

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: January 14, 2008

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF 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 December 17, 2007, the St. Johns River Water Management District, received a petition for variance from Malabar Cove, LLLP, pursuant to Section 120.542, Florida Statutes. Petitioner is seeking a variance from subparagraph 40C-41.063(1)(c)1., F.A.C., and Section 11.1.3 of the Applicant's Handbook: Management and Storage of Surface Waters (February 1, 2005) (A.H.), for Environmental Resource Permit (ERP) Application 4-009-113800-1. The permit applicant is proposing to construct a surface water management system, including wet detention ponds that discharge into the Melbourne-Tillman Water Control District canal system, to serve a residential development known as Malabar Cove, in Brevard County. subparagraph 40C-41.063(1)(c)1., F.A.C., and Section 11.1.3, A.H., prohibit the construction, operation, and maintenance of a surface water management system in the Upper St. Johns River Hydrologic Basin that results in an increase in the amount of water being diverted from the Basin to coastal receiving waters. These rules are intended to protect the water resources of the state by limiting discharges of fresh water to estuarine waters and curtailing interbasin diversion. Comments

on this petition should be filed with Robert Nawrocki, District Clerk, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, within 14 days of publication of this notice. The petition has been assigned F.O.R. Number 2007-85.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Timothy A. Smith, Senior Assistant General Counsel, at the Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, or by telephone at (386)312-2347.

NOTICE IS HEREBY GIVEN THAT on January 7, 2008, the South Florida Water Management District (District), received a petition for waiver from South Florida Stadium Corporation, Application No. 08-0107-1M, Permit Modification Number 13089 for utilization of Works or Lands of the District known as the C-9 Canal, Section 34, Township 51 South, Range 41 East, Miami-Dade County to allow temporary fencing and intermittent parking along the south right of way of the C-9 canal between N. W. 27th Avenue and the Florida Turnpike in conjunction with the Miami Dolphin Football Season 2008 through 2011 and other stadium related activities. The petition seeks relief from subsections 40E-6.011(4), (6) and paragraph 40E-6.221(2)(j), 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 generally prohibits parking within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juli Triola at (561)682-6268 or e-mail at jtriola@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 the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Juli Triola, Office of Counsel.

NOTICE IS HEREBY GIVEN THAT on January 8, 2008, the South Florida Water Management District (SFWMD) has issued an order.

The SFWMD Governing Board issued an Order Granting Waiver under Section 120.542, Florida Statutes (SFWMD 2008-008-DAO-ROW), on January 8, 2008, to Florida Department of Transportation. The petition for waiver was received by the SFWMD on July 24, 2007. Notice of receipt of the petition requesting the waiver was published in the F.A.W., Vol. 33, No. 35, on August 31, 2007. No public comment was received. This Order provides a waiver for the placement of a continuous concrete barrier wall with bicycle railing, portions of a sidewalk and the installation of slope protection with the northerly right of way of the Old Pompano Canal beginning immediately west of Dixie Highway continuing westerly, a distance of approx. 1,450 feet; Sections 34 & 35, Township 48

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 Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Florida Administrative Code, which governs the placement of above-ground permanent and/or semi-permanent facilities within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) The facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) The Order granting a waiver from the subject rule would prevent Petitioner from suffering a substantial hardship.

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

NOTICE IS HEREBY GIVEN THAT on January 8, 2008, the South Florida Water Management District (SFWMD) has issued an order.

