

\$4	\$4	150.00	105.600
\$1 x 5 (TRAIN)	\$5	750.00	21.120
\$1 x 5	\$5	750.00	21.120
(\$2 x 2) + \$1	\$5	750.00	21.120
\$4 + \$1	\$5	750.00	21.120
\$5	\$5	750.00	21.120
\$2 x 5 (TRAIN)	\$10	500.00	31.680
\$2 x 5	\$10	500.00	31.680
(\$1 x 2) + (\$4 x 2)	\$10	500.00	31.680
\$5 x 2	\$10	500.00	31.680
\$10	\$10	500.00	31.680
\$4 x 5 (TRAIN)	\$20	1,500.00	10.560
\$4 x 5	\$20	1,500.00	10.560
\$5 x 4	\$20	1,500.00	10.560
\$10 x 2	\$20	1,500.00	10.560
\$20	\$20	1,500.00	10.560
(\$5 x 4) + \$10 (TRAIN)	\$30	8,000.00	1.980
(\$5 x 4) + \$10	\$30	8,000.00	1.980
\$10 x 3	\$30	8,000.00	1.980
\$10 + \$20	\$30	8,000.00	1.980
\$30	\$30	8,000.00	1.980
\$10 x 5 (TRAIN)	\$50	12,000.00	1.320
(\$5 x 4) + \$30	\$50	12,000.00	1.320
\$10 + (\$20 x 2)	\$50	12,000.00	1.320
\$20 + \$30	\$50	12,000.00	1.320
\$50	\$50	12,000.00	1.320
\$20 x 5 (TRAIN)	\$100	12,000.00	1.320
\$20 x 5	\$100	16,000.00	990
(\$20 x 2) + (\$30 x 2)	\$100	16,000.00	990
\$50 x 2	\$100	20,000.00	792
\$100	\$100	16,000.00	990
\$20 + \$30 + (\$50 x 3) (TRAIN)	\$200	120,000.00	132
\$50 x 4	\$200	120,000.00	132
(\$50 x 2) + \$100	\$200	240,000.00	66
\$100 x 2	\$200	240,000.00	66
\$200	\$200	120,000.00	132
\$5,000	\$5,000	240,000.00	66

(10) The estimated overall odds of winning some prize in Instant Game Number 1026 are 1 in 4.88.

(11) For reorders of Instant Game Number 1026, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a MONOPOLY lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(13) Payment of prizes for MONOPOLY lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 7-10-09.

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: July 10, 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."

**PUBLIC SERVICE COMMISSION**

NOTICE IS HEREBY GIVEN THAT the Florida Public Service Commission has received a joint petition from Florida Power & Light Company and Progress Energy Florida, Inc., filed May 20, 2009, in Docket No.: 090009-EI, seeking a variance from subparagraph 25-6.0423(5)(c)4., Florida Administrative Code. The rule prescribes the time frame by which the utility must file revisions to its fuel and purchased power cost recovery filings. Comments on the petition should be filed with: Florida Public Service Commission, Office of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within 14 days after publication of this notice.

A copy of the Order can be obtained from either: Office of the Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770 or the Commission's Homepage at <http://www.floridapsc.com>.

For additional information, please contact: Keino Young, Office of the General Counsel, at the above address or telephone (850)413-6226.

**WATER MANAGEMENT DISTRICTS**

NOTICE IS HEREBY GIVEN THAT on July 9, 2009, the South Florida Water Management District (District or SFWMD) has issued an order.

SFWMD Order No. 2009-181-DAO-ROW was issued to the City of Miramar (Application No. 09-0310-1). The petition for waiver was received by the SFWMD on March 10, 2009. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 35, No. 12, on March 27, 2009. No public comment was received. This Order provides a waiver of the District's criteria to allow the installation of guardrailling along, and use of, approximately 3200' of the District's northerly right of way of the C-9 (Snake Creek) Canal beginning at S. W. 148th Avenue easterly to the Florida Turnpike for roadway purposes; Section 40, Township 34 South, Range 51 East, Broward County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6), and paragraph 40E-6.221(2)(j), Florida Administrative Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District, incorporated by reference in subsection 40E-6.091(1), 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 and use of the District' right of way for public roadway purposes 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 District's current ability to perform necessary construction, alteration, operation, and routine maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent the City of Miramar from suffering a substantial hardship.

A copy of the Order may be obtained by contacting: Juli Russell, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6268 or by email: jurussel@sfwmd.gov.

