

frequent-flyer miles and/or bonus miles awarded to an employee as a result of State-reimbursed travel may be used for personal use by the employee.

(11) Exceptions.

There may be unique and/or compelling circumstances warranting exceptions to and/or waivers from the above requirements in certain individual cases. In those instances, application may be made in advance to the chief ethics officer for an exception.

(12) Reporting of Violation.

An employee who believes that a violation of the Lottery Code of Ethics has occurred may report the suspected violation to the chief ethics office and/or the Lottery’s Office of Inspector General.

(13) Training.

All employees shall receive Code of Ethics training upon appointment and thereafter on an annual basis.

Rulemaking Authority 24.105(20), 24.109(1) FS. Law Implemented 24.105(20), 24.105(19)(b), (c), 24.116(2), Chapter 112, Part III. FS. History—New 11-16-11, Replaces 53ER07-40 and 53ER07-41.

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 16, 2011

Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN that on November 15, 2011, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from Lake Wales Police Department on behalf of one officer for the 2008 reporting period (7/1/2006 – 6/30/2008). Subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule and supervised by a CJSTC-certified firearms instructor. The petition supports the requested waiver by stating that the officer at issue did successfully complete the course of fire, however, there is no CJSTC 86A form on file showing that the officer completed the course of fire. Petitioner states that the officer will suffer a substantial hardship if his certification is rendered inactive as a result of this situation. Petitioner further states that it would violate the principles of fairness to fail to recognize that the officer did successfully complete the requirement simply because his CJSTC 86A form is missing for the 2008 mandatory firearms requalification for the officer.

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 or by telephoning (850)410-7676.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on November 9, 2011, the South Florida Water Management District (District), received a petition for waiver from Florida Power and Light Company, Application No. 11-1109-1 M, for utilization of Works or Lands of the District known as L-31E to allow an existing power pole with siren system serving the Turkey Point Power Plant located within forty feet of the top of the canal bank to remain within the west right of way of L-31E located approximately 141' north of the intersection of L-31 E and the North Canal, Section 16, Township 57 South, Range 40 East, Miami-Dade County. The petition seeks relief from paragraphs 40E-6.221(2)(a) and (j), Florida Administrative Code, 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: 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: South Florida Water Management District, 3301 Gun Club Road, MSC #1410, West Palm Beach, FL 33406, Attn.: Juli Russell, Office of Counsel.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on November 16, 2011, the Division issued an order. The Final Order was in response to a Petition for emergency Variance from Crystal River Nuclear Plant, filed October 19, 2011, and advertised in Vol. 37, No. 4, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 5.7.12.2 ASME A17.1, 2000 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires special purpose personnel elevator’s capacity not exceed 1000 lbs and clear area not exceed 13 square feet because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-354).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on November 16, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Vista Bay, filed October 3, 2011, and advertised in Vol. 37, No. 41, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until July 1, 2015, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-332).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On November 16, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Lee County Constitutional Complex, filed October 12, 2011, and advertised in Vol. 37, No. 43, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.4.1.5 and 2.15.9.2 ASME A17.1, 2007 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires the pit be 5 feet deep because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-345).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on November 16, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Lee County Constitutional Complex, filed October 12, 2011, and advertised in Vol. 37, No. 43, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.10.2.1

and 2.4.6.2(c) ASME A17.1, 2000 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires a 42 inch car-top handrail with no less than 6 inches clearance above the equipment because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-346).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on November 16, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Lee County Constitutional Complex, filed October 12, 2011, and advertised in Vol. 37, No. 43, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.18.5.1, 2.20.4 and 8.11.2.1.3(cc)1&3 ASME A17.1, 2005 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires suspension and governor ropes be no less than 9.5 mm because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-344).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on November 16, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Best Western Plus Orlando, FL, filed October 13, 2011, and advertised in Vol. 37, No. 43, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until March 1, 2014, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-347).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On November 16, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Double Tree Hotel, filed October 13, 2011, and advertised in Vol. 37, No. 43, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3, 3.11.1 and 2.7.4 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations, emergency signaling devices and restricted door openings until December 31, 2014, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-348).

