

a. 264.140(a); ~~264.140(b); 264.140(d)~~; 264.141(a); 264.141(e); 264.142(b); 264.142(c); 264.143(f)(1); 264.144(b); 264.144(c); 264.145(f)(1); 264.147; 264.149; 264.150; and 264.151.

(7) through (10) No change.

62-701.710 Waste Processing Facilities.

(1) through (3) No change.

(4) Operational requirements.

(a) A permit application for a waste processing facility shall include the following operational requirements:

(1) No change.

2. A plan to inspect the wastes received by the facility, that specifies inspection procedures and procedures to handle unauthorized wastes; and

3. A contingency plan to cover operational interruptions and emergencies such as fires, explosions, or natural disasters; and

4. ~~A plan for the separation of CCA treated wood and disposal in an approved disposal facility.~~

(5) through (11) No change.

62-701.730 Construction and Demolition Debris Disposal and Recycling.

(1) Applicability.

(a) No person shall construct, operate or close an off-site construction and demolition debris disposal facility without a permit issued by the Department. All holders of construction or operation permits issued prior to [eff date] that contain conditions not in conformance with this chapter shall apply for modification of the permit to conform to this chapter to the District Office of the Department that issued the permit. The submission shall occur at the time of application for renewal of an existing permit, or before [eff date + 180 days], whichever is earlier. For purposes of this paragraph, a permit issued prior to [eff date], is deemed to include a completed permit application received by the Department prior to [eff date]. However, the provisions of paragraph (4)(h) of this section will not apply to any disposal units of a facility that have received a Department permit authorizing construction or operation prior to [eff date].

(b) No change.

(2) through (21) No change.

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE NO.: 64B16-26.351  
 RULE TITLE: Standards for Approval of Registered Pharmacy Technician Training Programs

**NOTICE OF PUBLIC HEARING**

The Board of Pharmacy announces a hearing regarding the above rule, as noticed in Vol. 35, No. 38, September 25, 2009 Florida Administrative Weekly.

DATE AND TIME: Monday, November 16, 2009, 10:00 a.m., via teleconference. The conference call number is 1(888)808-6959, Code 5642037.

PLACE: n/a

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss proposed text of Rule 64B16-26.351, F.A.C.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least five days before the workshop/meeting by contacting: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**DEPARTMENT OF HEALTH**

**Division of Emergency Medical Operations**

RULE NO.: 64J-1.0201  
 RULE TITLE: EMS Instructor Qualifications  
 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. 42, October 23, 2009 issue of the Florida Administrative Weekly.

The following change was not included in the October 2, 2009. This change has been made based on a written comment received by the public hearing deadline. The comment notes that this is the same date placed in the rule language under the lead instructor.

64J-1.0201(4)(e) replace July 1, 2011 with July 1, 2013.

**Section IV  
 Emergency Rules**

**DEPARTMENT OF REVENUE**

**Miscellaneous Tax**

RULE NO.: 12BER09-04  
 RULE TITLE: Tax on Transfers of Ownership Interest in Legal Entities

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Chapter 2009-131, Laws of Florida, authorizes the Department to promulgate an emergency rule, and to renew such rule, to implement the provisions of the law. The law provides that conditions necessary for an emergency rule and its renewal have been met. Section 201.02(1)(b), F.S., provides for the imposition of tax on transfers of ownership interest in a conduit entity when the transfer is within three years of a transfer of Florida real property into the conduit entity, documentary stamp tax was not paid on the full consideration when the real property was transferred into the conduit entity,

and the ownership interest transferred belonged to the grantor of the real property. This emergency rule provides how the tax is imposed, when the tax is due, and examples of transfers of real property that would be subject to the tax.

**REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES:** The Legislature expressly authorized the promulgation of an emergency rule, and the renewal of such rule, to implement Chapter 2009-131, Laws of Florida, and determined that all conditions necessary for this emergency rule have been met. This law imposes a tax on the transfer of a grantor's ownership interest in a conduit entity when the grantor conveyed real property to the conduit entity without having paid tax on the full consideration for the real property and the transfer is within three years after the grantor conveyed the real property to the conduit entity.

