

(3) In determining whether a combination of words (or an acronym standing for a combination of words) constitutes a certification or professional designation indicating or implying that a person has special certification or training in advising or servicing senior citizens or retirees, factors to be considered shall include:

(a) Use of one or more words such as "senior," "retirement," "elder," or like words, combined with one or more words such as "certified," "registered," "chartered," "adviser," "specialist," "consultant," "planner," or like words, in the name of the certification or professional designation; and

(b) The manner in which those words are combined.

(4) For purposes of this rule, a certification or professional designation does not include a job title within an organization that is licensed or registered by a state or federal financial services regulatory agency, when that job title:

(a) Indicates seniority or standing within the organization;
or

(b) Specifies an individual's area of specialization within the organization.

For purposes of this subsection, financial services regulatory agency includes, but is not limited to, an agency that regulates broker-dealers, investment advisers, or investment companies as defined under the Investment Company Act of 1940, 15 U.S.C. s. 80a-1 et seq.

(5) Nothing in this rule shall limit the Office of Financial Regulation's authority to enforce existing law.

Specific Authority 517.03(1), 517.1215(2), 517.1217 FS. Law Implemented 517.1215(2), 517.1217, 517.161 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Bill Reilly, Chief, Securities Regulation, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399, (850)410-9783, bill.reilly@lofr.com

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 16, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 20, 2008

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Library and Information Services

RULE NOS.:	RULE TITLES:
1B-30.001	Rule Numbering and Rule Title
1B-30.0015	Definitions
1B-30.002	Style and Form for Filing Rules; Certification Accompanying Materials
1B-30.003	Florida Administrative Weekly
1B-30.004	Legal Citations and History Notes
1B-30.005	Materials Incorporated By Reference
1B-30.007	Uniform Indexing Procedures

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule development, as noticed in Vol. 33, No. 32, August 10, 2007 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NOS.:	RULE TITLES:
9B-65.020	Definitions
9B-65.021	Distribution of Funds
9B-65.022	Energy Assistance Benefits
9B-65.023	Client Eligibility
9B-65.024	Energy Payments
9B-65.025	Hearings

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. 27, July 3, 2008, issue of the Florida Administrative Weekly.

9B-65.020 Definitions.

(1) "Act" means Title XXVI of the Omnibus Budget Reconciliation Act of 1981, Public Law 97-35, as amended [42 U.S.C. Sections 8621-~~8630~~ ~~8629~~] and [45 CFR Part 96, Subpart H, Sections 96.80-96.89], all of which are incorporated by reference herein.

(2) through (8) No change.

Specific Authority ~~409.508~~ ~~463.03(3)~~ FS. Law Implemented ~~409.508~~ ~~463.03~~ FS. History--New _____.

9B-65.021 Distribution of Funds.

Based on the availability of federal LIHEAP funds each year, the distribution of funds shall be made as follows:

(1) through (2) No change.

(3) The Department will provide ~~up to~~ 6 percent of the total LIHEAP funds to the Department of Elder Affairs to provide assistance under LIHEAP to assist low-income households that include at least one member age 60 years of age or older.

(4) The Department will reserve 2% of the annual LIHEAP amount designated for pass-through to the subgrantees funds to be used in case of a weather-related, supply shortage or economic emergency. These funds will be retained by the Department held each year until December 15, If a and may only be used during state or federal emergency emergencies is declared by the President, the Governor or the Secretary of the Department prior to December 15, then the funds will be released for use for LIHEAP eligible activities in response to the emergency as he or she deems necessary. After December 15, if no emergency has been declared, the Department will release these funds for energy benefits. When funds are distributed for an emergency, the terms of the executive order Department will determine the allowable expenditures of the funds, based on the nature of the emergency. Any additional emergency funds will be added to the existing contracts of the subgrantees affected by the emergency.