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 17, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Osprey Lodge. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.18.5.1 and 2.20.1, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires suspension be provided by steel wire ropes and that governor ropes be no less than 9.5mm which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2011-384).

A copy of the Petition 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 17, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Millennia 700. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.18.5.1 and 2.20.1, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires suspension be provided by steel wire ropes and that governor ropes be no less than 9.5mm which poses a

significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2011-385).

A copy of the Petition 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 17, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Wild Oak Bay Vista II. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators with firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2011-386).

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

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice on October 27, 2011, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for Paragraph 4-301.12(A), 2001 FDA Food Code and subsection 61C-4.010(5), Florida Administrative Code, from Lauderdale Tennis Club, Ft. Lauderdale, FL. The above referenced F.A.C. addresses the requirement that dishwashing facilities for manually washing, rinsing and sanitizing equipment and utensils are provided. They are requesting to utilize dishwashing facilities located within another licensed establishment located on the same property and under the same ownership.

The Petition for this variance was published in Vol. 37, No. 45 on November 10, 2011. The Order for this Petition was signed on November 17, 2011, and after a complete review of the variance request, the Division finds that the application of this rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the dishwashing area located within Lauderdale Tennis Club (SEA1617408) is maintained in a clean and sanitary manner and all sinks are provided with hot and cold running water under pressure and available during all hours of operation. If

the ownership of Lauderdale Tennis Club (SEA1617408) changes, the division must be notified immediately and a written agreement provided.

A copy of the Order or additional information 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 November 17, 2011, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subparagraph 61C-1.002(5)(a)2., Florida Administrative Code, from Nauti-Dawgs, St. Petersburg, FL. The above referenced F.A.C. addresses the requirement that a mobile food dispensing vehicle be a vehicle that is otherwise movable. They are requesting to mount the mobile food dispensing vehicle on casters rather than an axle.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 5 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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 November 17, 2011, 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(6), (7) Florida Administrative Code, from Savory Scenes, Sarasota, FL. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers. They are requesting to utilize bathrooms located within another adjacent business.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 5 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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

NOTICE IS HEREBY GIVEN that on November 10, 2011, the Department of Environmental Protection, received a petition for a variance under Section 120.542, F.S., from Niceville-Okaloosa County Regional Sewer Board (Petitioner) regarding the requirements of subsection 62-610.521(6), F.A.C. Subsection 62-610.521(6), F.A.C., requires a setback distance of 100 feet from a rapid infiltration basin to the

property boundary. The Petitioner is requesting that the setback distance from the rapid infiltration basin to the property line at the NOVC Regional WWTF be reduced from 100 feet to 31-56 feet. The petition has been assigned OGC File #11-1627 or File #FLA010185-018-DW1P/RA. Public comment must be received within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Bill Evans, Department of Environmental Protection, Northwest District, 160 West Governmental St., Suite 308, Pensacola, Florida 32502-5740, email: bill.evans@dep.state.fl.us or (850)595-0584.)

The Department of Environmental Protection, Northwest District Office hereby gives notice that on November 8, 2011, an order was issued granting the Town of Jay a variance. The Town of Jay filed its petition for variance on September 21, 2011, and notice of receipt of this petition was published in the Florida Administrative Weekly on October 21, 2011. Town of Jay's petition requested a variance from subsection 62-610.521(6), F.A.C., Part IV Rapid-Rate Land Application Systems for the two existing percolation ponds. The petitioner requested the variance to reduce the setback distance to a 22-foot setback distance from the property line to the inside toe of the dikes of the existing percolation ponds for the wastewater treatment facility. No public comment was received. The Order, file number FLA010206-009-DWF/VO [OGC Case No.: 11-1358], granted the Petition from the minimum 100-foot setback requirement to the Town of Jay, based on a showing that Petitioner demonstrated that a strict application of the rule would result in substantial hardship to Petitioner or would affect Petitioner differently than other similarly situated applicants and because Petitioner had successfully fulfilled the requirements of the underlying statute. The conditions of the order are:

- a. Town of Jay, shall maintain the existing setbacks with a minimum of a 22-foot setback distance from the property line to the inside toe of the dikes of the existing percolation ponds for the wastewater treatment facility.
- b. Town of Jay, usage of the existing percolation ponds as part of the wastewater treatment facilities shall be authorized by wastewater permit (FLA010206).

