

(3) Beginning June 1, 2008, the Florida Lottery will award an additional bonus commission to a retailer that sells a winning \$2.00 or \$3.00 Lotto Plus™ jackpot ticket for a Wednesday or Saturday FLORIDA LOTTO drawing.

(4) A retailer that sells a winning \$2.00 Lotto Plus jackpot ticket will receive the bonus commission in subsection (2) above plus \$5,000, and a retailer that sells a winning \$3.00 Lotto Plus jackpot ticket will receive the bonus commission in subsection (2) above plus \$10,000. The additional \$5,000 and \$10,000 bonus commissions will not carry forward in the event no winning \$2.00 or \$3.00 Lotto Plus jackpot tickets are sold for a specific drawing.

(5) If multiple winning \$1.00, \$2.00 or \$3.00 jackpot tickets are sold for the same FLORIDA LOTTO drawing, the retailers selling such tickets will share the applicable bonus commission(s). Each retailer selling a winning jackpot ticket will receive a share of the bonus set forth in subsection (2) above equal to the number of winning jackpot tickets sold by that particular retailer divided by the total number of winning jackpot tickets sold for that drawing. Each retailer selling a winning \$2.00 Lotto Plus jackpot ticket will receive a share of the \$5,000 bonus equal to the number of winning \$2.00 jackpot tickets sold by that particular retailer divided by the total number of winning \$2.00 jackpot tickets sold for that drawing. Each retailer selling a winning \$3.00 Lotto Plus jackpot ticket will receive a share of the \$10,000 bonus equal to the number of winning \$3.00 jackpot tickets sold by that particular retailer divided by the total number of winning \$3.00 jackpot tickets sold for that drawing.

(6) Award of a bonus commission is not dependent upon the winning jackpot ticket being claimed by the winner.

(7) 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, Florida Statutes, Chapter 53, F.A.C., or contract terms.

(8) A bonus commission will be considered compensation to the retailer for Internal Revenue Service purposes. The Florida Lottery reserves the right to apply a bonus commission earned against a retailer's outstanding debt to the Florida Lottery, and to award the remaining balance of the bonus commission, if any.

(9) FLORIDA LOTTO bonus commissions are subject to availability of funds appropriated for retailer incentives. This Program is subject to cancellation by future emergency rule if retailer incentive funding is not appropriated or if the Florida Lottery determines that it is no longer in the state's best interest to use such funds for this purpose.

Specific Authority 24.105(9)(i), 24.109(1) FS. Law Implemented 24.105(9)(i), 24.112(1) FS. History—New 5-30-08, Replaces 53ER06-6, 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: May 30, 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

DEPARTMENT OF TRANSPORTATION

NOTICE IS HEREBY GIVEN THAT on May 28, 2008, the Florida Department of Transportation issued an order granting the Petition of St. Lucie County, seeking a variance from the provisions of subsection 14-73.001(3), F.A.C. The Petition was received by the Department on February 29, 2008. The Department published its notice of receipt of the petition in the March 28, 2008, edition of the Florida Administrative Weekly. Subsection 14-73.001(3), F.A.C., requires a transit provider to update its Transit Development Plan (TDP) every five years. The Department's order, issued in DOT Case No. 08-028, granted the petition because St. Lucie County satisfied the requirements for a variance and the Department determined that a one year extension of the TPD deadline promoted the effective use of transportation resources in developing a regional TPD.

A copy of the Department's order may be obtained from the Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, M.S. 58, Tallahassee, Florida 32399-0458. For additional information, contact James C. Myers at (850)414-5393.

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 May 28, 2008, the Governing Board of the Southwest Florida Water Management District has issued an order.

The Governing Board of the Southwest Florida Water Management District hereby gives notice of the issuance of an Order of Denial regarding a Petition of Waiver filed on behalf of Deborah A. Kos. Petitioner sought to waive the requirements of Section 4.4. of the District's Environmental Resource Permitting Information Manual Part B, Basis of Review (BOR), incorporated by reference in Rule 40D-4.091, F.A.C. The Petition was submitted in conjunction with Environmental Resource Permit (ERP) Modification Application No. 44007521.016. The Notice of Petition for Waiver was published in Vol. 33, No. 14, April 6, 2007 issue of the Florida Administrative Weekly. The Governing Board considered the Petition at a duly-noticed public meeting held on May 27, 2008.

