

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

NOTICE IS HEREBY GIVEN that on January 11, 2006, South Florida Water Management District (District) received an Amended Petition for waiver from Miami-Dade Park and Recreation Department, Application No. 05-0919-3, for utilization of Works or Lands of the District known as the C-1 Canal, Miami-Dade County for proposed trail amenities, which include signage, trash receptacles, benches, picnic tables, bike rack, fish service stations and shrubs within the east right of way of C-1, Sections 22 & 27, Township 56 South, Range 40 East. The petition seeks relief from subsections 40E-6.011(4),(5) and (6), F.A.C., which governs the placement of permanent and/or semi-permanent above-ground facilities and structures within 40 feet of top of canal bank within Works or Lands of the District.

A copy of the petition may be obtained from: Kathie Ruff, (561)682-6320, 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.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, F.S. (SFWMD 2006-017-DAO-ROW), on January 11, 2006, to Broward County Board of County Commissioners. The Amended petition for waiver was received by the SFWMD on December 5, 2005. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 31, No. 50, on December 16, 2005. No public comment was received. This Order provides a waiver for the proposed installation of guardrailing and signage within the south right of way of C-11 Canal, beginning at Weston Road and ending approximately 2 miles west at S. W. 188th Avenue;

S25,28,29,30/T50S/R39,40E, Broward County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6), F.A.C., 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), F.A.C., which governs the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the 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 Broward County Board of County Commissioners, from suffering a substantial hardship.

A copy of the Order can be obtained from: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320, e-mail: kruff@sfwmd.gov.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on January 11, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), F.A.C., from Vito’s Gourmet Pizza located in Fort Lauderdale. 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.... They are requesting a variance to add an additional twenty-one (21) seats for a total of thirty-one (31) seats which exceeds the seating capacity with only one accessible bathroom facility accessible to customers.

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.

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 Hearing Aid Specialists hereby gives notice that it has issued an Order of Intent to Grant Petition for Waiver or Variance for the Petition for Waiver or Variance of subsection 64B6-6.003(7), F.A.C., filed on October 7, 2005, by Ryan Broy. The Board reviewed the Petition at its meeting held on November 18, 2005, in Ft. Lauderdale, Florida. The Board's Order, filed in this cause on December 20, 2005, determined that the Petition for Waiver or Variance should be granted on the following grounds:

The Petitioner has demonstrated that his paperwork was not complete for the first two examinations and Petitioner has shown maturity.

A copy of the Petition and the Board's Order of Intent to Grant Petition for Waiver or Variance may be obtained by contacting: Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

The Board of Hearing Aid Specialists hereby gives notice that it has issued an Order of Intent to Grant Petition for Waiver or Variance for the Petition for Waiver or Variance of Rule 64B6-8.003, F.A.C., filed on October 4, 2005, by Michele Ritz. The Board reviewed the Petition at its meeting held on November 18, 2005, in Ft. Lauderdale, Florida. The Board's Order, filed in this cause on December 20, 2005, determined that the Petition for Waiver or Variance should be granted on the following grounds:

The Petitioner shall be allowed to complete one more training program, due to her mother's illness during her prior training program.

A copy of the Petition and the Board's Order of Intent to Grant Petition for Waiver or Variance may be obtained by contacting: Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

NOTICE IS HEREBY GIVEN that the Department of Health filed an Order disposing of a petition for what should have been a variance from Rule 64B21-500.011, F.A.C., filed by Faye M. Nussbaum. Rule 64B21-500.011, F.A.C., requires that an applicant for licensure as a school psychologist must receive a passing examination score as determined by certain national groups. The petition was filed with the Department on November 21, 2005, and noticed in the Florida Administrative Weekly on December 16, 2005, Vol. 31, Page 50. No comments were received from the public.

The Order, which was filed on January 11, 2006, provides in summary, that Petitioner has not established that she received a passing score or that the purpose of the underlying statute has been fulfilled or that principles of fairness were violated. Accordingly, the petition for what should have been a variance from Rule 64B21-500.011, F.A.C., has been DENIED.

A copy of the Order may be obtained from: Allen Hall, Program Operations Administrator, Office of School Psychology, Department of Health, Division of Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3251.

NOTICE IS HEREBY GIVEN that on January 11, 2006, the Department of Health received two Petitions for Variances from subsection 64E-13.004(6)(a)(1), F.A.C., from Innovation Schools of Excellence, Inc., for both of their temporary locations. The first is at the Boys & Girls Club located at 306 Laura Lee Ave, Tallahassee, FL, and the second is at the Community of Faith located at 1553B South Monroe St., Tallahassee, FL. This rule requires schools to have toilet facilities for preschool grades through grade three to be provided with toilet and handwashing facilities located within or adjoining classrooms. The Innovation Schools of Excellence is a private school located in Tallahassee, Florida.

Comments on this petition should be filed with Sam Power, Agency Clerk, Department of Health, Office of General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703, within 14 days of this notice.

A copy of the Petition may be obtained from: Lucy Schneider, Office of General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703, (850)245-4024.

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 14, 2005, 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.