(5) The balance of the LIHEAP funds shall be awarded through an allocation plan for statewide distribution of the funds based in part on the percentage of poverty population and the climate zone of in each county service area. Notice shall be sent annually by email to each subgrantee. For any county not served by a LIHEAP provider, a public hearing must be held to select a new LIHEAP provider in accordance with the requirements of the Act [42 U.S.C. § 8624].

(6) through (8) No change.

Specific Authority 409.508 463.03(3) FS. Law Implemented 409.508 463.03 FS. History–New_____.

9B-65.022 Energy Assistance Benefits.

(1) The number, nature and amount of energy benefits will be set by DCA in accordance with the federal requirements of the Act and adjusted annually based on funding availability. DCA will notify the Subgrantees in writing at the address stated in the Subgrant Agreement.

(2) through (4) No change.

Specific Authority 409.508 463.03(3) FS. Law Implemented 409.508 463.03 FS. History–New_____.

9B-65.023 Client Eligibility.

(1) through (9)(a) No change.

(b) Any applicant denied LIHEAP services must be provided a written notice of the denial. At a minimum, the written Notice of Denial and Appeals shall contain the reason

for the denial; under what circumstances the client may reapply; what information or documentation is needed for the person to reapply; and the name, telephone number and address to whom the re-application or appeal must should be sent.

Specific Authority 409.508 463.03(3) FS. Law Implemented 409.508 463.03 FS. History–New_____.

9B-65.024 Energy Payments.

(1) through (2) No change.

Specific Authority 409.508 463.03(3) FS. Law Implemented 409.508 463.03 FS. History–New_____.

9B-65.025 Hearings.

(+) Subgrantees are required to have written applicant appeal procedures which satisfy the requirements of 42 U.S.C. § 8624(b)(13). Appeal provisions must be posted in a prominent place in the office visible to all applicants.

Specific Authority 409.508 463.03(3) FS. Law Implemented 409.508 463.03 FS. History–New_____.

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

Personnel Management System

RULE NO.:	RULE TITLE:
60L-33.004	Workforce Reduction and Employee Transition

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 34, August 22, 2008 issue of the Florida Administrative Weekly.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Linda H. South, Secretary, Department of Management Services

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NOS.:	RULE TITLES:
61G15-30.001	Purpose
61G15-30.003	Engineering Document Classification
61G15-30.009	Retention of Engineering Documents

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. 11, March 14, 2008 issue of the Florida Administrative Weekly.

These changes were made to address concerns expressed by the Joint Administrative Procedure Committee. The changes were approved by the Board at its June 19, 2008 meeting. After the changes are made, the rules will read as follows:

1. When changed, Rule 61G15-30.001 shall read as follows:
The Board has adopted these responsibility rules pursuant to Section 471.033(2), F.S., to safeguard the life, health, property and welfare of the public by promoting proper conduct in the practice of engineering and due care and regard for acceptable engineering principles and standards. The Board considers that professional engineers may avoid disciplinary actions by observing the procedures set forth herein. Failure to comply with these rules may be considered as noncompliance with subsection 61G15-19.001(4), F.A.C., unless the deviation or departure therefrom is justified by the specific circumstances of the project in question, ~~and the sound professional judgment of the engineer.~~ Furthermore, these rules are intended to apply as general guidelines where no contractual relationship exists between the parties addressed herein. These rules are not intended to take precedence over contractual relationships developed between the parties addressed herein, so long as those contractual relationships do not violate Chapter 471, F.S., ~~or the stated purpose of these responsibility rules or any other rule promulgated pursuant thereto.~~ These responsibility rules shall apply to every person holding a certificate of registration as a professional engineer, every certified engineer intern, and every holder of a certificate of authorization, as appropriate. A professional engineer's practices, education, training, experience, qualifications, technical competence, conduct, and responsibilities in connection with his authorized engineering practice, services, and creative work are subject to regulation solely by the Board of professional engineers, ~~and the courts, and local jurisdictions.~~

2. When changed, subsection 61G15-30.003(1) shall read as follows:

(1) Engineering Documents are prepared in the course of performing engineering services. When prepared for inclusion with an application for a general building permit, the Documents shall meet all Engineer's Responsibility Rules, set forth in Chapters 61G15-31, 61G15-32, 61G15-33, and 61G15-34, F.A.C., and be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of the Florida Building Code, adopted in Section 553.73, Florida Statutes, and applicable laws, ordinances, rules and regulations, as determined by the AHJ. The Documents shall include:

3. When changed, subsection 61G15-30.003(4) shall read as follows:

(4) Engineering drawings shall be legible and clearly define and delineate the work in the project. They must also comply with Chapter 61G15-23, F.A.C., Seals.