The Governing Board's Order SWF 08-018, filed on May 28, 2008, denies the Petition of Waiver, finding that Petitioner has not complied with the requirements of Section 120.542(2), Florida Statutes (F.S.) and Rule 28-104.002, Florida Administrative Code. Specifically, Petitioner did not respond to a request for additional information issued by the District following receipt of the Petition for Waiver. ERP Modification Application No. 44007521.016 was denied on February 26, 2008. Absent the additional requested information, Petitioner failed to demonstrate that application of BOR Section 4.4. in Petitioner's situation would create a substantial hardship or would violate principles of fairness as those terms are defined by Section 120.542(2), F.S. Based upon the foregoing, the District Governing Board determined that Petitioner is not eligible for the requested waiver because she failed to demonstrate that application of BOR Section 4.4 would create a substantial hardship or would violate principles of fairness, and thus failed to demonstrate that the purpose of the underlying statute will be or has been achieved by other means. A copy of the Order may be obtained by contacting: Martha A. Moore, Senior Attorney, Office of General Counsel, Southwest Florida Water Management District, 2379 S. Broad Street, Brooksville, Florida 34604-6899, (352)796-7211 or 1(800)423-1476, extension 4651.

DEPARTMENT OF THE LOTTERY

NOTICE IS HEREBY GIVEN THAT on April 24, 2008, the Department of the Lottery has issued an order.

Petitioners Phillip Etoy Martin and April Marie Martin, co-trustees of the Martin Family Revocable Trust sought a waiver of subsection 53ER06-4(16), Florida Administrative Code, with respect to submission of IRS form 5754 "at the time of submission of the Winner Claim Form." The Petition was published in Vol. 34, No. 11, F.A.W., on March 14, 2008. The Department determined that Petitioners demonstrated that the purpose of the underlying statute as well as the rule can be achieved by other means and that strict application of the rule would violate principles of fairness and, therefore, GRANTED the waiver.

A copy of the Order may be obtained by contacting: Office of the General Counsel, Florida Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011, or by calling (850)487-7777.

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS HEREBY GIVEN THAT on June 3, 2008, the Agency for Health Care Administration has issued an order.

The Agency partially granted the Petition for Emergency Waiver from subsection 59A-4.1295(7), Florida Administrative Code, as filed by Florida Institute for Neurologic Rehabilitation. Notice of the filing of this Petition will appear in the June 6, 2008 edition of F.A.W.

The Petition sought an emergency waiver from the requirements of subsection 59A-4.1295(7), Florida Administrative Code, for a fifteen-year-old patient. By Final Order dated June 3, 2008, the Petition was partially granted, and an emergency waiver was issued to Florida Institute for Neurologic Rehabilitation based on the unique circumstances involved that would likely allow the patient in question to improve both its quality of care and quality of life. Said emergency waiver is limited in scope to apply only to the patient at issue, and is not transferable to any other entity or individual. The emergency waiver will expire on July 28, 2008, as requested by the Petitioner.

A copy of the Order may be obtained by contacting: Richard J. Shoop, Esquire, Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #3, Tallahassee, Florida 32308.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on May 28, 2008, the Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco has issued an order.

On February 29, 2008, the Petitioner, Hyatt Corporation, Inc., et al., filed a Petition for Waiver of Rule 61A-2.014, F.A.C., with the Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco ("Department"). The Petition requested a waiver of Rule 61A-2.014, F.A.C., subsection (6), which requires all directors or officers of a corporation with an interest in an alcoholic beverage license to file a set of fingerprints at the time of making application for a beverage license or at the time an interest is created after a license has been issued. Petitioner does not qualify as any of the three exceptions also created by Rule 61A-2.014, F.A.C., but requested the waiver of application of the rule to Petitioner's positions of Assistant Secretary, since such positions are not involved in the operation, control or management of any Florida hotel or any alcoholic beverage sales at a Florida location.

