

Rule 69L-7.602, F.A.C., shall be subject to verification through audit and medical record review pursuant to Section XII of this Manual.

Upon request by either the Division, Agency or a carrier, or its designee, to conduct an audit or medical record review under this Section, the hospital shall produce a copy to the requester, subject to the provisions of Section XII of this Manual, or make the original documents available for on-site review, or elsewhere by mutual agreement, such medical record(s) and surgical implant invoice purchasing documentation as requested within thirty (30) days of the request.

Neither a request nor completion of an audit pursuant to this Section shall toll the time frame for petitioning the Agency for resolution of a reimbursement dispute pursuant to Section 440.13(7), F.S.

Nothing in this Manual is intended to create, alter, diminish, or negate any protections regarding the confidentiality of any cost information produced during the course of such an audit.

Section X: Outpatient Reimbursement

A. Reimbursement Amount.

No change.

B. Scheduled Surgery.

Hospital charges for scheduled outpatient surgery shall be reimbursed sixty 60 percent (60%) of usual and customary charges and shall include all charges for radiology and clinical laboratory services when performed no more than three days prior to the date such surgery is performed on the same date as the surgery.

Hospitals shall make written entry on the hospital billing form to identify whether an outpatient surgery was scheduled or unscheduled, in accordance with Rule 69L-7.602, F.A.C.

Determination of whether outpatient services were surgical or non-surgical shall be pursuant to the CPT® code(s) reported by the hospital on the hospital billing form pursuant to Rule 69L-7.602, F.A.C.

Reimbursement as a surgical procedure applies if the CPT® code reported on the hospital billing form is within the range of 10021-69990, except when the surgical procedure code within the range 10021-69990 is performed for venipuncture or to administer parenteral medication(s), in conjunction with an invasive medical therapeutic or diagnostic procedure such as that requiring placement of a cannula or catheter, or in conjunction with an invasive radiology or laboratory service that includes injection of diagnostic or therapeutic substance(s), with or without contrast media. For the purpose of determining reimbursement, surgical procedure

codes subject to the preceding exceptions shall be considered non-surgical services and subject to the reimbursement provision in A above.

Reimbursement for a scheduled outpatient surgery that results in the admission of the injured employee to the hospital within 24 hours of the scheduled outpatient surgery shall be subject to the reimbursement provisions of Section VII of this manual.

C. through E. No change.

Section XI: Disallowed, Denied and Disputed Charges

No change.

Section XII: Hospital Charge Master and Medical Record Review or Audit

No change.

Appendix A: Definitions

No change.

Appendix B: Rule 69L-7.501, Florida Administrative Code

No change.

The remainder of the 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.:	RULE TITLE:
53ER07-40	Code of Ethics for Non-Reporting Individuals and Non-Procurement Employees

SUMMARY: This emergency rule sets forth the ethics rules governing non-reporting individuals and non-procurement employees of the Florida Lottery.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER07-40 Code of Ethics for Non-Reporting Individuals and Non-Procurement Employees.

(1) All employees of the Florida Lottery are subject to the provisions of Chapter 112, Part III, Fla. Stat., Chapter 24, Fla. Stat., and rules promulgated thereunder. Where there are differences between this rule and the statute, the stricter provisions will apply.

(2) Definitions.

For purposes of this rule,

(a) "Employee" means any person employed by the Florida Lottery, including an OPS employee, who is not a reporting individual or procurement employee, as those terms are defined below.

(b) "Gift" means anything accepted by a person or on that person's behalf, whether directly or indirectly, for that person's benefit and for which no payment is made, and can include: real property or the use thereof; tangible or intangible personal property or the use thereof; preferential rate or terms on a transaction not available to others similarly situated; forgiveness of a debt; transportation, lodging or parking; food or beverage; dues, fees and tickets; plants and flowers; personal services for which a fee is normally charged; or any other thing or service having an attributable value.

