

(b) ~~Form~~ OIR-B1-583, "Florida Expense Supplement Calculation of Insurer Company Loss Cost Multiplier," (Rev. 04/04 ~~07/03~~).

(c) OIR-B1-584, "Florida Property and Casualty – Annual Rate Filing-Exemption," (Rev. 07/03).

(d) OIR-B1-586, "Florida Property and Casualty – Annual Rate Filing Certification," (Rev. 07/03).

~~(e)~~ ~~Form~~ OIR-B1-595, "Florida Expense Supplement for Independent Rate Filings," (Rev. 07/03).

(f) OIR-B1-HRCS, "Homeowners' Rate Collection System (HRCS)," (07/03).

(g) OIR-B1-DRCS, "Dwelling Rate Collection System (DRCS)," (07/03).

(h) OIR-B1-ARCS, "Automobile Rate Collection System (ARCS)," (07/03).

(i) OIR-B1-RIWBK, "Personal Lines Standardized Rate Indications Workbook," (07/04).

(j) OIR-B1-IFILE, "I-File," (11/04).

~~(d)~~ ~~Form~~ OIR-B1-1102, "Florida Homeowners Rating Examples/Annual Rates," (Rev. 07/03).

~~(e)~~ ~~Form~~ OIR-B1-1103, "Florida Statewide Rate Level Effect/Homeowners," with its instructions, (Rev. 07/03).

~~(f)~~ ~~Form~~ OIR-B1-1104, "Florida Rate Level Effect by Type by Territory/ Homeowners," with its instructions, (Rev. 07/03).

~~(g)~~ ~~Form~~ OIR-B1-1193, "Florida Dwelling Rating Examples/Annual Rates," (Rev. 07/03).

~~(h)~~ ~~Form~~ OIR-B1-1194, "Florida Statewide Rate Level Effect/Dwelling," with its instructions, (Rev. 07/03).

~~(i)~~ ~~Form~~ OIR-B1-1195, "Florida Rate Level Effect by Type by Territory/Dwellings," with its instructions, (Rev. 07/03).

~~(k)~~ ~~(j)~~ Effective March 1, 2007, OIR-B1-1655, "Notice of Premium Discounts for Hurricane Loss Mitigation," (Rev. 3/07) is adopted and incorporated herein by reference.

(2) All Office of Insurance Regulation forms may be obtained from:

(a) The ~~Office's~~ ~~Department of Financial Service's~~ web site located at ~~https://www.floir.com~~ ~~https://www.fdfs.com~~; or

(b) ~~The Bureau of~~ Property and Casualty Product Review Forms and Rates, Office of Insurance Regulation, Larson Building, Tallahassee, FL 32399-0330, (850)413-3146.

Specific Authority 624.308(1), 627.711 FS. Law Implemented 624.307(1), 624.424, 627.062, 627.0645, 627.711 FS. History—New 6-19-03, Formerly 4-170.0155, Amended 2-23-06, \_\_\_\_\_.

The remainder of the rule reads as previously published.

## 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.: 53ER07-2  
 RULE TITLE: Instant Game Number 670, POT LUCK

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 670, "POT LUCK," 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:

53ER07-2 Instant Game Number 670, POT LUCK.

(1) Name of Game. Instant Game Number 670, "POT LUCK."

(2) Price. POT LUCK lottery tickets sell for \$1.00 per ticket.

(3) POT LUCK 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 POT LUCK 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>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>
ONE	TWO	THREE	FOUR	FIVE	SIX	SEVEN	EIGHT	NINE	TEN
<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>	
ELEVEN	TWELVE	THIRTEEN	FORTY	FIFTY	SIXTY	SEVENTY	EIGHTY	NINETY	HIN

(5) The "LUCKY NUMBERS" play symbols and play symbol captions are as follows:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>
ONE	TWO	THREE	FOUR	FIVE	SIX	SEVEN	EIGHT	NINE	TEN
<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>	
ELEVN	TWELV	THRTN	FORTN	FIFTN	SIXTN	SUNTN	EGHTN	NINTN	

