

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

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

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

(8) Post-Employment Restrictions.

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

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

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

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

(9) Nepotism. Employees are prohibited from seeking for a relative any appointment, employment, promotion or advancement in the unit in which he/she is serving or over which he/she exercises jurisdiction or control.

(10) Frequent-Flyer Miles Earned Through State-Reimbursed Travel. Employees may sometimes be required to travel on State business, requiring them to spend evenings and weekends away from their homes and families. Per diem reimbursements often do not fully reimburse the employee for out-of-pocket travel expenses. As a matter of general policy, any frequent-flyer miles and/or bonus miles awarded to an employee as a result of State-reimbursed travel may be used for personal use by the employee.

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

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

Rulemaking Authority 24.105(20), 24.109(1) FS. Law Implemented 24.105(20), 24.105(19)(b), (c), 24.116(2), Chapter 112, Part III, FS. History—New 2-15-12, Replaces 53ER11-63.

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: February 15, 2012

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF COMMUNITY AFFAIRS

The Department of Economic Opportunity hereby gives notice:
NAME OF PETITIONER: Wakulla County

DATE PETITION WAS FILED: November 14, 2011. It was assigned the number DEO-11-0035

RULE NUMBER AND NATURE OF RULE FROM WHICH VARIANCE OR WAIVER IS SOUGHT: Subparagraph 9B-43.0041(3)(b)1., F.A.C., that relates to acceptable timing of meetings and notice under the Florida Small Cities Community Development Block Grant project housing category.

A REFERENCE TO THE PLACE AND DATE OF PUBLICATION OF THE NOTICE OF THE PETITION: Vol. 37, No. 48, December 2, 2011, issue of the Florida Administrative Weekly.

THE DATE OF THE ORDER DENYING WAIVER: February 10, 2012.

THE GENERAL BASIS FOR THE AGENCY DECISION: The Petitioner did not demonstrate that the purpose of the underlying statute had been met by alternative means.

A copy of the Order or additional information may be obtained by contacting: Miriam Snipes, Agency Clerk, Department of Economic Opportunity, 107 East Madison Street, Tallahassee, FL 32399-4128, e-mail: miriam.snipes@deo.myflorida.com.

DEPARTMENT OF LAW ENFORCEMENT

The Criminal Justice Standards and Training Commission hereby gives notice that on November 10, 2011, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from Jupiter Island Public Safety Department on behalf of two officers for the 2008-2010 (7/1/2008 – 6/30/2010) mandatory firearms requalification reporting cycle. Subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule and supervised by a CJSTC-certified firearms instructor.

The petition supported the requested waiver by stating that the officers at issue did successfully complete the course of fire, however, the instructor supervising the requalifications was a CJSTC-certified firearms instructor at the time of the requalification and did sign his own CJSTC 86A form. The other officer has no CJSTC 86A form on file for the 2010 reporting period, but did complete the mandatory course of fire. Petitioner states that these officers will suffer a substantial hardship if their certifications are rendered inactive as a result of this situation. Petitioner further states that it would violate the principles of fairness to fail to recognize that the officers did successfully complete the requirement simply because the firearms instructor signed his own CJSTC 86A form and the other officer has no 86A form on file for the 2010 reporting cycle. Notice of receipt of the petition was published in the Florida Administrative Weekly Vol. 37, No. 47, on November 23, 2011.

On February 2, 2012, pursuant to notice, at its regularly scheduled Business Agenda meeting held in Destin, Florida, the Commission found that the Petitioner's situation is unique. The Petitioner demonstrated that the strict application of the Commission's rules in this case would violate the principles of fairness. The Petitioner's officers had, in fact, completed the Commission's course of fire and achieved a passing score. The only deficiency in the officers' firearms requalifications was to be supervised by non-CJSTC-certified firearms instructors. The Commission found that the purposes of the underlying statute, to ensure that officers receive adequate and timely retraining, will be met by granting this waiver request. The Commission issued an order granting the Petitioner's waiver.