(c) "Gift" does not include:

1. Salary, benefits, services, fees, commissions, gifts or expenses associated primarily with the donee's employment, business, or service as an officer or director of a corporation or organization; or

2. Contributions reported pursuant to Chapter 106, F.S., campaign-related personal services provided by individuals volunteering their time, or any other contribution or expenditure by a political party; or

3. An honorarium or expense related to an honorarium event paid to a person or the person's spouse by someone other than a lobbyist or principal of a lobbyist; or

4. An award, plaque, certificate or similar personalized item given in recognition of the donee's public, civic, charitable or professional service, provided that such item has no separate commercial value; or

5. Honorary membership in a service or fraternal organization presented as a courtesy by the organization; or

6. Use of a public facility for a public purpose made available by a governmental agency; or

7. Transportation provided by an agency in relation to officially approved governmental business; or

8. Anything of value provided directly or indirectly by a state, regional or national organization which promotes the exchange of ideas between, or the professional development of, governmental officials or employees, and whose membership is primarily composed of elected or appointed public officials or staff, to members of that organization, or staff of a governmental agency that is a member of the organization.

(d) "Lobby" means to seek, on behalf of another person, to influence an agency with respect to a decision of the agency in the area of policy or procurement or an attempt to obtain the goodwill of an agency official or employee.

(e) "Lobbyist" means a person who is employed and receives payment for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity, excluding an employee of an agency or of a legislative or judicial branch entity acting in the normal course of his or her duties.

(f) "Principal" means the person, firm, corporation or other entity which has employed or retained a lobbyist.

(g) "Procurement employee" means any employee who participates through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services or commodities as defined in Section 287.012, Fla. Stat., if the cost of such services or commodities exceeds \$1,000 in any year.

(h) "Relative" means a person who is related to an agency official or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step great grandchild, engaged to be married to the agency official or employee, or who otherwise holds himself or herself out as or is generally known as the person whom the agency official or employee intends to marry or with whom the agency official or employee intends to form a household, or any other natural person having the same legal residence as the agency official or employee.

(i) "Reporting individual" means any individual who is required by Section 112.3145, Fla. Stat., to file full or limited public disclosure of his or her financial interests; at the Florida Lottery, reporting individuals are executive and senior staff; all district managers; all managers one level below director; in financial management, managers two levels below director; attorneys and purchasing agents.

(3) Lobbyist Expenditures.

No employee shall knowingly accept anything of value from a lobbyist or the principal of a lobbyist, except that an expenditure for the personal benefit of the employee may be accepted from a lobbyist or principal who is a relative of the employee. However,

(a) An employee may attend an event or accept a thing of value that is otherwise prohibited if the employee pays or provides equivalent consideration contemporaneously with or preceding the receipt of the item or attendance at the event.

(b) An employee may attend a community event that is open to all persons.

(c) An employee may accept an item or benefit generally available for free or below the customary rate if the terms or rate is a government rate available to all other similarly-situated government employees or a rate that is available to similarly-situated members of the public by virtue of occupation, affiliation, age, religion, sex or national origin.

(d) A Lottery vendor who is also a principal may make expenditures for reasonable and necessary expenses of Lottery sales conferences and other marketing activities when such payments are made pursuant to a contractual obligation of the vendor to provide marketing support to the Lottery under a contract that was entered pursuant to a competitive procurement process. A Lottery employee's participation in such a sales conference or other marketing activities shall not be considered to be a violation of this rule.

(4) General Provisions.

(a) Employees shall not solicit or accept anything of value to the employee, including gifts, loans, rewards, promises of future employment, favors, or services based upon any understanding that the official action or judgment of the employee would be influenced thereby.

(b) Employees shall not solicit any gift, regardless of value, if the gift is for the personal benefit of the employee, the employee's family, or another employee.

(c) Employees shall not use or attempt to use their positions to gain special privileges, benefits or exemptions for themselves or others.

(d) Employees, their spouses and minor children shall not accept any compensation, payment or thing of value when they know or should know that it was given to influence the official action of the employee.

(e) Employees shall not disclose or use information not available to the public and obtained by reason of their public positions for the personal benefit of themselves or others.

(f) Employees shall not solicit or accept an honorarium that is related to their public office or duties. Employees may accept payment of expenses related to an honorarium event unless the payment is from a lobbyist or principal.

(g) Employees acting as purchasing agents shall not directly or indirectly purchase, rent, or lease any realty, goods or services for the Lottery from a business in which the employee or the employee's spouse or child owns more than a 5% interest.