On May 28, 2008, the Department filed an Order Granting Petition for Waiver. The Order noted that the positions for which waiver of Rule 61A-2.014, F.A.C., was requested are not involved in the operation, control, or management of any Florida hotel or of any alcoholic beverage sales at a Florida location, that granting this waiver would not create a dangerous precedent, and that the proposed waiver was consistent with the principles of public welfare articulated by the rules of the Florida Administrative Code. The Order concluded that Petitioner's request for waiver met the burden of demonstrating that the principles of public welfare and the purpose of the underlying rule had been met.

A copy of the Order may be obtained by contacting: Terry Musselwhite, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, (850)488-0062.

NOTICE IS HEREBY GIVEN THAT on May 28, 2008, the Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco has issued an order.

On March 28, 2008, the Petitioner, TGI Friday's, Inc., filed a Petition for Waiver of Rule 61A-2.014, F.A.C., with the Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco ("Department"). The Petition requested a waiver of Rule 61A-2.014, F.A.C., subsection (6), which requires all directors or officers of a corporation with an interest in an alcoholic beverage license to file a set of fingerprints at the time of making application for a beverage license or at the time an interest is created after a license has been issued. Petitioner does not qualify as any of the three exceptions also created by Rule 61A-2.014, F.A.C., but requested the waiver of application of the rule to Petitioner's positions of Assistant Secretary, Assistant Secretary (acting as in-house counsel), Vice President of Operations (with oversight responsibilities relating only to those locations outside of Florida), Vice President of Franchising, Vice President of Strategic Projects, Vice President of International Operations, Senior Vice President of Marketing, and Chief Operations Officer, since such positions are not involved in the operation, control or management of any Florida hotel or any alcoholic beverage sales at a Florida location.

On May 28, 2008, the Department filed an Order Granting Petition for Waiver. The Order noted that the positions for which waiver of Rule 61A-2.014, F.A.C., was requested are not involved in the operation, control, or management of any Florida hotel or of any alcoholic beverage sales at a Florida location, that granting this waiver would not create a dangerous precedent, and that the proposed waiver was consistent with the principles of public welfare articulated by the Rules of the Florida Administrative Code. The Order

concluded that Petitioner's request for waiver met the burden of demonstrating that the principles of public welfare and the purpose of the underlying rule had been met.

A copy of the Order may be obtained by contacting: Terry Musselwhite, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, (850)488-0062.

NOTICE IS HEREBY GIVEN THAT on May 28, 2008, the Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco has issued an order.

On March 11, 2008, Petitioner, DRD of Okeechobee, Inc., d/b/a Shooter's Billiards, filed a Petition for Relief Under Florida Statute § 120.542 with the Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco ("Department"). The Petition requested the waiver of the penalty guidelines for violations of the Beverage Law listed in Rule 61A-2.022, Florida Administrative Code. Petitioner alleged that imposition of the penalty guidelines would create an undue economic hardship as described under Section 120.542(2), Florida Statutes. Petitioner further alleged that imposition of the penalty guidelines against it is inappropriate because the purpose sought to be achieved by the penalty guidelines has already been met. Therefore, Petitioner requested that the Department waive the imposition of the penalty guidelines listed in Florida Administrative Code Rule 61A-2.022, F.A.C., against Petitioner.

The Department published notice of receipt of the Petition with Florida Administrative Weekly on April 4, 2008.

On May 28, 2008, the Department filed an Order Denying Petition for Relief. The Order noted that Rule 61A-2.022, Florida Administrative Code, allows the Director of the Division of Alcoholic Beverages and Tobacco to deviate from the penalty guidelines. The Order concluded that Petitioner's request did not meet the burden of demonstrating that a variance is required to prevent substantial hardship.

A copy of the Order may be obtained by contacting: Terry Musselwhite, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, (850)488-0062.

NOTICE IS HEREBY GIVEN THAT on May 19, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on May 7, 2008, for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Hartell's Village Diner located in San Destin. The above referenced F.A.C. states that all bathrooms shall be of easy and convenient access to both patrons and employees...They are requesting a variance to use public bathrooms located in a common area and have seating for seventy-one.

