

(e) Employees shall not disclose or use information not available to the public and obtained by reason of their public positions for the personal benefit of themselves or others.

(f) Employees shall not solicit or accept an honorarium that is related to their public office or duties. Employees may accept payment of expenses related to an honorarium event unless the payment is from a lobbyist or principal.

(g) Employees acting as purchasing agents shall not directly or indirectly purchase, rent, or lease any realty, goods or services for the Lottery from a business in which the employee or the employee's spouse or child owns more than a 5% interest.

(h) Employees acting in a private capacity shall not rent, sell or lease realty, goods or services to the Lottery.

(i) Employees shall not accept employment that would create a conflict of interest between their private interests and the performance of their public duties, or accept other employment with any business entity subject to regulation by, or doing business with, the Lottery.

(j) Employees having decisionmaking authority shall not participate in any decision involving a vendor or retailer with whom they have a financial interest.

(k) Employees having decisionmaking authority shall not participate in any decision involving a vendor or retailer with whom they have discussed employment opportunities, without the prior approval of the Secretary.

(l) Purchase of lottery tickets by employees or any relatives residing in their household is strictly prohibited.

(6) Post-Employment Restrictions.

(a) Employees who became employed by the Lottery after July 1, 1989, who have authority over policy or procurement, shall not, for a period of two (2) years after retirement or termination, personally represent another person or entity for compensation before the Department, unless employed by another agency of state government.

(b) Employees shall not, for a period of two (2) years after retirement or termination, hold any employment or contractual relationship with a business entity other than a state agency in connection with any contract for contractual services that was within the employee's responsibility while employed by the Lottery.

(c) Employees are prohibited, after retirement or termination, from holding any employment or contractual relationship with a business entity other than a state agency in connection with any contract in which the employee participated personally and substantially through decision, approval, disapproval, recommendation, rendering of advice, or investigation while an employee of the Lottery.

(d) Employees shall not, for a period of one (1) year following cessation of employment with the Lottery, represent any vendor or retailer before the Lottery regarding any specific matter in which the employee was involved while employed by the Lottery.

(7) Statement of Financial Interests. A statement of financial interests shall be submitted on forms prescribed by the Commission on Ethics within thirty (30) days after employment, and by July 1 of each year thereafter, by all employees.

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

Specific 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 2-16-07.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: February 16, 2007

**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 the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2007-021-DAO-ROW), on February 15, 2007, to James W. Brownell and Bessie L. Landis. The petition for waiver was received by the SFWMD on November 6, 2006. Notice of receipt of the petition requesting the waiver was published in the issue Vol. 32, No. 47, F.A.W., on November 22, 2006. No public comment was received. This Order provides a waiver of the District's criteria to allow an existing wood rail fence (located on top of the existing bulkhead) and a portion of an existing residence building to remain within the south right of way of C-6 adjacent to 8211 N. W. South River Drive; S11/T53S/R40E, Miami-Dade County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6), F.A.C., and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the

South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), F.A.C., which governs the placement of permanent and/or semi-permanent above-ground facilities within forty feet of top of the canal bank within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent James W. Brownell and Bessie L. Landis from suffering a substantial hardship and a violation of the principles of fairness.

A copy of the Order can be obtained from: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320 or by e-mail [kruff@sfwmd.gov](mailto:kruff@sfwmd.gov)

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2007-022-DAO-ROW), on February 15, 2007, to the City of Wilton Manors. The petition for waiver was received by the SFWMD on October 3, 2006. Notice of receipt of the petition requesting the waiver was published in the issue Vol. 32, No. 42, F.A.W., on October 20, 2006. A revised petition for waiver was received by the SFWMD on November 14, 2006. Notice of receipt of the revised petition requesting a waiver was published in the issue Vol. 32, No. 49, F.A.W., on December 8, 2006. No public comment was received. This Order provides a waiver of the District's criteria for the proposed construction of a pavilion with decking, light fixtures with buried electrical service, landscaping, signage, fencing, asphalt parking area, curb and stormwater treatment facilities to be placed within the east right of way of C-13, immediately north of the Powerline Road Bridge; S28/T49S/R42E, Broward County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6), and paragraph 40E-6.221(2)(j), F.A.C., and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), F.A.C., which governs the placement of permanent and semi-permanent above-ground facilities within 40 feet of the top of the canal bank, placement of drainage treatment facilities and parking/vehicular use and signage within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent the City of Wilton Manors from suffering a substantial

hardship. A copy of the Order can be obtained from: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320 or by e-mail [kruff@sfwmd.gov](mailto:kruff@sfwmd.gov)

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2007-023-DAO-ROW), on February 15, 2007, to Miami-Dade County Public Works Department. The petition for waiver was received by the SFWMD on November 7, 2006. Notice of receipt of the petition requesting the waiver was published in the issue Vol. 32, No. 50, F.A.W., on December 15, 2006. No public comment was received. This Order provides a waiver of the District's criteria for the replacement of the N. W. 138th Street Bridge crossing C-6; S30/T52S/R40E, Miami-Dade County. Specifically, the Order grants a waiver from paragraph 40E-6.221(2)(j), F.A.C., and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), F.A.C., which governs the minimum low member elevation of pile-supported facilities within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Miami-Dade County Public Works Department from suffering a substantial hardship.