(h) Employees acting in a private capacity shall not rent, sell or lease realty, goods or services to the Lottery.

(i) Employees shall not accept employment that would create a conflict of interest between their private interests and the performance of their public duties, or accept other employment with any business entity subject to regulation by, or doing business with, the Lottery.

(j) Employees having decisionmaking authority shall not participate in any decision involving a vendor or retailer with whom they have a financial interest.

(k) Employees having decisionmaking authority shall not participate in any decision involving a vendor or retailer with whom they have discussed employment opportunities, without the prior approval of the Secretary.

(l) Purchase of lottery tickets by employees or any relatives residing in their household is strictly prohibited.

(5) Post-Employment Restrictions.

(a) Employees who became employed by the Lottery after July 1, 1989, who have authority over policy or procurement, shall not, for a period of two (2) years after retirement or termination, personally represent another person or entity for compensation before the Department, unless employed by another agency of state government.

(b) Employees shall not, for a period of two (2) years after retirement or termination, hold any employment or contractual relationship with a business entity other than a state agency in connection with any contract for contractual services that was within the employee's responsibility while employed by the Lottery.

(c) Employees are prohibited, after retirement or termination, from holding any employment or contractual relationship with a business entity other than a state agency in connection with any contract in which the employee participated personally and substantially through decision, approval, disapproval, recommendation, rendering of advice, or investigation while an employee of the Lottery.

(d) Employees shall not, for a period of one (1) year following cessation of employment with the Lottery, represent any vendor or retailer before the Lottery regarding any specific matter in which the employee was involved while employed by the Lottery.

(6) All employees shall receive Code of Ethics training upon appointment and thereafter on an annual basis.

(7) This emergency rule shall replace Emergency Rule 53ER07-8, F.A.C.

Specific Authority 24.105(20), 24.109(1) FS. Law Implemented 24.105(20), 24.105(19)(b), (c), 24.116(2), Chapter 112, Part III FS. History--New 6-13-07, Replaces 53ER07-8, F.A.C.

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: June 13, 2007

DEPARTMENT OF THE LOTTERY

RULE NO.:
53ER07-41

RULE TITLE:
Code of Ethics for Reporting
Individuals and Procurement
Employees

SUMMARY: This emergency rule sets forth the ethics rules governing reporting individuals and procurement employees of the Florida Lottery.

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:

53ER07-41 Code of Ethics for Reporting Individuals and Procurement Employees.

(1) All employees of the Florida Lottery are subject to the provisions of Chapter 112, Part III, Fla. Stat., Chapter 24, Fla. Stat., and rules promulgated thereunder. Where there are differences between this rule and the statute, the stricter provisions will apply.

(2) Definitions.

For purposes of this rule,

(a) "Employee" means any person employed by the Florida Lottery, including an OPS employee, who is a reporting individual or procurement employee, as those terms are defined below.

(b) "Gift" means anything accepted by a person or on that person's behalf, whether directly or indirectly, for that person's benefit and for which no payment is made, and can include: real property or the use thereof; tangible or intangible personal property or the use thereof; preferential rate or terms on a transaction not available to others similarly situated; forgiveness of a debt; transportation, lodging or parking; food or beverage; dues, fees and tickets; plants and flowers; personal services for which a fee is normally charged; or any other thing or service having an attributable value.

(c) "Gift" does not include:

1. Salary, benefits, services, fees, commissions, gifts or expenses associated primarily with the donee's employment, business, or service as an officer or director of a corporation or organization; or

2. Contributions reported pursuant to Chapter 106, F.S., campaign-related personal services provided by individuals volunteering their time, or any other contribution or expenditure by a political party; or

3. An honorarium or expense related to an honorarium event paid to a person or the person's spouse by someone other than a lobbyist or principal of a lobbyist; or

4. An award, plaque, certificate or similar personalized item given in recognition of the donee's public, civic, charitable or professional service, provided that such item has no separate commercial value; or

5. Honorary membership in a service or fraternal organization presented as a courtesy by the organization; or

6. Use of a public facility for a public purpose made available by a governmental agency; or

7. Transportation provided by an agency in relation to officially approved governmental business; or

8. Anything of value provided directly or indirectly by a state, regional or national organization which promotes the exchange of ideas between, or the professional development of, governmental officials or employees, and whose membership is primarily composed of elected or appointed public officials or staff, to members of that organization, or staff of a governmental agency that is a member of the organization.

