

(10) The estimated overall odds of winning some prize in Instant Game Number 689 are 1 in 4.22. 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.

(11) For reorders of Instant Game Number 689, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

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

(13) Payment of prizes for TRIPLE GOLD 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 3-30-07.

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

EFFECTIVE DATE: March 30, 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."

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

**DEPARTMENT OF LAW ENFORCEMENT**

NOTICE IS HEREBY GIVEN that on March 5, 2007, the Florida Department of Law Enforcement, Officer Professionalism Program, has received from Florida Keys Community College on March 5, 2007, a petition for Waiver of Rule 11B-18.0053, F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department waive repayment for equipment erroneously purchased with trust fund moneys.

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)410-7687.

The Department of Law Enforcement, Criminal Justice Standards and Training has taken action at its February 2, 2007, meeting on a petition for waiver received from Palm Beach Community College on January 19, 2007. Notice of receipt of this petition was published in the Florida Administrative Weekly, Vol. 33, No. 6, February 9, 2007. No public comment was received. Petitioner requested a waiver of Rule 11B-20.0017, F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department waive certain requirements concerning mandatory retraining and demonstration of proficiencies for instructor certifications for seven instructors.

On February 2, 2007, the Criminal Justice Standards and Training Commission granted a waiver of this rule to Palm Beach Community College, in a final order, OGC File No.: VAR 07-5. This rule waiver was granted because the petitioner demonstrated that a strict application of the rule would result in undue hardship to it or would affect it differently than other similarly situated applicants and because it could successfully fulfill the requirements of Section 943.14, F.S., by other means.

For a copy of the final order write or call: Grace A. Jaye, Florida Department of Law Enforcement, Box 1489, Tallahassee, FL 32302-1489, Telephone (850)410-7687.

NOTICE IS HEREBY GIVEN that on March 30, 2007, the Florida Department of Law Enforcement, Officer Professionalism Program, has received from Chipola Community College on March 30, 2007, a petition for Waiver of Rule 11B-35.001, F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department waive rules regulating the certification of instructors for one instructor who met all of the requirements to be a certified instructor, but whose information was never sent in by Petitioner to be processed by Commission staff.

Comments on this Petition should be filed with: 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.

**DEPARTMENT OF TRANSPORTATION**

NOTICE IS HEREBY GIVEN that the Florida Department of Transportation received a Petition for a Waiver or Variance from Montgomery Ventures, Inc. February 21, 2007, seeking a Waiver or Variance from the provisions of paragraph

14-10.007(6)(b), F.A.C., establishes that a nonconforming sign is abandoned if it fails to display advertising copy for 12 months or longer. Montgomery Ventures, Inc. proposes that the Department grant a Waiver or Variance and allow its nonconforming sign to remain along I-75 in southernmost Alachua County despite its failure to display advertising copy from October 2004, to July 2006. Comments on this proposed Waiver or Variance should be filed with the Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, M.S. 58, Tallahassee, Florida 32399-0458, within 14 days of the publication of this notice.

A copy of the Petition for Waiver or Variance may be obtained from the Clerk of Agency Proceedings. For additional information, contact Susan Schwartz, Assistant General Counsel, at (850)414-5265.

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### **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."

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### **WATER MANAGEMENT DISTRICTS**

NOTICE IS HEREBY GIVEN that on March 27, 2007, South Florida Water Management District (District) received a petition for waiver from Clinton R. Ritter, Application No. 06-1025-2, for utilization of Works or Lands of the District known as the L-47 Canal, Okeechobee County, for an existing pile-supported boat dock with pier and roof to remain within the L-47 right of way, Section 5, Township 38S, Range 36E. The petition seeks relief from paragraph 40E-6.221(2)(j), Fla. Admin. Code, which governs the placement of irrigation pumps within the District's rights of way and the minimum required low member elevations of pile-supported docking facilities within Works or Lands of the District.

A copy of the petition may be obtained from Kathie Ruff at (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: South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Katie Ruff, Office of Counsel.

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NOTICE IS HEREBY GIVEN that on March 29, 2007, South Florida Water Management District (District) received a petition for waiver from Alfred J. Kennedy, Application No. 07-0329-1 for issuance of a Right of Way Occupancy Permit for utilization of Works or Lands of the District known as the L-28, Miami-Dade County, to allow utilization of the District's L-28 right of way for temporary vehicular access to

privately-owned land lying in multiple Sections through Township 54, 53, 52S, Range 35E. The petition seeks relief from subsection 40E-6.221(9), Fla. Admin. Code, which governs the requirement that, except for both private and public utilities, an applicant must own or lease the land lying adjacent to the District Work within Works or Lands of the District.

A copy of the petition may be obtained from Kathie Ruff at (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: South Florida Water Management District, 3301 Gun Club Road, MSC 1413, West Palm Beach, FL 33406, Attn: Kathie Ruff, Office of Counsel.

