

(6)(a) For purposes of compliance with the provisions of this rule, a registrant shall calculate the amount of their surety bond, collateral deposit, or combination thereof in accordance with subsection (5) of this rule each December 31st for the preceding 12 months.

(b) For purposes of compliance with subparagraph (5)(b)2. of this rule the number of active locations/vendors shall be the number of branches in operation and the number of vendors currently under contract with the registrant on December 31st.

(7) After completing one full year of registration, each registrant shall annually file on Form OFR-560-07, Security Device Calculation Form, revised 1/1/2007, which is hereby incorporated by reference and available on the Office website at www.flofr.com and by mail at the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376, the required information regarding the registrant's amount of surety bond, collateral deposit, or combination thereof as prescribed in subsection (5) of this rule not later than January 31st of each calendar year for the preceding calendar year. If based on the registrant's calculation, the amount of the device must be increased, the registrant shall provide to the Office an additional surety bond, surety rider for an existing bond, collateral deposit pledge agreement or combination thereof reflecting the amount required no later than sixty (60) days following the deadline to file Form OFR-560-07, Security Device Calculation Form.

~~(b) The required bond, collateral deposit or combination thereof for renewal registration shall be calculated in accordance with Form OFR-MT-6-01.~~

~~(c) The required bond, collateral deposit or combination thereof shall not exceed \$250,000.00, unless the Office of Financial Regulation determines that an extraordinary circumstance, such as those of Section 560.209(2)(a), F.S., exists which requires an additional amount above \$250,000.00. However, the maximum bond, collateral deposit or combination thereof shall be \$500,000.00.~~

~~(8)(6) The bond, collateral deposit or combination thereof shall remain in place for 5 years after the registrant ceases operations in this state. The security shall be reduced or eliminated prior to that time upon written approval, if the Office of Financial Regulation determines that the registrant's outstanding payment instruments or funds transmitted in this state have been paid or reduced and that such lesser amount adequately protects the interests of the public.~~

~~(9)(7) A registrant must at all times have and maintain the bond, collateral deposit or combination thereof in the amount prescribed by the Office of Financial Regulation. If the Office of Financial Regulation at any time reasonably determines that the bond or elements of the collateral deposit are insecure, deficient in amount, or exhausted in whole or in part, the Office of Financial Regulation shall, by written order, require the filing of a new or supplemental bond or the deposit of new or additional collateral deposit items.~~

(10) All forms incorporated by reference in this rule are available on the Office's website at www.flofr.com and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376.

Specific Authority 560.105(3), 560.209(2)(a) FS. Law Implemented 560.207, 560.209 FS. History—New 9-24-97, Amended 12-30-98, 11-4-01, Formerly 3C-560.402, Amended _____.

~~69V-560.602 Quarterly Reports to Be Filed by Check Cashers.~~

~~(+) Every money transmitter registered pursuant to the Code registered check-casher shall submit a quarterly report to the Office of Financial Regulation by filing a completed on Form OFR-560-04MT-1-01, Money Transmitter Quarterly Report Form, effective 1/1/2007 10/01, which is hereby incorporated by reference and available on the Office's website at www.flofr.com and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376. A completed quarterly report form Such report shall be received by the Office of Financial Regulation no later than forty-five (45) days after the conclusion of each quarter and shall be sent to Division of Securities and Finance at the address listed in subsection 69V-560.102(1), F.A.C. Should the forty-fifth day fall on a Saturday, Sunday weekend or holiday, the reports must be received by the Office of Financial Regulation no later than the next business day.~~

~~(2) In lieu of filing Form OFR-MT-1-01, a registrant may submit the required quarterly report information electronically on or before the deadline by following the applicable instructions on the Office of Financial Regulation's website (www.dbf.state.fl.us) on the Internet.~~

~~(3) The Office of Financial Regulation shall levy a late payment penalty of \$100.00 per day or part thereof that a report is past due. A report is "past due" if it is received by the Office of Financial Regulation one or more days beyond the period defined in subsection (1).~~

Specific Authority 560.105(3), 560.118(2)(b) FS. Law Implemented 560.118(2) FS. History—New 9-24-97, Amended 12-30-98, 11-4-01, Formerly 3C-560.602, Amended _____.

~~69V-560.606 Annual Filing of Financial Statements by Part II Registrants.~~

~~No change.~~

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:
53ER07-30 Overtime/Compensation for Excess
 Hours of Work

SUMMARY OF RULE: This emergency rule establishes the classifications and clarifies overtime for included and excluded positions.

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:

53ER07-30 Overtime/Compensation for Excess Hours of Work.

(1) Each classification shall be designated as “included” or “excluded.”

(a) For included positions, overtime is defined as hours of work, excluding holidays and leave, in excess of forty (40) hours during the established workweek, or in excess of the number of hours in an extended work period.

(b) For excluded positions, hours of work, excluding holidays and leave, in excess of forty (40) hours during the established workweek, or in excess of the number of hours in an extended work period shall be compensated as described in subsections (4) through (6) below.

(2) An employee who is filling an included position shall be paid for all overtime at a rate which is one and one-half (1 1/2) times the employee’s regular hourly rate of pay.

(3) Payment for overtime shall be made immediately following the pay period during which the overtime was worked.