A copy of the Order or additional information may be obtained by contacting: Department of Environmental Protection, Northwest District, Bill Evans, 160 W. Governmental Street, Suite 308, Pensacola, FL 32502-5794, (850)595-0554, bill.evans@dep.state.fl.us.

DEPARTMENT OF HEALTH

The Department of Health hereby gives notice on November 18, 2011, the Department of Health issued an order in response to a petition for a variance filed on June 6, 2011, by Gary Duren, representing Highland Tank Manufacturing Company, regarding the "Highland Tanks Steel Grease Interceptor".

Petitioner sought a variance from paragraphs 64E-6.013(1)(a), (2)(a), (2)(h), subsections (4) and (7), Florida Administrative Code, which requires tanks to be constructed of concrete, fiberglass or polyethylene; tanks to have multiple compartments; compartments to be connected with 4-inch openings; annual manufacturing inspection procedures; and various grease interceptor requirements. Notice of the petition was published in the June 17, 2011, edition of the Florida Administrative Weekly.

The Department found that the Petitioner demonstrated that the underlying intent of the statute could be achieved by alternative means and that strict application of the rules would create a substantial hardship in the Petitioner's particular circumstance. Therefore, pursuant to the requirements of Section 120.542(2), Florida Statutes, the Department GRANTED WITH STIPULATIONS Petitioner's request for a variance.

A copy of the Order or additional information may be obtained by contacting: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703.

The Department of Health hereby gives notice on November 17, 2011, the Department of Health issued an order. The order was issued in response to a petition for a waiver filed on August 4, 2011, by Donald Bach, representing Norweco, Inc., regarding the "Singulair Green Aerobic Treatment System". Petitioner sought a waiver of paragraphs 64E-6.013(2)(a) and (2)(f), Florida Administrative Code, which requires that treatment receptacles shall have no vertical seams and that the inlet and outlet devices shall be in accordance with ASTM C 923-98. Notice of the petition was published in the August 26, 2011, edition of the Florida Administrative Weekly.

The Department found that the Petitioner demonstrated that the underlying intent of the statute could be achieved by alternative means and that strict application of the rules would create a substantial hardship in the Petitioner's particular circumstance. Therefore, pursuant to the requirements of Section 120.542(2), Florida Statutes, the Department GRANTED Petitioner's request for a waiver.

A copy of the Order or additional information may be obtained by contacting: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Friends of Mission San Luis, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Sunday, December 11, 2011, 10:00 a.m.
 PLACE: Mission San Luis, 2100 W. Tennessee Street, Tallahassee, FL 32304
 GENERAL SUBJECT MATTER TO BE CONSIDERED: The FOMSL Board of Directors will meet to discuss financial reports, income and expense statements, marketing reports, upcoming events and other Friends business.
 A copy of the agenda may be obtained by contacting: Jessica Shiver at (850)245-6379.

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 48 hours before the workshop/meeting by contacting: Jessica Shiver at (850)245-6379. 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: Jessica Shiver at (850)245-6379 or email: jbshiver@dos.state.fl.us.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Animal Industry Technical Council (AITC)** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, December 15, 2011, 1:00 p.m. – 4:00 p.m.

PLACE: University of Florida, Deriso Bldg., 2015 S.W. 16th Avenue, Gainesville, FL 32608

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the Animal Industry Technical Council to discuss animal and agricultural issues of concern. The meeting is open to the public.

A copy of the agenda may be obtained by contacting: Carol Evans at (850)410-0943.

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: Carol Evans at (850)410-0943. 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: Carol Evans, AITC Coordinator at (850)410-0943.