NOTICE IS HEREBY GIVEN THAT on July 9, 2009, the South Florida Water Management District (District or SFWMD) has issued an order.

SFWMD Order No. 2009-182-DAO-ROW was issued to Lisa Strader (Application No. 09-0422-1). The petition for waiver was received by the SFWMD on April 29, 2009. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 35, No. 19, on May 15, 2009. An amended petition for waiver was received by the SFWMD on June 4, 2009. Notice of receipt of the amended petition for waiver was published in the Florida Administrative Weekly, Vol. 35, No. 24, on June 19, 2009. No public comment was received. This Order provides a waiver of the District's criteria for existing landscaping, fence, buried electrical service and lights, as well as the proposed installation of a sheet pile retaining wall with rip-rap, within the north right of

way of C-10 Spur Canal; Section 5, Township 51 South, Range 42 East, Broward County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6), Florida Administrative Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District, incorporated by reference in subsection 40E-6.091(1), 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. 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 District's current ability to perform necessary construction, alteration, operation, and routine maintenance activities; and 2) the Order granting a waiver from the subject rule is based upon principles of fairness.

A copy of the Order may be obtained by contacting: Juli Russell, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6268 or by email: jurussel@sfwmd.gov.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN THAT on June 12, 2009, the the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The department 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 Betancur Catering located in Orlando. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They are requesting to dispense bulk potentially hazardous foods other than frankfurters from an open air mobile food dispensing vehicle.

Notice of this petition was filed and published in Vol. 35/21, 5/29/09 of the Florida Administrative Weekly. The variance was approved and is contingent upon the Petitioner ensuring that each pan within the steam table is properly covered with an individual lid, the steam table is enclosed within a cabinet with tight-fitting doors and protected by an air curtain installed and operated according to manufacturer's specifications that protects against flying vermin or other environmental contaminants; all steam table foods must be properly reheated for hot holding at approved commissaries per the parameters of the currently adopted FDA Food Code, and held hot at the proper minimum temperature per the parameters of the currently adopted FDA Food Code; and steam table food is to be dispensed by the operator with no customer self-service. The Petitioner shall strictly adhere to the operating procedures

and copies of the variance and operating procedures are to be present on the MFDV during all periods of operation. Any violation of the variance or operating procedures 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.

A copy of the Order 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 May 8, 2009, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for A Routine Variance request from subsection 61C-4.010(5), F.A.C. Paragraph 4-301.12(A), 2001 FDA Food Code from DK Fresh To Go located in Ft. Lauderdale. The above referenced F.A.C. addresses the requirement to provide warewashing facilities within the food service establishment. They are requesting to share warewashing facilities located within a nearby licensed establishment under the same ownership.

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, FL 32399-1011.

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NOTICE IS HEREBY GIVEN THAT on June 29, 2009, the 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 El Porto Catering located in Orlando. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They are requesting to dispense bulk potentially hazardous foods other than frankfurters from an open air mobile food dispensing vehicle.

A copy of the Petition for Variance or Waiver may be obtained by contacting: 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 June 12, 2009, the the Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The department 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 Las Brasas located in Orlando. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They are requesting to dispense bulk potentially hazardous foods other than frankfurters from an open air mobile food dispensing vehicle.

Notice of the petition was filed and published in Vol. 35, No. 21, 5/29/09 of the Florida Administrative Weekly. The variance was approved and is contingent upon the Petitioner ensuring that each pan within the steam table is properly covered with an individual lid, the steam table is enclosed within a cabinet with tight-fitting doors and protected by an air curtain installed and operated according to manufacturer's specifications that protects against flying vermin or other environmental contaminants; all steam table foods must be properly reheated for hot holding at approved commissaries per the parameters of the currently adopted FDA Food Code, and held hot at the proper minimum temperature per the parameters of the currently adopted FDA Food Code; and steam table food is to be dispensed by the operator with no customer self-service. The Petitioner shall strictly adhere to the operating procedures. Copies of the variance and operating procedures are to be present on the MFDV during all periods of operation. Any violation of the variance or operating procedures 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.

A copy of the Order 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 July 1, 2009, the 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 Las Delicias Grill located in Orlando. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They are requesting to dispense bulk potentially hazardous foods other than frankfurters from an open air mobile food dispensing vehicle.

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

NOTICE IS HEREBY GIVEN THAT on June 26, 2009, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The department received an Emergency Variance for subsections 61C-4.010(6), 61C-4.010(7), and paragraph 61C-1.004(2)(a), Florida Administrative Code, Section 509.221(1)(b), Florida Statutes and Section 6-402.11, 2001 FDA Food Code from Mamma Che Buono located in West Palm Beach. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom must be provided for use by customers and employees. They are requesting to utilize public bathrooms located on the same level over 300 feet away for customers and employees.