(d) "Lobby" means to seek, on behalf of another person, to influence an agency with respect to a decision of the agency in the area of policy or procurement or an attempt to obtain the goodwill of an agency official or employee.

(e) "Lobbyist" means a person who is employed and receives payment for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity, excluding an employee of an agency or of a legislative or judicial branch entity acting in the normal course of his or her duties.

(f) "Principal" means the person, firm, corporation or other entity which has employed or retained a lobbyist.

(g) "Procurement employee" means any employee who participates through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services or commodities as defined in Section 287.012, Fla. Stat., if the cost of such services or commodities exceeds \$1,000 in any year.

(h) "Relative" means a person who is related to an agency official or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step great grandchild, engaged to be married to the agency official or employee, or who otherwise holds himself or herself out as or is generally known as the person whom the agency official or employee intends to marry or with whom the agency official or employee intends to form a household, or any other natural person having the same legal residence as the agency official or employee.

(i) "Reporting individual" means any employee who is required by Section 112.3145, Fla. Stat., to file a full or limited public disclosure of his or her financial interests; at the Florida Lottery, reporting individuals are executive and senior staff; all district managers; all managers one level below director; in financial management, managers two levels below director; attorneys and purchasing agents.

(3) Lobbyist Expenditures.

No employee shall knowingly accept anything of value from a lobbyist or the principal of a lobbyist, except that an expenditure for the personal benefit of an employee may be accepted from a lobbyist or principal who is a relative of the employee. However,

(a) An employee may attend an event or accept a thing of value that is otherwise prohibited if the employee pays or provides equivalent consideration contemporaneously with or preceding the receipt of the item or attendance at the event.

(b) An employee may attend a community event that is open to all persons.

(c) An employee may accept an item or benefit generally available for free or below the customary rate if the terms or rate is a government rate available to all other similarly-situated government employees or a rate that is available to similarly-situated members of the public by virtue of occupation, affiliation, age, religion, sex or national origin.

(d) A Lottery vendor who is also a principal may make expenditures for reasonable and necessary expenses of Lottery sales conferences and other marketing activities when such payments are made pursuant to a contractual obligation of the vendor to provide marketing support to the Lottery under a contract that was entered pursuant to a competitive procurement process. A Lottery employee's participation in such a sales conference or other marketing activities shall not be considered to be a violation of this rule.

(4) Gifts and Gift Reporting.

(a) No employee shall knowingly accept any gift, gratuity, favor, entertainment, lodging, transportation, loan or any other thing of monetary value that the employee knows or reasonably should know is valued at over \$25.00. There are four limited exceptions:

1. Gifts from relatives, regardless of value.

2. Gifts (including but not limited to birthday and/or anniversary gifts and gifts of hospitality) received from personal friends in the ordinary course of friendship, regardless of value, provided that any such personal friend is not:

a. A lobbyist; or

b. The principal of a lobbyist; or

c. A person having a special pecuniary interest (either individually or through a corporation or organization) in a matter pending before the Lottery; or

d. A person who (either individually or through a corporation or organization) provides goods or services to the Lottery under contract or agreement; or

e. A person who (either individually or through a corporation or organization) is seeking such business with the Lottery.

3. On-site consumption of food and refreshment at receptions and/or other events, provided the employee's attendance at such event is an appropriate exercise of the

employee's official duties and the food and refreshments at such event are not paid for by a lobbyist or the principal of a lobbyist.

4. Gifts (regardless of value) accepted on behalf of a governmental entity or charitable organization, or for which a public purpose can be shown, provided the Lottery ethics officer has approved such acceptance and the gift is not being made by a lobbyist or the principal of a lobbyist.

The above four limited exceptions do not authorize the acceptance of any gift that is otherwise prohibited by Chapter 112, Fla. Stat.