4. When changed, Rule 61G15-30.009 shall read as follows:

At least one copy of all documents displaying the licensee's signature, seal, date and all related calculations shall be retained by the licensee or the licensee's employer for a minimum of three years from the date the documents were sealed. These documents shall be maintained in hardcopy or electronic format.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NOS.:	RULE TITLES:
61G15-32.002	Definitions
61G15-32.008	Design of Fire Alarms, Signaling Systems and Control System

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. 11, March 14, 2008 issue of the Florida Administrative Weekly.

These changes were made to address concerns expressed by the Joint Administrative Procedure Committee. The changes were approved by the Board at its June 19, 2008 meeting. After the changes are made, the rules will read as follows:

1. When changed, subsection 61G15-32.002(4) shall read as follows:
(4) Listed: A fire protection component tested by a nationally recognized fire protection equipment testing organization. Recognized organizations include, ~~but are not limited to~~ Underwriters Laboratories, Inc. and Factory Mutual Research Corporation.

2. When changed, subsection 61G15-32.002(7) shall read as follows:

(7) Codes and Standards: Those nationally recognized Codes and Standards adopted directly or by reference in Chapter 633, F.S., Florida Building Code and Florida Fire Prevention Code set forth in Chapter 69A-60, Florida Administrative Code. Applicable codes and standards also include those promulgated by ~~the State Fire Marshal as well as~~ by State and local authorities having jurisdiction. In the event the codes and standards fail to cover or address a specific protection requirement, alternative research, test results, and engineering data may be utilized, relying on the Engineer of Record for Fire Protection to make an informed engineering decision. This definition is not intended to preclude the use of new technologies when said technology has been demonstrated to provide equivalent or improved protection above that of published National Fire Protection standards.

3. When changed, subsections 61G15-32.008(1), (2) shall read as follows:

(1) Fire alarms and detection systems include fire protection supervision, emergency alarm circuits, activation of life safety system controls and remote signaling of emergency conditions.

(2) The design specifications shall be based on the Florida Building Code, the Florida Fire Prevention Code, or as required by the local authority having jurisdiction.

4. When changed, subsection 61G15-32.008(4)(b) shall read as follows:

(b) Locate initiation and notification devices and connections to related systems on the floor plans and sections when needed for clarity.

5. When changed, subsection 61G15-32.008(4)(l) shall read as follows:

(l) Systems designed using Performance Based criteria shall be identified and referenced to design guides or standards approved by the local authority having jurisdiction consistent with standards adopted by the Florida Fire Prevention Code and the Florida Building Code.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Carrie Flynn, Acting Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NOS.:	RULE TITLES:
61G15-33.002	Definitions
61G15-33.003	Design of Power Systems
61G15-33.004	Design of Lighting Systems
61G15-33.006	Design of Alarm Systems

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. 11, March 14, 2008 issue of the Florida Administrative Weekly.

These changes were made to address concerns expressed by the Joint Administrative Procedure Committee. The changes were approved by the Board at its June 19, 2008 meeting. After the changes are made, the rules will read as follows:

1. When changed, subsection 61G15-33.002(7) shall read as follows:

(7) Codes and Standards. Those nationally recognized Codes and Standards adopted directly or by reference in the Florida Building Code (including Florida Energy Efficiency Code, Chapter 13) and Florida Fire Prevention Code, in Chapter 69A-60, Florida Administrative Code, Part II, Chapter 553, Florida Statutes. Applicable codes and standards also include those published by the National Fire Protection Association (NFPA), the Institute of Electrical and Electronic Engineers (IEEE), the Illuminating Engineering Society of North America (IESNA), as well as those promulgated by the state fire marshal and other state and local authorities having jurisdiction.

