

The rule adoption hearing, which had been canceled in Vol. 34, No. 37, September 12, 2008 issue of the Florida Administrative Weekly, has been rescheduled for October 29, 2008, at 9:00 a.m., at the same place given in the August 29 notice.

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NO.: RULE TITLE:
64F-12.024 Administrative Enforcement

NOTICE OF PUBLIC HEARING

The Department of Health, Drugs Devices and Cosmetics Program announces a change of hearing regarding the above rule, as noticed in Vol. 34, No. 35, August 29, 2008 Florida Administrative Weekly.

DATE AND TIME: Thursday, December 4, 2008, 1:00 p.m. – 4:00 p.m., E.S.T.

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Room 152, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workshop regarding proposed Rule 64F-12.024 Administrative Enforcement; Rule 64F-12.001 General Regulations, Definitions; Rule 64F-12.012 Records of Drugs, Cosmetics and Devices; Rule 64F-12.013 Prescription Drugs, Receipt, Storage and Security; and Rule 64F-12.015 Licensing, Application, Permitting.

The agenda and meeting materials will be placed on the Drugs, Devices, and Cosmetics website at www.doh.state.fl.us/pharmacy/drugs and will be distributed electronically to interested parties. If you need any other information, please call (850)245-4292.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: RULE TITLE:
69O-170.0144 Public Hurricane Loss Projection
 Model-Fee Schedule

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. 35, August 29, 2008 issue of the Florida Administrative Weekly.

69O-170.0144 Public Hurricane Loss Projection Model-Fee Schedule.

(1) This rule establishes the procedure and fee schedule, applicable to residential property insurers, for access and use of the Public Hurricane Loss Projection Model, authorized by Section 627.06281, F.S.

(2) A residential property insurer that elects to access and use the Public Hurricane Loss Projection Model shall file a request, and set up an account with, Florida International University at <http://irene.cs.fiu.edu:8080/hldms/>. The fees

charged for access and use of the Model, per run, shall be computed as follows: Fee = \$2,400 + 0.03xPOL1 + 0.015xPOL2 + .005xPOL3 where POL1, POL2, POL3 are number of policies (records) in the policy file. POL1 is equal to number of policies (records) from 1 to 200,000. POL2 is equal to number of policies (records) in excess of 200,000 with maximum of 400,000. POL3 is equal to number of policies (records) in excess of 400,000.

Specific Authority 627.06281 FS, Law Implemented 627.06281 FS, History--New _____.

FINANCIAL SERVICES COMMISSION

OIR – Financial Institution Regulation

RULE NO.: RULE TITLE:
69U-100.106 Affirmative Election to Purchase and
 Acknowledgement of Receipt of
 Disclosures Required

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.

Subsection (1) of Rule 69U-100.106 is being amended to address written comments received from the Florida Credit Union League, Inc. The rule is being amended to correct a cross reference.

69U-100.106 Affirmative Election to Purchase and Acknowledgment of Receipt of Disclosures Required.

(1) Before entering into a debt cancellation product, the financial institution must obtain a customer’s written affirmative election to purchase a debt cancellation product and written acknowledgment of receipt of the disclosures required by subsection 69U-100.105(2), F.A.C. The election and acknowledgment information must be conspicuous, simple, direct, readily understandable, and designed to call attention to their significance. The election and acknowledgment satisfy these standards if they conform with the requirements of subsections 69U-100.105(8) and (9), F.A.C.

**Section IV
Emergency Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE NO.: RULE TITLE:
5FER08-3 Volatility Standards for Gasoline
SPECIFIC REASONS FOR FINDING AN IMMEDIATE
DANGER TO THE PUBLIC HEALTH, SAFETY OR
WELFARE: As a result of the effects on the supply and
distribution of fuel caused by tropical storms and hurricanes

during August and September, extreme and unusual circumstances exist that will prevent the distribution of an adequate fuel supply to consumers in specified Florida counties. On September 11, 2008, the United States Environmental Protection Agency (EPA) issued a fuel volatility waiver to nine southeastern states including Florida. Further, several other southeastern states have issued similar fuel volatility waivers extending through October 31, 2008. Pursuant to these actions by the EPA and other southeastern states, and following the adoption of this emergency rule, waiving certain volatility standards in specified Florida counties will allow for adequate and rapid distribution of available fuel, helping to stabilize the fuel market in the specified counties, thus protecting the welfare of Florida consumers in these counties. Specifically, the affected counties in Florida are Madison, Dixie, Suwannee, Columbia, Hamilton, Lafayette and Taylor.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: This emergency rule was initiated at the request of fuel suppliers in order to more adequately meet the fuel needs of Florida consumers in these specified counties, as a result of current fuel shortages created from recent tropical storms and hurricanes, in particular Hurricane Ike. This emergency rule will help alleviate present distribution difficulties and shortages of motor fuel resulting from these weather events and could not be implemented in time to provide relief to affected Florida consumers through non-emergency rule making procedures.