Notice of this petition was filed and published in Vol. 35, No. 26, July 2, 2009 of the Florida Administrative Weekly. The variance was approved on June 26, 2009, contingent upon the Petitioner ensuring the public bathrooms located within the mall are maintained in a clean and sanitary manner and are provided with hot and cold running water under pressure, soap, approved hand drying devices, and available during all hours of operation. The Petitioner shall also ensure directional signage is installed at the establishment clearly stating the location of the bathrooms. If the operational status of or access to the public bathrooms change, updated information for use of the bathroom facilities is required immediately. 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.

A copy of the Order may be obtained by contacting: Rhonda.Steele@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on June 12, 2009, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The department received an Emergency Variance Request on May 15, 2009, from 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 Ofelia Food Service located in Ft. Myers. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They are requesting to dispense bulk potentially hazardous foods other than frankfurters from an open air mobile food dispensing vehicle.

Notice of this petition was filed and published in Vol. 35, No. 21, 5/29/09 of the Florida Administrative Weekly. The variance was approved contingent upon Approval is contingent upon the Petitioner ensuring that each pan within the steam table is properly covered with an individual lid, the steam table is

enclosed within a cabinet with tight-fitting doors and protected by an air curtain installed and operated according to manufacturer's specifications that protects against flying vermin or other environmental contaminants; all steam table foods must be properly reheated for hot holding at approved commissaries per the parameters of the currently adopted FDA Food Code, and held hot at the proper minimum temperature per the parameters of the currently adopted FDA Food Code; and steam table food is to be dispensed by the operator with no customer self-service. The Petitioner shall strictly adhere to the operating procedures and copies of the variance and operating procedures are to be present on the MFDV during all periods of operation. Any violation of the variance or operating procedures 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.

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

NOTICE IS HEREBY GIVEN THAT on June 12, 2009, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

On May 15, 2009, the department received an Emergency Variance request for subsections 61C-4.010(6) and 61C-4.010(7), Florida Administrative Code, from Panchitos Inn located in Tampa. The above referenced F.A.C. addresses the requirement that an accessible bathroom be provided for use by customers. They are requesting to share a bathroom within an adjacent business located in the same strip mall.

Notice of this petition was filed and published in Vol. 35, No. 21, 5/29/09 of the Florida Administrative Weekly. The variance was approved contingent upon the Petitioner ensuring the bathrooms located within Angel's Beauty Supply of Tampa, Inc., Suite 106, are maintained in a clean and sanitary manner and are provided with hot and cold running water under pressure, soap, approved hand drying devices, and available during all hours of operation. The Petitioner shall also ensure directional signage is installed within or outside the establishment clearly stating the location of the bathrooms. If the ownership of Angel's Beauty Supply of Tampa, Inc., changes, an updated signed agreement for use of the bathroom facilities is required immediately. 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.

A copy of the Order may be obtained by contacting: Rhonda.Steele@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on June 26, 2009, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subparagraph 61C-1.002(5)(a)2., Florida Administrative Code, from Vend PSL located in Port St. Lucie. 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.

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.

NOTICE IS HEREBY GIVEN THAT on June 10, 2009, the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, received a petition for waiver from West Flagler Associates, LTD, Petitioner, in DBPR Case No.: 2009032540 (VW 2009-205). Petitioner is a pari-mutuel facility and slot machine/cardroom operator licensed pursuant to Chapters 550 and 551, Florida Statutes, and Section 849.086, Florida Statutes, whose address is P. O. Box 350940, Miami Florida 33135-0940. Petitioner seeks a temporary waiver of the requirements of paragraph 61D-11.025(7)(b), Florida Administrative Code (F.A.C.), that requires surveillance room access "must be limited to the cardroom manager or other personnel authorized in the facility's internal controls." Petitioner states it is in the process of renovating its physical premises and a portion of the new construction affects the existing surveillance office, necessitating the temporary relocation of the dedicated surveillance equipment (at an estimated cost of \$50,000.00) to the facility's audio/video studio until the new surveillance room is completed. Petitioner acknowledges that Teleview personnel not employed in cardroom surveillance also work in the studio, but such personnel are not able to view the surveillance monitors and do not otherwise interfere with the ability of surveillance personnel to maintain continual observation of cardroom activities as required. Petitioner further states that strict compliance with paragraph 61D-11.025(7)(b), F.A.C., under the current circumstances would pose a substantial financial hardship and could further delay completion of the renovations; this temporary waiver would terminate upon the expected opening of the newly renovated areas within the facility between September 1st and October 31st, 2009. Any person whose substantial interests may be affected by a waiver on the subject matter of the Petition may file a petition to intervene within 14 days of the publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202, (850)921-0342.

