

“Person performing life expectancies” as used in Section 626.99175(4)(d), Florida Statutes, and “individuals who determine life expectancies” as used in Section 626.99175(4)(g)2., Florida Statutes, means a person or individual with the decision making authority to sign or authorize the issuance of a life expectancy or mortality ratings used to determine a life expectancy.

(3) Life Expectancy Provider Triennial Audit of Life Expectancies.

(a) The audit required by Section 626.99175(5), Florida Statutes, must be certified by an actuary who is a member of the American Academy of Actuaries and qualified in the area of determination of life expectancies used in connection with life insurance, pension funding, or other similar enterprises. The actuary’s certification must include a statement that in his or her opinion the techniques and assumptions used to conduct the audit are reasonable and meet the requirements of Section 626.99175(5), Florida Statutes. Any exceptions to the statutory requirements shall be fully explained in detail in the certification.

(b) Should the actuary conducting the audit of the life expectancies find that in his or her professional judgment that the number of predicted deaths associated with such life expectancies would be too small to be actuarially credible and/or if the lag in reporting deaths to the Social Security Administration would result in an actuarially significant underreporting of deaths for those life expectancies, such events shall be detailed in the audit report and certified by the actuary.

Specific Authority 624.308(1), 626.99175, 626.9925 FS. Law Implemented 624.307(1), 626.99175 FS. History–New

Section IV Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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Section V Petitions and Dispositions Regarding Rule Variance or Waiver

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

WATER MANAGEMENT DISTRICTS

The St. Johns River Water Management District (SJRWMD) Governing Board hereby gives notice that on April 11, 2006, it issued a Final Order Granting Variance under Section 120.542, F.S. (SJRWMD FOR #2006-20), to Lennar Homes, Inc. (Petitioner). The Petition for Variance was received by SJRWMD on February 3, 2006. Notice of receipt of the petition requesting the variance was published in the Florida Administrative Weekly, Vol. 32, No.7 on February 17, 2006. No public comment was received. This order provides a temporary variance from subparagraph 40C-41.063(1)(c)1., Florida Administrative Code and Section 11.1.3 of the Applicant’s Handbook: Management and Storage of Surface Waters (February 1, 2005). These rules provide in pertinent part that a surface water management system may not result in an increase in the amount of water being diverted from the Upper St. Johns River Hydrologic Basin to intercoastal receiving waters. Generally, the Order sets forth the basis of the Governing Board’s decision to grant the variance as follows: 1) requiring Petitioner to comply with these rules onsite would create a technological hardship and 2) Petitioner’s financial contribution to the C-1 Rediversion Project or Alternative Rediversion Project will accomplish the purpose of Chapter 373, Florida Statutes, to prevent harm to the water resources by facilitating this project’s implementation. The C-1 Rediversion Project is a restoration project designed to allow water that would be diverted from the St. Johns River to coastal receiving waters by the Melbourne Tillman Water Control District canal system to drain once again to the St. Johns River.

A copy of the order may be obtained by contacting: Veronika Thiebach, Senior Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, (386)329-4488.

The St. Johns River Water Management District (SJRWMD) Governing Board hereby gives notice that on April 11, 2006, it issued a Final Order Granting Variance under Section 120.542, F.S. (SJRWMD FOR #2006-14), to Mercedes Homes, Inc.

(Petitioner). The Petition for Variance was received by SJRWMD on January 19, 2006. Notice of receipt of the petition requesting the variance was published in the Florida Administrative Weekly, Vol. 32, No.5 on February 3, 2006. No public comment was received. This order provides a temporary variance from subparagraph 40C-41.063(1)(c)1., Florida Administrative Code and Section 11.1.3 of the Applicant's Handbook: Management and Storage of Surface Waters (February 1, 2005). These rules provide in pertinent part that a surface water management system may not result in an increase in the amount of water being diverted from the Upper St. Johns River Hydrologic Basin to intercoastal receiving waters. Generally, the Order sets forth the basis of the Governing Board's decision to grant the variance as follows: 1) requiring Petitioner to comply with these rules onsite would create a technological hardship and 2) Petitioner's financial contribution to the C-1 Rediversion Project will accomplish the purpose of Chapter 373, Florida Statutes, to prevent harm to the water resources by facilitating this project's implementation. The C-1 Rediversion Project is a restoration project designed to allow water that would be diverted from the St. Johns River to coastal receiving waters by the Melbourne Tillman Water Control District canal system to drain once again to the St. Johns River.