(4) An employee who is filling an excluded position, other than an executive management position, shall accrue regular compensatory leave credits on an hour for hour basis for all hours required to be worked in excess of forty (40) hours in the workweek or in excess of the number of hours in an extended work period. An employee shall not accrue in excess of one hundred sixty (160) regular compensatory leave credits in a fiscal year. All regular compensatory leave credits in excess of one hundred twenty (120) hours will be forfeited on July 1, unless a waiver has been approved by the Secretary. The conditions under which the Secretary shall approve a waiver are:

(a) The employee’s workload has prevented the employee from utilizing the excess compensatory leave credits; and

(b) The excess compensatory leave credits are earned within the sixty (60) day period prior to July 1.

(5) No cash payment shall be made to an employee filling an excluded position for unused regular compensatory leave credits. However, holiday compensatory leave credits can be accrued in addition to any regular compensatory leave credits,

and if such employee separates from employment with the Lottery or joins Lottery Executive Management prior to being granted such leave, the employee shall be paid for all unused holiday compensatory leave credits in accordance with the provisions of this chapter.

(6) When an employee moves from a position in a class requiring the granting of regular compensatory leave credits to any other position in the Lottery, any unused regular compensatory leave credits shall be transferred.

(7) This emergency rule shall replace Rule 53ER05-52, F.A.C., Overtime/Compensation for Excess Hours of Work.

Specific Authority 24.105(9)(j) FS, Law Implemented 24.105(19)(d) FS, History—New 5-7-07, Replaces 53ER05-52, F.A.C.

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: May 7, 2007

DEPARTMENT OF THE LOTTERY

RULE NO.: RULE TITLE:
53ER07-31 Overtime Compensation

SUMMARY OF RULE: This emergency rule sets forth the provisions for compensation for employees filling included positions and OPS employees performing similar duties and for employees filling excluded positions other than those in Executive Management.

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:

53ER07-31 Overtime Compensation.

(1) Employees filling included positions and OPS employees performing similar duties shall be paid for overtime. Overtime payments shall be computed at a rate of one and one-half (1 1/2) times the employee’s regular hourly rate for hours of work, excluding holidays and leave, in excess of forty (40) in a workweek or in excess of the number of hours in an extended work period. An employee shall work overtime hours only as authorized by management.

(2) Employees filling excluded positions, other than those in Executive Management, shall accrue regular compensatory time on an hour for hour basis for all hours of work in excess of forty (40) hours in the workweek or in excess of the number of hours in an extended work period, excluding holidays and leave, which are performed at the request of management. An employee shall not accrue more than one hundred sixty (160) regular compensatory hours in a fiscal year. All hours in excess of one hundred twenty (120) on July 1 of each fiscal year shall

be forfeited, unless a waiver has been approved pursuant to subsection 53ER07-30(4), F.A.C., *Overtime/Compensation for Excess Hours of Work.*

(3) This emergency rule shall replace Rule 53ER05-53, *Overtime Compensation.*

Specific Authority 24.105(9)(j) FS. Law Implemented 24.105(19)(d) FS. History—New 5-7-07, Replaces 53ER05-53, F.A.C.

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: May 7, 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

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN THAT on April 26, 2007, the Florida Department of Law Enforcement, received a petition for Waiver of Rule 11B-27.002, F.A.C., pursuant to Section 120.542, F.S. from Sean Michael O’Flannery. Petitioner has requested that the Department waive the requirement that recruits complete basic training, pass the SOCE, and gain employment within four years of beginning basic recruit training.

Comments on this Petition should be filed with the Office of General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, Attention: Assistant General Counsel Grace A. Jaye. A copy of the Petition for Variance or Waiver may be obtained by contacting: Assistant General Counsel Grace A. Jaye at the above address, or by calling (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 April 17, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Rosen Shingle Creek located in Orlando. 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.

This variance request was approved May 2, 2007, and is contingent upon the Petitioner ensuring the public bathroom is functional, has hot and cold running water at all times, provided with soap and an approved method to dry hands, and kept in a clean and sanitary manner. Seating shall not exceed forty-two (42) which includes inside and outside seating. 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.

To obtain a copy of the approved variance you may contact David.Fountain@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on April 19, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-1.004(1)(d), Florida Administrative Code (F.A.C.), from Heritage Bay Golf and Country Club located in Naples. The above referenced F.A.C. states that sewage shall be disposed of in a public sewerage system or other approved sewerage system in accordance with the provisions of Chapter 64E-6 or 62-601 F.A.C. The Petitioner is requesting a variance use alternative methods for sewage disposal.

This variance request was approved May 2, 2007, and is for only 12 months from the date of filing from the Agency Clerk and is contingent upon the Petitioner using six, three-hundred gallon holding tanks or greater for the kitchen operation. The wastewater holding tanks are to be serviced as needed, not less than one time a day, as to prevent a sanitary nuisance. Petitioner shall install some device or implement procedures to monitor the holding tanks so they do not overflow or back-up into the temporary structures. Petitioner must have an approved supply of potable water with written documentation provided. The Petitioner shall follow all applicable Administrative Rules and Federal Food and Drug Administration Food Code references. All provisos and plan review deficiencies shall be met prior to 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.