

(3) Retailers whose Florida Lottery contracts are terminated or inactivated prior to the bonus commission award shall be paid the bonus commission provided the termination or inactivation was not due to non-compliance with Florida Lottery laws, rules or contract terms.

(4) A bonus commission will be considered compensation to the retailer for Internal Revenue Service purposes. The Florida Lottery reserves the right to apply the bonus commission earned against a retailer's outstanding debt to the Florida Lottery.

Specific Authority 24.105(9), 24.109(1), 24.112(1) FS. Law Implemented 24.105(9), 24.112(1) FS. History--New 1-18-08.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.
EFFECTIVE DATE: January 18, 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 LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN THAT on January 16, 2008, the Criminal Justice Standards and Training Commission, received a petition for Waiver of subsection 11B-27.002(4), F.A.C., from Benjamin Kirkpatrick. Petitioner wishes to waive the rule requiring a candidate to pass basic recruit training, pass the State Officer Certification Examination, and obtain employment within four years of beginning basic recruit training.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302-1489, or by telephoning (850)410-7687. Comments on the Petition should also be directed to this address or telephone number.

NOTICE IS HEREBY GIVEN THAT on January 16, 2008, the Criminal Justice Standards and Training Commission, received a petition for waiver of subsection 11B-27.002(4), F.A.C., from Jessica Suschana. Petitioner wishes to waive that portion of the rule requiring an applicant to complete basic recruit training, pass the State Officer Certification Examination, and obtain employment within four years of completing basic recruit

training, because Petitioner began basic recruit training prior to the effective date of the new rule requiring employment within four years of beginning basic recruit training.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302-1489, or telephoning (850)410-7676. Comments on the petition may be directed to this address or telephone number as well.

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

The South Florida Water Management District, SFWMD hereby give notice that the Petition for Waiver filed by Carl F. Schoeppl, on October 25, 2004, seeking a waiver from subsections 40E-6.011(4) and (6), Florida Administrative Code, has been withdrawn. The Notice was published in Vol. 30, No. 46, of the November 12, 2004, F.A.W.

The person to be contacted with regard to this notice is: Juli Triola, SFWMD, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, (561)682-6268 or by e-mail at jtriola@sfwmd.gov.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on January 15, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Original Maryland Fried Chicken located in Mount Dora. 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 thirty-four (34).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on January 15, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsections 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from Sabor Latino 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 for Variance or Waiver may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on January 15, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Slices Drive Thru located in Fort Pierce. 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 share bathroom facilities with an adjacent establishment.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on January 15, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Sushi Club located in Miami Beach. 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 thirty (30).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on November 30, 2007, the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, has issued an order.

The Final Order was in response to a Petition for Variance and/or Waiver from NCR Corporation, Petitioner, filed October 16, 2007, and advertised in the issue Vol. 33, No. 44, F.A.W.

The Final Order advises that the department will not waive the requirement for licensure but hereby grants a specific variance to the Petitioner for application and licensure under the circumstances of the instant case with conditions. The Petitioner, upon availing itself of this specific variance, thereby agrees to subject its entire corporate entity to the regulatory requirements and mandates of Chapter 551, Florida Statutes, and applicable rules. This provision of the variance specifically instructs that any disciplinary action taken as to the Petitioner's

Field Operations Director conduct or actions shall be applied to the Petitioner's corporate record of performance within this state as it relates to slot machine gaming licensure.

A copy of the Order may be obtained by contacting: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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 January 16, 2008, the Department of Environmental Protection has issued an order.

The order is for the Adventus Americas, Inc., variance petition (OGC File No. 07-1825), received on October 8, 2007. The petition requested a variance from the zone of discharge (ZOD) prohibition for discharges through wells under subsection 62-522.300(3), F.A.C., for the use of RemOx® EC Stabilization Reagent to cleanup organic wood preservative contamination at the Koppers superfund site in Gainesville, Florida. Specifically, the variance requested a ZOD for antimony, arsenic, chromium, mercury, beryllium, cadmium, lead, thallium, and selenium within a 150-foot radius from the point of discharge for a duration of 365 days. Notice of receipt of this petition was published in the F.A.W., on November 9, 2007. No public comment was received. The final order granted a variance from the ZOD prohibition because the petitioner demonstrated a substantial hardship, and that the purposes of the underlying statutes would be met with the conditions imposed by the Department. The conditions require that the use of this product must be through a Department-approved remedial action plan, or other Department-enforceable document, and that such approval shall not be solely by a delegated program; that the discharge must be through a Class V, Group 4 underground injection control well which meets all applicable requirements of Chapter 62-528, F.A.C.; that the extent of the ZOD for antimony, arsenic, chromium, mercury, beryllium, cadmium, lead, thallium, and selenium shall be a 150-foot radius from the point of injection and the duration of the zone of discharge shall be one year; that the injection of the product shall be at such a rate and volume that no undesirable migration occurs of the product, its by-products, or the contaminants already present in the aquifer; that the Department-approved remedial action plan shall address appropriate ground water monitoring requirements associated with the use of the in-situ chemical oxidation using RemOx® EC for remediation based on site-specific hydrogeology and conditions; that the sodium permanganate which is used in the RemOx® EC shall be

derived from manganese ore; and that this final order only grants approval of RemOx® EC for use at the Koppers Superfund Site in Gainesville, Florida.