A copy of the order may be obtained by contacting: Veronika Thiebach, Senior Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, (386)329-4488.

NOTICE IS HEREBY GIVEN that on April 17, 2006, South Florida Water Management District (District) received a petition for waiver from Alberta Billie, Application No. 05-1201-1 for utilization of Works or Lands of the District known as the L-29 Canal, Miami-Dade County, for a General Store within the north right of way of L-29 located approximate 982' east of S-12A, Section 15, Township 54 South, Range 38 East. The petition seeks relief from subsections 40E-6.011(4), 40E-6.221(8) and (9), Florida Administrative Code, which governs the placement of permanent/semi-permanent above ground structures; generally prohibits commercial uses within the right of way and the applicant must own or lease the land adjacent to or served by the portion of the works or lands of the District.

A copy of the petition may be obtained from: Kathie Ruff, (561)682-6320 or e-mail kruff@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Kathie Ruff, Office of Counsel.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on April 18, 2006 the Division of Hotels and Restaurants received a Petition for a Routine Variance for paragraph 61C-4.010(7)(b), Florida Administrative Code, from Amici's Pizza II located in New Port Richey. They are requesting a variance to not have accessible bathroom facilities within the establishment but use an adjacent establishment's bathroom facilities.

A copy of the Petition can be obtained from:

Xenia Bailey
Division of Hotels and Restaurants
1940 North Monroe Street
Tallahassee, Florida 32399-1013

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.

NOTICE IS HEREBY GIVEN that on April 18, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-1.004(2)(a), Florida Administrative Code, from Captain's Inn, a bed and breakfast, located in Mt. Dora. The above referenced F.A.C. states that each public lodging and food service establishment shall be provided with adequate and conveniently located bathroom facilities for its employees and guests.... The petitioner is requesting a variance to not have a centralized bathroom for guests, but for guests to use their bathrooms inside of their rooms.

A copy of the Petition can be obtained from:

Xenia Bailey
Division of Hotels and Restaurants
1940 North Monroe Street,
Tallahassee, Florida 32399-1013

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.

NOTICE IS HEREBY GIVEN that on March 29, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from Machado Box Lunch located in Hialeah. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

This variance request was approved April 20, 2006, and is contingent upon Petitioner's use of open-air steam table is properly covered and air curtain is operating properly-according to manufacturer's specifications and Section 6-202-15(D)(2), 2001 FDA Food Code, as to expel possible contaminants and vermin. Approval is also contingent upon Petitioner conducting all re-heating for hot holding at approved commissaries to the proper temperature per Section 3-403.11, 2001 FDA Food Code; and potentially hazardous food is held at proper temperatures according to Section 3-501.16, 2001 FDA Food Code.

The Petitioner shall strictly adhere to paragraph 61C-4.0161(2)(c), Florida Administrative Code, and report to the commissary at least once daily when operating. All warewashing is to be conducted at the commissary and strict adherence to employee health guidelines as specified in the Section 2-201, 2001 FDA Food Code, are to be followed. Petitioner shall also use a potable water tank and utilize a wastewater holding tank that is at least 15% larger than the potable water holding tank; and sloped to a drain that is 1 inch in inner diameter or greater, equipped with a shut-off valve. Petitioner must receive potable water tank must be from an approved source with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours.

Copies of variance and operating procedures are to be present on the MFDV at all times of operation and shall be adhered to as approved by the Division. This variance is not transferable under any conditions. All provisos must be complied prior final approval and 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.

NOTICE IS HEREBY GIVEN that on April 5, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Mangos Paradise Grill located in Sandestin. The above referenced Florida Administrative Code states that each food service establishment must maintain a minimum of one public bathroom for each sex, properly designated.... They are requesting a variance to use centrally located bathrooms for employees and guests due to building restrictions.