\$100	\$100	90,000.00	112
\$500	\$500	180,000.00	56
\$500 x 5	\$2,500	1,440,000.00	7
\$2,500	\$2,500	1,440,000.00	7

(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>	<b>\$10.00</b>	<b>\$20.00</b>
TICKET	ONE	TWO	FIVE	TEN	THENTY
<b>\$25.00</b>	<b>\$50.00</b>	<b>\$100</b>	<b>\$500</b>	<b>\$2,500</b>	
THY FIVE	FIFTY	ONE HUN	FIVE HUN	THY FIV HUN	

(7) The legends are as follows:

YOUR NUMBERS      LUCKY  
NUMBER

(8) Determination of Prizewinners.

(a) A ticket having a number in the "YOUR NUMBERS" play area that matches any number in the "LUCKY NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that number. The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$500 and \$2,500.



(b) A ticket having a " " symbol in the "YOUR NUMBERS" play area shall entitle the claimant to a prize of \$25. 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 POT LUCK 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 670 are as follows:

GAME PLAY	WIN	NUMBER OF WINNERS IN 56 POOLS OF 180,000 TICKETS	
		ODDS OF 1 IN	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	\$5	75.00	134,400
\$5	\$5	150.00	67,200
\$2 x 5	\$10	150.00	67,200
\$10	\$10	150.00	67,200
\$25	\$25	300.00	33,600
(CLOVERLEAF)			
\$10 x 5	\$50	3,000.00	3,360
\$50	\$50	3,600.00	2,800
\$20 x 5	\$100	90,000.00	112

(10) The estimated overall odds of winning some prize in Instant Game Number 670 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 670, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

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

(13) Payment of prizes for POT LUCK 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 1-19-07.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: January 19, 2007

**DEPARTMENT OF THE LOTTERY**

RULE NO.:	RULE TITLE:
53ER07-3	Instant Game Number 700, MILLION DOLLAR MONOPOLY™.

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 700, "MILLION DOLLAR MONOPOLY™," 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:

53ER07-3 Instant Game Number 700, MILLION DOLLAR MONOPOLY™.

(1) Name of Game. Instant Game Number 700, "MILLION DOLLAR MONOPOLY™."

(2) Price. MILLION DOLLAR MONOPOLY lottery tickets sell for \$20.00 per ticket.

(3) MILLION DOLLAR MONOPOLY 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 MILLION DOLLAR MONOPOLY lottery ticket, the ticket must meet the applicable requirements of Rule 53ER06-4, F.A.C.

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

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>
ONE	TWO	THREE	FOUR	FIVE	SIX	SEVEN	EIGHT	NINE	TEN
<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>	<b>20</b>
ELEVN	TWELV	THRTN	FORTN	FIFTN	SIXTN	SVNTN	EGHTN	NINTN	THENTY
<b>21</b>	<b>22</b>	<b>23</b>	<b>24</b>	<b>25</b>	<b>26</b>	<b>27</b>	<b>28</b>	<b>29</b>	<b>30</b>
THYONE	THYTWO	THYTHR	THYFOR	THYFIV	THYSIX	THYSVN	THYEGT	THYNIN	THIRTY
<b>31</b>	<b>32</b>	<b>33</b>	<b>34</b>	<b>35</b>	<b>36</b>	<b>37</b>	<b>38</b>	<b>39</b>	
THYONE	THYTWO	THYTHR	THYFOR	THYFIV	THYSIX	THYSVN	THYEGT	THYNIN	

(5) The "YOUR HOUSE NUMBERS" play symbols and play symbol captions are as follows:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>
ONE	TWO	THREE	FOUR	FIVE	SIX	SEVEN	EIGHT	NINE	TEN
<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>	<b>20</b>
ELEVN	TWELV	THRTN	FORTN	FIFTN	SIXTN	SVNTN	EGHTN	NINTN	THENTY
<b>21</b>	<b>22</b>	<b>23</b>	<b>24</b>	<b>25</b>	<b>26</b>	<b>27</b>	<b>28</b>	<b>29</b>	<b>30</b>
THYONE	THYTWO	THYTHR	THYFOR	THYFIV	THYSIX	THYSVN	THYEGT	THYNIN	THIRTY
<b>31</b>	<b>32</b>	<b>33</b>	<b>34</b>	<b>35</b>	<b>36</b>	<b>37</b>	<b>38</b>	<b>39</b>	<b>GO</b>
THYONE	THYTWO	THYTHR	THYFOR	THYFIV	THYSIX	THYSVN	THYEGT	THYNIN	DOUBLE WIN