2. When changed, the Specific Authority and Law Implemented sections of Rule 61G15-33.003 shall read as follows:

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History–New 5-19-93, Formerly 21H-33.003.

3. When changed, subsection 61G15-33.004(1) shall read as follows:

(1) Lighting systems convert electrical energy into light. Items to be included in the lighting design and analysis are: Average illuminance, Equivalent spherical illuminance, Uniformity ratios, Visual comfort probability, special purpose lighting, impact of light intrusion, trespass and safety and the requirements of the Florida Energy Efficiency Code, Chapter 13, Florida Building Code, Part IX, Chapter 553, Florida Statutes.

4. When changed, subsection 61G15-33.004(2)(c) shall read as follows:

(c) Exit Lighting.

5. When changed, subsection 61G15-33.006(1) shall read as follows:

(1) Alarm and signaling systems include motor control systems, emergency alarm circuits, activation of life safety system controls and remote signaling of emergency conditions (See 61G15-32.008 for Fire Alarm Systems), surveillance and access control systems, temperature control, and systems related to energy conservation and facility management systems. The design documents shall be based on standards set forth in NFPA 72, the Florida Building Code, the Florida Fire Prevention Code, or as required by the local authority having jurisdiction.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Carrie Flynn, Acting Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NOS.:	RULE TITLES:
61G15-34.002	Definitions
61G15-34.003	Design of Heating Ventilation and Air Conditioning Systems

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. 11, March 14, 2008 issue of the Florida Administrative Weekly.

These changes were made to address concerns expressed by the Joint Administrative Procedure Committee. The changes were approved by the Board at its June 19, 2008 meeting. After

the changes are made, the rules will read as follows:
 1. When changed, subsection 61G15-34.002(7) shall read as follows:

(7) Codes and Standards. Those nationally recognized Codes and Standards adopted directly or by reference in ~~Part II, Chapter 553, Florida Statutes~~; Florida Building Code (including Florida Energy Efficiency Code, Chapter 13) and Florida Fire Prevention Code set forth in Chapter 69A-60, Florida Administrative Code.

3. When changed, subsection 61G15-34.003(1) shall read as follows:

(1) Heating, Ventilating, and Air Conditioning (HVAC) Systems ~~include~~ are those systems that control the temperature ~~and/or humidity, or mechanical ventilation~~ of a particular space or building.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Carrie Flynn, Acting Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE NO.: 61G17-4.003
 RULE TITLE: Grading Criteria and Procedures
 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. 34, August 22, 2008 issue of the Florida Administrative Weekly.

The change is in response to a scrivener's error discovered after the Notice of Proposed Rulemaking published. The changes are as follows:

- Subsection (2) shall now read as follows:
 (2) The Florida Jurisdictional Multiple Choice Examination consists of 100 multiple choice questions. The multiple choice questions will be weighted equally and machine graded. Scores for the multiple choice portion shall be determined by the applicant's ability to choose the correct answer from several given choices. A minimum of 70 questions must be answered correctly in order to receive a passing grade.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rick Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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 IV
 Emergency Rules**

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NO.:	RULE TITLE:
12DER08-27	Forms for Use in the Maximum Millage Calculations Required by Section 200.185, Florida Statutes, Chapter 2007-321 (House Bill 1B), 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 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, 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 on two separate occasions 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 DR-420MM, DR-420S, DR-422, DR-428A, DR-487, and DR-487V.

SUMMARY: Emergency Rule 12DER08-27, (Forms for Use in the Maximum Millage Calculations Required by Section 200.185, Florida Statutes, Chapter 2007-321 (House Bill 1B), and Chapter 2008-173 (Senate Bill 1588), Laws of Florida),