This variance request was approved April 20, 2006, and is contingent upon Petitioner notifying guests to the location of the public bathroom facilities by directional signage, the public bathrooms have hot and cold running water at all times, operate in a clean and sanitary manner, provided with soap and an approved method to dry hands. Petitioner will have no more than eighty-six (86) seats in the establishment, which includes any outside seating. All provisos and plan review deficiencies

shall be met prior to licensing. The Petitioner shall follow all applicable Administrative Rules and Federal Food and Drug Administration Food Code references. 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.

NOTICE IS HEREBY GIVEN that on April 6, 2006, the Division of Hotels and Restaurants received a second request to Petition for an Emergency Variance for subsections 61C-4.0101(1) and 61C-4.010(6), Florida Administrative Code, from Rafael's Fast Food located in Orlando. The above referenced Florida Administrative Codes address food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

This variance request was approved April 20,2006, and is contingent upon Petitioner's use of open-air steam table is properly covered and air curtain is operating properly-according to manufacturer's specifications and Section 6-202-15(D)(2), 2001 FDA Food Code, as to expel possible contaminants and vermin. Approval is also contingent upon Petitioner conducting all re-heating for hot holding at approved commissaries to the proper temperature per Section 3-403.11, 2001 FDA Food Code; and potentially hazardous food is held at proper temperatures according to Section 3-501.16, 2001 FDA Food Code.

The Petitioner shall strictly adhere to paragraph 61C-4.0161(2)(c), Florida Administrative Code, and report to the commissary at least once daily when operating. All warewashing is to be conducted at the commissary and strict adherence to employee health guidelines as specified in the Section 2-201, 2001 FDA Food Code, are to be followed. Petitioner shall also use a potable water tank and utilize a wastewater holding tank that is at least 15% larger than the potable water holding tank; and sloped to a drain that is 1 inch in inner diameter or greater, equipped with a shut-off valve. Petitioner must receive potable water tank must be from an approved source with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours.

Copies of variance and operating procedures are to be present on the MFDV at all times of operation and shall be adhered to as approved by the Division. This variance is not transferable under any conditions. All provisos must be complied prior final approval and 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.

NOTICE IS HEREBY GIVEN that on April 24, 2006, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from Cruisin Cafe Catering of Sarasota. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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.

The Board of Accountancy hereby gives notice that it has received a petition, filed on April 17, 2006, by Richard G. Hineline, Jr., seeking a variance or waiver of subsection 61H1-33.006(2), Florida Administrative Code, and the requirement that required continuing professional education hours have been completed in the 24 months immediately preceding the date of an application for reactivation.

Comments on this petition should be filed with: The Board of Accountancy/MQA, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, within 14 days of publication of this notice.

For a copy of the petition, contact John Johnson, Division Director, Board of Accountancy, at the above address or by telephone (352)333-2505.

The Board of Accountancy hereby gives notice that it has received a petition, filed on April 17, 2006, by Yiren Ren, seeking a permanent waiver of paragraph 61H1-27.002(2)(b), Florida Administrative Code, and the requirement that, to be eligible for licensure, an applicant has completed 39 semester or 58 quarter hours in general business education which shall include not less than the equivalent of 6 semester or 8 quarter hours in business law courses which include coverage of the uniform commercial code, contracts and torts.

Comments on this petition should be filed with: The Board of Accountancy/MQA, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, within 14 days of publication of this notice.

For a copy of the petition, contact: John Johnson, Division Director, Board of Accountancy, at the above address or by telephone (352)333-2505.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

The Board of Dentistry hereby gives notice of the issuance of an Order regarding the Petition for Variance for Florida State Hospital. The Notice of Petition for Variance was published in Vol. 32, No. 3, of the January 20, 2006, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on February 10, 2006.

The Board's Order, filed on February 27, 2006, denies the Petition, finding that Petitioner has not complied with Sections 120.542(2), (5), Florida Statutes, and is not eligible for a variance or waiver from Rule 64B7-17.015, Florida Administrative Code. The Board further finds that the petition does not meet the requirements of Section 120.542(5)(d), Florida Statutes, and is not eligible for a waiver or variance of Rule 64B7-17.015, F.A.C.

