

(q) Treason against the United States, or a state, district, or territory thereof.

(r) Altering public documents.

(s) Witness tampering.

(t) Tax evasion.

(u) Impersonating or attempting to impersonate a law enforcement officer.

(v) Money laundering.

(w) Murder in all degrees.

(x) Arson.

(y) Sale, importation, or distribution of controlled substances (drugs); or possession for sale, importation or distribution.

(z) Aggravated Assault (e.g., as with a deadly weapon).

(aa) Aggravated Battery (e.g., as with a deadly weapon).

(bb) Rape.

(cc) Sexually molesting any minor.

(dd) Sexual battery.

(ee) Battery of or threatening a law enforcement officer or public official in the performance of his/her duties.

(ff) Kidnapping.

(15) Class "B" Crimes include any misdemeanor that involves fraud, dishonest dealing or any other act of moral turpitude.

(16) Foreign Law Enforcement Records. If a law enforcement record includes convictions, charges, or arrests outside the United States, the Office shall consider the following factors to reduce, eliminate, or apply a disqualifying period:

(a) Whether the crime in the criminal record would be a crime under the laws of the United States or any state within the United States;

(b) The degree of penalty associated with the same or similar crimes in the United States; and

(c) The extent to which the foreign justice system provided safeguards similar to those provided criminal defendants under the Constitution of the United States; for example, the right of a defendant to a public trial, the right against self-incrimination, the right of notice of the charges, the right to confront witnesses, the right to call witnesses, and the right to counsel.

(17) Form U-4 is incorporated by reference in subsection 69W-301.002(7), F.A.C.

Rulemaking Authority 517.1611(2) FS. Law Implemented 517.12, 517.161 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Pam Epting, Chief, Bureau of Regulatory Review, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399-0375, (850)410-9500, pam.epting@flofr.com

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 13, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 21, 2009

### Section III Notices of Changes, Corrections and Withdrawals

#### DEPARTMENT OF REVENUE

##### Miscellaneous Tax

RULE NO.:	RULE TITLE:
12B-8.003	Tax Statement; Overpayments
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. 37, September 18, 2009 issue of the Florida Administrative Weekly.

This rule adopts, by reference, Form DR-908, Insurance Premium Taxes and Fees Return for Calendar Year 2009, and Form DR-908N, Instructions for Preparing Form DR-908, Florida Insurance Premium Taxes and Fees Return.

The proposed changes to amend the statement on Page 3, under Schedule III (Credits Against the Premium Tax), to add a statement on Page 4, under Schedule IV (Computation of Salary Credit), and to amend the statement on Page 4, under Schedule V (Corporate Income, Emergency Excise, Salary and SFO Credit Limitation), of Form DR-908, have been withdrawn. When adopted, this statement will not be included on Page 4, under Schedule IV, and no changes will be made to the statement on Page 3, under Schedule III, or to the statement on Page 4, under Schedule V.

Form GT-600002 (Florida Insurance Premium Taxes and Fees Suggested Consolidated Corporate Income Tax Allocation Schedule), as referenced in the proposed changes to Form DR-908N, has been withdrawn. Form GT-600002 will not be used by the Department.

The following provision to the instructions on Page 7, for Schedule IV, Line 4. (Corporate Income Tax and Emergency Excise Tax Paid), and on Page 8, for Schedule V, Line 1. (Total Corporate Income Tax and Emergency Excise Tax Paid), and on Page 12, for Schedule XIV, Line 3. (Total Corporate Income Tax and Emergency Excise Tax), of Form DR-908N, has been withdrawn:

Attach a schedule showing the computation allocating the corporate income tax among the filers included in a Florida corporate income tax return. Form GT-600002 (Florida Insurance Premium Taxes and Fees Suggested Consolidated Corporate Income Tax Allocation Schedule), is included with

the return package mailed to every insurance premium taxpayer, and it can also be downloaded from the Department's Internet site.

When adopted, by reference, no changes will be made to the instructions on Page 7, for Schedule IV, Line 4., on Page 8, for Schedule V, Line 1., or on Page 12, for Schedule XIV, Line 3., of Form DR-908N.

**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 BUSINESS AND PROFESSIONAL REGULATION**

**Regulatory Council of Community Association Managers**

RULE NO.: 61E14-2.001      RULE TITLE: Standards of Professional Conduct

**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 Board Staff submitted a revised Statement of Estimated Regulatory Costs (SERC), which supersedes the original SERC that was published in the Notice of Rulemaking. The foregoing change does not affect the substance of the Notice.

