

greater, up to a maximum of one hundred-fifty dollars. The Lottery will assess only one service fee to retailer chain accounts that use the same bank account for all stores. The assessed fee shall be five percent of the total amount due for all locations up to a maximum of one hundred-fifty dollars. Payment of the delinquent settlement amount and any applicable service charges is due immediately from the retailer and prior to on-line sales and the ability to order instant tickets being reinstated.

9. An unsuccessful transfer on the first weekly attempt will not result in assessment of a service charge if the second weekly attempt is successful. Only one service charge will be assessed if both the first and second attempts are unsuccessful.

10. If the Lottery determines that it is in its best financial interest, taking into consideration factors such as the amount of the delinquency and the length of time the delinquency and/or service charges are outstanding, the Lottery district office will be instructed to settle the sold instant tickets and pick up any remaining instant ticket inventory. A retailer's access to computerized Lottery transactions will be limited to redeeming winning tickets and printing reports until Lottery Headquarters has received notification of payment in full.

11. To satisfy an EFT delinquency, the retailer may:

a. Deposit a Cashier's check or money order made payable to the Florida Lottery into a specified Lottery bank account;

b. Wire transfer the funds into a specified Lottery bank account; or

c. Deliver a Cashier's check or money order to a Lottery office.

12. The Lottery will accept a prepayment for the settlement amount if the prepayment is received by the Lottery prior to 5:00 p.m., Eastern Time, on the day before the EFT would normally occur. A service charge will not be applied to the first three (3) prepayments made by a retailer in a twelve-month period, nor will the first three (3) prepayments be counted as a delinquency against the retailer; however, retailers who make more than three (3) prepayments in a twelve-month period will be assessed a service charge as described in subparagraph (2)(g)8. above for each additional prepayment. The Lottery will waive the service charge upon a showing of good cause by a retailer, e.g., the circumstances necessitating prepayment are attributable to the retailer's bank or to the Lottery. Failure by the Lottery to impose a service charge does not constitute a waiver of its right to impose a service charge for any subsequent prepayment.

13. The Lottery will actively pursue collection of all delinquencies that are not paid through the process described above.

(3) This emergency rule shall become effective on April 1, 2009.

Rulemaking Authority 24.109(1), 24.112(1) FS. Law Implemented 24.112(1), (11), 24.114 FS. History--New 4-1-09, Replaces 53ER08-78.

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 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

#### **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 March 18, 2009, the South Florida Water Management District (District), received a petition for waiver from the Miami-Dade Water and Sewer Department, Application No. 09-0115-1, for utilization of Works or Lands of the District known as the C-1 and C-1W Canals, for installation of a 42" reclaimed water main. The portion proposed within the C-1 right of way runs from Old Cutler Road to S. W. 97th Avenue (approx. 1.5 miles). The portion proposed within the C-1W right of way runs from S. W. 127th Avenue to the Homestead Extension of the Florida Turnpike (approx. 2.25 miles); Sections 12, 7, 8, 17, & 20, Township 56 South, Range 39 and 40 East, Miami-Dade County. The Petition seeks relief from paragraph 40E-6.221(2)(j), Florida Administrative Code, which prohibits the placement of parallel run transmission lines within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kathie Ruff at (561)682-6320 or e-mail: [kruff@sfwmd.gov](mailto:kruff@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.: Kathie Ruff, Office of Counsel.

NOTICE IS HEREBY GIVEN THAT on March 13, 2009, the South Florida Water Management District (District), received a petition for waiver from Canal Investments, Inc., Application

No. 09-0213-1, for utilization of Works or Lands of the District known as the C-4 (Tamiami) Canal, for the proposed installation of a cross-fence with vehicular access gate at the east property line extended and to allow an existing asphalt parking area accommodating 6 parking spaces with bollards, buried electrical service with lighting, and a portion of an exfiltration trench to remain within the north right of way of the C-4 Canal, adjacent to 10690 S.W. 7th Terrace; Section 5, Township 54 South, Range 40 East, Miami-Dade County. The petition seeks relief from subsections 40E-6.011(4) and (6), and paragraphs 40E-6.221(2)(a) and (j), Florida Administrative Code, which govern the placement of permanent and/or semi-permanent above-ground encroachments within 40-feet of the top of the canal bank and within the District's designated equipment staging areas at all bridges and pile-supported utility crossings as well as the placement of retention/detention facilities and use of motor vehicles (parking) within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kathie Ruff at (561)682-6320 or e-mail: kruff@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.: Kathie Ruff, Office of Counsel.

