

Rulemaking Authority 560.105, 560.1141 FS. Law Implemented 560.109, 560.1105, 560.111, 560.114, 560.1141, 560.118, 560.123, 560.1235, 560.125, 560.126, 560.128, 560.204, 560.208, 560.2085, 560.209, 560.210, 560.211, 560.213, 560.303, 560.309, 560.310, 560.403, 560.404, 560.405, 560.406 FS. History—New _____.

Rulemaking Authority 24.105(9)(i), 24.109(1), 24.112(1) FS. Law Implemented 24.105(9)(i), 24.112(1) FS. History—New 4-10-09.

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: APRIL 10, 2009

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.:	RULE TITLE:
53ER09-16	Florida POWERBALL® Power Play® Retailer Bonus Sales Commission Promotion.

SUMMARY: Effective April 13, 2009 through May 3, 2009, the Florida Lottery will conduct Florida POWERBALL® Power Play® Retailer Bonus Sales Commission Promotion.

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:

53ER09-16 Florida POWERBALL® Power Play® Retailer Bonus Sales Commission Promotion.

(1) Beginning April 13, 2009 through May 3, 2009, the Florida Lottery will pay retailers a bonus sales commission of two and one-half percent (2.5%), in addition to the regular commission set forth in Rule 53ER05-14, F.A.C., for each Florida Powerball with Power Play ticket sold in their store.

(2) The bonus sales commissions will be reflected on the retailer's weekly settlement report within three weeks of the end of the promotion. The Lottery reserves the right to apply a bonus commission earned against a retailer's outstanding debt to the Lottery and to award the remaining balance of the bonus commission, if any.

(3) Bonus sales commissions will be considered compensation to the retailer for Internal Revenue Service purposes.

(4) Retailers whose Florida Lottery contracts are terminated or inactivated prior to the bonus commission award shall be paid the bonus commission earned provided said termination or inactivation was not due to noncompliance with Chapter 24, F.S., Chapter 53, F.A.C., or contract terms.

DEPARTMENT OF MANAGEMENT SERVICES

Division of State Employees' Insurance

RULE NO.:	RULE TITLE:
60PER09-1	Employees Not on Payroll/Return to Payroll

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The American Economic Recovery and Reinvestment Act of 2009 (the Act), Pub. L. 111-5, includes a provision under which the federal government will pay a portion of COBRA premiums for certain individuals whose employer group health plan coverage would otherwise end due to an involuntary job loss between September 1, 2008, and December 31, 2009. Given the economic conditions, state employees may suffer layoffs. Those who are in layoff status and cannot afford regular COBRA premiums will lose their health insurance. Health care is a matter of great public concern.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Emergency rulemaking is fair under the circumstances because without the amendment those persons involuntarily in layoff status may not be able to take advantage of the COBRA subsidy that is designed to help people afford the cost of continuing health care insurance. Immediate clarification is necessary to reduce the potential for ambiguity and to ensure that employees in layoff are eligible to receive the nine months of COBRA subsidy provided under the Act.

SUMMARY: This rule amendment clarifies that employees who are involuntarily put in layoff status between September 1, 2008, and December 31, 2009, are "assistance eligible individuals" eligible for 18 months of COBRA followed by an additional 6 months of coverage eligibility under Rule 60P-2.012, F.A.C. This clarification removes the potential for ambiguity and ensures that layoffs are eligible to receive the nine months of COBRA subsidy provided under the Act.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Michelle Robleto, Director, Division of State Group Insurance, Department of Management Services, 4050 Esplanade Way, Tallahassee, FL 32399-0905; telephone (850)921-4658; telecopier (850)488-0252

THE FULL TEXT OF THE EMERGENCY RULE IS:

60PER09-1 (60P-2.012) Employees Not on Payroll/ Return to Payroll.

(1) through (4) No change.

(5) Layoff. An employee who is laid off in accordance with the rules promulgated by the Department shall be eligible to continue coverage while laid off for a period not to exceed twenty-four (24) months ~~two (2) years~~ from the date of layoff, provided the employee pays their the full premiums obligation premiums. This coverage is comprised of eighteen (18) months of COBRA eligibility, after which the employee is eligible to participate in the state health insurance program for an additional six (6) months. An employee who does not continue coverage during such period, may only apply for reenrollment in the Health Program after returning to work and by submitting an application in accordance with subsection 60P-2.002(2), F.A.C., to the agency personnel office within thirty-one (31) calendar days after returning to work or during the open enrollment period.

(6) No change.

Rulemaking Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History—New 10-8-78, Amended 10-22-79, 7-1-80, 9-13-82, Formerly 22K-1.25, Amended 7-16-86, 9-25-86, Formerly 22K-1.212, Amended 8-22-96, Repromulgated 1-31-02, Amended

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: April 15, 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 LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN THAT on April 9, 2009, the Criminal Justice Standards and Training Commission, received a petition for waiver of subparagraph 11B-27.002(3)(a)2., F.A.C., from Brian Gordon and the Riviera Beach Police Department. Petitioner wishes to waive that portion of the rule that requires agencies to document that new hires have been subject to a thorough background investigation as reported on form CJSTC-77.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302, (850)410-7676.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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DEPARTMENT OF MANAGEMENT SERVICES

NOTICE IS HEREBY GIVEN THAT on April 10, 2009, the Agency for Workforce Innovation, received a petition for Variance from subsection 60BB-4.210(1), F.A.C., which provides requirements for maintaining school readiness eligibility and allows an individual to be unemployed for a maximum of 30 days before losing eligibility to receive services. The Petition was filed by the Early Learning Coalition of Indian River, Martin, and Okeechobee Counties, 10 S. E. Central Parkway, Suite 400, Stuart, Florida 34994.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Stephanie Savestanan, Agency for Workforce Innovation, Office of Early Learning, 107 East Madison Street, MSC 140, Tallahassee, Florida 32399-4120.

NOTICE IS HEREBY GIVEN THAT on April 2, 2009, the Agency for Workforce Innovation, received a petition for Emergency Variance from subsection 60BB-4.210(1), Florida Administrative Code, from the Early Learning Coalition of Okaloosa and Walton Counties, 2018 Lewis Turner Boulevard, Suite C, Fort Walton Beach, Florida 32547.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Stephanie Savestanan, Agency for Workforce Innovation, Office of Early Learning, 107 E. Madison Street, MSC 140, Tallahassee, Florida 32399-4120.

NOTICE IS HEREBY GIVEN THAT on April 2, 2009, the Agency for Workforce Innovation, received a petition for Emergency Waiver of Rule 60BB-8.201, Florida Administrative Code, from the Early Learning Coalition of Okaloosa and Walton Counties, 2018 Lewis Turner Boulevard, Suite C, Fort Walton Beach, Florida 32547.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Stephanie Savestanan, Agency for Workforce Innovation, Office of Early Learning, 107 E. Madison Street, MSC 140, Tallahassee, Florida 32399-4120.