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

NOTICE IS HEREBY GIVEN THAT on July 9, 2009, the Department of Environmental Protection, received a petition for a temporary variance from the requirements of paragraph 62-761.510(1)(a), F.A.C., to allow the continued operation of the underground storage tanks without upgrading the tanks with secondary containment at: Sowell Management LLC, 4369 Airport Dr., Panama City, Florida 33315, facility ID Number: 038518792, until December 31, 2010. A new airport fuel system will replace the individual fuel farms at the airport by that date. OGC Case No.: 09-3157.

A copy of the Petition for Variance or Waiver may be obtained by contacting: John Svec, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS #4525, Tallahassee, Florida 32399-2400, (850)245-8845, e-mail: john.svec@dep.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on July 1, 2009, the Department of Environmental Protection, received a petition for waiver from Target Corporation (Target) from being a public water system by allowing two other parcels to be fairly assessed by Target to use the potable water received from Hillsborough County's public water system for which the customer is Target, at Water Avenue in Hillsborough County, Florida. This would be a waiver from subsection 62-550.102(2), F.A.C. The file number is OGC No.: 09-3118. If you wish to submit written comments, they must be received no later than 14 days after the date of this notice. Comments should be sent to Cynthia Christen, address below.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Cynthia Christen, MS #35, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000, (850)245-2230, e-mail: cynthia.christen@dep.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on July 10, 2009, the Florida Department of Environmental Protection, Bureau of Beaches and Coastal Systems, has issued an order.

The Bureau issued a final agency action denying the petition for variance received from of Mr. & Mrs. Buntin, Mr. & Mrs. Stovall, and Mr. & Mrs. Ketchum, regarding WL-940 AR ATF. Notice of receipt of this petition was published in the F.A.W., on November 14, 2008. The properties are located at 701 and

711 Eastern Lake Rd., Santa Rosa Bch., in Walton County, FL. The petition requested a variance from definitions and general armoring criteria under subsections 62B-33.002(18), 62B-33.002(33)(b), 62B-33.002(44), 62B-33.002(64), and subparagraphs 62B33.0051(1)(a)2., 62B-33.0051(2)(b), 62B-33.0051(2)(b)1., and 62B-33.0051(2)(b)3., F.A.C., and Section 379.2431, F.S.

The request was denied based upon the petitioner's inability to demonstrate that strict application of the rule would result in substantial hardship and would serve the purposes of the underlying statute.

A copy of the Order may be obtained by contacting: Rosaline Beckham at (850)488-7815 or by e-mail: rosaline.beckham@dep.state.fl.us. Any comments should be filed in writing: Department of Environmental Protection, 3900 Commonwealth Blvd., MS #300, Tallahassee, Florida 32399-3000, and should be submitted within 14 days of the date of this publication.

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#### DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on July 7, 2009, the Board of Clinical Laboratory Personnel, received a petition for Waiver or Variance filed by, Kyung Mee Kim, Ph.D., from subsection 64B3-5.003(1), F.A.C., pertaining to the certification examinations requirement. Comments on this petition should be filed with: Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3052, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

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NOTICE IS HEREBY GIVEN THAT on July 7, 2009, the Board of Clinical Laboratory Personnel, received a petition for Waiver or Variance filed by, Behrang Mahjoub, M.Sc., from subsection 64B3-5.003(1) F.A.C., pertaining to the certification examinations requirement. Comments on this petition should be filed with: Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3052, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

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NOTICE IS HEREBY GIVEN THAT on July 7, 2009, the Board of Clinical Laboratory Personnel, received a petition for Waiver or Variance filed by, Vaneska Mayor, from subsection 64B3-5.003(1), F.A.C., pertaining to the certification

examinations requirement. Comments on this petition should be filed with: Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3052, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

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NOTICE IS HEREBY GIVEN THAT on July 7, 2009, the Board of Clinical Laboratory Personnel, received a petition for Waiver or Variance filed by, Charles A. Peloquin, Pharm. D., from subsection 64B3-5.003(1), F.A.C., pertaining to the certification examinations requirement. Comments on this petition should be filed with: Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3052, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

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NOTICE IS HEREBY GIVEN THAT on July 7, 2009, the Board of Clinical Laboratory Personnel has issued an order.