This variance request was approved and is contingent upon the Petitioner ensuring the centrally located bathrooms have hot and cold running water at all times, provided with soap and an approved method to dry hands, kept in a clean and sanitary manner, and available during all hours of operation. The Petitioner shall also ensure directional signage is installed within/or outside the establishment clearly stating the location of the bathrooms. Petitioner will have no more than seventy-one (71) seats which include inside and outside seating. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on May 23, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on May 16, 2008, for an Emergency Variance for paragraphs 61C-1.004(1)(a), 61C-1.004(1)(d) and subsection 61C-4.010(6), Florida Administrative Codes (F.A.C.s), from International Café by Railey located in Orlando. The above referenced F.A.C.s state that the water supply shall meet the standards provided in Chapters 64E-8, 62-550 and 62-555 F.A.C., sewage shall be disposed of in a public sewerage system or other approved sewerage system in accordance with the provisions of Chapter 64E-6 or 62-601 F.A.C.; and physical facilities at public food service establishments shall be subject to the provisions of Chapter 6 of the Food Code. They are requesting a variance to not have hard plumbing in their kiosk and use alternative methods for sewage disposal and obtaining potable water.

This variance request was approved and is contingent upon the Petitioner ensuring the centrally located bathrooms have hot and cold running water at all times, provided with soap and an approved method to dry hands, kept in a clean and sanitary manner, and available during all hours of operation. The Petitioner shall also ensure directional signage is installed within/or outside the establishment clearly stating the location of the bathrooms. Petitioner shall also use a six (6) gallon or greater potable water tank and utilizing a wastewater holding tank that is at least 15% larger than the potable water holding tank. Water and wastewater holding tanks are to be emptied at least twice a day. Petitioner must adhere strictly to the following operating procedures: supply for potable water tank must be from an approved source with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours. If the menu changes or expands in any manner, the Petitioner must notify the Division in writing and this variance request will be re-evaluated. All provisos shall be complied with prior to final licensing. Any violation of the variance is the equivalent of a violation of the Rule and

may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on May 14, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on May 9, 2008, for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from House of Kabab Restaurant located in Gainesville. The above referenced F.A.C. states...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated.....The proposed establishment has one bathroom for patrons and they are requesting a variance to have a seating capacity of thirty (30).

This variance request was approved and is contingent upon the Petitioner ensuring the public bathroom is functional, has hot and cold running water at all times, provided with soap and an approved method to dry hands, and kept in a clean and sanitary manner. Seating shall not exceed (30) which includes inside and outside seating. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on May 14, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on May 2, 2008, for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Marble Slab Creamery located in Winter Park. The above referenced F.A.C. states...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated.....The proposed establishment has one bathroom for patrons and they are requesting a variance to have a seating capacity of sixteen (16).

This variance request was approved and is contingent upon the Petitioner ensuring the public bathroom is functional, has hot and cold running water at all times, provided with soap and an approved method to dry hands, and kept in a clean and sanitary manner. Seating shall not exceed (16) which includes inside and outside seating. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on May 23, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on May 13, 2008, for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Reggae Cafe located in Fort Myers. The above referenced F.A.C. states...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated.....The proposed establishment has one bathroom for patrons and they are requesting a variance to have a seating capacity of thirty-one (31).

This variance request was approved and is contingent upon the Petitioner ensuring the public bathroom is functional, has hot and cold running water at all times, provided with soap and an approved method to dry hands, and kept in a clean and sanitary manner. Seating shall not exceed (31) which includes inside and outside seating. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on May 23, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on May 19, 2008, for an Emergency Variance for subsections 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from the Tacos Mi Poblanita located in Pierson. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

This variance request was approved and is contingent upon the Petitioner's use of open-air steam table properly covered and air curtain operating properly according to manufacturer's specifications and Section 6-202-15(D)(2), 2001 FDA Food Code, as to expel possible contaminants and vermin. Approval is also contingent upon Petitioner conducting all re-heating for hot holding at approved commissaries to the proper temperature per Section 3-403.11, 2001 FDA Food Code; and potentially hazardous food is held at proper temperatures according to Section 3-501.16, 2001 FDA Food Code.