The SFWMD Governing Board issued an Order Granting Waiver under Section 120.542, Florida Statutes (SFWMD 2008-009-DAO-ROW), on January 8, 2008, to William Michael Lowe, Jr. The petition for waiver was received by the SFWMD on November 26, 2007. Notice of receipt of the petition requesting the waiver was published in the F.A.W., Vol. 33, No. 51, on December 21, 2007. No public comment was received. This Order provides a waiver for the proposed temporary vehicular use of L-28 right of way from U.S. 41 to the northerly terminus of L-28 to gain access to the petitioner's camp/cabin which is located approximately 3 miles from L-28 in Collier County under Right of Way Occupancy Permit Number 13117; Multiple Sections, Township 52, 53, 54 South, Range 35 East, Miami-Dade and Broward County. Specifically, the Order grants a waiver of subsection 40E-6.221(9), Florida Administrative Code, which governs the requirement that, except for both private and public utilities, an applicant must own or lease the land lying adjacent to the District Work within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) The granting of this waiver will not significantly interfere with the District's current ability to perform necessary construction, alteration, operation and routine maintenance activities property interests and ability to construct, operate and maintain Works and Lands of the District activities; and 2) The Order granting a waiver from the subject rule would prevent the Petitioner from suffering a substantial hardship.

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

NOTICE IS HEREBY GIVEN THAT on January 8, 2008, the South Florida Water Management District (SFWMD) has issued an order.

The SFWMD Governing Board issued an Order Granting Waiver under Section 120.542, Florida Statutes (SFWMD 2008-007-DAO-ROW), on January 8, 2008, to O.K. Ventures, LLC. The petition for waiver was received by the SFWMD on November 5, 2007. Notice of receipt of the petition requesting the waiver was published in the F.A.W., Vol. 33, No. 46, on November 16, 2007. No public comment was received. This Order provides a waiver for the proposed installation of a 18" RCP culvert and a proposed fourteen slip marina within the east right of way of L-47; Section 9, Township 38 South, Range 36 East, Okeechobee County. Specifically, the Order grants a waiver from 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 Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Florida Administrative Code, which governs the density of mooring slips of four per linear feet of way frontage with Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) The facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) The Order granting a waiver from the subject rule is based upon principles of fairness.

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

NOTICE IS HEREBY GIVEN THAT on January 10, 2008, the South Florida Water Management District (District), received a petition for wavier from Collier County Board of County Commissioners, Application Number 07-1015-3, for utilization of Works or Lands of the District known as the Cocohatchee Canal, Collier County, Section 23, Township 48 South, Range 26 East for the proposed placement of bollards and vertical signage within 40 feet of top of canal bank and within the District's 100 foot long designated equipment staging area. The petition seeks relief from subsections 40E-6.011(4), (6) and Rule 40E-6.221, Florida Administrative Code, which governs 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 100 foot long designated equipment staging areas within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juli Triola at (561)682-6268 or email at jtriola@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 end of business on 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1411, West Palm Beach, FL 33406, Attn: Juli Triola, Office of Counsel.

DEPARTMENT OF THE LOTTERY

NOTICE IS HEREBY GIVEN THAT on December 17, 2007, the Department of the Lottery has issued an order.

In which it GRANTED a petition for a waiver filed on November 9, 2007, by Timothy Hayward. The Petition was published in Vol. 33, No. 47, of the F.A.W., on November 21, 2007.

Petitioner sought a waiver of paragraph 53ER06-4(11)(a), Florida Administrative Code, with respect to payment of prizes on tickets with incomplete validation numbers or bar codes. The Department determined that Petitioner has demonstrated that the purpose of the underlying statute as well as the rule can be achieved by other means and that strict application of the rule would violate principles of fairness.

A copy of the Order may be obtained by contacting: Office of the General Counsel, Florida Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011, or by calling (850)487-7777.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on January 8, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on December 20, 2007 for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Cold Stone Creamery located in Winter Park. The above referenced F.A.C. states...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated.....The proposed establishment has one bathroom facility for patrons and they are requesting a variance to have a seating capacity of eighteen (18).

