

a valid entry voucher and/or do not submit the required documents to the Lottery as set forth above will forfeit their right to claim the prize.

(7) In the event a prize is not claimed in time for the winner to use the game tickets for the scheduled game, reasonable efforts will be made by Florida State University and University of Central Florida to provide tickets for the next available home game in which the Florida State Seminoles and the University of Central Florida play. Fulfillment of all prizes other than the Scratch-Off tickets will be handled by Florida State University and University of Central Florida staff.

(8) If a voucher bearing the serial number selected in the drawing is presented to the Lottery by a person other than the person who entered the number into the drawing, an investigation will be conducted by the Lottery to determine the person entitled to award of the prize.

(9) All federal, state and/or local taxes or other fees on the VIP Football FAN Experience prizes will be the responsibility of the winner. Federal income taxes are required to be withheld from a prize awarded to a nonresident alien claimant at the rate of thirty percent (30%) pursuant to applicable provisions of the Internal Revenue Code. Because there is no cash from which to withhold taxes, a nonresident alien claimant who is selected as a winner will be required to pay the withholding tax or forfeit the prize. The reporting and subsequent payment of any additional federal, state and/or local taxes shall be the responsibility of the nonresident alien winner.

(10) No cash option is available in lieu of the prizes.

(11) The right to claim a prize cannot be assigned to another person or entity.

(12) All prizes are subject to the provisions of Chapter 24, Florida Statutes, and rules promulgated thereunder, including the official VIP Football FAN Experience 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 rule and the VIP Football FAN Experience Drawing rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

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

(14) A player entering the VIP Football FAN Experience 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.

(15) The VIP Football FAN Experience 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 drawings will be available after the drawing on the Florida Lottery's Website at flalottery.com, and at participating Florida Lottery retailers.

Rulemaking Authority 24.105(9), 24.109(1) FS. Law Implemented 24.105(9), 24.115(1) FS. History—New 9-4-09.

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: September 4, 2009

#### **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 EDUCATION**

NOTICE IS HEREBY GIVEN that on September 8, 2009, the Department of Education has issued an order.

The Department of Education has issued an Order Denying Emergency Petition for Waiver or Variance of subsections 6A-1.039(3)(a)2. and (4), F.A.C., as the Petition did not identify specific facts constituting an emergency situation. As such, the Petition will be reviewed on a non-emergency basis as set forth in Section 120.542, Florida Statutes.

A copy of the Order may be obtained by contacting: Lynn Abbott, Agency Clerk, Department of Education, [lynn.abbott@fldoe.org](mailto:lynn.abbott@fldoe.org) or (850)245-9661.

#### **DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE IS HEREBY GIVEN that on September 1, 2009, the Department of Community Affairs, received a petition for Waiver of a portion of Rule 9K-7.003, F.A.C., for Florida Communities Trust Lake Dan Preserve – Phase Two Project. The Petition was filed by Hillsborough County and assigned the case number DCA09-WAI-303.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Paula Ford, Agency Clerk, 2555 Shumard Oak Blvd., Tallahassee, FL 32399.

#### **WATER MANAGEMENT DISTRICTS**

NOTICE IS HEREBY GIVEN that on September 8, 2009, the South Florida Water Management District (District), received a petition for waiver from Florida Department of Transportation, Application No. 09-0806-2M for a Modification of Right of

Way Occupancy Permit Number 12821, for utilization of Works or Lands of the District known as the C-11 Canal, to install one multi-post street sign within the District's right of way of C-11, Section 26, Township 50 South, Range 40 East, Broward County. The petition seeks relief from subsections 40E-6.011(4) and (6), F.A.C., which governs the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juli Russell at (561)682-6268 or e-mail at jurussel@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: Juli Russell, Office of Counsel.

---

NOTICE IS HEREBY GIVEN that on September 3, 2009, the South Florida Water Management District (District), received a petition for waiver from Miami-Dade Park and Recreation Department, Application No. 09-0311-6M for a Modification of Right of Way Occupancy Permit Number 8026, for utilization of Works or Lands of the District known as C-1, Miami-Dade County, for a proposed fishing deck to be constructed at the top of the canal bank and proposed various improvements to their existing linear Biscayne Trail Park. Improvements include maintenance of existing pedestrian facilities, construction of a picnic shelter and other appurtenances and existing landscaping consisting of trees within the northerly right of way of C-1, Sections 22 and 27, Township 56 South, Range 40 East. The petition seeks relief from subsections 40E-6.011(4) and (6), F.A.C., which governs the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juli Russell at (561)682-6268 or e-mail at jurussel@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: Juli Russell, Office of Counsel.

---

#### DEPARTMENT OF MANAGEMENT SERVICES

NOTICE IS HEREBY GIVEN that on July 16, 2009, the Department of Management Services has issued an order.