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

<b>\$5.00</b>	<b>\$10.00</b>	<b>\$20.00</b>	<b>\$25.00</b>	<b>\$40.00</b>	<b>\$50.00</b>	<b>\$100</b>
FIVE	TEN	TWENTY	THY FIV	FORTY	FIFTY	ONE HUN
<b>\$200</b>	<b>\$250</b>	<b>\$500</b>	<b>\$1,000</b>	<b>\$5,000</b>	<b>\$10,000</b>	<b>\$1,000,000</b>
TWO HUN	TWO FIFTY	FIVE HUN	ONE THO	FIVE THO	TEN THO	ONE MIL

(7) The legends are as follows:

HOTEL NUMBERS      YOUR HOUSE NUMBERS

(8) Determination of Prizewinners.

(a) A ticket having a number in the "YOUR HOUSE NUMBERS" play area that matches any number in the "HOTEL NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that number.

(b) The prizes are: \$5.00, \$10.00, \$20.00, \$25.00, \$40.00, \$50.00, \$100, \$200, \$250, \$500, \$1,000, \$5,000, \$10,000 and \$1,000,000.

(c) A ticket having a "GO WIN" symbol in the "YOUR HOUSE NUMBERS" play area shall entitle the claimant to a

prize of \$200. A ticket having a "DOUBLE" symbol in the "YOUR HOUSE NUMBERS" play area shall entitle the claimant to double the prize shown.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 700 are as follows:

GAME PLAY:	WIN	ESTIMATED ODDS OF 1 IN	NUMBER OF WINNERS IN 210 POOLS OF 120,000 TICKETS PER POOL
\$5 x 4	\$20	15.00	1,680,000
\$10 (TRAIN)	\$20	30.00	840,000
\$20	\$20	15.00	1,680,000
\$5 x 8	\$40	60.00	420,000
(\$5 x 4) + (\$10 x 2)	\$40	60.00	420,000
\$10 x 4	\$40	85.71	294,000
\$20 (TRAIN)	\$40	85.71	294,000
\$40	\$40	100.00	252,000
\$50	\$50	30.00	840,000
\$5 x 20	\$100	100.00	252,000
\$25 x 4	\$100	150.00	168,000
(\$5 x 4) + (\$20 x 4)	\$100	150.00	168,000
\$50 (TRAIN)	\$100	133.33	189,000
\$100	\$100	400.00	63,000
\$200 (GO)	\$200	150.00	168,000
\$25 x 20	\$500	2,000.00	12,600
\$50 x 10	\$500	2,000.00	12,600
\$20 x 25	\$500	2,000.00	12,600
\$250 (TRAIN)	\$500	500.00	50,400
\$500	\$500	1,500.00	16,800
\$50 x 20	\$1,000	60,000.00	420
\$100 x 10	\$1,000	60,000.00	420
(\$25 x 20) + (\$100 x 5)	\$1,000	60,000.00	420
\$500 (TRAIN)	\$1,000	20,000.00	1,260
\$1,000	\$1,000	30,000.00	840
\$5,000 (TRAIN)	\$10,000	168,000.00	150
\$10,000	\$10,000	168,000.00	150
\$1,000,000	\$1,000,000	4,200,000.00	6

(10) The estimated overall odds of winning some prize in Instant Game Number 700 are 1 in 3.22. 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 700, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

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

(13) Payment of prizes for MILLION DOLLAR MONOPOLY 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 1-19-07.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: January 19, 2007

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER07-4  
 RULE TITLE: Instant Game Number 701, INSTANT MONOPOLY™

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 701, “INSTANT MONOPOLY™,” 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:

53ER07-4 Instant Game Number 701, INSTANT MONOPOLY™.

