

(5) A bonus commission 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 bonus commission, if any.

(6) MEGA MONEY 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.

(7) This rule replaces Rules 53ER06-5 and 53ER06-7 and shall become effective November 1, 2009.

Rulemaking Authority 24.105(9)(i), 24.109(1) FS. Law Implemented 24.105(9)(i), 24.112(1) FS. History—New 11-1-09, Replaces 53ER06-5 and 53ER06-7.

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 1, 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 COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT on November 2, 2009, the Florida Communities Trust has issued an order.

The Final Order is in response to the Petition for Waiver filed by HILLSBOROUGH COUNTY on September 1, 2009. Notice of this petition appeared in the September 18, 2009, edition of the Florida Administrative Weekly. Hillsborough County requested a waiver of subsection 9K-7.003(8), F.A.C., based upon economic hardship and violation of the principle of fairness. This petition was assigned the number DCA09-WAI-303. The Department found that the County satisfied these thresholds for waiver of the rule and, on November 2, 2009, granted the request for waiver of the rule.

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

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN THAT on October 29, 2009, the Criminal Justice Standards and Training Commission has issued an order.

A Petition for Waiver of subsections 11B-27.002(4), and 11B-35.002(2), (7), F.A.C., was received from Joseph Gagliardi on September 8, 2009. Notice of the Petition was published in the Florida Administrative Weekly, Vol. 35, No. 38, September 25, 2009. Mr. Gagliardi wished to waive those portions of the rules requiring candidates attending cross-over training to be Commission certified prior to beginning cross-over training or to have passed basic recruit training and have passed the State Officer Certification Examination prior to entry into the cross-over training program. Mr. Gagliardi graduated from the Commission-approved Basic Law Enforcement Recruit Program on July 23, 2009. He entered cross-over Basic Recruit Training for Corrections on July 20, 2009, prior to passing the State Officer Certification Examination (SOCE) for Law Enforcement or graduating from basic recruit training. Mr. Gagliardi passed the SOCE on August 4, 2009, after he had begun cross-over training. The Commission found that Mr. Gagliardi's situation is not unique, nor did Mr. Gagliardi demonstrate that the strict application of the Commission's rules in his case would violate the principles of fairness. The Commission did not find that the purposes of the underlying statute, to permit certified or certification-eligible officers in one discipline to become certified in another discipline, would be served by permitting a non-certified person who had not completed one course of criminal justice study to commence cross-over training to become certified in another discipline prior to completing even one course of study. Accordingly, the Commission denied Mr. Gagliardi's request for a waiver of subsections 11B-27.002(4) and 11B-35.002(2), F.A.C., on October 28, 2009, at its regularly scheduled Business Agenda meeting in Panama City Beach, Florida. Mr. Gagliardi may not complete cross-over training concurrently with completing his basic recruit training.

A copy of the Order may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32327, or by telephoning (850)410-7676.

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 BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on October 29, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a variance to Helan Watkins of Lakeside Village Condominium Association of Lakeland to not comply with Rules 3.11.1(a)(2) and 2.7.4, ASME A17.3, 1996 edition from the requirement that these elevators be equipped with door restriction and two-way communication (VW 2009-328). A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on November 2, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That the order is denied as the petitioner has not met its burden to meet the intent of the code within a reasonable period of time, as submitted by William Snyder, Wachovia Bank Building and, as specified in Section 120.542, Florida Statutes, titled Petition for Variances and Waivers (VW 2009-373).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on November 2, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That the order is denied as the petitioner has not met its burden to meet the intent of the code within a reasonable period of time, as submitted by William Snyder, Wachovia Bank Building and, as specified in Section 120.542, Florida Statutes, titled Petition for Variances and Waivers (VW 2009-374).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on November 2, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That the order is denied as the petitioner has not met its burden to meet the intent of the code within a reasonable period of time, as submitted by William Snyder, Wachovia Bank Building and, as specified in Section 120.542, Florida Statutes, titled Petition for Variances and Waivers (VW 2009-375).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on November 2, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That the order is denied as the petitioner has not met its burden to meet the intent of the code within a reasonable period of time, as submitted by William Snyder, Wachovia Bank Building and, as specified in Section 120.542, Florida Statutes, titled Petition for Variances and Waivers (VW 2009-376).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on November 2, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That the order is denied as the petitioner has not met its burden to meet the intent of the code within a reasonable period of time, as submitted by William Snyder, Wachovia Bank Building and, as specified in Section 120.542, Florida Statutes, titled Petition for Variances and Waivers (VW 2009-377).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on November 2, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Joe Longo, Florida Hospital, Ormond Beach, FL, to not comply with Rules 3.11.1, 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until August 1, 2011 (VW 2009-381).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on November 2, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That the order is denied as the petitioner has not met its burden to meet the intent of the code within a reasonable period of time, as submitted by Paul Komie, Raymond Office Building and, as specified in Section 120.542, Florida Statutes, titled Petition for Variances and Waivers (VW2009-430).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 30, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Michael J. Towns, Sandpiper Gulf Resort II, Naples, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until May 1, 2010 (VW 2009-563).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 30, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Sean Westcott, 2180 Sanlando Center, Longwood, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until November 30, 2009 (VW 2009-566).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 30, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Sean Westcott, 5750 Major Blvd. Bldg., Orlando, FL, to not comply with Rule 2.7.4, ASME A17.3, 1996 edition until November 30, 2009 (VW 2009-567).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 30, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Sean Westcott, Maitland Center, Maitland, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until November 30, 2009 (VW 2009-568).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 30, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Robert