**SUMMARY:** Emergency Rule 12BER09-04 (Tax on Transfers of Ownership Interest in Legal Entities), provides for the application of tax to transfers of a grantor's ownership interest in a conduit entity after the grantor has conveyed real property to the conduit entity without having paid tax on the full consideration for the real property. This emergency rule: (1) provides when the tax is imposed under Section 201.02(1)(b), F.S., as amended by Chapter 2009-131, L.O.F., how the tax is computed, and when the tax is due; (2) provides definitions of the terms "conduit entity" and "full consideration"; and (3) provides examples of transfers of real property that would be subject to the tax.

**THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS:** Tim Phillips, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4724

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

12BER09-04 Tax on Transfers of Ownership Interest in Legal Entities.

(1)(a) Scope. This rule applies to transfers of a grantor's ownership interest in a conduit entity after the grantor has conveyed real property to the conduit entity without having paid tax on the full consideration for the real property.

(b) Definitions. For purposes of this rule:

1. "Conduit entity" means a legal entity to which real property is conveyed without full consideration by a grantor who owns a direct or indirect interest in the entity or a successor entity.

2. "Full consideration" means the consideration that would be paid in an arm's length transaction between unrelated parties.

(2) When a grantor conveys real property to a conduit entity without tax being paid on full consideration and all or a portion of the grantor's ownership interest, either direct or indirect, is subsequently transferred for consideration within 3

years after the grantor conveyed the real property to the conduit entity, the transfer of the grantor's ownership interest in the conduit entity is subject to tax.

(3) The tax is based on the consideration paid or given for the grantor's ownership interest in the conduit entity. The tax rate is 70 cents for each \$100 or fraction thereof of the consideration. If the conduit entity owns assets other than the real property described in subsection (2), tax is calculated by multiplying the consideration for the interest in the conduit entity by a fraction, the numerator of which is the value of the real property described in subsection (2) and the denominator of which is the value of all assets owned by the conduit entity, and then multiplying the result by the tax rate.

(4) A gift of an ownership interest in a conduit entity is not subject to tax to the extent there is no consideration.

(5) The transfer of shares or similar equity interests that are dealt in or traded on public, regulated security exchanges is not subject to the tax.

(6) The tax is to be paid pursuant to Section 201.133, F.S., on the earliest of the 20th day of the month following the month the ownership interest is transferred or the date that an instrument evidencing the transfer is filed or recorded in Florida.

(7) The provisions of this rule do not affect the imposition of tax on transactions described in Section 201.02(4), F.S.

(8) Examples.

(a) Example 1: On July 2, 2009, Lloyd transferred Florida real property (the real property), owned by him alone, to a limited liability company (LLC) he owned alone. No documentary stamp tax was paid on the document that transferred the real property to the LLC. On July 3, 2009, Lloyd transferred his interest in the LLC for \$1,000,000. The LLC owned no assets other than the real property. Documentary stamp tax of \$7,000.00 was due on the transfer of Lloyd's ownership interest in the LLC based on the \$1,000,000 consideration, since Lloyd was the grantor of the real property and since tax was not paid on full consideration when the real property was transferred to the LLC.

(b) Example 2: On July 2, 2009, Calvin and Sally transferred Florida real property (the real property) which they owned jointly, to a limited liability company (LLC) owned equally by Calvin and Sally. The full consideration at the time of the transfer would have been \$30,000. Documentary stamp tax of \$210 was paid on the document that transferred the real property to the LLC. On July 10, 2009, Calvin and Sally sold their ownership interests in the LLC for \$35,000. The only asset owned by the LLC at the time was the real property. No documentary stamp tax was due on the transfer of Calvin and Sally's ownership interests in the LLC, since tax was paid on the full consideration for the real property when it was transferred to the LLC.