A copy of the Order or additional information may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302 or by telephoning (850)410-7676.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on February 16, 2012, the Division issued an order. The Final Order was in response to a Petition for emergency Variance from Community Services, filed January 17, 2012, and advertised in Vol. 38, No. 5, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until February 29, 2012, because the Petitioner has

demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-017).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on February 1, 2012, the Division issued an order. The Final Order was in response to a Petition for emergency Variance from Downtown Parking Facility, filed December 27, 2011, and advertised in Vol. 38, No. 2, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a temporary variance from Rule 8.6.4.7.4 ASME A17.1, 2005 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires pits be free of standing water because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule before January 31, 2012 (VW 2011-424).

A copy of the Order or additional information 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 February 20, 2012, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code and Paragraph 5-202.11(A), 2001 FDA Food Code from Dunedin Bagels & Deli located in Dunedin, FL. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and collect wastewater. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the handwash sink in the dry storage area.

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

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

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice on January 27, 2012, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for

paragraph 61C-1.004(1)(a), Florida Administrative Code, Section 5-203.13, 2001 FDA Food Code, Paragraph 4-301.12(A), 2001 FDA Food Code and subsection 61C-4.010(5), Florida Administrative Code, from Gamerom Sawgrass located in Sunrise, FL. The above referenced F.A.C. addresses the requirement that at least one service sink is provided for the cleaning of mops or similar cleaning tools and the disposal of mop water and that dishwashing facilities for manually washing, rinsing and sanitizing equipment and utensils are provided. They are requesting to utilize a mopsink and dishwashing facilities located within another licensed establishment located on the same premise.

The Petition for this variance was published in Vol. 38, No. 6 on February 10, 2012. The Order for this Petition was signed on February 16, 2012, and after a complete review of the variance request, the Division finds that the application of this rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the three-compartment sink and mop sink area located within the Johnny Rockets (SEA1619006) are maintained in a clean and sanitary manner and all sinks are provided with hot and cold running water under pressure and available during all hours of operation. If the owner or lease agreement of Johnny Rockets (SEA1619006) changes, an updated signed agreement for use of the three-compartment sink and mop sink area is required immediately.

A copy of the Order or additional information may be obtained by contacting: Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, FL 32399-1011, Lydia.Gonzalez@dbpr.state.fl.us.

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on February 1, 2012, the Division issued an order. The Final Order was in response to a Petition for emergency Variance from Mirasol Apts., filed January 4, 2012, and advertised in Vol. 38, No. 4, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 8.6.5.8 ASME A17.1, 2005 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires a safety bulkhead on the bottom of the hydraulic jack until January 31, 2015, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-004).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on February 1, 2012, the Division issued an order. The Final Order was in response to a Petition for emergency Variance from Presidential Golfview Condominium, filed December 28, 2011, and advertised in Vol. 38, No. 2, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.7.4 and 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations and restricted door openings until January 1, 2015, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-427).

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on February 17, 2012, the Division issued an order. The Final Order was in response to a Petition for Variance from Sarasota Kennel Club, filed October 7, 2011, and advertised in Vol. 37, No. 42, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until January 1, 2013, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-341).

A copy of the Order or additional information 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 February 15, 2012, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code and Paragraph 5-202.11(A), 2001 FDA Food Code from Subway located in West Palm Beach, FL. The

above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and collect wastewater. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the handwash and three-compartment sinks.

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

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

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on February 2, 2012, the Division issued an order. The Final Order was in response to a Petition for emergency Variance from Tallahassee Leon Civic Center, filed 12/28/2011, and advertised in Vol. 38, No. 2, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 303.3d, ASME A17.1a, 1982 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires a shut off valve in the machine room because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-425).

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

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that on February 16, 2012, the Board of Medicine, received a petition for waiver or variance filed by Norman D. Bell, M.D., from subsection 64B8-4.009(5), F.A.C., with regard to the requirement for submission of documentation of medical education directly from Petitioner's medical school. Comments on this petition should be filed with: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Joy A. Tootle, Executive Director, Board of Medicine, at the above address or telephone (850)245-4131.

Notice is hereby given that the Petition for Waiver filed by Wagdy Ghaly, M.D., has been withdrawn, upon request of the Petitioner. The Notice of Petition for was published in Vol. 37, No. 49, of the December 9, 2011, issue of the F.A.W.