A copy of the Order can be obtained from: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320 or by e-mail [kruff@sfwmd.gov](mailto:kruff@sfwmd.gov)

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2007-024-DAO-ROW), on February 15, 2007, to Donald A. Murphy. The petition for waiver was received by the SFWMD on November 6, 2006. Notice of receipt of the petition requesting the waiver was published in the issue Vol. 32, No. 47, F.A.W., on November 22, 2006. An amended petition for waiver was received by the SFWMD on January 10, 2007. Notice of receipt of the amended petition requesting the waiver was published in the issue Vol. 38, No. 04, F.A.W., on January 26, 2007. No public comment was received. This Order provides a waiver of the District's criteria for the proposed temporary vehicular use of a L-28 right of way to gain access to the applicant's camp; S23/T51S/R34E, Collier County. Specifically, the Order grants a waiver from paragraph 40E-6.221(2)(j), F.A.C., and the Basis of Review for Use or

Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), F.A.C., which governs the requirement that, except for utilities, an applicant must own or lease the land lying adjacent to the District Work within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Donald A. Murphy from suffering a substantial hardship.

A copy of the Order can be obtained from: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320 or by e-mail kruff@sfwmd.gov

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#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that on January 29, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(1) and 61C-4.010(6), F.A.C. from Costa Azul Catering located in Fort Pierce. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

This variance request was approved February 15, 2007, and is contingent upon the Petitioner's use of open-air steam table properly covered and air curtain operating properly according to manufacturer's specifications and Section 6-202-15(D) (2), 2001 FDA Food Code, as to expel possible contaminants and vermin. Approval is also contingent upon Petitioner conducting all re-heating for hot holding at approved commissaries to the proper temperature per Section 3-403.11, 2001 FDA Food Code; and potentially hazardous food is held at proper temperatures according to Section 3-501.16, 2001 FDA Food Code.

The Petitioner shall strictly adhere to Section 61C-4.0161(2)(c), F.A.C., and report to the commissary at least once daily when operating. All warewashing is to be conducted at the commissary and strict adherence to employee health guidelines as specified in the Section 2-201, 2001 FDA Food Code, are to be followed. Petitioner shall also use a potable water tank and utilize a wastewater holding tank that is at least 15% larger than the potable water holding tank; and sloped to a drain that is 1 inch in inner diameter or greater, equipped with a shut-off valve. Petitioner must receive potable water from an

approved source with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours.

Copies of the variance and operating procedures are to be present on the MFDV at all times of operation and shall be adhered to as approved by the Division. This variance is not transferable under any conditions. All provisos must be complied prior to final approval and licensing. 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.

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NOTICE IS HEREBY GIVEN that on January 23, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), F.A.C., from Cracker Shack BBQ to Go located in Blountstown. 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 Petitioner requests to use bathroom facilities located in an adjacent establishment that is owned by the Petitioner.

This variance request was approved January 12, 2007, and is contingent upon the Petitioner notifying guests to the location of the public bathroom facilities by directional signage, ensuring the alternative bathroom facilities are functional, has hot and cold running water at all times, provided with soap and an approved method to dry hands, kept in a clean and sanitary manner, and available during all hours of operation. There will be no seating allowed. All provisos, listed on the plan review task form, must be in compliance prior to final approval and licensing. The Petitioner is to contact the Division once the establishment is connected to municipal wastewater service. The Division will re-evaluate the variance and make modifications if necessary. 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, F.S.

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NOTICE IS HEREBY GIVEN that on February 12, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), F.A.C., from Picasso's Pizzeria located in Jacksonville. 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 has one bathroom facility for patrons and they are requesting a variance to have a seating capacity of 42.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on February 15, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), F.A.C., from Pizzeria Di LaMonaca located in Rockledge. 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 has one bathroom facility for patrons and they are requesting a variance to have a seating capacity of 20.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

#### **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."

#### **DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN that on February 9, 2007, the Board of Medicine, received a petition for variance/waiver from subsection 64B8-4.009(4), F.A.C., on behalf of Nasser Chahmirzadi, M.D., with regard to the requirement for official verification of medical school education.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

## **Section VI**

### **Notices of Meetings, Workshops and Public Hearings**

#### **DEPARTMENT OF STATE**

The **Department of State, Division of Library and Information Services** announces a State Library Council Meeting. All persons are invited.

DATE AND TIME: Thursday, March 29, 2007, 9:00 a.m. – 12:00 Noon

PLACE: R. A. Gray Building, Archives Conference Room, 500 South Bronough Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council will review and discuss programs and issues related to the Division of Library and Information Services. As a side item of the Council meeting, the Friends of the State Library and Archives of Florida Inc.'s Board of Directors and State Library Council members will discuss the progress of the State Library and Archives' citizen support organization and address any questions and/or concerns regarding its budget and IRS Form 1023 status.

For additional information contact: Judith A. Ring, State Librarian at (850)245-6600 or Suncom 205-6600.

Any person requiring special accommodations due to a disability or physical impairment should contact the agency at least five days prior to the meeting in order to request any special assistance by calling (850)245-6600 or TDD (850)922-4085.

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

DATE AND TIME: March 29, 2007, 11:00 a.m.

PLACE: State Records Center, 4319 Shelfer Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The State Historical Records Advisory Board will discuss updates to the Boards Re-grant Program, Status of the National Historical Publications and Records Commission (NHPRC) funding and the Board's Long Range Strategic Plan.

For further information contact: Mr. Gerard Clark, Deputy Coordinator, Florida State Historical Records Advisory Board Department of State, State Library and Archives of Florida, R. A. Gray Building, Tallahassee, Florida 32399-0250, (850)245-6639, Suncom 205-6750.

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 48 hours before the workshop/meeting by contacting (850)245-6639. 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).

The **Department of State, Division of Cultural Affairs** announces grant panel meetings, to which all persons are invited. These meetings are subject to cancellation or change, please call to confirm the meeting date and time.

DATES AND TIME: March 26-27, 2007, 9:00 a.m. – conclusion

PLACE: Mary Brogan Museum of Art and Sciences, 350 South Duval Street, 1st Floor, Tallahassee, FL