

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER08-71
 RULE TITLE: *Holiday* MILLIONAIRE RAFFLE™
 Retailer Incentive Rules

SUMMARY: The Department of the Lottery will conduct a “*Holiday* Millionaire Raffle Retailer Incentive” program from November 14, 2008 through December 28, 2008, in which certain retailers will receive bonus commissions during the promotion period.

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:

53ER08-71 *Holiday* MILLIONAIRE RAFFLE™ Retailer Incentive Rules.

(1) *Holiday* MILLIONAIRE RAFFLE™ is an on-line number match game. *Holiday* MILLIONAIRE RAFFLE tickets will go on sale Friday, November 14, 2008. Sales of *Holiday* MILLIONAIRE RAFFLE tickets will cease immediately after the 1,000,000th ticket is sold or at midnight on December 30, 2008, whichever occurs first.

(2) Each *Holiday* MILLIONAIRE RAFFLE ticket will contain a unique ticket number that will be entered automatically into the *Holiday* MILLIONAIRE RAFFLE drawing. A random computerized drawing from among all *Holiday* MILLIONAIRE RAFFLE ticket numbers issued during the sales period will be held on December 31, 2008. A total of 1,031 prizes will be awarded. Prizes will be awarded in the order drawn. The first through ninth numbers drawn will win \$1 million cash. The 10th through 19th numbers drawn will win \$50,000 and will be alternates in the order drawn for a \$1 million prize. The 20th through 31st numbers drawn will win \$5,000 and the 32nd through 1,031st numbers drawn will win \$500.

(3) A retailer who sells a winning \$1 million *Holiday* MILLIONAIRE RAFFLE ticket will receive a bonus commission of \$5,000 in addition to the regular five percent sales commission set forth in Rule 53ER05-14, F.A.C.

(4) Award of a bonus commission is not dependent upon the winning *Holiday* MILLIONAIRE RAFFLE ticket being claimed by the winner. Retailers who sell winning \$50,000 *Holiday* MILLIONAIRE RAFFLE tickets that subsequently become alternate winners of a \$1 million prize will not be eligible for a bonus commission.

(5) 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.

(6) 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.

(7) This emergency rule is effective upon filing. *Holiday* MILLIONAIRE RAFFLE bonus sales commissions are subject to availability of funds appropriated for retailer incentives. This Promotion 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), 24.109(1), 24.112(1) FS. Law Implemented 24.105(9), 24.112(1) FS. History—New 11-13-08.

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: November 13, 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****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.”

STATE BOARD OF ADMINISTRATION

NOTICE IS HEREBY GIVEN THAT on November 12, 2008, the State Board of Administration, received a petition from the Tower Hill Insurance Group LLC, on behalf of five of its member companies: Tower Hill Preferred Insurance Company, Tower Hill Select Insurance Company, Tower Hill Prime Insurance Company, Omega Insurance Company and Hillcrest Insurance Company. This petition seeks a waiver or variance under Section 120.542, Florida Statutes, from the premium formula and premium rates adopted by incorporation into Rule 19-8.028, Florida Administrative Code. Expedited handling has been requested.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Ann Mytych, Interim Agency Clerk, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300. Any interested person or other agency may submit written comments on the petition for waiver or variance within 5 days after the notice required by Section 120.542(6), Florida Statutes. Such comments should be submitted to the Interim Agency Clerk at the address given immediately above.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN THAT on October 15, 2008, the St. Johns River Water Management District's Governing Board has issued an order.