This variance request was approved and is contingent upon the Petitioner ensuring the public bathroom is functional, has running water at all times, provided with soap and an approved method to dry hands, and kept in a clean and sanitary manner. Seating shall not exceed (18) which includes inside and outside seating. Any violation of the variance is the equivalent of a

violation of the rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on January 8, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from JuiceBlendz located in Tampa. The above referenced F.A.C. states that all bathrooms shall be of easy and convenient access to both patrons and employees...They are requesting a variance to use centrally located bathroom facilities inside the food court.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on January 8, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on December 24, 2007 for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Shelby's Coffee Shoppe located in Neptune Beach. The above referenced F.A.C. states that all bathrooms shall be of easy and convenient access to both patrons and employees...They are requesting a variance to share bathroom facilities with an adjacent establishment.

This variance request was approved and is contingent upon the Petitioner ensuring the bathrooms located centrally are functional, has hot and cold running water at all times, provided with soap and an approved method to dry hands, kept in a clean and sanitary manner, and available during all hours of operation. The Petitioner shall also ensure directional signage is installed within/or outside the establishment clearly stating the location of the bathrooms. Petitioner will have no more than 44 seats which includes inside and outside seating and all provisos shall be met prior to licensing. Any violation of the variance is the equivalent of a violation of the rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on January 8, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on November 26, 2007, for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Westshore Pizza XXXIV located in Belleair Bluffs. The above referenced F.A.C. states...each public food service establishment shall maintain a

minimum of one public bathroom for each sex, properly designated.....The proposed establishment has one bathroom facility for patrons and they are requesting a variance to have a seating capacity of twenty-two (22).

This variance request was approved and is contingent upon the Petitioner ensuring the public bathroom is functional, has running water at all times, provided with soap and an approved method to dry hands, and kept in a clean and sanitary manner. Seating shall not exceed (22) which includes inside and outside seating. Any violation of the variance is the equivalent of a violation of the rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on January 10, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on December 19, 2007, for a Routine Variance for paragraph 61C-1.004(1)(d), Florida Administrative Code, from Bob's Train located in Sarasota. The above referenced Florida Administrative Code specifically addresses the proper disposal of sewage. The Petitioner is requesting to have the waste tanks pumped-out opposed to having permanent sewage connections.

This variance request was approved and is contingent upon the Petitioner using a sufficiently sized potable water tank and utilizing a wastewater holding tank that is at least 15% larger than the potable water holding tank. Water and wastewater holding tanks are to be emptied as often as needed to prevent a sanitary nuisance. Petitioner must have an approved supply of potable water with written documentation provided. All waste disposals shall be adhered to as specified in applicable state and federal laws. The variance request from the Petitioner indicated that permanent connections for potable and wastewater service were to come in the future. The Petitioner is to notify the Division in writing within 30 days of the permanent connections being installed and the variance will become null and void. This variance is not transferable under any conditions. 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: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on January 10, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for paragraph 61C-4.0161(2)(c) Florida Administrative Code (F.A.C.), from The Plantation at Ponte Vedra located in Ponte Vedra Beach. The above referenced F.A.C. states mobile food dispensing vehicles (MFDV's) shall

operate from an approved commissary that meets all applicable requirements of this rule...The Petitioner is requesting a temporary variance to operate a MFDV (trailer) as a permanent structure until their original building is remodeled.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on January 3, 2008, the Board of Accountancy, received a petition for W.H. Davis McGregor, seeking a variance or waiver of subsections 61H1-29.003(2), (5), Florida Administrative Code, that requires an applicant seeking licensure by endorsement to have completed continuing education required by that state, so long as the requirements are equivalent to those required by Rule 61H1-33.003, F.A.C., and that college courses used to meet education requirements of Rules 61H1-27.001 and 61H1-27.002, F.A.C., not also be used to meet the initial continuing professional requirements of subsection 61H1-29.003(1) or (2), F.A.C.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, or by telephone at (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on January 9, 2008, the Board of Accountancy, received a petition for Waifon Ana Lam, 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, that begins on the date that the first test section passed is taken.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, or by telephone at (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

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 November 29, 2007, the Department of Environmental Protection, received a petition for FMC Corporation seeking a variance from the prohibition from a zone of discharge under subsection 62-522.300(3), F.A.C., for the use of Dissolvine® E-FE-13 to clean up sites that are contaminated with chlorinated ethenes,

phenolics, polyaromatic hydrocarbons, petroleum hydrocarbons, and other chemicals. The petition has been assigned OGC File No. 07-2163.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Cathy McCarty, Department of Environmental Protection, Underground Injection Control Program, MS 3530, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8654. Written comments must be received by Cathy McCarty at the above address no later than 14 days from the date of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on January 14, 2008, the Department of Environmental Protection has issued an order.

The Department of Environmental Protection gives notice of its intent to issue an environmental resource permit (File No. 0183480-003-EI) to Manatee County Port Authority, 300 Tampa Bay Way, Palmetto, Florida 34221. The project is to perform periodic maintenance dredging of the main entrance (federal navigation) channel, turning basins and berth areas of Port Manatee on an as-needed basis with disposal into the existing, upland Confined Disposal Facility (CDF) as expanded under the pending authorization of environmental resource permit (File No. 0264085-001-EI), or into the lined reservoir compartments of the Piney Point Phosphogypsum Stack System as described by the amended Administrative Agreement, OGC No. 06 1685A.

Additionally, the Department of Environmental Protection gives notice of its intent to grant a variance (File No. 0183480-004-EV) under Sections 403.201 and 373.414(17) of the Florida Statutes (F.S.), from the provisions of paragraph 62-4.244(5)(c), Florida Administrative Code, to Manatee County Port Authority to establish a temporary mixing zone for turbidity greater than 150 meters within an area of Class III Waters located within a tidally influenced stormwater conveyance that discharges into Tampa Bay.

The project site is located in southeast Tampa Bay, Class III and Class II Waters, prohibited for shellfish harvesting, at the junction of the Tampa Bay Channel and Port Manatee Channel in Hillsborough County, and immediately south of the Hillsborough County line in Manatee County, Sections 1 and 12, Township 33 South, Range 17 East. The project is not within Outstanding Florida Waters, but is adjacent to the Terra Ceia Aquatic Preserve, Cockroach Bay Aquatic Preserve and the Cockroach Bay State Buffer Preserve, each of which are Outstanding Florida Waters.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a modification of the permit or even a denial of the application. Under subsection 62-110.106(4), Florida Administrative Code, a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention will be only at the discretion of the presiding judge upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with subparagraph 62-110.106(3)(a)1., F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination; (c) A statement

of when and how the petitioner received notice of the agency decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This intent to issue constitutes an order of the Department. The applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

The application is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the DEP, Bureau of Beaches and Coastal Systems, 5050 West Tennessee Street, Building B, Tallahassee, Florida 32304-9201. The "NOTICE OF INTENT TO ISSUE ENVIRONMENTAL RESOURCE PERMIT" and the "DRAFT ENVIRONMENTAL RESOURCE PERMIT" can be viewed at the Department's Internet Web site at: www.dep.state.fl.us/beaches/permitting/permits.htm.

A copy of the Order may be obtained by contacting: Matthew Mask at (850)414-7731, Matthew.Mask@dep.state.fl.us.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on September 11, 2007, the Board of Nursing has issued an order.

The Board of Nursing has issued an Order on the Petition for Variance or Waiver, which was filed on September 11, 2007 on behalf of Barbara McDermid, PhD, ARNP, LCSW. The Notice of Petition for Variance or Waiver was published in Vol. 33, No. 41, of the October 12, 2007, F.A.W. On the basis of

preventing a violation of principles of fairness for reasons explained in the Petition, the Petitioner requested a variance or waiver of paragraph 64B9-3.002(1)(f), F.A.C., entitled, "Certification in More Than One Category," that she be granted a permanent waiver from the national certification in a second category requirement. The Board of Nursing considered the Petition at its meeting held on December 6, 2007, in Miami, Florida. The Petitioner having withdrawn her petition upon discussion, the Board's Order, filed on January 3, 2008, therefore dismissed the petition.