SUMMARY: This emergency rule allows for the retail distribution and sale of gasoline of a different volatility class than adopted in ASTM International designation D4814-07b and Rule 5F-2.001, F.A.C., for the period beginning October 2, 2008, through October 31, 2008, in Madison, Dixie, Suwannee, Columbia, Hamilton, Lafayette and Taylor Counties in Florida. The specific standards affected are below. **THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS:** Dr. Matthew D. Curran – (850)488-9740

THE FULL TEXT OF THE EMERGENCY RULE IS:

5FER08-3 Volatility Standards for Gasoline.

(1) Volatility Class D-4 fuels as specified in ASTM International designation D4814-07b, shall be allowed for the time period from October 2, 2008, through October 31, 2008, for retail distribution and sale in Madison, Dixie, Suwannee, Columbia, Hamilton, Lafayette and Taylor Counties.

(2) The Vapor Lock Protection Class requirement as specified in subparagraph 5F-2.001(1)(a)3., F.A.C., for gasoline containing nine (9) through ten (10) percent ethanol by volume shall be allowed a minimum test temperature for a vapor-liquid ratio of twenty (20) of 107° F for the time period

from October 2, 2008, through October 31, 2008, for retail distribution and sale in Madison, Dixie, Suwannee, Columbia, Hamilton, Lafayette and Taylor Counties.

Specific Authority 525.037, 525.14 FS. Law Implemented 525.01, 525.037, 525.14 FS. History—New 10-2-08.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: October 2, 2008

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.: 53ER08-58
RULE TITLE: Instant Game Number 769, PINK PANTHER™

SUMMARY: This emergency rule describes Instant Game Number 769, “PINK PANTHER™,” 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:

53ER08-58 Instant Game Number 769, PINK PANTHER™.

(1) Name of Game. Instant Game Number 769, “PINK PANTHER™.”

(2) Price. PINK PANTHER lottery tickets sell for \$2.00 per ticket.

(3) PINK PANTHER 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 PINK PANTHER lottery ticket, the ticket must meet the applicable requirements of Rule 53ER08-20, F.A.C.

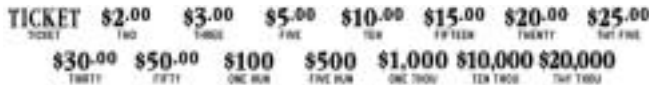
(4) The “YOUR NUMBERS” play symbols and play symbol captions are as follows:



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



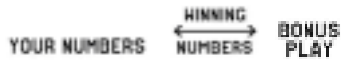
(6) The prize symbols and prize symbol captions are as follows:



(7) The “BONUS PLAY” play symbols and play symbol captions are as follows:





(8) The legends are as follows:



(9) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the “YOUR NUMBERS” play area that matches a play symbol and corresponding play symbol caption in the “WINNING NUMBERS” play area shall entitle the claimant to the corresponding prize shown for that symbol. A

ticket having a “ ” symbol and corresponding symbol caption in the “YOUR NUMBERS” play area shall entitle the

claimant to double the prize shown. A ticket having a “ ” symbol and corresponding symbol caption in the “BONUS PLAY” play area shall entitle the claimant to a prize of \$10.00.

(b) The prizes are: TICKET, \$2.00, \$3.00, \$5.00, \$10.00, \$15.00, \$20.00, \$25.00, \$30.00, \$50.00, \$100, \$500, \$1,000, \$10,000 and \$20,000. A claimant who is entitled to a prize of a “TICKET” shall be entitled to a prize of a \$2.00 instant ticket or combination of instant tickets with a total value of \$2.00, except as follows. A person who submits by mail a PINK PANTHER lottery ticket which entitles the claimant to a prize

of a \$2.00 instant ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(10) The estimated odds of winning, value, and number of prizes in Instant Game Number 769 are as follows:

GAME PLAY	WIN	ODDS OF	NUMBER OF WINNERS IN 56 POOLS OF 180,000 TICKETS PER POOL
TICKET	\$2	1 IN 12.50	806,400
\$2 (DIAMOND)	\$4	12.50	806,400
\$2 + \$3	\$5	15.00	672,000
\$5	\$5	25.00	403,200
\$5 (DIAMOND)	\$10	75.00	134,400
\$10	\$10	150.00	67,200
(MAGNIFYING GLASS)			
\$5 x 5	\$25	150.00	67,200
\$10	\$25	600.00	16,800
(MAGNIFYING GLASS) + \$15			
\$5 + \$10 (DIAMOND)	\$25	600.00	16,800
\$25	\$25	600.00	16,800
\$5 x 10	\$50	3,600.00	2,800
\$25 (DIAMOND)	\$50	900.00	11,200
\$10	\$50	900.00	11,200
(MAGNIFYING GLASS) + \$20 (DIAMOND)			
\$50	\$50	3,600.00	2,800
\$10 x 10	\$100	45,000.00	224
\$10	\$100	12,857.14	784
(MAGNIFYING GLASS) + \$15 (DIAMOND) + \$30 (DIAMOND)			
\$50 (DIAMOND)	\$100	12,857.14	784
\$25 (DIAMOND)	\$100	12,857.14	784
+ \$50			
\$100	\$100	45,000.00	224
(\$50 x 6) + \$100 (DIAMOND)	\$500	60,000.00	168
\$500	\$500	180,000.00	56
\$500	\$1,000	630,000.00	16
(DIAMOND)			
\$1,000	\$1,000	2,520,000.00	4
\$10,000	\$20,000	1,680,000.00	6
(DIAMOND)			
\$20,000	\$20,000	1,680,000.00	6

(11) The estimated overall odds of winning some prize in Instant Game Number 769 are 1 in 3.30. 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.

(12) For reorders of Instant Game Number 769, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

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

(14) Payment of prizes for PINK PANTHER 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 10-1-08.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.
EFFECTIVE DATE: October 1, 2008

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

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."

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN THAT on September 24, 2008, the Florida Public Service Commission, received a Motion for Waiver of subsection 25-22.0407(7), Florida Administrative Code, from K W Resort Utilities Corp., in Docket No. 070293-SU – Application for increase in wastewater rates in Monroe County by K W Resort Utilities Corp.

The rule requires that a utility have published in a newspaper of general circulation in the area of service a notice of the service hearing no less than 14 days prior to the service

hearing, with the notice stating the time, date, location, and purpose of the hearing. The Utility did not publish a notice of the service hearing until five days prior to the service hearing. However, the Utility requests that it be relieved from the obligation of conducting additional notices and additional service hearings, noting that each individual customer received actual timely notice and that a newspaper article stating the date, location, and purpose of the hearing was published 16 days prior to the service hearing, and thus the spirit and intent of the rule has been satisfied by the article. Comments on the petition should be filed with: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within 14 days of publication of this notice.

A copy of the Motion for Rule Waiver may be obtained by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 or at (<http://www.psc.state.fl.us/>). For additional information, please contact Ralph Jaeger, Office of the General Counsel, at the above address or telephone (850)413-6234.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN THAT on October 7, 2008, the South Florida Water Management District (District) received a request for withdrawal of a Petition for Waiver regarding Application No. 08-0714-1 for utilization of Works or Lands of the District known as the LD-4 Canal; Section 3, Township 38S, Range 35E, Okeechobee County. The District originally, received a petition for waiver from Robert Laskey on September 17, 2008 and Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol 34, No. 40, on October 3, 2008. No public comment was received.

A copy of the Withdrawal Request may be obtained by contacting: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, (561)682-6320 or email: kruff@sfwmd.gov.

NOTICE IS HEREBY GIVEN THAT on October 1, 2008, the South Florida Water Management District (District), received a petition for waiver from William and Sandra Schmitt, Application No. 08-0818-1, Permit (MOD) Number 9624, for utilization of Works or Lands of the District known as the C-51 Canal, to allow existing palm trees to remain within the northerly right of way of C-51 at the rear of 184 Arlington Road; Section 15, Township 44S, Range 43E, Palm Beach County. The Petition seeks relief from subsections 40E-6.011(4) and (6), Florida Administrative Code, which govern the placement of permanent and/or semi-permanent above-ground structures within 40 feet of the top of the canal bank within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kathie Ruff at (561)682-6320 or e-mail at kruff@sfwmd.gov. The District will accept comments