'Chip' Duncan, Seaside Plaza, Orlando, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until January 1, 2012 (VW 2009-571).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 30, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Robert 'Chip' Duncan, Feather Sound II Bldg., Clearwater, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until January 1, 2011 (VW 2009-572).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 30, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Robert 'Chip' Duncan of Landmark I & II, Orlando, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until January 1, 2012 (VW 2009-573).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 30, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Robert 'Chip' Duncan, Pavilion Bldg., Clearwater, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until January 1, 2011 (VW 2009-574).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 30, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Robert 'Chip' Duncan, One Harbor Place, Tampa, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until January 1, 2011 (VW 2009-575).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 30, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Frank Murphy of Commodore Club II of Naples to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until August 1, 2012 (VW 2009-577).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 30, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Thomas D. Malcom, Lake Virginia Condo Association, Inc., Winter Park, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until February 1, 2010 (VW 2009-578).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 30, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Frank Murphy of Royal Palm Club of Naples to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until August 1, 2012 (VW 2009-579).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 30, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Robert J. Sabeston, Spring Lake Towers, Winter Haven, FL, to not comply with Rule 2.7.4, ASME A17.3, 1996 edition until December 31, 2009 (VW 2009-631).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 30, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Robin Maquiera, Wachovia Bank Bldg., Pensacola, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until December 31, 2012 (VW 2009-632).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 30, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Lee Rigby of Florida Hospital of Orlando to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until December 31, 2011 (VW 2009-644).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 19, 2009, the 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(5), Florida Administrative Code and Paragraph 4-301.12(A), 2001 FDA Food Code from Bay Spirit II, Tampa, FL. The above referenced F.A.C. addresses the requirement that each establishment have facilities for washing, rinsing and sanitizing dishes and utensils. They are requesting to utilize the dishwashing facilities located within another licensed establishment.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lydia.Gonzalez@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on October 20, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for Subparagraph 3-305.11(A)(2), 2001 FDA Food Code, Paragraph 3-305.14, 2001 FDA Food Code, Paragraph 6-202.15, 2001 FDA Food Code, Paragraph 6-202.16, 2001 FDA Food Code, subsections 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from Mariachi's Grill Inc., Bushnell, FL. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They are requesting to dispense bulk potentially hazardous foods other than frankfurters from an open air mobile food dispensing vehicle.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lydia.Gonzalez@DBPR.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

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 29, 2009, the Florida Department of Environmental Protection, Bureau of Beaches and Coastal Systems, received a petition for renewal of a variance issued by the Department on October 31, 2008, and expiring on October 31, 2009, pursuant to Section 120.542, Florida Statutes, Chapter 28-104, F.A.C., and Rule 62-110.104, F.A.C. The renewal asks to extend the order granting a variance to subsection 62B-33.002(18), F.A.C., which defines "eligible structure" and subparagraph 62B-33.0051(1)(a)1., F.A.C., which sets forth the general armoring criteria. The petition was received from Archibald Thomas on the behalf of himself and Martha Thomas, Mr. and Mrs. William Heron, and Laura Lundberg, regarding SJ-1031 AR V. The properties are located at 3560, 3570, and 3550 Coastal Highway, Vilano Beach, St. John's County, FL.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Roslaine Beckham at (850)488-7815 or by e-mail: rosaline.beckham@dep.state.fl.us. Any comments should be filed in writing with the Department within 14 days of the date for publication at 3900 Commonwealth Blvd., M.S. #300, Tallahassee, Florida 32399-3000.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on October 30, 2009, the Department of Health received a Correction to Scrivener's Error in Amended Petition for Temporary Variance from subsection 64E-16.005(1) and paragraph 64E-16.005(1)(b), Florida Administrative Code, from Teri L. Donaldson and Brian J. Cross on behalf of Stericycle, Inc. The Amended Petition clarifies that the labeling of the transport carts will be compliant with these rules.

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 may be obtained from Gina Vallone-Hood, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1710, (850)245-4277, extension 4273.

NOTICE IS HEREBY GIVEN THAT on October 29, 2009, the Department of Health, received a petition for Variance from subparagraph 64E-13.004(6)(a)1., Florida Administrative Code, from Holy Nativity Episcopal Day School, 2005 Hamilton Avenue, Panama City, Florida. This rule requires

schools to have toilet and handwashing facilities for preschool grades through grade three located within or adjoining their classrooms.

Comments on this petition should be filed with: Sam Power, Agency Clerk, Department of Health, Office of General Counsel, 4052 Bald Cypress Way, BIN #A02, Tallahassee, Florida 32399-1703, within 14 days of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Tracy Perez, Bureau of Community Environmental Health, 4052 Bald Cypress Way, BIN #A08, Tallahassee, Florida 32399-1710 or by calling (850)245-4277.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Florida Historical Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 2, 2009, 9:00 a.m. – until conclusion

PLACE: Meeting will be held via teleconference

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business meeting of the Florida Historical Commission.

A copy of the agenda may be obtained by contacting: Pam Stanley at (850)245-6302.

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: Pam Stanley at (850)245-6302. 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.

For more information, you may contact: Pam Stanley at (850)245-6302.

The Florida **Department of State, Division of Historical Resources**, Bureau of Historic Preservation, State Historical Marker Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, December 3, 2009, 2:30 p.m.

PLACE: R. A. Gray Building, 500 South Bronough Street, Room 409, Tallahassee, Florida 32399-0250