A copy of the Order may be obtained by contacting: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259.

NOTICE IS HEREBY GIVEN THAT on December 7, 2007, the Board of Nursing, received a petition for Variance or Waiver filed on December 7, 2007 on behalf of Christiane Kom. Pursuant to Chapter 28-104, F.A.C., and Section 120.542, F.S., Petitioner seeks a Variance and waiver of the provisions of Rule 64B9-2.008, F.A.C., and Section 464.019, F.S. Specifically, the Petitioner requests that on the basis of fairness and hardship reasons described in the Petition, the Board waive the clinical component of the educational requirements for Registered Nurse licensure.

This Petition will be considered by the Board at its meeting on February 14, 2008 at 1:00 p.m.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259.

NOTICE IS HEREBY GIVEN THAT on January 3, 2008, the Board of Nursing, received a petition for Variance or Waiver filed on January 3, 2008 on behalf of Sharon Churchill. Pursuant to Chapter 28-104, F.A.C., and Section 120.542, F.S., Petitioner seeks a permanent variance or waiver. Specifically, the Petitioner requests that on the basis of fairness and hardship reasons described in the Petition, the Board grant a permanent variance or waiver of the pertinent rules and/or statutes so as to allow her to sit for the Florida NCLEX examination and to practice as a Registered Nurse in the State of Florida.

This Petition will be considered by the Board at its meeting on February 14, 2008, 1:00 p.m.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259.

NOTICE IS HEREBY GIVEN THAT on November 29, 2007, the Department of Health, Bureau of Emergency Medical Services has issued an order.

The Petition of Gabriel Sanchez, M.D., which was received by the Department on August 20, 2007 and published on September 21, 2007 in the F.A.W., has been granted. Paragraph 64E-2.004(3)(c), F.A.C., requires that Medical Directors of an emergency medical services provider be board certified. This temporary variance will allow Gabriel G. Sanchez, M.D., to continue serving as the Medical Director for Americare Ambulance Service Inc. without being board certified.

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 C-18, Tallahassee, FL 32399, Lisa_Walker2@doh.state.fl.us or (850)245-4440, ext. 2733.

NOTICE IS HEREBY GIVEN THAT on January 2, 2008, the Department of Health, Bureau of Emergency Medical Services has issued an order.

The Petition of Daniel B. Cox, M.D., which was received by the Department on September 27, 2007 and published on October 19, 2007 in the F.A.W., has been granted. Paragraph 64E-2.004(3)(c), F.A.C., requires that Medical Directors of an emergency medical services provider be board certified. This temporary variance will allow Daniel B. Cox, M.D., to continue serving as the Medical Director for Gilchrist County Emergency Medical Services without being board certified.

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 C-18, Tallahassee, FL 32399, Lisa_Walker2@doh.state.fl.us or (850)245-4440, ext. 2733.

NOTICE IS HEREBY GIVEN THAT on January 2, 2008, the Department of Health, Bureau of Emergency Medical Services has issued an order.

The Petition of Robert F. Kiely, M.D., which was received by the Department on October 29, 2007 and published on November 16, 2007 in the F.A.W., has been granted. Paragraph 64E-2.004(3)(c), F.A.C., requires that Medical Directors of an emergency medical services provider be board certified. This temporary variance will allow Robert F. Kiely, M.D., to continue serving as the Medical Director for Jacksonville Fire and Rescue without being board certified.

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 C-18, Tallahassee, FL 32399, Lisa_Walker2@doh.state.fl.us or (850)245-4440, ext. 2733.

NOTICE IS HEREBY GIVEN THAT on January 2, 2008, the Department of Health, Bureau of Emergency Medical Services has issued an order.

The Petition of James G. Leker, M.D., which was received by the Department on October 18, 2007 and published on November 9, 2007 in the F.A.W., has been granted. Paragraph 64E-2.004(3)(c), F.A.C., requires that Medical Directors of an emergency medical services provider be board certified. This temporary variance will allow James G. Leker, M.D., to continue serving as the Medical Director for Baptist LifeFlight and Midway Fire District without being board certified.

