

SUMMARY OF THE RULE: This emergency rule replaces Rule 53ER03-36, F.A.C., and sets forth the procedures that the Florida Lottery shall apply to reductions in workforce, changes in organization and other changes in business operations.

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:

53ER06-42 Reductions in Workforce, Changes in Organization, and Other Changes in Business Operations.

(1) Reductions in Workforce shall be conducted as follows:

(a) Positions Represented for Collective Bargaining – represented positions shall be identified for reduction in accordance with an Agreement to be negotiated by the Lottery and the collective bargaining representative (“Agreement”). A waiver of bargaining rights by the bargaining representative will cause the identification of positions for reduction to be processed under paragraph (1)(b).

(b) Positions Not Represented for Collective Bargaining – positions that are not represented for collective bargaining shall be identified for reduction solely by the Lottery.

(c) Benefits, if any, to be provided to employees in represented positions will be determined by Agreement between the Lottery and the collective bargaining representative. A waiver of bargaining rights by the bargaining representative will cause the Lottery to solely determine the benefits to be provided, if any. The Lottery shall provide the benefits as determined in the Agreement or, in the event of a waiver of bargaining rights, as determined by the Lottery, to both collective bargaining unit employees and non-collective bargaining unit employees. The Lottery reserves the right to provide additional benefits not specifically addressed in the Agreement.

(2) When an organizational change or other change in Lottery business operations results in the incumbent of an established position being separated from employment, the Lottery is authorized to provide separation benefits to the adversely affected employee in the same manner as provided in paragraph (1)(c).

Specific Authority 24.105(19)(d), 24.109(1) FS. Law Implemented 24.105(19)(d) FS. History–New 7-25-06, Replaces 53ER03-36, F.A.C.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: July 25, 2006

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**Section V  
Petitions and Dispositions Regarding Rule  
Variance or Waiver**

**DEPARTMENT OF LAW ENFORCEMENT**

Notice is hereby given that the Officer Professionalism Program, Florida Department of Law Enforcement has received from the Monroe County Sheriff’s Office on July 24, 2006, a petition for Waiver of subsection 11B-27.00212(15), F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department waive the requirement that a firing range accommodate shooting from 15 yards. Petitioner has petitioned that the CJSTC waive the rule and allow for shooting reduced targets at shorter distances inside a shooting trailer.

Comments on this Petition should be filed with the: Office of General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, Attention: Assistant General Counsel, Grace A. Jaye.

A copy of the Petition may be obtained by contacting: Assistant General Counsel, Grace A. Jaye, at the above address, or by calling (850)410-7676.

**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 July 21, 2006, South Florida Water Management District (District) received a petition for waiver from Collier County Board of County Commissioners, Application Number 06-0524-3M for issuance of a Modification to Right of Way Occupancy Permit Number 12402 for utilization of Works or Lands of the District known as the Airport Road Canal, Collier County, to allow the proposed installation of a free-span 36" water main crossing the Airport Road Canal west of the Golden Gate Parkway (C.R. 886) culvert bridge in Sections 25 and 26, Township 49 South, Range 25 East. The petition seeks relief from paragraph 40E-6.221(2)(j), Fla. Admin. Code, which governs the

minimum vertical clearance requirement of 8' above the Design Water Surface Elevation of pile-supported utility crossings bridges within Works or Lands of the District.

A copy of the petition may be obtained from: Kathie Ruff, (561)682-6320 or e-mail at [kruff@sfwmd.gov](mailto:kruff@sfwmd.gov). The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn.: Kathie Ruff, Office of Counsel.

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NOTICE IS HEREBY GIVEN that on July 24, 2006, South Florida Water Management District (District) received a petition for waiver from Collier County Board of County Commissioners, Application Number 06-0227-2 for issuance of a Right of Way Occupancy Permit for utilization of Works or Lands of the District known as the Golden Gate Main Canal, Collier County, to allow the proposed widening of the existing pile-supported Santa Barbara Boulevard Bridge crossing the Golden Gate Main Canal located approximately 2 miles west of the County Road 951 Bridge in Sections 28 and 29, Township 49 South, Range 26 East. The petition seeks relief from paragraph 40E-6.221(2)(j), Fla. Admin. Code, which governs the minimum vertical clearance requirement of 4' above the Design Water Surface Elevation of pile-supported vehicular bridges within Works or Lands of the District.

A copy of the petition may be obtained from: Kathie Ruff, (561)682-6320 or e-mail at [kruff@sfwmd.gov](mailto:kruff@sfwmd.gov). The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the: South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406. Attn.: Kathie Ruff, Office of Counsel.

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#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that on July 3, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.0101(1), and 61C-4.010(6), Florida Administrative Code, from Eduardo Herrera Catering located in Orlando. 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.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants 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.

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NOTICE IS HEREBY GIVEN that on July 18, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.0101(1), and 61C-4.010(6), Florida Administrative Code, from Milene's Catering located in Orlando. 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.

A copy of the Petition can be obtained from:

Xenia Bailey  
Division of Hotels and Restaurants  
1940 North Monroe Street  
Tallahassee, Florida 32399-1013

The Division of Hotels and Restaurants 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.

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NOTICE IS HEREBY GIVEN that on July 12, 2006, the Division of Hotels and Restaurants received a Petition for Emergency Variance for paragraph 61C-1.004(2)(a), Florida Administrative Code, from Angel and Frog Catering located in West Palm Beach. The above F.A.C. states that public access to toilet facilities shall not be permitted through food preparation, storage, or warewashing areas. They are requesting a variance to not add an additional bathroom facility for customer access, instead use an adjacent establishment's bathroom facility.

A copy of the Petition can be obtained from:

Xenia Bailey  
Division of Hotels and Restaurants  
1940 North Monroe Street  
Tallahassee, Florida 32399-1013

The Division of Hotels and Restaurants 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.

**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."

**DEPARTMENT OF HEALTH**

The Board of Clinical Social Work, Marriage And Family Therapy And Mental Health Counseling hereby gives notice of the issuance of an Order regarding the Petition for Variance for Barry Blood, Mental Health Counselor Applicant. The Notice of Petition for Variance was published in Vol. 32, No. 24, of the June 16, 2006, F.A.W. The Board considered the Petition at a duly-noticed public meeting, via telephone conference, call held on June 20, 2006.

The Board's Order, filed on July 7, 2006, denies the Petition for Variance or Waiver, finding that Petitioner was in substantial compliance with Section 120.542, F.S., and Chapter 28-104, F.A.C. The Board determined that Petitioner did not demonstrate that application of paragraph 64B4-3.003(3)(b), F.A.C., would present a substantial hardship to the Petitioner or that the application of that rule violates the principles of fairness with regard to Petitioner. The Board determined that a waiver of the rule would not serve the purposes of the underlying statute.

A copy of the Board's Order may be obtained by contacting: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage And Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

The Board of Clinical Social Work, Marriage And Family Therapy And Mental Health Counseling hereby gives notice of the issuance of an Order regarding the Petition for Variance for Julio Sterling, Mental Health Counselor Applicant. The Notice of Petition for Variance was published in Vol. 32, No. 24, of the June 16, 2006, F.A.W. The Board considered the Petition at a duly-noticed public meeting, via telephone conference, call held on June 20, 2006.

The Board's Order, filed on July 7, 2006, denies the Petition for Variance or Waiver, finding that Petitioner was in substantial compliance with Section 120.542, F.S., and Chapter 28-104, F.A.C. The Board determined that Petitioner did not demonstrate that application of paragraph 64B4-3.003(3)(b), F.A.C., would present a substantial hardship to the Petitioner or that the application of that rule violates the principles of fairness with regard to Petitioner. The Board determined that a waiver of the rule would not serve the purposes of the underlying statute.

A copy of the Board's Order may be obtained by contacting: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage And Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

## Section VI Notices of Meetings, Workshops and Public Hearings

**DEPARTMENT OF STATE**

The **Department of State** announces a public meeting of the Florida State Historical Records Advisory Board which all interested persons are invited.

DATE AND TIME: August 24, 2006, 9:00 a.m. – 10:00 a.m.

PLACE: State Records Center, 4319 Shelfer Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The State Historical Records Advisory Board will discuss any updates to the Boards Re-grant Program, Status of the National Historical Publications and Records Commission (NHPRC) funding, and the Board's Long Range Strategic Plan.

For further information contact: Mr. Jim Berberich, Coordinator, Florida State Historical Records Advisory Board, Department of State, State Library and Archives of Florida, R. A. Gray Building, Tallahassee, Florida 32399-0250, (850)245-6750, Suncom 205-6750.

Pursuant to Section 286.26, Florida Statutes, any persons requiring special accommodations due to a disability or physical impairment should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

The **Department of State, Division of Cultural Affairs**, announces grant panel meetings, to which all persons are invited. This meeting is subject to cancellation or change, please call to confirm the meeting date and time.

DATE AND TIME: August 10, 2006, 10:00 a.m. – Conclusion

PLACE: Via conference call. R. A. Gray Building, Room 307, 500 South Bronough Street, Tallahassee, Florida 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: Panel to review: East Coast Zoological Society of Florida, Inc. d/b/a Brevard Zoo Grant Application #07-7013.

For more information, please contact: Sarah Stage or D. Scott Moore, Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, 500 South Bronough Street, Tallahassee, Florida 32399, (850)245-6470, or (850)245-6356.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure a verbatim recording of the proceedings in order to provide a record for judicial review.