(b) Employees shall file with the Commission on Ethics on the last day of each calendar quarter, for the previous calendar quarter, a list of permissible gifts valued at more than \$25 that were accepted by the employee, unless the gift is from a relative or:

1. Is given by a personal friend for a special occasion (e.g., holidays, birthdays, weddings, showers, anniversaries, graduation, Valentine's Day, etc.); or

2. Is a meal (whether at a restaurant or at a home) with a friend or lodging at a friend's home.

(c) Gifts identified in subparagraphs (4)(b)1. and 2. above must be reported if they exceed \$100 in value.

(d) Employees shall file with the Commission on Ethics by July 1 of each year an Annual Disclosure of Gifts from Governmental Entities and Direct Support Organizations and Honorarium Event Related Expenses on forms prescribed by the Commission on Ethics.

(5) General Provisions.

(a) Employees shall not solicit or accept anything of value to the employee, including gifts, loans, rewards, promises of future employment, favors, or services based upon any understanding that the official action or judgment of the employee would be influenced thereby.

(b) Employees shall not solicit any gift, regardless of value, if the gift is for the personal benefit of the employee, the employee's family, or another employee.

(c) Employees shall not use or attempt to use their positions to gain special privileges, benefits or exemptions for themselves or others.

(d) Employees, their spouses and minor children shall not accept any compensation, payment or thing of value when they know or should know that it was given to influence the official action of the employee.

(e) Employees shall not disclose or use information not available to the public and obtained by reason of their public positions for the personal benefit of themselves or others.

(f) Employees shall not solicit or accept an honorarium that is related to their public office or duties. Employees may accept payment of expenses related to an honorarium event unless the payment is from a lobbyist or principal.

(g) Employees acting as purchasing agents shall not directly or indirectly purchase, rent, or lease any realty, goods or services for the Lottery from a business in which the employee or the employee's spouse or child owns more than a 5% interest.

(h) Employees acting in a private capacity shall not rent, sell or lease realty, goods or services to the Lottery.

(i) Employees shall not accept employment that would create a conflict of interest between their private interests and the performance of their public duties, or accept other employment with any business entity subject to regulation by, or doing business with, the Lottery.

(j) Employees having decisionmaking authority shall not participate in any decision involving a vendor or retailer with whom they have a financial interest.

(k) Employees having decisionmaking authority shall not participate in any decision involving a vendor or retailer with whom they have discussed employment opportunities, without the prior approval of the Secretary.

(l) Purchase of lottery tickets by employees or any relatives residing in their household is strictly prohibited.

(6) Post-Employment Restrictions.

(a) Employees who became employed by the Lottery after July 1, 1989, who have authority over policy or procurement, shall not, for a period of two (2) years after retirement or termination, personally represent another person or entity for compensation before the Department, unless employed by another agency of state government.

(b) Employees shall not, for a period of two (2) years after retirement or termination, hold any employment or contractual relationship with a business entity other than a state agency in connection with any contract for contractual services that was within the employee's responsibility while employed by the Lottery.

(c) Employees are prohibited, after retirement or termination, from holding any employment or contractual relationship with a business entity other than a state agency in connection with any contract in which the employee participated personally and substantially through decision, approval, disapproval, recommendation, rendering of advice, or investigation while an employee of the Lottery.

(d) Employees shall not, for a period of one (1) year following cessation of employment with the Lottery, represent any vendor or retailer before the Lottery regarding any specific matter in which the employee was involved while employed by the Lottery.

(7) Statement of Financial Interests.

A statement of financial interests shall be submitted on forms prescribed by the Commission on Ethics within thirty (30) days after employment, and by July 1 of each year thereafter, by all employees.

(8) All employees shall receive Code of Ethics training upon appointment and thereafter on an annual basis.

(9) This emergency rule shall replace Emergency Rule 53ER07-9, F.A.C.

Specific Authority 24.105(20), 24.109(1) FS. Law Implemented 24.105(20), 24.105(19)(b), (c), 24.116(2), Chapter 112, Part III, FS. History--New 6-13-07, Replaces 53ER07-9, F.A.C.

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: June 13, 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."