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 C-18, Tallahassee, FL 32399, Lisa_Walker2@doh.state.fl.us or (850)245-4440, ext. 2733.

NOTICE IS HEREBY GIVEN THAT on January 2, 2008, the Department of Health, Bureau of Emergency Medical Services has issued an order.

The Petition of Chichiou Liu, M.D., which was received by the Department on October 11, 2007 and published on October 26, 2007 in the F.A.W., has been granted. Paragraph 64E-2.004(3)(c), F.A.C., requires that Medical Directors of an emergency medical services provider be board certified. This temporary variance will allow Chichiou Liu, M.D., to continue serving as the Medical Director for St. Lucie County Fire District without being board certified.

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 C-18, Tallahassee, FL 32399, Lisa_Walker2@doh.state.fl.us or (850)245-4440, ext. 2733.

NOTICE IS HEREBY GIVEN THAT on January 2, 2008, the Department of Health, Bureau of Emergency Medical Services has issued an order.

The Petition of Miles V. Nelson, M.D., which was received by the Department on October 1, 2007 and published on October 19, 2007 in the F.A.W., has been granted. Paragraph 64E-2.004(3)(c), F.A.C., requires that Medical Directors of an emergency medical services provider be board certified. This temporary variance will allow Miles V. Nelson, M.D., to continue serving as the Medical Director for Doctors' Memorial Hospital Emergency Medical Service and AirMedic One Flight Services, LLC, without being board certified.

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 C-18, Tallahassee, FL 32399, Lisa_Walker2@doh.state.fl.us or (850)245-4440, ext. 2733.

NOTICE IS HEREBY GIVEN THAT on January 2, 2008, the Department of Health, Bureau of Emergency Medical Services has issued an order.

The Petition of Carol Sutton, M.D., which was received by the Department on October 10, 2007 and published on October 26, 2007 in the F.A.W., has been granted. Paragraph 64E-2.004(3)(c), F.A.C., requires that Medical Directors of an emergency medical services provider be board certified. This temporary variance will allow Carol Sutton, M.D., to continue serving as the Medical Director for Gadsden County Emergency Medical Services and Liberty County Emergency Medical Services without being board certified.

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 C-18, Tallahassee, FL 32399, Lisa_Walker2@doh.state.fl.us or (850)245-4440, ext. 2733.

NOTICE IS HEREBY GIVEN THAT on January 2, 2008, the Department of Health, Bureau of Emergency Medical Services has issued an order.

The Petition of Maureen Zelinka, M.D., which was received by the Department on October 22, 2007 and published on November 9, 2007 in the F.A.W., has been granted. Paragraph 64E-2.004(3)(c), F.A.C., requires that Medical Directors of an emergency medical services provider be board certified. This temporary variance will allow Maureen Zelinka, M.D., to continue serving as the Medical Director for American Jets, Inc., without being board certified.

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 C-18, Tallahassee, FL 32399, Lisa_Walker2@doh.state.fl.us or (850)245-4440, ext. 2733.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN that on January 4, 2008, the The Department of Children and Family Services has issued an order.

Petitioners, PSI Family Services, Embra James and Melvin Briley seeks a waiver of subsection 65C-15.017(3), F.A.C., assigned Case No. 07-013W. The Department issued an Order Granting petition for waiver. Petitioner has demonstrated knowledge, skills and abilities of a fully qualified caseworker.

A copy of the Order may be obtained by contacting: Agency Clerk, Department of Children and Family Services, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

**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
- Financial Services Commission
- Department of Veterans' Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement
- Department of Revenue
- Department of Education
- Administration Commission
- Florida Land and Water Adjudicatory Commission
- Board of Trustees of the Internal Improvement Trust Fund
- Department of Environmental Protection

DATE AND TIME: February 12, 2008, 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

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; report 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 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 for all activities relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.