THE PERSON TO BE CONTACTED REGARDING THE ABOVE CHANGE IS: Anthony Spivey, Executive Director, Regulatory Council of Community Association Managers, 1940 North Monroe Street, Tallahassee, Florida 32399-0762

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Cosmetology**

RULE NO.: 61G5-18.0055      RULE TITLE: Supervised Cosmetology Practice Exception

**NOTICE OF WITHDRAWAL**

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

**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 CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE NO.: 65A-1.712      RULE TITLE: SSI-Related Medicaid Resource Eligibility Criteria

**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. 30, July 31, 2009 issue of the Florida Administrative Weekly.

**TEXT OF THE PROPOSED RULE CHANGE:**

65A-1.712 SSI-Related Medicaid Resource Eligibility Criteria.

(3) Transfer of Resources and Income. According to 42 U.S.C. § 1396p(c) (2006), incorporated by reference, if an individual, the spouse, or their legal representative, disposes of resources or income for less than fair market value on or after the look back date, the Department must presume that the disposal of resources or income was to become Medicaid eligible and impose a period of ineligibility for nursing facility care services, institutional hospice or HCBS waiver services. The Department will mail a notice to individuals who report a transfer for less than fair market value (Form CF-ES 2264, 02/2007, Notice of Determination of Assets (Or Income) Transfer, incorporated herein by reference), advising of the opportunity to rebut the presumption and of the opportunity to request and support a claim of undue hardship per subparagraph (c)5. below. If the Department determines the individual is eligible for Medicaid on all other factors of eligibility except the transfer, the individual will be approved for general Medicaid services (not long-term care services) and advised of their penalty period (Form 2358, 02/2007, Medicaid Transfer Disposition Notice, incorporated herein by reference). Transfers of resources or income made prior to (first day of month following effective date) are subject to a 36 month look back period. ~~The look back period is 36 months prior to the date of application, except in the case of a trust treated as a transfer in which case the look back period is 60 months prior to the date of application.~~ Transfers of resources or income made on or after (first day of month following effective date) are subject to a 60 month look back period. ~~All applications for nursing home and waiver based Medicaid programs (except in the case of a trust treated as a transfer) are subject to an asset transfer look back period as provided for below.~~

If the application is received:	The look back period is:
Prior to November 1, 2010	36 months prior to the month of application
November 2010	37 months prior to the month of application
December 2010	38 months prior to the month of application
January 2011	39 months prior to the month of application
February 2011	40 months prior to the month of application
March 2011	41 months prior to the month of application
April 2011	42 months prior to the month of application
May 2011	43 months prior to the month of application
June 2011	44 months prior to the month of application
July 2011	45 months prior to the month of application
August 2011	46 months prior to the month of application
September 2011	47 months prior to the month of application
October 2011	48 months prior to the month of application
November 2011	49 months prior to the month of application
December 2011	50 months prior to the month of application
January 2012	51 months prior to the month of application
February 2012	52 months prior to the month of application
March 2012	53 months prior to the month of application
April 2012	54 months prior to the month of application
May 2012	55 months prior to the month of application
June 2012	56 months prior to the month of application
July 2012	57 months prior to the month of application
August 2012	58 months prior to the month of application
September 2012	59 months prior to the month of application
On or after October 1, 2012	60 months prior to the month of application

(6) Copies of the forms and materials incorporated by reference in this rule are available from the ACCESS Florida Headquarters Office at 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 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, 409.919 FS. History—New 10-8-97, Amended 1-27-99, 4-1-03, 9-28-04, 8-10-06(1)(a), (f), 8-10-06(1)(f), 8-10-06(3)(g)1., 11-1-07, \_\_\_\_\_.

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: November 4, 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: Pat Whitford, Economic Self-Sufficiency Services, phone (850)410-3479

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NO.: 69O-171.009  
 RULE TITLE: Medical Malpractice Insurance Open Claims Reporting

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 8, February 24, 2006 issue of the Florida Administrative Weekly has been withdrawn.

**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.: 53ER09-51  
 RULE TITLE: Facility Leases

SUMMARY: This emergency rule sets forth the provisions of facility leases of 10,000 square feet or more and replaces Rule 53ER08-79, F.A.C.

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:

53ER09-51 Facility Leases.

(1) The Lottery finds that, due to the unique nature of its business, strict compliance with Chapter 255, F.S., and the rules adopted thereunder, would impair or impede the effective and efficient operation of the Lottery. Therefore, the Lottery is adopting this rule to provide the following alternative procedures for acquiring facility leases in an open and competitive manner.

(2) The Lottery will follow Section 255.25, F.S., and the rules (excluding the forms) adopted thereunder, to competitively acquire leased office or warehouse space of 10,000 square feet or more, subject to the provisions of Section 24.105(13), F.S.

(3) For leases of office or warehouse space less than 10,000 square feet, competitive offers will be solicited. Negotiation of terms, conditions and costs will be conducted thereafter. Alternatively, if the Lottery rejects all offers received, it will either re-solicit competitive offers or the procurement will be canceled.

(4) The Lottery shall enter into facility lease agreements that have a base term, renewal and/or extension periods that are determined by the Lottery to provide the greatest long-term benefit to the state.