

(c) Permit renewals shall be based upon satisfactory compliance with the conditions of the existing permit, receipt of all reports for authorized activities, compliance with the Marine Turtle Conservation Guidelines for authorized activities, the need for a specific activity, and response to Commission staff upon request for information related to authorized activities.

Specific Authority 370.10(2), 370.12(1) FS. Law Implemented 370.10(2) 370.12(1) FS. History--New _____.

68E-1.0041 Authorizations for Marine Turtle Research, Conservation, and Educational Activities.

(1) Activities that require a conservation permit include, but are not limited to, any actions associated with a living or stranded marine turtle, its nest, or hatchlings such as:

(a) Any research or conservation activities; or

(b) Any educational activities, including, but not limited to, educational displays or public awareness walks.

(c) Hatcheries shall not be approved unless authorized in an incidental take authorization from the U.S. Fish and Wildlife Service.

(2) Activities involving use of any dead marine turtle or parts thereof shall be authorized by a loan agreement. Authorization For Loan of Marine Turtle Specimens (FWC Form ST-LA effective 5/07) is hereby incorporated by reference.

(3) The following activities shall be authorized by a consent permit:

(a) Transfer of marine turtles, or parts thereof, to or from permit holders into or out of the state of Florida;

(b) Limited consumptive use of marine turtle parts for research;

(c) One-time events or minor activities that are not of a sufficient magnitude to require a conservation permit or a modification to an existing conservation permit;

(d) Actions undertaken in response to an emergency officially designated by the appropriate officials of the state of Florida; or

(e) Actions that are a result of short term collaboration with Commission staff, such as directed research or management activities.

Specific Authority 370.10(2), 370.12(1) FS. Law Implemented 370.10(2) 370.12 (1) FS. History--New _____.

(Substantial rewording of Rule 68E-1.005 follows. See Florida Administrative Code for present text.)

68E-1.005 Suspensions and Revocation.

(1) Non-compliance with permits issued under the provisions of this Chapter is subject to the following actions:

(a) Failure to fulfill reporting requirements or respond to other information requests shall constitute a minor violation of this rule. Such a violation shall cause the Commission to issue

a notice of noncompliance to the permittee, and issuance of subsequent year permits shall not proceed until the permittee fulfills all such requirements.

(b) Permittee shall be subject to permit suspension or revocation by the Commission if it finds that the permit holder has violated this Chapter, Chapter 370, F.S., Titles 68 or 46, F.A.C., state or federal wildlife protection acts or codes, submitted false information in the application, has deviated significantly from the approved activity, or has violated conditions under which the permit was originally issued.

(2) Permits issued under this Chapter are subject to the provisions of Rule 68A-5.004, F.A.C.

Specific Authority 370.10(2), 370.12(1) FS. Law Implemented 370.10(2) 370.12 (1) FS. History--New _____.

Section IV Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF THE LOTTERY

RULE NO.:

RULE TITLE:

53ER07-58

\$100,000 Hold 'Em Poker™ "Win A Seat" Second Chance Drawing

SUMMARY OF THE RULE: The Department of the Lottery will conduct a Hold 'Em Poker "Win A Seat" Second Chance Drawing between October 1, 2007 and December 2, 2007, in which special prizes will be awarded.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER07-58 \$100,000 Hold 'Em Poker™ "Win A Seat" Second Chance Drawing.

(1) Beginning Monday, October 1, 2007 through Sunday, December 2, 2007, players can enter their non-winning \$100,000 Hold 'Em Poker™ ticket(s) in the "Win a Seat" Second Chance Drawing on the Florida Lottery Web site to win World Poker Tour® prizes.

(2) The "Win a Seat" Second Chance Drawing will be held on December 5, 2007. A total of 10 prizes will be awarded: one Grand Prize of a World Poker Tour – Tournament prize package with entry into a World Poker Tour Tournament and

nine second prizes of World Poker Tour merchandise prize packs. The winner of the Grand Prize must select a World Poker Tour Tournament that is held within one year of accepting the prize.