(c) Example 3: On July 2, 2009, Vern and Carol transferred Florida real property (the real property) which they owned jointly, to a limited liability company (LLC) owned equally by Vern and Carol. No documentary stamp tax was paid on the document that transferred the real property to the LLC. On July 10, 2009, Vern sold his interest in the LLC for \$200,000. Tax of \$1400 was due on the transfer of Vern's ownership interest in the LLC, since Vern was a grantor of the real property and since tax was not paid on full consideration for the real property when it was transferred to the LLC.

(d) Example 4: On July 2, 2009, Pam and Mike transferred Florida real property (the real property) which they owned jointly, to a corporation. The corporation was owned equally by Mike and a limited liability company (LLC) owned by Pam alone. No documentary stamp tax was paid on the document that transferred the real property to the corporation. On July 10, 2009, Pam sold her interest in the LLC (thereby selling her indirect ownership interest in the corporation) for \$45,000. The corporation owned property in addition to the real property transferred to it on July 2, 2009. Full consideration for the real property would have been \$85,000, and the real property made up 95% of the value of all assets owned by the corporation. The only asset owned by the LLC was its interest in the corporation. Tax of \$299.60 was due on the transfer of Pam's ownership interest based on consideration of \$42,750 (\$45,000.00 multiplied by the 95% attributable to the real property), since Pam was the grantor of the real property and since tax was not paid on full consideration for the real property when it was transferred to the corporation.

(e) Example 5: On July 2, 2009, Tom transferred Florida real property (the real property) owned by him alone, to a limited liability company (LLC) he owned alone. No documentary stamp tax was paid on the document that transferred the real property to the LLC. On July 10, 2009, Tom sold 50% of his interest in the LLC to Imogene for \$200,000. Tax of \$1,400 was due on the transfer of Tom's ownership interest in the LLC based on consideration of \$200,000, since documentary stamp tax was not paid on full consideration for the real property when it was transferred to the LLC. On July 25, 2009, Tom sold one-half of his remaining 50% ownership interest in the LLC for \$105,000, and Imogene sold one-half of her 50% ownership interest in the LLC for \$105,000. Tax of \$735 was due on the transfer of Tom's ownership interest, since Tom was the grantor of the real property and since tax was not paid on the fair market value of the real property when it was transferred to the LLC. No tax was due on Imogene's transfer, since Imogene was not a grantor of the real property.

Rulemaking Authority Section 6, Ch. 2009-131, L.O.F. Law Implemented Ch. 2009-131, L.O.F. History--New 10-14-09.

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: October 14, 2009

## DEPARTMENT OF REVENUE

### Property Tax Oversight Program

RULE NO.:  
12DER09-03

RULE TITLE:  
Forms for Use in the Truth in Millage and Maximum Millage Calculations Required by Section 200.065, Florida Statutes, and Chapter 2008-173 (Senate Bill 1588), Laws of Florida

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. This act 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 and Chapter 2008-173 (Senate Bill 1588), Laws of Florida, 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, maintaining 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 DR-420, DR-420DEBT, DR-420MM, DR-420MM-P, DR-420S, DR-420TIF, DR-422, DR-422DEBT, DR-428B, DR-487, and DR-487V.

SUMMARY: Emergency Rule 12DER09-03, (Forms for Use in the Truth in Millage and Maximum Millage Calculations Required by Section 200.065, Florida Statutes, and Chapter 2008-173 (Senate Bill 1588), Laws of Florida), provides assistance regarding certain actions to be taken by local governments and officials. This rule adopts and incorporates by reference certain millage levy calculation forms to be used by each county, municipality, independent special district and their related dependent special districts, municipal service taxing units, and each local taxing authority. These forms are necessary to fully implement the requirements of section 200.065(5), F.S., as created by Chapter 2008-173 L.O.F (Senate Bill 1588). Emergency Rule 12DER09-03 replaces both Emergency Rules 12DER08-18 and 12DER08-27. Former Emergency Rule 12DER08-18 included Forms DR-420, DR-420TIF, DR-420VMA and DR-420MM-P. Former Emergency Rule 12DER08-27 included Forms DR-420MM, DR-420S, DR-422, DR-428A, DR-487 and DR-487V. New Forms DR-420DEBT and DR-422DEBT were created based on section 200.065, F.S., and will be used in place of Form DR-420VMA. Form DR-420VMA is replaced by Form DR-420DEBT, adopted in this rule. New Form DR-428B replaces Form DR-428A from Emergency Rule 12DER08-27. Forms DR-420, DR-420MM, DR-420MM-P, DR-420S, DR-420TIF, DR-422, DR-487, and DR-487V have been revised in this rule.

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:

12DER09-03 Forms for Use in the Truth in Millage and Maximum Millage Calculations Required by Section 200.065, Florida Statutes, and Chapter 2008-173 (Senate Bill 1588), Laws of Florida.

(1) Emergency Rule 12DER09-03 applies to the property tax administered under Chapters 192 through 197, 200, and 218, Florida Statutes, and Chapter 2008-173 (Senate Bill 1588), Laws of Florida, relating to certain actions required to be taken by local governments and officials under those provisions of law.

(2) This rule shall replace emergency Rules 12DER08-18 (which took effect on 6/27/2008) and 12DER08-27 (which took effect on 9/11/2008) and shall supersede any existing rule in Chapter 12D-17, F.A.C., including Rules 12D-17.001, 12D-17.002, 12D-17.003, 12D-17.0035, 12D-17.004, 12D-17.005, 12D-17.006, 12D-17.007, 12D-17.008, 12D-17.009, and 12D-17.010, F.A.C., to the contrary to the extent necessary to implement Chapter 2008-173, Laws of Florida.

(3) This rule subsection adopts and incorporates by reference the following millage levy calculation forms:

(a) Form DR-420, Certification of Taxable Value (R. 06/09), hereby incorporated by reference, is the form to be used by each Property Appraiser to certify taxable value and to be used by each local taxing authority to certify property tax millage rates.

(b) Form DR-420DEBT, Certification of Voted Debt Millage (N. 06/09), hereby incorporated by reference, is the form to be completed by each Property Appraiser and taxing authority to report voted debt millage levies and voted millages in excess of the millage cap for a period of not more than 2 years.

(c) Form DR-420MM, Maximum Millage Levy Calculation-Final Disclosure (R. 06/09), hereby incorporated by reference, is the form to be completed by each county, municipality, and independent special district and their related dependent special districts and municipal service taxing units and submitted to the Department of Revenue. This form is used to calculate each government's and related governmental unit's maximum millages based on the vote of the governing body.

(d) Form DR-420MM-P, Maximum Millage Levy Calculation-Preliminary Disclosure (R. 06/09), hereby incorporated by reference, is the form to be completed by each county, municipality, and independent special district and their related dependent special districts and municipal service taxing units and submitted to the Property Appraiser. This form is used to calculate each government's and related governmental unit's maximum millages based on the anticipated vote of the governing body.

(e) Form DR-420S, Certification of School Taxable Value (R. 06/09), hereby incorporated by reference, is to be used by each Property Appraiser to certify school taxable value and to be used by each district school board to certify property tax millage rates.

(f) Form DR-420TIF, Tax Increment Adjustment Worksheet (R. 06/09), hereby incorporated by reference, is the form to be used by each Property Appraiser and taxing authority to determine and certify tax increment values for the applicable local taxing authorities in the county.

(g) Form DR-420VMA, Voted Millage Addendum (N. 06/08), is replaced by Form DR-420DEBT, adopted previously in this rule and has the same effective date as this rule.

(h) Form DR-422, Certification of Final Taxable Value (R. 06/09), hereby incorporated by reference, is the form to be used by each Property Appraiser to certify final taxable value to taxing authorities and for taxing authorities to report adopted millage rates and administrative adjustments pursuant to Section 200.065(6), Florida Statutes, if made.

(i) Form DR-422DEBT, Certification of Final Voted Debt Millage (N. 06/09), hereby incorporated by reference, is the form to be used by each Property Appraiser to certify final taxable value to taxing authorities and for taxing authorities to report adopted voted debt service millage rates, voted millages in excess of the millage cap for a period of not more than 2

years, and administrative adjustments within limits provided by law, pursuant to Section 200.065(6), Florida Statutes, if made.

(j) Form DR-428B, Maximum Millage Calculation, General Information for Fiscal Year 2009-10 and Thereafter (N. 06/09), hereby incorporated by reference, contains information offered by the Department to help affected governing bodies calculate and report their maximum millage and total maximum taxes under the requirements imposed by Chapter 2008-173, Laws of Florida. Form DR-428B replaces Form DR-428A.

(k) Form DR-487, Certification of Compliance (R. 06/09), hereby incorporated by reference, is the form to be used by taxing authorities to certify to the Department of Revenue compliance with the Truth in Millage and maximum millage requirements of Chapter 200, Florida Statutes.

(l) Form DR-487V, Vote Record for Final Adoption of Millage Levy (R. 06/09), hereby incorporated by reference, is to be used by each taxing authority as proof of the vote by which the millage levy was adopted at their final hearing.

(4) Copies of these forms are available, without cost, by downloading selected forms from the Department's Internet site at <http://dor.myflorida.com/dor/property/>. Form DR-428B can be found on the Internet address: <http://dor.myflorida.com/dor/forms/2009/dr428b.pdf>. Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

Rulemaking Authority Section 13 of Ch. 2008-173 (Senate Bill 1588), L.O.F. Law Implemented Section 11 of Ch. 2008-173 (Senate Bill 1588), L.O.F. History--New 10-13-09.

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: October 13, 2009

#### **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**

##### **Agency for Workforce Innovation**

RULE NO.: 60BBER09-3  
 RULE TITLE: TANF Subsidized Employment  
 SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Temporary Assistance for Needy Families (TANF) Program caseload has risen substantially from 24,017 TANF eligible adults in State Fiscal Year (SFY) 2006-2007 to 34,817 TANF eligible adults in SFY 2007-2008. At the end of

the SFY 2008-2009 the caseload stood at 47,554, representing a 49% increase from SFY 2006-2007. These numbers include many individuals who have either exhausted their unemployment benefits or do not qualify for unemployment compensation.

Congress passed the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) that provides supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization. Subtitle B of the Act creates the Emergency Contingency Fund for State Temporary Assistance for Needy Families Program ("Emergency Fund"), and authorizes states that have an increase in assistance caseloads or increased expenditures for non-recurrent short term benefits or for subsidized employment to request additional federal TANF funding in fiscal year 2009 and fiscal year 2010. The Emergency Fund provides grants equal to 80 percent of a state's increased TANF and maintenance-of-effort expenditures on basic assistance, non-recurrent short-term benefits, and subsidized employment to help families unable to find jobs or to help families with low earnings during this difficult economic time. In order to determine which individuals are eligible and most qualified for these subsidized employment projects, and to create and fill jobs as quickly as possible, it is necessary that the eligibility determinations and the application forms incorporated by reference into this emergency rule be established immediately, without the delay attendant with regular rulemaking procedures. The Agency will immediately begin the regular rulemaking process for incorporating these forms and procedures into Chapter 60BB-10, Florida Administrative Code.

**REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES:** The forms incorporated by reference provide the most efficient means of identifying those individuals that qualify for TANF services. In adopting these forms, the Agency has acted to ensure that all procedural remedies available to TANF and up-front Diversion applicants will be available to supplemental employment program applicants under state law and under the terms of the governing agreement with the United States Department of Health and Human Services.

**SUMMARY:** This rule prescribes the eligibility criteria and incorporates by reference the forms to be used to participate in subsidized employment.

**THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS:** James Landsberg, Deputy General Counsel, 107 East Madison Street, MSC 110, Tallahassee, Florida 32399-4128, (850)245-7150

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

60BBER09-3 TANF Subsidized Employment.

(1) Applicability. Temporary Assistance for Needy Families (TANF) work activities are designed to assist the participant in obtaining employment to achieve economic self-sufficiency. TANF participants who apply for or currently receive cash assistance and other persons who meet TANF eligibility requirements and all other requirements of this rule may engage in Subsidized Employment. Participation will be contingent upon funding and on the availability of jobs.

(2) Definitions. The following words, phrases, or terms, as used in this rule, shall have the following meanings:

(a) "Parent/Relative Caregiver" means the mother, legal father, natural or biological father, maternal relatives, relatives of the legal father, and relatives of the natural or biological father. The dependent child must be related within the fifth degree (no greater than the first cousin once removed) to the caretaker relative.

(b) "Participating Employer" means a public agency, nonprofit private agency, or private employer that agrees to participate in a subsidized employment project.

(c) "Eligible Individual" means a person who has been determined eligible to participate in a TANF funded Subsidized Employment Project.

(d) "Qualified Participant" means a TANF eligible individual who meets the requirements for participation in a TANF funded subsidized employment project and has the job skills required by the employer participating in the project.

(e) "Subsidized Employment" means employment for which the employer receives a subsidy from TANF to offset some or all the wages and costs of employing a TANF eligible participant. Public agencies, nonprofit private agencies, and private employers are eligible to participate.

(f) "Up-Front Diversion" means immediate assistance to secure or retain employment as an alternative to welfare (cash assistance), and includes linking a person to a job opportunity as a first option.

(3) Eligibility Requirements. To be eligible to be considered for participation in a subsidized employment project, an individual must:

(a) Be a TANF participant currently receiving cash assistance who is available for immediate employment; or

(b) Be a new TANF applicant who meets the TANF eligibility requirements for cash assistance, be available for immediate employment, and be accepted into subsidized employment as an up-front diversion; or,

(c) Be an individual who meets the following requirements:

(i) Have a gross family income at or below 200% of the federal poverty guidelines, as established annually by the Department of Health and Human Services, available at <http://aspe.hhs.gov/poverty/> for the month of placement;

(ii) Be a U.S. citizen or qualified non-citizen as defined in Section 414.095(3), F.S.;

(iii) Be a legal resident of the State of Florida;

(iv) Be a pregnant woman or a parent or caretaker relative of an unmarried dependent child under age 18, or a full time student who is under the age of 19 and who resides in the home;

(v) Provide a social security number or proof of application for one; and

(vi) Sign an agreement not to apply for temporary cash assistance for six months from the month an individual begins subsidized employment, unless an unanticipated emergency occurs;

(vii) Be a noncustodial parent that has a family income below 200% of the federal poverty guidelines, if the regional workforce board has established an employment program for non-custodial parents.

(4) How to Participate.

(a) Current TANF Participants. A regional workforce board may review its current TANF caseload to identify individuals who are currently receiving cash assistance who meet the job skill requirements of a job created by a subsidized employment project. The regional workforce board shall refer qualified participants who wish to participate to the participating employer for consideration for the subsidized employment position. A TANF participant or other eligible person who is currently receiving cash assistance who enters subsidized employment must sign Form AWI-SEP 0011, *TANF Subsidized Employment Program Agreement*, incorporated herein by reference.

(b) An applicant for TANF cash assistance. Individuals who have made application and have been determined eligible for TANF cash assistance will be considered for participation in a subsidized employment project as a TANF diversion activity if that individual meets the job skill requirements of a job created by a subsidized employment project. The regional workforce board shall refer qualified participants who wish to participate to the participating employer for consideration for the subsidized employment position. A TANF applicant who enters subsidized employment must sign Form AWI-SEP 0011, *TANF Subsidized Employment Program Agreement*, incorporated herein by reference.

(c) Others. A person who meets the eligibility standards listed in subparagraphs (3)(b) (i) through (vi), above, who is neither a TANF applicant nor a current recipient of cash assistance must contact a Florida one stop career center or other designated location. Regional workforce board staff will collect the information necessary to complete Form AWI-SEP 0005(c), *Request for TANF Funds/Eligibility Determination – 2009/2010* from the individual and, if determined eligible, determine if that individual meets the job skill requirements of a job created by a subsidized employment project. The regional workforce board shall refer qualified participants who wish to participate to the participating employer for consideration for the subsidized employment position.

Rulemaking Authority 445.004(5)(c) FS. Law Implemented 445.004, 445.024(1)(b), 445.024(1)(c) FS. History—New 10-20-09.

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: October 20, 2009

#### **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**

#### **DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

NOTICE IS HEREBY GIVEN THAT on September 17, 2009, the Department of Agriculture and Consumer Services, received a petition for Variance or Waiver from Michael Morrow on behalf of The Windsor at Bay Colony Condominium Association. The Petition requests a permanent variance or waiver from Rule 5F-11.002, F.A.C., which adopts the standards of the National Fire Protection Association for gas appliances and gas piping as published in NFPA No. 54, American National Standard National Fuel Gas Code (2006). The specific section of NFPA 54 for which the variance would apply is Section 7.9.2.2, NFPA 54, National Fuel Gas Code (2006).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lisa M. Bassett, Chief, Bureau of LP Gas Inspection, 3125 Conner Boulevard, Suite N, Tallahassee, Florida 32399-1650 or by calling Lisa M. Bassett at (850)921-8001.

#### **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 October 13, 2009, the Suwannee River Water Management District has issued an order.

This Order (2009-0013) denies variance under Section 120.542, F.S., to Hamilton County Board of County Commissioners for a Works of the District boat ramp (ERP07-0006M). A petition for variance was received on April 6, 2009. Notice of receipt of petition requesting variance was published in the F.A.W., Vol. 35, No. 14, April 10, 2009. No public comment was received. This Order denies variance of SRWMD's criteria for paragraph 40B-4.3030(12)(b), F.A.C., as to the 75-foot setback requirements within Township 2 North, Range 12 East, Section 1, Hamilton County. SRWMD denied the petition because the petitioner did not demonstrate that the underlying statute will be or has been achieved by other means.

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

NOTICE IS HEREBY GIVEN THAT on October 8, 2009, the South Florida Water Management District (District), received a petition for waiver from Miami-Dade County, Office of Public Transportation Management, Application No. 09-0708-2M, Permit (MOD) Number 9884 for utilization of Works or Lands of the District known as the C-103 Canal to allow 2 existing culvert connections within the C-103 Canal in conjunction with the Busway Extension to Florida City to remain. Location: C-103 Canal, Section 5, Township 57S, Range 39E, Miami-Dade County. The petition seeks relief from paragraph 40E-6.221(2)(j), Florida Administrative Code, which governs the maximum invert elevation of culvert connections, requiring the crown elevation be a minimum of 1/2 foot below the design water surface or optimum water surface whichever is lower within Works and Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juli Russell at (561)682-6268 or e-mail: [jurussel@sfwmd.gov](mailto:jurussel@sfwmd.gov). The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at: South Florida Water Management District, 3301 Gun Club Road, MSC #1410, West Palm Beach, FL 33406, Attn: Juli Russell, Office of Counsel.

NOTICE IS HEREBY GIVEN THAT on October 8, 2009, the South Florida Water Management District (District), received a petition for waiver from Miami-Dade County, Office of Public Transportation Management, Application No. 09-0708-3M, Permit (MOD) Number 9885 for utilization of Works or Lands of the District known as the C-103N Canal to allow 4 existing culvert connections within the C-103N Canal in conjunction with the Busway Extension to Florida City to remain. Location: C-103N Canal, Section 33, Township 56S, Range 39E, Miami-Dade County. The petition seeks relief from paragraph 40E-6.221(2)(j), Florida Administrative Code,