#### **DEPARTMENT OF MANAGEMENT SERVICES**

NOTICE IS HEREBY GIVEN THAT on March 20, 2009, the Agency for Workforce Innovation, received a petition for Variance from subsection 60BB-4.210(1), Florida Administrative Code, from: Early Learning Coalition of Duval, 6850 Belfort Oaks Place, Suite 102, Jacksonville, Florida 32216.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Stephanie Savestanan, Agency for Workforce Innovation, Office of Early Learning, 107 E. Madison Street, MSC 140, Tallahassee, Florida 32399-4120.

NOTICE IS HEREBY GIVEN THAT on March 23, 2009, the Agency for Workforce Innovation, received a petition for Temporary Waiver of Rule 60BB-8.201, Florida Administrative Code, from the Early Learning Coalition of Pasco and Hernandez Counties, Inc., 15506 County Line Road, Suite 103, Spring Hill, Florida 34610.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Stephanie Savestanan, Agency for Workforce Innovation, Office of Early Learning, 107 E. Madison Street, MSC 140, Tallahassee, Florida 32399-4120.

NOTICE IS HEREBY GIVEN THAT on March 19, 2009, the Agency for Workforce Innovation, received a petition for Variance from subsection 60BB-4.210(1), Florida Administrative Code, from the Early Learning Coalition of Putnam and St. Johns Counties, Inc., 200 Reid Street, Suite 2, Palatka, Florida 32177.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Stephanie Savestanan, Agency for Workforce Innovation, Office of Early Learning, 107 E. Madison Street, MSC 140, Tallahassee, Florida 32399-4120.

NOTICE IS HEREBY GIVEN THAT on March 18, 2009, the Agency for Workforce Innovation, received a petition for Temporary Waiver of Rule 60BB-8.201, Florida Administrative Code, from the Early Learning Coalition of Seminole, 239 Rinehart Road, Lake Mary, Florida 32746.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Stephanie Savestanan, Agency for Workforce Innovation, Office of Early Learning, 107 E. Madison Street, MSC 140, Tallahassee, Florida 32399.

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

NOTICE IS HEREBY GIVEN THAT on March 18, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order denied an emergency variance request from Lynnette Sharp on behalf of the Stovall Condominium (License Numbers 57210 and 57212). The petition was denied as the petitioner did not present any hardship or explain how the intent of the rule would otherwise be met (VW2009-021).

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 March 6, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a temporary variance from Rule 3.11.3, A17.3, 1996 which requires Fire Fighter Service Phase 1 and 2, from Chad VonTilburg on behalf of Schooner Bay Condominium in Fort Myers, FL (VW 2009-040).

A copy of the Petition for Variance or Waiver 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 March 6, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rule 3.11.3, A17.3, 1996 which requires Fire Fighter Service Phase 1 and 2, from Chad VonTilburg on behalf of North Shore Place #2 in North Fort Myers, FL (VW 2009-041).

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

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NOTICE IS HEREBY GIVEN THAT on March 13, 2009, the the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, 1996 from Willis Birch of Villa Dora Condominium in Mount Dora, FL (VW 2009-042).

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

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NOTICE IS HEREBY GIVEN THAT on March 16, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, 1996 from Pamela J. Hummell of Surgical Group of Orlando, FL (VW 2009-043).

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

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NOTICE IS HEREBY GIVEN THAT on March 16, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from unknown rules from David Kirk on behalf of Venice Costa Brava Condominium in Sarasota, FL (VW 2009-044).