(1) Name of Game. Instant Game Number 701, “INSTANT MONOPOLY™.”

(2) Price. INSTANT MONOPOLY lottery tickets sell for \$1.00 per ticket.

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

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



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



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

TICKET	\$1.00	\$2.00	\$5.00	\$10.00	\$20.00
TICKET	ONE	TWO	FIVE	TEN	THENTY
\$25.00	\$50.00	\$100	\$500	\$1,000	\$5,000
THY FIV	FIFTY	ONE HUN	FIVE HUN	ONE THO	FIV THO

(7) The legends are as follows:

HOTEL NUMBERS      YOUR HOUSE NUMBERS

(8) Determination of Prizewinners.

(a) A ticket having a number in the “HOUSE NUMBERS” play area that matches either number in the “HOTEL NUMBERS” play area shall entitle the claimant to the corresponding prize shown for that number.

(b) The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$500, \$1,000 and \$5,000. 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 INSTANT MONOPOLY 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.



(c) A ticket having a “HIN” symbol in the “YOUR NUMBERS” play area shall entitle the claimant to a prize of \$50.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 701 are as follows:

GAME PLAY	WIN	ODDS OF 1 IN	NUMBER OF WINNERS IN 28 POOLS OF
			180,000 TICKETS PER POOL
TICKET	\$1 TICKET	10.00	504,000
\$1	\$1	10.00	504,000
\$1 x 2	\$2	30.00	168,000
\$1 x 5	\$5	75.00	67,200
\$5	\$5	150.00	33,600
\$2 x 5	\$10	150.00	33,600
\$10	\$10	150.00	33,600
\$5 x 5	\$25	600.00	8,400

\$25	\$25	600.00	8,400
\$50 (CAR)	\$50	1,800.00	2,800
\$20 x 5	\$100	90,000.00	56
\$100	\$100	90,000.00	56
\$500	\$500	180,000.00	28
\$1,000 x 5	\$5,000	1,680,000.00	3
\$5,000	\$5,000	1,680,000.00	3

(10) The estimated overall odds of winning some prize in Instant Game Number 701 are 1 in 3.70. 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 701, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

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

(13) Payment of prizes for INSTANT MONOPOLY 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 1-19-07.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: January 19, 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."

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Mental Health Program**

RULE NO.: 65EER07-1                      RULE TITLE: Unit Cost Method of Payment

SUMMARY OF THE RULE: This emergency rule amends subsection 65E-14.021(5), Florida Administrative Code, to provide the Department the ability purchase additional forensic beds through the use of a payment method not provided for in the current rule. The emergency rule will enable the

Department to purchase forensic mental health treatment beds from community providers of services who would not be financially able to provide those beds under the existing rule.

**SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY, AND WELFARE:** In fiscal year 2005-2006, the number of individuals committed to the Department of Children and Families increased by an unprecedented 16 percent over the previous fiscal year. As of January 17, 2007, there are 298 individuals awaiting placement in a state forensic facility. All of these individuals are committed to the Department of Children and Families pursuant to Chapter 916, Florida Statutes, as incompetent to proceed, or not guilty by reason of insanity, on a felony offence. Section 916.107(1)(a), Florida Statutes, requires the Department to place individuals in a forensic facility within 15 days of receipt of a commitment package from the courts. Individuals admitted to a secure forensic facility during the first two quarters of the current fiscal year (July-December 2006) waited an average of 81 days in a county jail before admission. This delay in forensic placement also delays necessary mental health treatment for affected individuals.

In response to this situation, on January 10, 2007, the Department received approval from the Legislative Budget Commission to transfer \$16,607,711 in general revenue funds for the immediate treatment of these clients. This funding will allow for an additional 220 secure forensic beds and 140 community residential treatment beds.