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

<p>RULE NO.: 69OER07-3</p>	<p>RULE TITLE: Transition Provisions for the Use of the Uniform Mitigation and Verification Inspection Form by the "My Safe Florida Home" Program</p>
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SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Financial Services Commission and the Office of Insurance Regulation ("Office") hereby state that the following circumstances constitute an immediate danger to the public health, safety, or welfare:

In its January 2007 Special Session, the Florida Legislature found that the homeowner property insurance market is in crisis. See Preamble to Ch. 2007-1, Laws of Florida:

WHEREAS, homeowners in the State of Florida are struggling under increased insurance costs and increased housing prices as a result of damage caused by hurricanes and tropical storms, and

WHEREAS, this increase in the cost of property insurance for the state's residents demands immediate attention, and

WHEREAS, the affordability of property insurance creates financial burdens for Florida's residents and financial crises for some property owners, and

The Financial Services Commission has previously found, in Emergency Rule No. 69OER07-1 (January 30, 2007), and here reaffirms, that:

The residential property insurance market in Florida is in crisis. Property insurance rates are at the highest levels in Florida history. The multiple hurricanes and tropical storms of the past several years (which resulted collectively in more than an estimated \$36 billion in insured losses) coupled with the actions and reactions of certain private insurers have created and fueled this crisis ... The turmoil in the residential property insurance market has affected not only homeowners, but also

the real estate and construction market Thousands of Florida citizens voiced to the Governor, members of the Cabinet, and the Legislature the hardships faced as a result of the current insurance crisis ... Considering all of the foregoing, resolution of the current crisis is essential to the adequate protection of the public health, safety and welfare.

In its 2006 regular session, the Florida Legislature enacted Section 215.5586, Florida Statutes. Section 215.5586, F.S., created a program in which, as pertinent here, the Department of Financial Services (hereinafter the "Department") was required to contract with and pay private home inspection firms to conduct inspections of single family homes throughout the state, free of charge to the homeowner. The inspection data is relayed to the Department, which produces a written report to the homeowner with recommendations as to steps the homeowner might take to strengthen the home against hurricane wind damage, thereby reducing homeowner insurance costs. Actual inspections under the Section 215.5586, F.S., program commenced in October 2006 and are continuing currently. In excess of 50,000 homes have been inspected.

In its January 2007 Special Session the Florida Legislature enacted s. 31, Ch. 2007-1, Laws of Florida, reading as follows: (2) By July 1, 2007, the Financial Services Commission shall develop by rule a uniform mitigation verification inspection form that shall be used by all insurers when factoring discounts for wind insurance. In developing the form, the commission shall seek input from insurance, construction, and building code representatives. Further, the commission shall provide guidance as to the length of time the inspection results are valid.

The Florida Office of Insurance Regulation (OIR) has been proceeding diligently to develop the uniform mitigation verification inspection form contemplated by s. 31, Ch. 2007-1, Laws of Florida. The OIR is, in June 2007, presenting to the Financial Services Commission a proposed permanent uniform mitigation verification inspection form, which requires the signature of a qualified inspector attesting to the inspection results reported on the form.

However, because the Department had to contract with inspection firms and commence the inspections under Section 215.2286, F.S., long before the uniform mitigation verification inspection form was finalized, the Department's contracts with its inspection vendors do not require the vendor to provide the Department or the homeowner with a uniform mitigation verification inspection form in reference to each inspection conducted.

However, the inspections conducted by inspectors in the Section 215.5586, F.S., program have, since the inception of the Section 215.2286, F.S., program, captured all data required to properly complete the uniform mitigation verification inspection form contemplated under s. 31, ch. 2007-1, Laws of Florida, referenced above. The inspection data from the