The World Poker Tour – Tournament prize package, valued at approximately \$15,000, includes: entry into a World Poker Tour Tournament with a maximum buy in of \$10,000; round trip coach airfare to tournament location for two (2); hotel accommodations at tournament location (one room, double occupancy for six nights/seven days); one thousand dollars (\$1,000) spending money; two (2) tickets to tournament finals (one ticket if the winner advances to the final round); two (2) merchandise prize packs.

The second prizes of official World Poker Tour merchandise prize packs, valued at \$560, include: quad folding poker game table top; 300 chip set with dealer button; sunglasses; set of eight tumblers; baseball cap; pair of watches.

(3) To enter a non-winning ticket into the “Win a Seat” Second Chance Drawing, players must visit the Florida Lottery’s Web site at www.flalottery.com, click on the “Win a Seat” Second Chance Drawing icon and follow the directions to input their non-winning ticket number(s). The ticket number is a 22-digit number printed across the bottom on the front of a \$100,000 Hold ‘Em Poker ticket. The odds of winning are dependent upon the number of entries received. Players may enter as many times as they wish during the contest period. However, each valid ticket number may only be used one time, for one entry into the drawing. Winning \$100,000 Hold ‘Em Poker tickets cannot be used for entry into a Second Chance drawing.

(4) A computerized drawing will be held on December 5, 2007, from all entries received by 12:00 midnight (ET), Sunday, December 2, 2007. A total of twenty entries will be drawn. The first valid entry drawn will win the Grand Prize of a World Poker Tour Tournament prize package, and the second through tenth valid entries drawn will win a second prize of World Poker Tour merchandise prize packs. The second through tenth valid entries will be used, in the order in which they were drawn, to select an alternate grand prize winner in the event the grand prize cannot be awarded to the first entry drawn. The eleventh through twentieth entries drawn will be alternates for the second prizes and, if necessary, will be substituted for disqualified entries in the order that the entries are disqualified.

The Florida Lottery will attempt to notify prize winners by telephone, certified mail or e-mail no later than one week after the winners are drawn. If the Florida Lottery is unable to contact the grand prize winner within three weeks of the date of the drawing, the winner will forfeit his or her right to claim the prize and the Florida Lottery will award the prize to an alternate winner as described above. If the Florida Lottery is unable to contact the alternate winner within three weeks of forfeiture by the initial winner, the alternate winner will forfeit

his or her right to claim the prize and the Florida Lottery will award the prize to a second alternate winner. This process will continue until an alternate is contacted or the Florida Lottery has exhausted the list of available alternates, in which case the grand prize will not be awarded. The process to select alternate second prize winners will commence upon completion of the process to select the grand prize winner.

(5) All entries are subject to validation by the Florida Lottery and may be disqualified if eligibility requirements are not met. To claim a “Win a Seat” Second Chance Drawing prize, the player must submit to the Lottery the original valid non-winning ticket bearing the entry number selected in the drawing. Without such ticket, the player will forfeit his or her right to claim a prize. Winners must submit the valid entry ticket along with a completed Winner Claim Form to the Florida Lottery no later than three (3) weeks from the winner’s receipt of the forms. The grand prize winner must also submit an Acceptance and Release form and an Internal Revenue Service form W-9. Winners who cannot produce a valid entry ticket and/or do not return their Winner Claim Form as set forth above will forfeit their right to claim the prize. The Winner Claim Form DOL 173-2, revised 9/05, Spanish Winner Claim Form DOL 173-2S, revised 9/05, and the Acceptance and Release form DOL-471, effective 9/07, are incorporated herein by reference and may be obtained at any Lottery office or retailer, from the Florida Lottery’s website at www.flalottery.com, or by writing the Florida Lottery, Public Information, 250 Marriott Drive, Tallahassee, Florida 32399-4016. The Internal Revenue Service Form W-9, *Request for Taxpayer Identification Number and Certification*, revised 11/05, is incorporated herein by reference and may be obtained at any Lottery office, from the Florida Lottery’s website at www.flalottery.com, by writing the Florida Lottery, Public Information, 250 Marriott Drive, Tallahassee, Florida 32399-4016, or from the Internal Revenue Service.

