

(7) Derelict Vessel Removal Grant Program grants shall meet all requirements set forth in this section.

(a) through (b) No change.

~~1. Such designation shall be considered made when a written offense report, incident report, or similar report is submitted by a law enforcement officer, the notice as specified in Section 705.103(2), F.S., is affixed to the vessel, and the vessel is marked as derelict with the letters "DV," the two-digit year, and law enforcement agency's offense, incident, case, report, or other identifying number. The marking of the vessel will be done in such a way that it can be easily identified by other boaters or a removal contractor. If the condition of the vessel makes it impossible to affix the required notice and display the "DV" number (example: the vessel is entirely submerged or completely broken up), the notice and "DV" number shall be displayed on a sign or buoy attached to the vessel, and a copy of the report received by the Fish and Wildlife Conservation Commission, Division of Law Enforcement at 620 South Meridian Street, Tallahassee, FL 32399. Photographs of the vessel displaying the completed sticker and the DV number described below must be included in or attached to the report.~~

~~2. A copy of the report must be submitted to the Fish and Wildlife Conservation Commission, Division of Law Enforcement at 620 South Meridian Street, Tallahassee, FL 32399. Photographs of the vessel displaying the completed sticker and the DV number as described above must be included in or attached to the report. A law enforcement officer must affix the notice specified in Section 705.103(2), F.S. The vessel must be marked as derelict with the letters "DV, the two digit year, and law enforcement agency's offense, incident case, report, or other identifying number. The marking of the vessel will be done in such a way that it can be easily identified by other boaters or a removal contractor. If the condition of the vessel makes it impossible to affix the notice and "DV" number (example: the vessel is entirely submerged or completely broken up), the notice and "DV" number shall be displayed on a sign or buoy attached to the vessel.~~

Subsection (8) of the proposed rule has been changed to read:

(9) Florida Boating Improvement Program grants shall meet all additional program requirements set forth in the Florida Boating Improvement Program Guidelines (Feb. Jan. 2010), which are hereby incorporated by reference. The following forms are hereby adopted and incorporated by reference: FWC/FBIP-A, Florida Boating Improvement Program Grant Application for Recreational Channel Markers and Other Uniform Waterway Markers, 02/10 01/10; FWC/FBIP-B, Florida Boating Improvement Program Grant Application for Boating Access Facilities, 02/10 01/10; FWC/FBIP-C, Florida Boating Improvement Program Grant Application for Derelict Vessel Removal, 02/10 01/10; FWC/FBIP-D, Florida Boating Improvement Program Boater Education Grant Application, 02/10 01/10; FWC/FBIP-E,

Florida Boating Improvement Program Grant Application for Economic Initiatives and Other Local Boating Related Projects, 02/10 07/08. The guidelines and forms are available at http://myfwc.com/RECREATION/boat_grant_index.htm or from the Commission at 620 S. Meridian Street, 1M, Tallahassee, Florida 32399-1600.

No other changes were made to the rule amendments as proposed.

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:
53ER10-13	Powerball® with Power Play® Bonus Sales Commission Retailer Incentive

SUMMARY: The Florida Lottery will award bonus sales commissions to the retailer(s) that sells one or more Powerball® with Power Play® tickets.

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:

53ER10-13 Powerball® with Power Play® Bonus Sales Commission Retailer Incentive.

(1) Beginning April 29, 2010 through May 19, 2010, the Florida Lottery will conduct, as a retailer sales incentive, a Powerball® with Power Play® Retailer Bonus and Sales Commission Program in which the Florida Lottery will award bonus sales commissions to retailers.

(2) The Florida Lottery will pay retailers a 5% bonus sales commission on each Power Play sale in addition to the regular commission set forth in Rule 53ER05-14, F.A.C., for a total of \$.15 for each \$2.00 Powerball with Power Play sale.

(3) The bonus commission will be reflected on the retailer's weekly Settlement Report.