Currently, Rule 65E-14.021, Florida Administrative Code, requires that residential services be paid for based on physical occupancy of a client for a 24-hour period. The providers of residential services are able to sell residential capacity to a variety of sources, and compliance with the rule does not create an undue financial burden on providers. In order to serve forensic clients, the Department must be able to guarantee capacity. This means that providers must maintain a certain number of beds for forensic clients, regardless of whether or not the beds are occupied for any given 24-hour period. The Department cannot guarantee that all designated forensic-client beds supplied by community residential providers will be occupied during any given 24-hour period. This limitation has made potential providers of these beds financially incapable of providing them. The current rule is, therefore, preventing the Department from securing additional bed capacity needed to address the crisis situation in the forensic mental health treatment system.

This emergency rule will enable the Department to purchase additional beds to serve forensic clients because it will allow the Department to purchase bed availability. Providers will not be limited to billing for a bed only if each 24-hour period of continuous occupancy. This will enable the Department to more effectively manage the forensic waiting list by more timely effecting appropriate placement of individuals

committed to the Department pursuant to Chapter 916, Florida Statutes. The more timely placements will ensure that incompetent criminal defendants receive appropriate treatment in a more timely manner. Failure to proceed in the manner authorized by this emergency rule will prevent the Department from securing sufficient bed capacity to ensure the timely placement of individuals committed to the Department pursuant to Chapter 916, Florida Statutes.

**REASONS FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES:** The Department of Children and Families, in utilizing the emergency rule to ensure more timely placement and treatment to criminal defendants with mental illness, will not adversely impact anyone's substantial interests. Because of the acute nature of the current situation, the Department must reserve the right to control all admissions to beds purchased in this effort to bring the State in compliance with Section 916.107(1)(a), Florida Statutes. In order to exercise that control, it is imperative that the Department reimburse contracted providers based on the availability, rather than the continuous occupancy, of residential bed. For these reasons, the emergency rule is fair under the circumstances.

**THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS:** Amy Johnson, 1317 Winewood Boulevard, Tallahassee, Florida 32399, (850)413-0934

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

65EER07-1 Unit Cost Method of Payment.

(1) through (4) No change.

(5) Unit Measurements:

(a) through (d) No change.

(e) For residential services where admissions are within the sole discretion of the Department, as contractually agreed to by the Department and the provider, payment may be made based on bed day availability as defined in subparagraph 65E-14-.021(5)(a)5., F.A.C.

(6) through (11) No change.

Specific Authority 394.78(1), (6), 397.321(5) FS. Law Implemented 216.181(16), 394.66(9), (12), 394.74(2)(b), (3)(d), (e), (4), 394.77, 394.78(1),(6), 397.321(10), 402.73(7) FS. History--New 7-1-03, Amended 12-14-03, 1-2-05, 1-19-07.

**THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.**

**EFFECTIVE DATE:** January 19, 2007

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

### DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN that on January 17, 2007, the Florida Department of Law Enforcement, received a petition for Notice is hereby given that the Officer Professionalism Program, Florida Department of Law Enforcement has received from Miami-Dade College School of Justice on January 17, 2007, a petition for Waiver of paragraphs 11B-35.001(1)(a), (3)(b) and paragraph (c), and subsection (5), F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department waive certain certification and curriculum requirements for courses taught between July 1, 2004 and November 8, 2006.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Comments on this Petition should be filed with: Office of General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, Attention: Assistant General Counsel, Grace A. Jaye. A copy of the Petition may be obtained by contacting Assistant General Counsel, Grace A. Jaye at the above address, or by calling (850)410-7676.

### 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 January 16, 2007 South Florida Water Management District (District) received a petition for waiver from Terry Dean Parker, Application Number 07-0116-3M for issuance of a Modification of Standard Right of Way Occupancy Permit Number 12664 for utilization of Works or Lands of the District known as the C-10 Canal, Broward County, to allow an existing extension to a dock located at the rear of 2667 Coolidge Street, Hollywood, FL 33020, Section 9, Township 51 South, Range 42 East. The petition seeks relief from paragraph 40E-6.221(2)(j), Florida Administrative Code, which governs the minimum low member elevation of pile-supported docking facilities within the Works or Lands of the District.