The District granted a variance under Section 120.542, F.S., (SJRWMD FOR #2008-81), to West Melbourne Holdings II, LLC (Petitioner). The Petition for Variance was received by SJRWMD on March 31, 2008. Notice of receipt of the petition requesting the variance was published in the Florida Administrative Weekly, Vol. 34, No. 32 on August 8, 2008. No public comment was received. This order provides a temporary variance from subparagraph 40C-41.063(1)(c)1., Florida Administrative Code, and Section 11.1.3 of the Applicant's Handbook: Management and Storage of Surface Waters (February 1, 2005). These rules provide in pertinent part that a surface water management system may not result in an increase in the amount of water being diverted from the Upper St. Johns River Hydrologic Basin to intercoastal receiving waters. Generally, the Order sets forth the basis of the Governing Board's decision to grant the variance as follows: 1) requiring Petitioner to comply with these rules onsite would create a technological hardship, and 2) Petitioner's financial contribution to the C-1 Rediversion Project or an Alternative Rediversion Project will accomplish the purpose of Chapter 373, Florida Statutes, to prevent harm to the water resources, by facilitating the project's implementation. The C-1 Rediversion Project is a restoration project designed to allow water that would be diverted from the St. Johns River to coastal receiving waters by the Melbourne-Tillman Water Control District canal system to drain once again to the St. Johns River. A copy of the Order may be obtained by contacting: Timothy A. Smith, Senior Assistant General Counsel at: Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, or by telephone at (386)312-2347.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on November 7, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

An Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Café Con Leche Express located in Pembroke Pines. 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 requests to utilize public bathrooms that are over 300 feet away from the food service establishment.

The variance was approved contingent upon the Petitioner ensuring the public bathrooms located within 350 feet are maintained in a clean and sanitary manner and are provided with hot and cold running water under pressure, soap, approved hand drying devices, 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 be a take-out only with no seats. 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: Rhonda.Steele@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on November 3, 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(6), Florida Administrative Code, from Outdoor Bar located in Pt. Charlotte. The above referenced F.A.C. states... the physical facilities at public food service establishments shall be subject to the provisions of Chapter 6, Food Code...Studs, joists, and rafters may not be exposed in areas subject to moisture. Specifically, the Petitioner requests to operate with exposed studs, joists or rafters in an outside tiki bar.

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

NOTICE IS HEREBY GIVEN THAT on November 3, 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(6), Florida Administrative Code, from Partytime Playhouse located in St. Cloud. The above referenced F.A.C. states...the physical facilities at public food service establishments shall be subject to the provisions of Chapter 6, Food Code...Studs, joists, and rafters may not be exposed in areas subject to moisture. Specifically, the Petitioner requests to operate with exposed studs, joists or rafters in an indoor bar that has recently been added to an existing establishment.

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

NOTICE IS HEREBY GIVEN THAT on October 27, 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(6), Florida Administrative Code, from Portofino located in Pt. Charlotte. The above referenced F.A.C. states...the physical facilities at public food service establishments shall be subject to the provisions of Chapter 6, Food Code...Studs, joists, and rafters may not be exposed in areas subject to moisture. Specifically, the Petitioner requests to operate with exposed studs, joists or rafters in an indoor bar that has recently been added to an existing establishment.

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

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

An Emergency Variance for paragraph 61C-501.115(A), 2001 FDA Food Code and subsection 61C-4.010(6), Florida Administrative Code (F.A.C.), from Seafire Restaurant located in Orlando. The above referenced F.A.C., references the provisions of Chapter 6, 2001, Federal Drug Administration Food Code, which prohibits live animals on the premises of a food service establishment. The Petitioner requests a variance from the prohibition of animals on the premise in order to have wild animal shows in a portion of the dining room separate from the food preparation, food storage or warewashing areas and where no cross contamination can occur.

The variance is approved contingent upon the Petitioner ensuring the wild animals will not contaminate, either directly or indirectly, food, clean equipment, utensils, linens, or unwrapped single-service or single-use articles. No food preparation or storage will be conducted in the separate dining room where the animal presentation will be conducted and the public will be prohibited from direct contact with the animals. No other prohibited animals will be allowed on the premises. 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: Rhonda.Steele@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 October 31, 2008, the Bureau of Beaches and Coastal Systems has issued an order.

A petition was filed on May 2, 2008, by Archibald J. Thomas, on behalf of himself, Mr. & Mrs. Herron, and Mr. & Mrs. Neary, regarding properties located at 3560, 3570 and 3550 Coastal Highway, respectfully, Vilano Bch., in St. Johns County. Notice of receipt of this petition was published in the Florida Administrative Weekly on May 23, 2008. The petition sought a variance or waiver from subsections 62B-33.002(18) and (19), F.A.C., which defines "eligible structures" and "emergency protection", respectfully, and Rule 62B-33.0051, F.A.C., which provides the conditions where construction of armoring shall be authorized. No public comment was received.