The order grants a waiver or variance from the requirements of subsection 60L-39.005(1), Florida Administrative Code, which incorporates by reference Form DMS-ADM-100. Form DMS-ADM-100 requires that applicants for the Florida State Employees' Charitable Campaign provide a copy of page one

of the organization's most recent filing of IRS Form 990 attached to the application to determine whether the applicant's fundraising and administrative expenses exceed 25% in violation of Section 110.181(1)(h)1, Florida Statutes. Petitioner is an integrated auxiliary of Calvary Chapel Church, Inc. Compliance would cause a hardship for Petitioner because pursuant to Section 6033 of the Internal Revenue Code and its regulations promulgated thereunder, specifically Regulation 1.6033-2(g), an annual IRS Form 990 return is not required to be filed by an organization exempt from taxation under Section 501(a) of the Internal Revenue Code recognized as an integrated auxiliary. An emergency exists because all appeals regarding qualification to participate in the Florida State Employees' Charitable Campaign must be concluded in time to allow timely publication of authorized participating organizations in the FSECC.

A copy of the Order may be obtained by contacting: Debbie Shoup, Agency Clark, Department of Management Services, 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399-2400.

---

#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on June 01, 2009, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Variance, filed on November 7, 2008, by Gregory A. Folli. The Notice of Petition for Waiver or Variance was published in Vol. 34, No. 45, of the November 7, 2008, Florida Administrative Weekly. Petitioner sought a waiver or variance of paragraph 61H1-28.0052(1)(b), F.A.C., entitled "Number of Sittings, and Granting of Credit, Release of Grades and Completion of Examination, Transition Rules" which requires candidates to pass all four test sections of the CPA Examination within a rolling eighteen-month period, which begins on the NASBA grade release for the first test section passed. The Board considered the instant Petition at a duly-noticed public meeting held on December 4, 2008, in Tallahassee.

The Board's Order granted the petition finding that Petitioner established that the purpose of the underlying statute, Section 473.306, Florida Statutes, would be met by granting a variance from paragraph 61H1-28.0052(1)(b), F.A.C. The Board further found that Petitioner established that applying the requirements of the aforementioned Rule to his circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order may be obtained by contacting: Voloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607.

**DEPARTMENT OF HEALTH**

The Board of Psychology hereby gives notice that it has received a petition, filed on September 4, 2009, by Geoffrey D. Freebern, NCSP, seeking a variance or waiver of Rule 64B19-13.003, F.A.C., which requires that sponsors providing continuing psychological education be approved by the Board or the American Psychological Association.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255. Comments on this petition should be filed with the Board of Psychology within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN that on August 27, 2009, the Department of Health, received a petition for Temporary Variance from paragraph 64E-16.005(1)(b), Florida Administrative Code, from Teri L. Donaldson on behalf of STERICYCLE, INC. Subsection (1) of subsection 64E-16.005(1), Florida Administrative Code, requires that biomedical waste bags and sharps containers be labeled with the generator's name and address unless treatment occurs at the generating facility, and paragraph (1)(b), of the rule requires that outer containers be labeled with the transporter's name, address, registration number, and 24-hour telephone number prior to transport. The Petitioner requests a temporary variance from the rules to allow the Petitioner to vary from the requirement for labeling of individual, reusable sharps containers that are transported on secured wheeled racks that are specific to each biomedical waste generator. Comments on this Petition should be filed with: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Gina Vallone-Hood, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin A08, Tallahassee, Florida 32399-1710 or by calling (850)245-4277, extension 4273.

**Section VI****Notices of Meetings, Workshops and Public Hearings****DEPARTMENT OF STATE**

The **Department of State, Division of Cultural Affairs** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 6, 2009, 9:00 a.m.

PLACE: Clinic Conference Room, Brevard Children's Medical Services, 2566 Judge Fran Jamieson Way, Viera, FL 32940

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Art Selection Committee for this facility will evaluate and discuss artworks submitted for review and determine artwork sites and media.

A copy of the agenda may be obtained by contacting: Lee Modica, ASB Administrator, 500 S Bronough Street, Tallahassee, FL 32399-0250, (850)245-6476.

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: Morgan Lewis at (850)245-6356. 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.

**DEPARTMENT OF LEGAL AFFAIRS**

The **Department of Legal Affairs**, Council on the Social Status of Black Men and Boys, announces the following full Council meeting, public hearing, and telephone conference meetings which all persons are invited to attend.

Committees on Improving Foster Care and Family Issues and Health Status

DATE AND TIME: October 5, 2009; 10:00 a.m. – 12:00 Noon  
Toll Free Dial in Number: (888)808-6959

Conference Code: 6532211382

Socio-Economic and Educational Outcomes Committee

DATE AND TIME: October 5, 2009; 2:00 p.m. – 3:00 p.m.

Toll Free Dial in Number: (888)808-6959

Conference Code: 6532211382

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council shall make a systematic study of the conditions affecting black men and boys, including, but not limited to, homicide rates, arrest and incarceration rate, poverty, violence, drug abuse, death rates, disparate annual income levels, school performance in all grade levels including postsecondary levels, and health issues.

A copy of the meeting agenda may be obtained by visiting: <http://www.cssbmb.com>.

Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Bureau at least 48 hours prior to the meeting by contacting the Bureau of Criminal Justice Programs at (850)414-3300. 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).