The Petitioner shall strictly adhere to subsection 61C-4.0161(c), Florida Administrative Code, and report to the commissary at least once daily when operating. All warewashing is to be conducted at the commissary and strict adherence to employee health guidelines as specified in the Section 2-201, 2001 FDA Food Code, are to be followed. Petitioner shall also use a potable water tank and utilize a wastewater holding tank that is at least 15% larger than the potable water holding tank; and sloped to a drain that is 1 inch in inner diameter or greater, equipped with a shut-off valve. Petitioner must receive potable water from an approved source with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours.

Copies of the variance and operating procedures are to be present on the MFDV at all times of operation and shall be adhered to as approved by the Division. This variance is not transferable under any conditions. All provisos must be complied prior to final approval and licensing. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on May 23, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on May 14, 2008, for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Three Sisters Speakeasy located in Kissimmee. The above referenced F.A.C. states that all bathrooms shall be of easy and convenient access to both patrons and employees...They are requesting a variance to use public bathrooms located in a common area and have seating for fifty (50).

This variance request was approved and is contingent upon the Petitioner ensuring the centrally located bathrooms have hot and cold running water at all times, provided with soap and an approved method to dry hands, kept in a clean and sanitary manner, and available during all hours of operation. The Petitioner shall also ensure directional signage is installed within/or outside the establishment clearly stating the location of the bathrooms. Petitioner will have no more than fifty (50) seats which include inside and outside seating. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on May 14, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on April 28, 2008, for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Wing Nuts located in Cape Coral. The above referenced F.A.C. states...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated.....The proposed establishment has one bathroom for patrons and they are requesting a variance to have a seating capacity of seventeen (17).

This variance request was approved and is contingent upon the public bathroom is functional, has hot and cold running water at all times, provided with soap and an approved method to dry hands, and kept in a clean and sanitary manner. Seating shall not exceed (16) which includes inside and outside seating. Any violation of the variance is the equivalent of a violation of the rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

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."

NOTICE IS HEREBY GIVEN THAT on May 2, 2008, the Department Of Environmental Protection, Northwest District, has issued an order.

On August 3, 2006, the Department received a petition for a 120.542, F.S., variance from Escambia County School District. Notice of receipt of this petition was published in the F.A.W. on September 1, 2006. The petition requested a variance for the Molino K-8 School wastewater treatment plant from the requirements in paragraph 62-610.521(6)(c), subsections 62-610.521(9), 62-610.523(4) and paragraph 62-610.525(1)(c), subsections 62-610.525(5), (6), (8), (11), (13), F.A.C. Specifically, the variance requested to reduce the requirements for rapid infiltration basins (RIB) setback distance, the cell bottoms drying after resting period, the total suspended solids 5.0 mg/L limit, filtration and chemical feed, meeting primary and secondary drinking water standards and sampling for Cryptosporidium and Giardia. No public comment was received. On May 2, 2008, the Department granted a variance to Escambia County School District in a final order, OGC File No.: 06-1829, File No: FLA303755-003DWF/VO. The final order granted a variance from the requirement for: (1) the 100 foot setback distance from the RIB to property line to 22.98 feet; (2) the RIBs to dry out during the 5-14 day resting period; (3) the reclaimed water to not contain more than 5.0mg/L of total suspended solids; (4) the filtration for Total suspended solids as well as the need for chemical feed facilities for

coagulants, coagulant aids, or polyelectrolytes; (5) the facility to be designed and operated to meet the primary and secondary drinking water standards; and (6) the facility to sample for Cryptosporidium and Giardia. This variance was granted because the petitioner demonstrated that a strict application of the rule would result in undue hardship to the School District or would affect them differently than other similarly situated applicants and because they had successfully fulfilled the requirements of the underlying statute.

A copy of the Order may be obtained by contacting: Jonathan May, Department of Environmental Protection, Northwest District, 160 Governmental Center, Pensacola, Florida 32502, jonathan.may@dep.state.fl.us, (850)595-8380.

NOTICE IS HEREBY GIVEN THAT on May 23, 2008, the the Department of Environmental Protection, Bureau of Beaches and Coastal Systems, received a petition for a variance or waiver pursuant to Section 120.542, F.S. and Rule 28-104, F.A.C. The petition requests a variance from or waiver of the requirements of subsections 62B-33.002(18), (63), F.A.C., which provides the definitions of "eligible structures" and "vulnerable" respectively, and from paragraph 62B-33.0051(1)(a), F.A.C., which states the conditions where armoring may be authorized. The petition was submitted by Charles W. Fleming, Jr., and John E. Fleming. The property is located 490 Blue Mountain Road, Santa Rosa Beach, Florida.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rosaline Beckham at (850)488-7815 or by e-mail: Rosaline.Beackham@dep.state.fl.us. Written comments must be received no later than 14 days from the date of publication of this notice.

DEPARTMENT OF HEALTH

The Board of Massage Therapy hereby gives notice that it has received a petition, filed May 30, 2008, by Kimberly A. Parker, LMT, seeking a waiver or variance of paragraph 64B7-28.009(3)(a), F.A.C., with respect to the 12 continuing education hours via live classroom instruction which includes hands-on instruction or demonstration.

Comments on this petition should be filed with the Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, within 14 days of publication of this notice.

For a copy of the petition, contact: Pamela King, Executive Director, at the above address or telephone (850)245-4161.

NOTICE IS HEREBY GIVEN THAT on May 28, 2008, the Board of Pharmacy, received a petition for Kanaklata Roy, seeking a variance or waiver of Rule 64B16-26.2031, Florida Administrative Code, which requires that no program of work

activity will be approved for any applicant until said applicant has been certified by FPGEE Foreign Pharmacy Graduate Examination Commission.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, (850)245-4292. Comments on the petition should be filed with the Board of Pharmacy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on May 19, 2008, the the Department of Health, received a petition for Waiver from subparagraph 64E-13.004(6)(a)1., Florida Administrative Code, from The Academy at Smart Start Tutoring, located at 1440 Reed Canal Rd., Suite 104, Port Orange, Florida. This rule requires schools to have toilet and handwashing facilities for preschool grades through grade three located within or adjoining their classrooms. Comments on this petition should be filed with Sam Power, Agency Clerk, Department of Health, Office of General Counsel, 4052 Bald Cypress Way, BIN A02, Tallahassee, Florida, 32399-1703, within 14 days of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Robin Eychaner, Bureau of Community Environmental Health, 4052 Bald Cypress Way, BIN A08, Tallahassee, Florida 32399-1710 or by calling (850)245-4277.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN THAT on May 27, 2008, the Department of Children and Family Services, received a petition for Waiver of Rule 65C-14.055, F.A.C., from St. Gerard Campus and Carolline Alice Wolff, assigned Case No. 08-008W. Rule 65C-14.055, F.A.C. relates to Job functions and staff qualifications.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Family Services, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

NOTICE IS HEREBY GIVEN THAT on May 13, 2008, the Department of Children and Family Services, received a petition for Waiver of subsection 65C-15.017(1), F. A. C., from Andrea Trolice, assigned Case No. 08-012W. Subsection 65C-15.017(1), F. A. C., states the “agency director of licensed child-placing agency staff possess either a master’s degree in social work or a related field plus four years of relevant experience, or a bachelor’s degree in social work or a related field plus four years of related experience.”

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Family Services, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN THAT on June 2, 2008, the Florida Housing Finance Corporation, received a petition for Waiver of subsection 67-58.020(6), Florida Administrative Code, from Highlands County Board of County Commissioners (“Petition”). The Petition is seeking a waiver of the extension fee of one (1) percent required by the rule.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. The Petition has also been posted on Florida Housing’s website at www.floridahousing.org. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Friends of Mission San Luis, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 2, 2008, 12:00 Noon
PLACE: Mission San Luis, Archaeology Lab, 2021 Mission Road, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business to be discussed will include fundraising and endowment activities, upcoming special events and other board business.

A copy of the agenda may be obtained by contacting: Ms. Nicole Belanger at (850)487-1666.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).