The Order, file number SJ-1031 AR V, grants the Petitioner a variance from subsection 62B-33.002(18) and subparagraph 62B-33.0051(1)(a)1., F.A.C. No variance is granted for subsection 62B-33.002(19), F.A.C., or for the remaining sections of Rule 62B-33.0051, F.A.C. The variance is granted based upon the Petitioner's demonstration that a strict application of the rule would result in substantial hardship to the Petitioner and because Petitioner had successfully fulfilled the requirements of the underlying statute by other means.

A copy of the Order may be obtained by contacting: Rosaline Beckham, Department of Environmental Protection, Bureau of Beaches and Coastal Systems, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, Florida 32399-3000, (850)488-7815, e-mail: rosaline.beckham@dep.state.fl.us.

DEPARTMENT OF JUVENILE JUSTICE

NOTICE IS HEREBY GIVEN THAT on November 12, 2008, the Florida Department of Juvenile Justice, received a petition for variance filed by Eckerd Youth Alternatives, Inc., the operator of three outdoor residential commitment programs for delinquent youths. The requested variance pertains to that portion of subparagraph 63E-7.013(19)(b)1., F.A.C., restricting home visits for youth held in low- and moderate-risk facilities to the final 90 days of the program. Comments on this petition (DJJ08-002WV) should be filed with: Agency Clerk, Chakita Jenkins, 2737 Centerview Drive, Ste. 3200, Tallahassee, Florida 32399-3100, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: John Milla, 2737 Centerview Drive, Ste. 3200, Tallahassee, Florida 32399-3100, (850)921-4129, e-mail: john.milla@djj.state.fl.us.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on November 10, 2008, the Department of Health has issued an order.

The order was issued in response to a petition for a waiver filed on March 10, 2008, by Jason Churchill, representing Orenco Systems, Inc., regarding the "Orenco AdvanTex Wastewater Treatment Systems". Petitioner sought a waiver of Rule 64E-6.0295, Florida Administrative Code, which requires an applicant desiring reclassification of an innovative technology as performance-based include performance results from the systems installed in the state under the innovative permit. Notice of the petition was published in the March 21, 2008, edition of the Florida Administrative Weekly.

The Department found that the Petitioner failed to demonstrate that the underlying intent of the statute could be achieved by alternative means and that strict application of the rules would violate principles of fairness in the Petitioner's particular circumstance. Therefore, pursuant to the requirements of Section 120.542(2), Florida Statutes, the Department DENIED Petitioner's request for a waiver.

A copy of the Order may be obtained by contacting: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin A02, Tallahassee, Florida 32399-1734.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **State Historical Records Advisory Board** announces a public meeting to which all persons are invited.

DATE AND TIME: December 12, 2008, 10:00 a.m. – 12:00 Noon

PLACE: Amelia Island Museum of History, 233 South Third Street, Fernandina Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the Council of State Archivists project, Intergovernmental Preparedness for Essential Records (IPER); Review the Council's Survey of Archives and Records Management Programs; discuss the Partnership for the American Historical Record (PAHR project); review of the Board Strategic Plan; and update members on projects and issues of the State Library and Archives of Florida.

A copy of the agenda may be obtained by contacting: Jim Berberich, Coordinator, State Historical Records Advisory Board at (850)245-6750.

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 3 days before the workshop/meeting by contacting: Jim Berberich, Coordinator, State Historical Records Advisory Board at (850)245-6750. 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).

For more information, you may contact: Jim Berberich, Coordinator, State Historical Records Advisory Board at (850)245-6750.

DEPARTMENT OF LEGAL AFFAIRS

The Florida **Commission on the Status of Women** announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 16, 2008, TBA

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Gender Bias in the Media Roundtable Forum.

NOTE: In the absence of quorum, items on this agenda will be discussed as workshop, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

A copy of the agenda may be obtained by contacting: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, Fax: (850)921-4131.

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 2 days before the workshop/meeting by contacting: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, Fax: (850)921-4131. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.