A copy of the Order may be obtained by contacting: Cathy McCarty, Department of Environmental Protection, Underground Injection Control Program, MS 3530, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8654.

NOTICE IS HEREBY GIVEN THAT on January 17, 2008, the Florida Department of Environmental Protection has issued an order.

Florida Department of Environmental Protection gives notice of its intent to issue an environmental resource permit (File No. 0183480-002-EI) to U.S. Army Corps of Engineers (USACE), P. O. Box 4970, Jacksonville, Florida 32232-0019. The project is to perform a single maintenance dredging event of the main entrance (federal navigation) channel and turning basins of Port Manatee with disposal into the existing, upland Confined Disposal Facility (CDF).

Additionally, the Department of Environmental Protection gives notice of its intent to grant a variance (File No. 0183480-005-EV) under Sections 403.201 and 373.414(17) of the Florida Statutes (F.S.), from the provisions of paragraph 62-4.244(5)(c), Florida Administrative Code, to USACE to establish a temporary mixing zone for turbidity greater than 150 meters within an area of Class III Waters located within a tidally influenced stormwater conveyance that discharges into Tampa Bay.

The project site is located southeast Tampa Bay, Class III and Class II Waters, prohibited for shellfish harvesting, at the junction of the Tampa Bay Channel and Port Manatee Channel in Hillsborough County, and immediately south of the Hillsborough County line in Manatee County, Sections 1 and 12, Township 33 South, Range 17 East. The project is not within Outstanding Florida Waters, but is adjacent to the Terra Ceia Aquatic Preserve, Cockroach Bay Aquatic Preserve and the Cockroach Bay State Buffer Preserve, each of which are Outstanding Florida Waters.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a modification of the permit or even a denial of the application. Under subsection 62-110.106(4), Florida Administrative Code, a person whose substantial interests are affected by the Department's action may also request an extension of time to

file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention will be only at the discretion of the presiding judge upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with subparagraph 62-110.106(3)(a)(1), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes that the petitioner contends

require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c), (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This intent to issue constitutes an order of the Department. The applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

The application is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the DEP, Bureau of Beaches and Coastal Systems, 5050 West Tennessee Street, Building B, Tallahassee, Florida 32304-9201. The "NOTICE OF INTENT TO ISSUE ENVIRONMENTAL RESOURCE PERMIT" and the "DRAFT ENVIRONMENTAL RESOURCE PERMIT" can be viewed at the Department's Internet Web site at: www.dep.state.fl.us/beaches/permitting/permits.htm.

A copy of the Order may be obtained by contacting: Matthew Mask at (850)414-7731 or Matthew.Mask@dep.state.fl.us.

DEPARTMENT OF HEALTH

AMENDED NOTICE OF DISPOSITION

The Board of Clinical Laboratory Personnel ("the Board") hereby gives amended notice that it rendered an Order on November 29, 2007 granting the Amended Petition for Variance or Waiver of Rule 64B3-5.003, F.A.C., filed by Beulah F. Briones on October 16, 2007. The initial notice was published on December 21, 2007 in Vol. 33, No. 51 of the F.A.W. Rule 64B3-5.003, F.A.C., pertains to the qualifications necessary for obtaining a Technologist license, and notice of Ms. Briones's Amended Petition was published on November 2, 2007 in Vol. 33, No. 44 of the F.A.W. The Board considered this matter during a duly-noticed, public meeting on November 16, 2007, and determined the Amended Petition should be granted on the following grounds:

1. Section 120.542(2), Florida Statutes (2007), provides that "[v]ariations and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person and when application of a rule would create a substantial hardship or would violate the principles of fairness."
2. Based on the documentation submitted by the Petitioner, the Board concluded the goals of the underlying statutes would be achieved by granting the requested variance. In addition, the Board also concluded the facts set forth in the Amended Petition demonstrated that denying the Petitioner's request would amount to a "substantial hardship" and "violate the principles of fairness."

Copies of the petition may be obtained by written request from: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

Notice is hereby given that on January 22, 2008, the Board of Medicine received a petition for waiver or variance filed by Amer Y. Khan, M.D., from Rule 64B8-4.009, F.A.C., with regard to the requirement for submission of documentation of medical education directly from Petitioner's medical school. Comments on this petition should be filed with the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry McPherson, Jr., Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Elections Canvassing Commission** (Section 102.111, Florida Statutes) announces a public meeting to which all persons are invited.

DATE AND TIME: February 12, 2008, 9:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Canvassing of results from the Presidential Preference Primary held on January 29, 2008.

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 5 days before the workshop/meeting by contacting: Sarah Jane Bradshaw, Interim Director, Division of