The winner of the World Poker Tour Tournament prize package will be provided instructions for making airline and hotel reservations. Reservations must be made at least 30 days prior to the tournament. Winners of World Poker Tour merchandise prize packs will receive their prizes within two weeks of receipt by the Lottery of all required documentation.

(6) Federal income tax withholding for the value of the World Poker Tour Tournament prize package will be paid by the Florida Lottery. Any additional federal, state and/or local taxes or other fees are the responsibility of the winner.

(7) A cash option of \$15,000 is available to the winner in lieu of the World Poker Tour Tournament prize package. Federal income tax withholding will be deducted from the cash prize.

(8) The right to claim a prize cannot be assigned to another person or entity. The winner may designate another person who is at least 18 years of age to receive the Tournament prize package provided such designation is made at the time of

executing the Acceptance and Release Form. In such case, the value of the Tournament prize package will remain taxable income to the winner.

(9) All prizes are subject to the provisions of Chapter 24, F.S., and rules promulgated thereunder, including the official "Win a Seat" Second Chance Drawing rule. Prizes will be paid in accordance with the rules of the Florida Lottery governing payment of prizes. Copies of the current prize payment rules and the "Win a Seat" Second Chance Drawing rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(10) Players must be at least 18 years of age. Persons prohibited by Section 24.116, F.S., from purchasing a Florida Lottery ticket are not eligible to play.

(11) A player entering into the Hold 'Em Poker™ "Win A Seat" Second Chance Drawing is deemed to have granted permission for the Florida Lottery to photograph and/or videotape and record the prizewinner with or without prior notification and to use the name, photograph, videotape, and/or recording of the prizewinner for advertising or publicity purposes without additional compensation.

(12) The "Win a Seat" Second Chance Drawing shall be public, held in Tallahassee, Florida, and witnessed by an accountant employed by an independent certified public accounting firm. The results of the drawing will be available after the drawing on the Florida Lottery's Website at flalottery.com, by phone at (850)487-7777, or at a Lottery retailer.

(13) If the winner of the World Poker Tour Tournament prize package is identified as owing an outstanding debt to a state agency or child support collected through a court, the debt will be collected in lieu of award of the prize. If the debt of the World Poker Tour Tournament prize package winner is an amount less than the cash option value of \$15,000, the winner shall receive any excess cash value once applicable Federal Withholding Tax has been deducted and the debt has been satisfied. If the debt is an amount greater than \$15,000, the entire cash value of the prize remaining after deduction of applicable Federal Withholding Tax will be applied toward the outstanding debt as provided in Section 24.115, F.S.

Specific Authority 24.105(9), 24.109(1) FS, Law Implemented 24.105(9), 24.115(1) FS. History--New 9-28-07.

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

EFFECTIVE DATE: September 28, 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 COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT on September 24, 2007, the Department of Community Affairs, received a petition for waiver from the Town of Welaka. The petitioner seeks a waiver of certain portions of the Program Application Manual, which is incorporated by reference in Rule 9B-43.0041, Florida Administration Code. The Town is requesting a waiver of those sections of the Program Application Manual which require:

- (1) That the local government provide documentation that it committed the local leverage funds to the project no later than the application deadline date; and
- (2) That only the local leverage funds which have been identified in the Petitioner's application can be considered in the scoring of eligible leverage for the project.

The petition for waiver is being applied for under Section 120.542, F.S.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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WATER MANAGEMENT DISTRICTS

NOTICE OF WITHDRAWAL

NOTICE IS HEREBY GIVEN THAT on October 2, 2007, South Florida Water Management District (District) received a request for Withdrawal of Petition for Waiver from Michael Lurie, Application No. 07-0510-1M for utilization of Works or Lands of the District known as the C-23, Martin County. Notice of receipt of petition requesting waiver was published in the F.A.W., Vol., 33, No. 22, on June 1, 2007. No public comment was received.