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### **AGENCY FOR HEALTH CARE ADMINISTRATION**

The Agency for Health Care Administration, Health Quality Assurance HEREBY GIVES NOTICE that it issued a Final Order Partially Granting and Otherwise Denying OMI Petition for Variance from Rule 59A-33.013, F.A.C., on April 2, 2007, in response to a petition filed on January 23, 2007, and advertised in the FAW, Vol. 33, No. 5 on February 2, 2007. The order extends from 200 (Rule 59A-33.013 standard) to 400 miles the distance between clinics that a medical or clinic director may supervise OMI of Orange Park, Inc., and OMI of Jacksonville, Inc., and adds certain compliance conditions, including a time limitation of the variance. The requests of the remaining 20 clinics for the same variance were denied, however, the Orange Park and the Jacksonville facilities may use the same medical or clinic director of any of the 22 petitioners because all are within 400 miles of each other. The petitioners are Open Magnetic Imaging, Inc., OMI of Aventura, Inc., OMI of Aventura II, Inc., OMI CT of Aventura, Inc., OMI of Miami Lakes, Inc., OMI CT of Miami Lakes, Inc., OMI of Coral Gables, Inc., OMI of Kendall, Inc., Open Magnetic Imaging of Coral Springs, Ltd., Open Magnetic Imaging of Plantation, Ltd., OMI of Plantation, Inc., OMI CT of Plantation, Inc., OMI of Ft. Lauderdale, Inc., OMI CT of Ft. Lauderdale, Inc., Open Magnetic Imaging of Pembroke Pines, Ltd., OMI of Jupiter, Inc., OMI of Palm Beach, Inc., OMI of Wellington, Inc., OMI of Boynton Beach, Inc., OMI of West Boca, Ltd., OMI of Jacksonville, Inc. and OMI of Orange Park, Inc.

A copy of the Order may be obtained by contacting: Gail Priest, Health Care Clinic Unit, 2727 Mahan Drive, Mail Stop #53, Tallahassee, Florida 32308, (850)488-1365.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that on March 28, 2007, 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 Codes from Chris Catering Service located in Palmetto. 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 two Mobile Food Dispensing Vehicles.

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.

NOTICE IS HEREBY GIVEN that on March 26, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code from Chick-fil-A located in Altamonte Springs. 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 facility for patrons and they are requesting a variance to have a seating capacity of 24.

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.

NOTICE IS HEREBY GIVEN that on March 28, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsections 61C-4.0101(1) and 61C-4.010(6), Florida Administrative Codes from Suzy Riggs Catering located in Clearwater. 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.

NOTICE IS HEREBY GIVEN that on March 12, 2007 the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code from the Old Pineapple Inn located in Melbourne. The above referenced F.A.C. states that all bathrooms shall be of easy and convenient access to both patrons and employees, and shall be located on the same floor of the premises served. They are requesting a variance to not have a bathroom facility on the first floor due to the historical significance of the building and the financial strain of further modification.

This variance request was approved March 27, 2007 and is contingent upon Petitioner notifying guests to the location of bathroom facility on the second floor by directional signage, hot and cold running water is to be provided at all times, operate in a clean and sanitary manner, provided with soap and an approved method to dry hands. Petitioner will have no more than ten seats in the establishment for dining, which includes any outside seating in the establishment. Handwashing procedures for employees are to be strictly adhered to as specified in the Federal Food and Drug Administration 2001 Food Code Section 2-301.14. 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.

NOTICE IS HEREBY GIVEN that on March 16, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsections 61C-4.0101(1) and 61C-4.010(6), Florida Administrative Codes from Emma Catering Service 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.

\This variance request was approved March 27, 2007, 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 paragraph 61C-4.0161(2)(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.

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NOTICE IS HEREBY GIVEN that on March 29, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from The Bean Stalk located in Sarasota. 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 facility for patrons and they are requesting a variance to have a seating capacity of 22.

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 April 2, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsections 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from Robert Breckinridge located in Clearwater. 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 March 23, 2007, the Board of Accountancy, received a petition for Donald M. McManus, seeking a variance or waiver of paragraph 61H1-33.003(2)(a), F.A.C., to allow the non-approved course that petitioner completed to count as continuing professional education in accounting and auditing.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607, or by telephone (352)333-2505.

Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

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NOTICE IS HEREBY GIVEN that on March 26, 2007, the Board of Accountancy, received a petition for Joseph A. Roth, seeking a variance from subsection 61H1-33.006(2), Florida Administrative Code, and the requirement that required continuing professional education hours have been completed in the 24 months immediately preceding the date of an application for reactivation.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607, or by telephone (352)333-2505.

Comments on this petition should be filed with the Board of Accountancy, within 14 days of publication of this notice.

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NOTICE IS HEREBY GIVEN that on March 14, 2007, the Florida Real Estate Appraisal Board, received a petition for Variance or Waiver filed on March 14, 2007 on behalf of Marvin Powers, Petitioner. Petitioner seeks a variance of subsection 61J1-4.001(1), F.A.C., entitled "Education Requirements" and subsections 61J1-5.001(1), (2) and (3), F.A.C., entitled "Appraisal examination areas of competency."

Specifically, the Petitioner requests, for reasons stated in the petition, that the Board waive or grant a variance of the requirements under Rules 61J1-4.001 and 61J1-5.001, F.A.C., of the license courses and state exam for the Real Estate Appraiser's license.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Thomas O'Bryant, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801.

**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**

NOTICE IS HEREBY GIVEN that on February 22, 2007, the Board of Acupuncture, received a petition for waiver or variance of Rule 64B1-4.001, Florida Administrative Code, from Cathy Lyn Goldstein allowing her to waive the requirement of the rule that the applicant must have completed at least 900 hours of supervised instruction in traditional oriental acupuncture and at least 600 hours of supervised clinical experience and to provide proof in the form of official transcripts from the institution(s) where the applicant completed his/her program.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Pamela King, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-0750.

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

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
- Financial Services Commission
- Department of Veterans' Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement
- Department of Revenue
- Department of Education
- Administration Commission
- Florida Land and Water Adjudicatory Commission
- Board of Trustees of the Internal Improvement Trust Fund
- Department of Environmental Protection

DATE AND TIME: May 1, 2007, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to, matters relating to rulemaking for all activities concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and for all activities relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental