authority 215.5586(6) FS. Law Implemented 215.5586 FS. History--New 1-31-07, Amended 7-1-09, Repealed 7-1-09.

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: July 1, 2009

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."

DEPARTMENT OF MANAGEMENT SERVICES

NOTICE IS HEREBY GIVEN THAT on June 24, 2009, the Agency for Workforce Innovation, received a petition for Temporary Waiver of paragraph 60BB-8.201(4)(a), F.A.C., which provides requirements for conducting parent orientation sessions for parents registering their children for the VPK program. The Petition was filed by the Early Learning Coalition of Marion County, 3304 S. E. Lake Weir Avenue, Suite 2, Ocala, Florida 34471.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Stephanie Savestanan, Agency for Workforce Innovation, Office of Early Learning, 107 East Madison Street, MSC 140, Tallahassee, Florida 32399.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on June 22, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rule 3.11.3, A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires Fire Fighter Service Phase 1 and 2, from Jeffrey Estis on behalf of Pelican Bay Apartments in Lantana, FL (VW 2009-221).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on June 22, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an emergency temporary variance from Rule 3.11.3, A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires Fire Fighter Service Phase 1 and 2, from Gay N. Sells, President, Forestbrook I Association, Inc. (Serial Number 21637) (VW 2009-222).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on June 22, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rule 3.11.3, A17.3, 1996 and Rule 8.6.5.8, A.S.M.E. 17.1, 2004 edition with 2005 Addendaas adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires Fire Fighter Service Phase 1 and 2, and a safety bulkhead on hydraulic cylinders from William Torr on behalf of Marco Towers (License Numbers 8388-8389) (VW 2009-223).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on June 22, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rule A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires Fire Fighter Service Phase 1 and 2. The petition was received from Mark Singletary on behalf of Gulfside Place Condominium in Sanibel, FL (VW 2009-224).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on June 22, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a permanent variance from unreferenced rule requiring a pit ladder. The Petition was received from Richard Higgins on behalf of Villa Del Verde Condominium Association (VW 2009-225).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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 VI
Notices of Meetings, Workshops and Public Hearings**

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
- Financial Services Commission
- Department of Veterans' Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement
- Department of Revenue
- Department of Education
- Administration Commission
- Florida Land and Water Adjudicatory Commission
- Board of Trustees of the Internal Improvement Trust Fund
- Department of Environmental Protection