Department's Section 215.2286, F.S. inspection program is reliable, having been obtained by inspectors approved by the Department after special training. The only item preventing the accomplishment of a uniform mitigation verification inspection form is the requirement of an inspector's signature. Every additional day that passes evidences more homeowners having to drop their homeowner property insurance because of unaffordability, with untoward consequences. The relief provided by the premium discounts and credits resulting from use of the temporary form will prevent some of those homeowners from having to drop their coverage. In view of the urgent need of Florida's homeowners for any prompt financial relief possible from present high homeowners insurance rates, it is determined to be essential that a temporary alternative mitigation verification inspection form be promulgated by emergency rule, permitting the Department to forthwith populate the mitigation verification inspection form using data from the Section 215.2286, F.S., inspection, and permitting the Department to certify the form in lieu of a signature by an inspector, for use by homeowners whose homes have been inspected.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Office of Insurance Regulation believes that adopting an emergency rule is the fairest method to establish a timely transitional procedure to benefit the members of the public which have participated in the "My Safe Florida Home" Program. The substance of Form OIR-B1-1802 (7/07) has been the subject of a public workshop and a public rule hearing. The insurance industry, persons involved in the inspection industry, and building code experts have been involved in the development of the form. This rule is fair under the circumstances as it preserves the integrity of the proposed permanent form, and provides an expedited process to verify the results of inspections by qualified inspectors. An Office of Insurance Regulation bulletin addressed to all insurers would reach all insurers but would not be legally binding. Office of Insurance Regulation responses to individual requests for information would not make the information generally available. Thus, immediate implementation is needed to utilize the data gathered by the "My Safe Florida Home" Program, and permit homeowners to utilize the temporary form to timely receive the premium discounts and credits to which they are entitled.

SUMMARY: This rule provides, on a temporary basis, for the use of a modified format of Form OIR-B1-1802 (7/07) and requires insurers to accept the modified form from the "My Safe Florida Home" Program. The form will allow the Department of Financial Services to certify the contents of the form as true and correct based on an inspection conducted by a qualified inspector.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Stephen C. Fredrickson, Assistant General Counsel, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0300, phone (850)413-4144 or email steve.fredrickson@fldfs.com

THE FULL TEXT OF THE EMERGENCY RULE IS:

69OER07-03 Transition Provisions for the Use of the Uniform Mitigation and Verification Inspection Form by the "My Safe Florida Home" Program.

Effective July 1, 2007, insurers shall accept form OIR-B1-1802(7/07) Uniform Mitigation Verification Inspection Form as revised by this rule. Specifically the form is revised to allow the Department of Financial Services to certify that the contents of the form are true and correct as the result of an inspection conducted by a qualified inspector under Section 215.5586(1), Florida Statutes. Form OIR-B1-1804 "Uniform Mitigation Verification Inspection Form (Emergency)" (7/07) is hereby incorporated herein by reference and is available at www.floir.com.

EFFECTIVE DATE JULY 1, 2007.

Specific Authority 624.308(1), 627.711 FS. Law Implemented 624.307(1), 627.711 FS. History--New 7-1-07.

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: July 1, 2007

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

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 the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2007-231-DAO-ROW), on June 14, 2007, to Richard L. Houghton. The petition for waiver was received by the SFWMD on April 13, 2007. Notice of receipt of the petition requesting the waiver was published in the F.A.W., Vol. 33, No. 17, on April 27, 2007. No public comment was received. This Order provides a waiver of the District's criteria for the proposed temporary vehicular use of the L-28 right of way from U.S. 41 to the northerly terminus of L-28 to gain

access to the applicant's camp/cabin which is located approximately 3 miles from L-28 in Collier County; within Multiple Sections/T54, 53, 52S/R35E, Broward and Miami-Dade County. Specifically, the Order grants a waiver from subsection 40E-6.221(9), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which governs the requirement that, except for utilities, an applicant must own or lease the land lying adjacent to the District Work within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Richard L. Houghton from suffering a substantial hardship.

A copy of the Order can be obtained from: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1413, West Palm Beach, FL 33406-4680, (561)682-6320 or by e-mail kruff@sfwmd.gov.

NOTICE IS HEREBY GIVEN THAT the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2007-232-DAO-ROW), on June 14, 2007, to Michael T. and Myra Caldwell. The petition for waiver was received by the SFWMD on March 16, 2007. Notice of receipt of the petition requesting the waiver was published in the F.A.W., Vol. 33, No. 13, on March 30, 2007. No public comment was received. This Order provides a waiver of the District's criteria to allow an existing cross-fence at the east property line to be extended, and existing deck, trees, landscaping to the top of the canal bank and a planter to remain within the south right of way of C-100A at the rear of 7555 S. W. 108 Terrace; S11/T55S/R40E, Miami-Dade County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6), and paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which governs the placement of permanent and semi-permanent above-ground facilities within 40' of the top of the canal bank within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rules would prevent Michael and Myra Caldwell from suffering a substantial hardship and a violation of the principles of fairness.