(4) Retailers whose Florida Lottery contracts are terminated or inactivated prior to payment of the bonus commissions shall be paid the commissions earned provided said termination or inactivation was not due to noncompliance with Chapter 24, F.S., Chapter 53, F.A.C., or contract terms.

(5) Bonus commissions will be considered compensation to the retailer for Internal Revenue Service purposes. The Florida Lottery reserves the right to apply a bonus commission earned against a retailer’s outstanding debt to the Florida Lottery, and to award the remaining balance of the commission(s), if any.

(6) Powerball with Power Play bonus commissions are subject to availability of funds appropriated for retailer incentives. This Program 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.

Rulemaking Authority 24.105(9)(i), 24.109(1) FS. Law Implemented 24.105(9)(i), 24.112(1) FS. History—New 4-28-10, Replaces 53ER09-16, 53ER09-23 and 53ER09-55, FAC.

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: April 28, 2010

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.”

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on April 9, 2010, the Suwannee River Water Management District, received a petition for variance from Cheryl & Michael Mahan, P. O. Box 848, Live Oak, FL 32064, pursuant to Section 120.542, F.S. Petitioner is seeking variance from paragraph 40B-4.3030(12)(b), F.A.C., as to the 75-foot setback requirement. Petitioner seeks to permit existing deck, in Suwannee County, located in Township 7 South, Range 14 East, Section 4. These rules are intended to set forth criteria for development activities within a Work of the District. Comments on this petition should be filed with: Jon Dinges, District Clerk, SRWMD, 9225 CR 49, Live Oak, FL 32060,

within 14 days of publication of this notice. The petition has been assigned ERP number 09-0090, and the project name is C. Mahan Works of the District Deck.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Robin Lamm, Business Resource Specialist, Suwannee River Water Management District, 9225 CR 49, Live Oak, FL 32060, (386)362-1001 or 1(800)226-1066 in Florida only.

NOTICE IS HEREBY GIVEN that on April 30, 2010, the Suwannee River Water Management District, received a petition for variance from Village Properties, LLC, P. O. Box 4329, Dowling Park, FL 32064, pursuant to Section 120.542, F.S. Petitioner is seeking variance from subsection 40B-4.3030(9), F.A.C., as to the zero rise certification requirement, and paragraph 40B-4.3030(12)(b), F.A.C., as to the 75-foot setback requirement. Petitioner intends to reduce impervious area by modifying existing parking lot and provide additional stormwater treatment, in Suwannee County, in Township 3 South, Range 11 East, Section 5. These rules are intended to set forth criteria for development activities within a Work of the District. Comments on this petition should be filed with: Jon Dinges, District Clerk, SRWMD, 9225 CR 49, Live Oak, FL 32060, within 14 days of publication of this notice. The petition has been assigned ERP Number 09-0159M, and the project name is Advent Christian Village Carter Parking Lot Modification.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Robin Lamm, Business Resource Specialist, Suwannee River Water Management District, 9225 CR 49, Live Oak, FL 32060, (386)362-1001 or 1(800)226-1066 in Florida only.

NOTICE IS HEREBY GIVEN that on April 27, 2010, the South Florida Water Management District (District), received a petition for waiver from Florida Department of Transportation regarding a Modification of Right of Way Occupancy Permit No. 13397, Application No. 10-0415-2M, for utilization of Works or Lands of the District known as the North New River Canal for proposed pedestrian signs and picket rail guardrail, and an existing fence and guardrail associated with a previously permitted linear park within the north right of way of the North New River Canal located between SW 136 Avenue and University Drive, Sections 2, 3 & 7, Township 50 South, Range 40 & 41 East, Broward County. The petition seeks relief from subsections 40E-6.011(4) and (6) & paragraph 40E-6.221(2)(j), F.A.C., which prohibits the placement of permanent and/or semi-permanent above-ground structures within 40 feet of the top of canal bank and within designated equipment staging areas within Works or Lands of the District.