The Board of Clinical Laboratory Personnel hereby gives notice of the issuance of an order granting the petition for Waiver or Variance filed by Lois Watts. The petition for Waiver or Variance was published in Vol. 35, No. 22, of the May 21, 2009, Florida Administrative Weekly. The Petitioner filed a petition for Waiver or Variance from Rule 64B3-5.002, F.A.C. The petition for Waiver or Variance was heard at a duly-noticed telephone conference call on July 7, 2009. The Board found that the Petitioner's request met the purpose of the underlying statute, established that Petitioner would suffer a substantial economic hardship from application of Rule 64B3-5.002, F.A.C., and that application of the rule to the Petitioner would violate principles of fundamental fairness.

A copy of the Order may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

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NOTICE IS HEREBY GIVEN THAT on July 7, 2009, the Board of Clinical Laboratory Personnel, received a petition for Waiver or Variance filed by, Theodore Zagurski, from subsection 64B3-5.003(1), F.A.C., pertaining to the certification examinations requirement. Comments on this petition should be filed with: Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3052, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

NOTICE IS HEREBY GIVEN that on June 30, 2009, the Board of Medicine has issued an order.

The Petition for Waiver and/or Variance was filed on behalf of Ismael C. Hernandez, M.D., on April 14, 2009, seeking a waiver or variance from Rule 64B8-4.009, F.A.C., with regard to the requirement for submission of documentation of medical education directly from Petitioner's medical school. The Notice was published in Vol. 35, No. 16, of the Florida Administrative Weekly, on April 24, 2009. The Credentials Committee, at its meeting held on June 4, 2009, recommended that Petitioner's request for waiver or variance be granted. The Board, at its meeting held on June 6, 2009, accepted the Committee's recommendation and voted to grant the Petition for Waiver finding that the Petitioner demonstrated a substantial hardship and met the purpose of the underlying statute, and that application of the rule would violate the principles of fairness.

A copy of the Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

NOTICE IS HEREBY GIVEN THAT on June 30, 2009, the Board of Medicine has issued an order.

The Petition for Waiver and/or Variance was filed by Asmita R. Patel, M.D., on April 16, 2009, seeking a waiver or variance from Rule 64B8-4.009, F.A.C., with regard to the requirement for submission of documentation of medical education directly from Petitioner's medical school. The Notice was published in Vol. 35, No. 17, of the Florida Administrative Weekly, on May 1, 2009. The Credentials Committee, at its meeting held on June 4, 2009, recommended that Petitioner's request for waiver or variance be granted. The Board, at its meeting held on June 6, 2009, accepted the Committee's recommendation and voted to grant the Petition for Waiver finding that the Petitioner demonstrated a substantial hardship and met the purpose of the underlying statute, and that application of the rule would violate the principles of fairness.

A copy of the Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

NOTICE IS HEREBY GIVEN THAT on July 6, 2009, the Department of Health, received a petition for Temporary Variance from subparagraph 64E-13.004(6)(a)1., Florida Administrative Code, from Good Shepherd Evangelical Lutheran Church of Jacksonville, FL, Inc., 6551 Argyle Forest Boulevard, Jacksonville, Florida. This rule requires schools to have toilet and handwashing facilities for preschool grades

through grade three located within or adjoining their classrooms. Comments on this petition should be filed: Sam Power, Agency Clerk, Department of Health, Office of General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703, within 14 days of this notice.

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

#### **DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

NOTICE IS HEREBY GIVEN THAT on July 8, 2009, the Department of Children and Families, received a petition for waiver of subsection 65C-15-017(3), Florida Administrative Code, from Devereux Florida and Debbie Robinson assigned Case No. 09-022W. Subsection 65C-15.017(3), F.A.C., requires Agency staff responsible for performing casework services shall have a bachelor's degree or master's degree in social work or related area of study or a related area of study from an accredited college or university.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

#### **FLORIDA HOUSING FINANCE CORPORATION**

NOTICE IS HEREBY GIVEN THAT on July 10, 2009, the Florida Housing Finance Corporation, received a petition for Waiver of Part III.B.1. of the 2008 Universal Application Instructions to Provide Specific Features in Units Developed for Elderly Residents from Spinal Cord Living Assistance Development, Inc. (SCLAD), ("Petition"). The Petition is seeking a waiver of the requirement to provide bathtubs in units developed for elderly residents. The Petitioner would like to replace the bathtubs with roll-in showers.

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.