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

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NOTICE IS HEREBY GIVEN THAT on March 16, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rule 3.11.3, A17.3, 1996 which requires Fire Fighter Service Phase 1 and 2, from Jan Konigsberg of The Atrium in Tampa, FL (VW 2009-045).

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

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NOTICE IS HEREBY GIVEN THAT on March 6, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a temporary variance from Rules 2.7.4, 3.11.1 and 3.11.3, A17.3, 1996 which require restricted opening of doors, two-way communication from the car from within the building and Fire Fighter Service Phase 1 and 2. The order was issued to Jaman Brundage of First Baptist Church of Daytona Beach and gave the petitioner until December 31, 2011 to meet the codes. The petition was granted due to the

economic hardship correcting the violations would create on the church which is experiencing increased demand for aid from it's members while suffering from a shortfall on revenues. A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on March 11, 2009, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency 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 Coney Island Express located in Orange City. The above referenced F.A.C. addresses the service of open, bulk food from an open-air Mobile Food Dispensing Vehicle. 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: Rhonda.Steele@DBPR.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

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NOTICE IS HEREBY GIVEN THAT on March 16, 2009, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an EMERGENCY Variance for subsection 61C-4.010(7) and 61C-4.010(6), Florida Administrative Code, and Section 6-402.11, 2001 FDA Food Code from Pannina Pizza Bakery located in Hollywood. The above referenced F.A.C. addresses the requirement that toilet rooms shall be conveniently located and accessible to customers during all hours of operation. They are requesting a variance to share an adjacent establishment's bathroom facilities for the public.

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

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NOTICE IS HEREBY GIVEN THAT on March 16, 2009, the Board of Accountancy, received a petition for Evan Paul Serchay, seeking a variance or waiver of paragraph 61H1-28.0052(1)(b), Florida Administrative Code, that requires candidates to pass all four test sections of the CPA Examination within a rolling eighteen-month period, which begins on the NASBA grade release date for the first test section(s) passed.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Voloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida

32607, (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

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#### 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."

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#### DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on March 20, 2009, the Florida Department of Health, Division of Emergency Medical Operations, Bureau of Emergency Medical Services (EMS) has issued an order.

A petition was filed by Sean Hessel with the Department of Health on January 15, 2009, and published in the Florida Administrative Weekly on January 30, 2009, requesting a waiver from paragraph 64J-1.010(3)(d), Florida Administrative Code, which requires that a paramedic whose certificate has been on inactive status for more than one year to pass the paramedic certification examination.

The Department of Health, Bureau of EMS has granted the request for waiver. The general basis for this decision was that Petitioner met the general requirements for waiver:

- (a) Petitioner has demonstrated that the purpose of the underlying statute has been achieved as he never meant to put his license in an inactive status, but has continued working as a paramedic and completed all of his required training.
- (b) A substantial economic hardship would be placed upon Petitioner as he would be unable to continue his current employment.
- (c) Principles of fairness would be violated should Petitioner be required to adhere to the current rule as he was not given proper notice of his inactive status or given an opportunity to correct his mistake before the one year deadline.

Wherefore, based on the Findings of Fact and Conclusions of Law, the petition for waiver has been granted and allows Sean Hessel to renew his paramedic license without requiring he pass the paramedic certification exam for the 2008-2010 biennium.

A copy of the Order may be obtained by contacting: Lisa Walker, Government Analyst II, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C18, Tallahassee, FL 32399, [Lisa\\_Walker2@doh.state.fl.us](mailto:Lisa_Walker2@doh.state.fl.us) or (850)245-4440, ext. 2733.

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#### FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN THAT on March 23, 2009, the Florida Housing Finance Corporation, received a petition for Waiver from Dixie Court Associates, LTD, ("Petition"). The Petition is seeking a waiver of the requirement that a bathroom with shower be provided in at least 90% of the units in the Petitioner's Development known as Dixie Court Apartments.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Della Harrell, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

The Petition has also been posted on Florida Housing's website at: [www.floridahousing.org](http://www.floridahousing.org). Florida Housing 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. (Eastern Standard Time), on the 14th day after publication of this notice at: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

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NOTICE IS HEREBY GIVEN THAT on March 24, 2009, the Florida Housing Finance Corporation, received a petition for Variance of paragraphs 67-48.004(1)(a) and 67-48.027(2)(m), Florida Administrative Code (2008), ("Petition"). The Petition is seeking a variance of paragraphs 67-48.004(1)(a) and 67-48.027(2)(m), Florida Administrative Code (2008), relating to the filing of an application for Non-Competitive Housing Credits in connection with an allocation of tax exempt bond financing, and the imposition of certain requirements contained within such application.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Della Harrell, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. The Petition has also been posted on Florida Housing's website at: [www.floridahousing.org](http://www.floridahousing.org). Florida Housing 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. (Eastern Standard Time), on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

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NOTICE IS HEREBY GIVEN THAT on March 24, 2009, the Florida Housing Finance Corporation, received a petition for Waiver or Variance of the Qualified Allocation Plan's Requirement for Returning Housing Credit Allocation and for an Immediate Allocation of 2009 Housing Tax Credits from Pana Villa Redevelopment, LTD, ("Petition"). The Petition is seeking a waiver or variance of the Qualified Allocation Plan's requirement that applicants wait until the last calendar quarter

of the year in which the applicant is required to place its project in service to return a housing credit allocation and for an immediate allocation of 2009 Housing Tax Credits.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Della Harrell, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. The Petition has also been posted on Florida Housing's website: [www.floridahousing.org](http://www.floridahousing.org). Florida Housing 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. (Eastern Standard Time), on the 14th day after publication of this notice at: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

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## 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: April 13, 2009, 11:00 a.m.

PLACE: Mission San Luis Archaeological Lab, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Executive Committee will be discussing upcoming events and VIP tours, as well as the new visitor center and other Friends business.

A copy of the agenda may be obtained by contacting: Jessica Shiver at (850)487-1666 or email: [jbshiver@dos.state.fl.us](mailto:jbshiver@dos.state.fl.us).

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. 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)487-1666 or email: [jbshiver@dos.state.fl.us](mailto:jbshiver@dos.state.fl.us).

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### DEPARTMENT OF LEGAL AFFAIRS

The Florida **Commission on the Status of Women** announces a telephone conference call to which all persons are invited.

DATE AND TIME: March 8, 2009, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual Report Committee.

DATE AND TIME: April 9, 2009, 9:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Finance/Budget Committee.

DATE AND TIME: April 14, 2009, 11:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Awards and Recognition Task Force.

DATE AND TIME: April 14, 2009, 3:00 p.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Bylaws Committee.

DATE AND TIME: April 15, 2009, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Women's Hall of Fame Committee.

DATE AND TIME: April 15, 2009, 11:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Legislative Committee.

DATE AND TIME: April 16, 2009, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Committee.

DATE AND TIME: April 22, 2009, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Outreach Committee.

DATE AND TIME: April 23, 2009, 11:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Full Commission Meeting.

NOTE: In the absence of quorum, items on this agenda will be discussed as workshop, and notes will be recorded although no formal action will be taken. If you have any questions, please call: (850)414-3300.

greater, up to a maximum of one hundred-fifty dollars. The Lottery will assess only one service fee to retailer chain accounts that use the same bank account for all stores. The assessed fee shall be five percent of the total amount due for all locations up to a maximum of one hundred-fifty dollars. Payment of the delinquent settlement amount and any applicable service charges is due immediately from the retailer and prior to on-line sales and the ability to order instant tickets being reinstated.

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b. Wire transfer the funds into a specified Lottery bank account; or

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(3) This emergency rule shall become effective on April 1, 2009.

Rulemaking Authority 24.109(1), 24.112(1) FS. Law Implemented 24.112(1), (11), 24.114 FS. History--New 4-1-09, Replaces 53ER08-78.

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 1, 2009

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A copy of the Petition for Variance or Waiver may be obtained by contacting: Kathie Ruff at (561)682-6320 or e-mail: [kruff@sfwmd.gov](mailto:kruff@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.: Kathie Ruff, Office of Counsel.

NOTICE IS HEREBY GIVEN THAT on March 13, 2009, the South Florida Water Management District (District), received a petition for waiver from Canal Investments, Inc., Application

No. 09-0213-1, for utilization of Works or Lands of the District known as the C-4 (Tamiami) Canal, for the proposed installation of a cross-fence with vehicular access gate at the east property line extended and to allow an existing asphalt parking area accommodating 6 parking spaces with bollards, buried electrical service with lighting, and a portion of an exfiltration trench to remain within the north right of way of the C-4 Canal, adjacent to 10690 S.W. 7th Terrace; Section 5, Township 54 South, Range 40 East, Miami-Dade County. The petition seeks relief from subsections 40E-6.011(4) and (6), and paragraphs 40E-6.221(2)(a) and (j), Florida Administrative Code, which govern the placement of permanent and/or semi-permanent above-ground encroachments within 40-feet of the top of the canal bank and within the District's designated equipment staging areas at all bridges and pile-supported utility crossings as well as the placement of retention/detention facilities and use of motor vehicles (parking) within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kathie Ruff at (561)682-6320 or e-mail: kruff@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.: Kathie Ruff, Office of Counsel.

#### **DEPARTMENT OF MANAGEMENT SERVICES**

NOTICE IS HEREBY GIVEN THAT on March 20, 2009, the Agency for Workforce Innovation, received a petition for Variance from subsection 60BB-4.210(1), Florida Administrative Code, from: Early Learning Coalition of Duval, 6850 Belfort Oaks Place, Suite 102, Jacksonville, Florida 32216.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Stephanie Savestanan, Agency for Workforce Innovation, Office of Early Learning, 107 E. Madison Street, MSC 140, Tallahassee, Florida 32399-4120.

NOTICE IS HEREBY GIVEN THAT on March 23, 2009, the Agency for Workforce Innovation, received a petition for Temporary Waiver of Rule 60BB-8.201, Florida Administrative Code, from the Early Learning Coalition of Pasco and Hernandez Counties, Inc., 15506 County Line Road, Suite 103, Spring Hill, Florida 34610.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Stephanie Savestanan, Agency for Workforce Innovation, Office of Early Learning, 107 E. Madison Street, MSC 140, Tallahassee, Florida 32399-4120.

NOTICE IS HEREBY GIVEN THAT on March 19, 2009, the Agency for Workforce Innovation, received a petition for Variance from subsection 60BB-4.210(1), Florida Administrative Code, from the Early Learning Coalition of Putnam and St. Johns Counties, Inc., 200 Reid Street, Suite 2, Palatka, Florida 32177.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Stephanie Savestanan, Agency for Workforce Innovation, Office of Early Learning, 107 E. Madison Street, MSC 140, Tallahassee, Florida 32399-4120.

NOTICE IS HEREBY GIVEN THAT on March 18, 2009, the Agency for Workforce Innovation, received a petition for Temporary Waiver of Rule 60BB-8.201, Florida Administrative Code, from the Early Learning Coalition of Seminole, 239 Rinehart Road, Lake Mary, Florida 32746.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Stephanie Savestanan, Agency for Workforce Innovation, Office of Early Learning, 107 E. Madison Street, MSC 140, Tallahassee, Florida 32399.

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

NOTICE IS HEREBY GIVEN THAT on March 18, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order denied an emergency variance request from Lynnette Sharp on behalf of the Stovall Condominium (License Numbers 57210 and 57212). The petition was denied as the petitioner did not present any hardship or explain how the intent of the rule would otherwise be met (VW2009-021).

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 March 6, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a temporary variance from Rule 3.11.3, A17.3, 1996 which requires Fire Fighter Service Phase 1 and 2, from Chad VonTilburg on behalf of Schooner Bay Condominium in Fort Myers, FL (VW 2009-040).

A copy of the Petition for Variance or Waiver 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 March 6, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rule 3.11.3, A17.3, 1996 which requires Fire Fighter Service Phase 1 and 2, from Chad VonTilburg on behalf of North Shore Place #2 in North Fort Myers, FL (VW 2009-041).

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

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NOTICE IS HEREBY GIVEN THAT on March 13, 2009, the the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, 1996 from Willis Birch of Villa Dora Condominium in Mount Dora, FL (VW 2009-042).

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

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NOTICE IS HEREBY GIVEN THAT on March 16, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, 1996 from Pamela J. Hummell of Surgical Group of Orlando, FL (VW 2009-043).

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

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NOTICE IS HEREBY GIVEN THAT on March 16, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from unknown rules from David Kirk on behalf of Venice Costa Brava Condominium in Sarasota, FL (VW 2009-044).

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

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NOTICE IS HEREBY GIVEN THAT on March 16, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rule 3.11.3, A17.3, 1996 which requires Fire Fighter Service Phase 1 and 2, from Jan Konigsberg of The Atrium in Tampa, FL (VW 2009-045).

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

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NOTICE IS HEREBY GIVEN THAT on March 6, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order granted a temporary variance from Rules 2.7.4, 3.11.1 and 3.11.3, A17.3, 1996 which require restricted opening of doors, two-way communication from the car from within the building and Fire Fighter Service Phase 1 and 2. The order was issued to Jaman Brundage of First Baptist Church of Daytona Beach and gave the petitioner until December 31, 2011 to meet the codes. The petition was granted due to the

economic hardship correcting the violations would create on the church which is experiencing increased demand for aid from it's members while suffering from a shortfall on revenues. A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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NOTICE IS HEREBY GIVEN THAT on March 11, 2009, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency 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 Coney Island Express located in Orange City. The above referenced F.A.C. addresses the service of open, bulk food from an open-air Mobile Food Dispensing Vehicle. 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: Rhonda.Steele@DBPR.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

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NOTICE IS HEREBY GIVEN THAT on March 16, 2009, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an EMERGENCY Variance for subsection 61C-4.010(7) and 61C-4.010(6), Florida Administrative Code, and Section 6-402.11, 2001 FDA Food Code from Pannina Pizza Bakery located in Hollywood. The above referenced F.A.C. addresses the requirement that toilet rooms shall be conveniently located and accessible to customers during all hours of operation. They are requesting a variance to share an adjacent establishment's bathroom facilities for the public.

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

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NOTICE IS HEREBY GIVEN THAT on March 16, 2009, the Board of Accountancy, received a petition for Evan Paul Serchay, seeking a variance or waiver of paragraph 61H1-28.0052(1)(b), Florida Administrative Code, that requires candidates to pass all four test sections of the CPA Examination within a rolling eighteen-month period, which begins on the NASBA grade release date for the first test section(s) passed.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Voloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida

32607, (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

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#### 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."

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#### DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on March 20, 2009, the Florida Department of Health, Division of Emergency Medical Operations, Bureau of Emergency Medical Services (EMS) has issued an order.

A petition was filed by Sean Hessel with the Department of Health on January 15, 2009, and published in the Florida Administrative Weekly on January 30, 2009, requesting a waiver from paragraph 64J-1.010(3)(d), Florida Administrative Code, which requires that a paramedic whose certificate has been on inactive status for more than one year to pass the paramedic certification examination.

The Department of Health, Bureau of EMS has granted the request for waiver. The general basis for this decision was that Petitioner met the general requirements for waiver:

- (a) Petitioner has demonstrated that the purpose of the underlying statute has been achieved as he never meant to put his license in an inactive status, but has continued working as a paramedic and completed all of his required training.
- (b) A substantial economic hardship would be placed upon Petitioner as he would be unable to continue his current employment.
- (c) Principles of fairness would be violated should Petitioner be required to adhere to the current rule as he was not given proper notice of his inactive status or given an opportunity to correct his mistake before the one year deadline.

Wherefore, based on the Findings of Fact and Conclusions of Law, the petition for waiver has been granted and allows Sean Hessel to renew his paramedic license without requiring he pass the paramedic certification exam for the 2008-2010 biennium.

A copy of the Order may be obtained by contacting: Lisa Walker, Government Analyst II, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C18, Tallahassee, FL 32399, [Lisa\\_Walker2@doh.state.fl.us](mailto:Lisa_Walker2@doh.state.fl.us) or (850)245-4440, ext. 2733.

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#### FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN THAT on March 23, 2009, the Florida Housing Finance Corporation, received a petition for Waiver from Dixie Court Associates, LTD, ("Petition"). The Petition is seeking a waiver of the requirement that a bathroom with shower be provided in at least 90% of the units in the Petitioner's Development known as Dixie Court Apartments.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Della Harrell, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

The Petition has also been posted on Florida Housing's website at: [www.floridahousing.org](http://www.floridahousing.org). Florida Housing 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. (Eastern Standard Time), on the 14th day after publication of this notice at: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

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NOTICE IS HEREBY GIVEN THAT on March 24, 2009, the Florida Housing Finance Corporation, received a petition for Variance of paragraphs 67-48.004(1)(a) and 67-48.027(2)(m), Florida Administrative Code (2008), ("Petition"). The Petition is seeking a variance of paragraphs 67-48.004(1)(a) and 67-48.027(2)(m), Florida Administrative Code (2008), relating to the filing of an application for Non-Competitive Housing Credits in connection with an allocation of tax exempt bond financing, and the imposition of certain requirements contained within such application.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Della Harrell, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. The Petition has also been posted on Florida Housing's website at: [www.floridahousing.org](http://www.floridahousing.org). Florida Housing 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. (Eastern Standard Time), on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

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NOTICE IS HEREBY GIVEN THAT on March 24, 2009, the Florida Housing Finance Corporation, received a petition for Waiver or Variance of the Qualified Allocation Plan's Requirement for Returning Housing Credit Allocation and for an Immediate Allocation of 2009 Housing Tax Credits from Pana Villa Redevelopment, LTD, ("Petition"). The Petition is seeking a waiver or variance of the Qualified Allocation Plan's requirement that applicants wait until the last calendar quarter

of the year in which the applicant is required to place its project in service to return a housing credit allocation and for an immediate allocation of 2009 Housing Tax Credits.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Della Harrell, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. The Petition has also been posted on Florida Housing's website: [www.floridahousing.org](http://www.floridahousing.org). Florida Housing 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. (Eastern Standard Time), on the 14th day after publication of this notice at: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

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## 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: April 13, 2009, 11:00 a.m.

PLACE: Mission San Luis Archaeological Lab, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Executive Committee will be discussing upcoming events and VIP tours, as well as the new visitor center and other Friends business.

A copy of the agenda may be obtained by contacting: Jessica Shiver at (850)487-1666 or email: [jbshiver@dos.state.fl.us](mailto:jbshiver@dos.state.fl.us).

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. 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)487-1666 or email: [jbshiver@dos.state.fl.us](mailto:jbshiver@dos.state.fl.us).

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### DEPARTMENT OF LEGAL AFFAIRS

The Florida **Commission on the Status of Women** announces a telephone conference call to which all persons are invited.

DATE AND TIME: March 8, 2009, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual Report Committee.

DATE AND TIME: April 9, 2009, 9:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Finance/Budget Committee.

DATE AND TIME: April 14, 2009, 11:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Awards and Recognition Task Force.

DATE AND TIME: April 14, 2009, 3:00 p.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Bylaws Committee.

DATE AND TIME: April 15, 2009, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Women's Hall of Fame Committee.

DATE AND TIME: April 15, 2009, 11:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Legislative Committee.

DATE AND TIME: April 16, 2009, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Committee.

DATE AND TIME: April 22, 2009, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Outreach Committee.

DATE AND TIME: April 23, 2009, 11:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Full Commission Meeting.

NOTE: In the absence of quorum, items on this agenda will be discussed as workshop, and notes will be recorded although no formal action will be taken. If you have any questions, please call: (850)414-3300.