A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

The Board of Dentistry hereby gives notice of the issuance of an Order regarding the Petition for Variance for Susan Sheahan, D.M.D. The Notice of Petition for Variance was published in Vol. 32, No. 3, of the January 20, 2006, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on February 10, 2006.

The Board's Order, filed on February 27, 2006, denies the Petition for Variance or Waiver, finding that Petitioner has not met the requirements of Section 120.542(2), Florida Statutes. Specifically, Petitioner has failed to demonstrate how the purpose of the underlying statute would be achieved by other means. Additionally, Petitioner failed to demonstrate that principles of fairness would be violated by denial of the petition and failed to demonstrate that literal application of the rule affects Petitioner in a manner significantly different from other dentists subject to the rule. Moreover, Petitioner has failed to comply with Sections 120.542(2), 120.542(5) and 120.542(5)(d), Florida Statutes and subsection 28-104.001(1), and paragraphs 28-104.002(2)(e) and 28-104.002(1)(g), Florida Administrative Code. Based upon the foregoing, the Board determined that Petitioner is not eligible for a waiver or variance of Rule 64B7-14.005, F.A.C.

A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258.

The Board of Physical Therapy Practice hereby gives notice that it has received an amended petition, filed on April 25, 2006, by Andrea Kalkman, seeking a waiver of the requirements of subsections 64B17-4.002(2), (3), Florida Administrative Code. The Petitioner seeks a waiver of the requirement to retake the National Physical Therapy Examination for Physical Therapist Assistants.

Comments on this petition should be filed with: The Board of Physical Therapy Practice/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, within 14 days of publication of this notice.

For a copy of the petition, contact Susan Love, Executive Director, Board of Physical Therapy Practice, at the above address or telephone (850)245-4373, ext. 3480.

Section VI

Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Florida Historical Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, May 20, 2006, 9:00 a.m. – 3:00 p.m.

PLACE: Casa Monica Hotel, 95 Cordova Street, St. Augustine, Florida 32084, 1(800)648-1888

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by writing: Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250 or calling (850)245-6333.

Should any person wish to appeal any decision made with respect to the above referenced meeting, she or he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review. Pursuant to Section 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance. Please contact the Division of Historical Resources by telephone, (850)245-6360, or Fax (850)245-6435.

The **Department of State, Division of Cultural Affairs** announces the following public meeting to which all persons are invited.

DATE AND TIME: May 23, 2006, 9:00 a.m. – 12:00 Noon

PLACE: Room #307, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, FL 32399-0250. The meetings will be held via teleconference to Join the teleconference: dial the Ready Talk (866)740-1260. This is a toll free call. Enter the 7-digit access code: 2456470 (You will be placed on hold until the Chairperson starts the conference). If you have any problems joining the conference or if you need technical assistance, please contact the Ready Talk Customer Car Line at (800)843-9166.

GENERAL SUBJECT MATTER TO BE CONSIDERED: First Quarter Quarterly Assistance and Annual Underserved Arts Communities Assistance Program Meeting. To review grant applications for the First Quarter Quarterly Assistance and Annual Underserved Arts Communities Assistance Program.

A copy of the meeting agenda may be obtained by writing: Division of Cultural Affairs at 500 South Bronough Street, R. A. Gray Building, 3rd Floor, Tallahassee, FL 32399-0250.

For additional information please contact Gaylen Phillips, Program and Development Manager, (850)245-6482.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure a verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Division at least 48 hours before the meeting by contacting Morgan Barr at (850)245-6356. If you are hearing or speech impaired, please contact the Division by calling Florida Relay at 711.

DEPARTMENT OF LEGAL AFFAIRS

The **Florida Commission on the Status of Women** will hold telephone calls during the week of May 8, 2006, to which all persons are invited.

Legislative Committee

DATE AND TIME: May 9, 2006, 10:00 a.m.

Awards and Recognition Committee

DATE AND TIME: May 9, 2006, 11:00 a.m.

Annual Report Committee

DATE AND TIME: May 10, 2006, 10:00 a.m.

Finance and Budget Committee

DATE AND TIME: May 11, 2006, 10:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: to discuss general issues.

Note: If a quorum of members does not attend, items on this agenda will be discussed as a workshop by those present, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.