The person to be contacted regarding this Petition is: Joy A. Tootle, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

The Board of Medicine hereby gives notice that the Petition for Waiver or Variance filed by Richard S. Taylor, M.D., from Rule 64B8-4.009, F.A.C., has been withdrawn, upon request of the Petitioner. The Notice of Petition for Waiver or Variance was published in Vol. 38, No. 5, of the February 3, 2012, issue of the F.A.W. The person to be contacted regarding this Petition is: Joy A. Tootle, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

NOTICE IS HEREBY GIVEN that on February 21, 2012, the Board of Orthotists and Prosthetists, received a petition for waiver or variance filed by Richard A. Drazin, from Rule 64B14-4.110, F.A.C., with regard to the licensure requirement of Rule 64B14-4.110, F.A.C. that applicants have the required formalized courses under the requirements of Rule 64B14-4.110, F.A.C. Comments on this petition should be filed with the Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Bruce Deterding, Executive Director, Board of Orthotists and Prosthetists, at the above address, or telephone (850)245-4355.

NOTICE IS HEREBY GIVEN that on February 21, 2012, the Board of Podiatric Medicine, received a petition for Sheri Rosenthal, D.P.M., seeking a variance or waiver of Rule 64B18-13.008, F.A.C., with regards to reactivating an inactive status license to active status.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Bruce Deterding, Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32314-3256.

NOTICE IS HEREBY GIVEN that on January 4, 2012, the Board of Psychology, received a petition for a waiver or variance filed by Erin Demirjian, Psy.D., from Rule 64B19-11.0075, F.A.C., with regard to closing the application file after 24 months if the applicant is unable to document successful completion of the Examination for Professional Practice in Psychology. Comments on this petition should be filed with: Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3055, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allen Hall, Executive Director, Board of Psychology, at the above address or telephone (850)245-4373.

NOTICE IS HEREBY GIVEN that on January 19, 2012, the Board of Psychology, received a petition for a variance filed by Kenneth F. Johnson, Jr., Psy.D., from Rule 64B19-11.0075, F.A.C., with regard to closing the application file after 24 months if the applicant is unable to document successful completion of the Examination for Professional Practice in Psychology. Comments on this petition should be filed with: Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3055, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allen Hall, Executive Director, Board of Psychology, at the above address or telephone (850)245-4373.

NOTICE IS HEREBY GIVEN that on February 20, 2012, the Board of Psychology, received a petition for variance filed by Mary Colleen Morgan, Psy.D., from Rule 64B19-11.005, F.A.C., with regard to the requirements of the rule regarding appropriate supervised experience. Comments on this petition should be filed with the Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3055, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allen Hall, Executive Director, Board of Psychology, at the above address or telephone (850)245-4373.

Section VI

Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

State Board of Administration

Division of Bond Finance

Financial Services Commission:

Office of Insurance Regulation

Office of Financial Regulation

Agency for Enterprise Information Technology

Department of Veterans' Affairs

Department of Highway Safety and Motor Vehicles

Department of Law Enforcement

Department of Revenue

Administration Commission

Florida Land and Water Adjudicatory Commission

Board of Trustees of the Internal Improvement Trust Fund

Department of Environmental Protection

DATE AND TIME: March 20, 2012, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Regular scheduled meeting of the Governor and Cabinet to act on all executive branch matters provided by law and to act on any agendas submitted for their consideration. The Governor and Cabinet will proceed through each agenda, item by item.

The **State Board of Administration** will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; reports on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968.

The **Division of Bond Finance** of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The **Financial Services Commission** will take action on matters duly presented on its agenda which may include, but not be limited to; matters relating to rulemaking for all activities of the **Office of Insurance Regulation** concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and matters related to rulemaking for all activities of the **Office of Financial Regulation** relating to the regulation of banks, credit unions, other financial institutions, finance companies, retail installment sales providers, title loan lenders, collection agencies, mortgage brokers, mortgage lenders, certified capital companies, money services businesses, and the securities industry.

The **Agency for Enterprise Information Technology** will take action on matters duly presented on its agenda which may include, but not be limited to, the presentation and approval of the Agency's Annual Operational Work Plan as well as matters relating to rulemaking for all activities of the Agency.

The **Department of Veterans' Affairs** will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S.

The **Department of Highway Safety and Motor Vehicles** will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies,