

## 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 April 10, 2007, the St. Johns River Water Management District, received a petition for variance from Family Investment Group, Inc., pursuant to Section 120.542, Florida Statutes. Petitioner is seeking a temporary 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 4-009-109687-1. The petitioner is proposing to construct a surface water management system that would serve a proposed 3.97-acre commercial development known as Malabar Commons, for which Petitioner has applied for an environmental resources permit (No. 4-009-109687-1). The system would consist of curbs and gutters, inlets, pipes, and two interconnected wet detention ponds that would discharge into the Melbourne-Tillman Water Control District canal system. 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 would result 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 2007-34.

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, (386)312-2347.

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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 4-009-102431-1. The permit applicant is proposing to construct a surface water management system to serve its proposed 65-lot residential subdivision known as Las Palmas, comprising sixty-five lots on approximately twenty acres in Brevard County. The system would discharge into the Melbourne-Tillman Water Control District canal system, whose waters flow to the Indian River. 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.

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#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN THAT on April 9, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsections 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from Bernie's Catering located in Clearwater. 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 27, 2007, and is contingent upon the Petitioner's use of open-air steam table properly covered and air curtain 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 subsection 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 from an approved source with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours.

Copies of the 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 to 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.

To obtain a copy of the approved variance you may contact David.Fountain@dbpr.state.fl.us.

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NOTICE IS HEREBY GIVEN THAT on March 15, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for paragraph 61C-1.004(1)(d), Florida Administrative Code from the Timbers of Perry located in Perry. The above referenced F.A.C. states that sewage shall be disposed of in a public sewerage system or other approved sewerage system in accordance with the provisions of Chapter 64E-6 or 62-601 F.A.C. Petitioner is requesting a variance to not have hard plumbing in their bar area for their portable hand sink and use alternative methods for sewage disposal.

This variance request was approved April 20, 2007, and is contingent upon Petitioner using a 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 at least twice a day. Petitioner shall have an approved source for potable water with written documentation provided and sanitize the fresh water tank at least once every 24 hours. Handwashing procedures are to be strictly adhered to as specified in the Federal Food and Drug Administration 2001 Food Code Section 2-301.14. 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.

To obtain a copy of the approved variance you may contact David.Fountain@dbpr.state.fl.us.

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NOTICE IS HEREBY GIVEN THAT on April 16, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Bella Napoli located in Ponce De Leon. 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 Petitioner requests to not have any accessible bathroom facility available to the public.

The Division concluded that the Petitioner's request for variance fails to meet the burden of demonstrating that required safety and sanitation safeguards have otherwise been met. The variance request was denied because the Petitioner failed to provide the required information requested by the Division.

To obtain a copy of the denied variance you may contact David.Fountain@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on April 16, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsections 61C-4.0101(1) and 61C-4.010(6), Florida Administrative Code, from J & J Lunch Truck located in Palmetto. 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, 2007, and is contingent upon the Petitioner's use of open-air steam table properly covered and air curtain 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 from an approved source with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours.

Copies of the 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 to 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.

To obtain a copy of the approved variance you may contact David.Fountain@dbpr.state.fl.us.

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NOTICE IS HEREBY GIVEN THAT on April 16, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Speedie Doggs located in Ponce De Leon. 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 Petitioner requests to not have any accessible bathroom facility available to the public.

This variance request was approved April 20, 2007, and is contingent upon Petitioner ensuring public bathrooms inside of Curt Miller Oil Company has hot and cold running water at all times, kept in a clean and sanitary manner, and they are available during all hours of operation. Petitioner shall ensure directional signage is installed within/or outside the establishment clearly stating the location of the bathrooms. All plan review deficiencies and provisos must be complied 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.

To obtain a copy of the approved variance you may contact David.Fountain@dbpr.state.fl.us.

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NOTICE IS HEREBY GIVEN that on April 17, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Rosen Shingle Creek located in Orlando. 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 42.

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.

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NOTICE IS HEREBY GIVEN THAT on April 18, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Solórzano Pizza Cafe located in Sarasota. 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 35.

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 19, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-1.004(1)(d), Florida Administrative Code (F.A.C.) from Heritage Bay Golf and Country Club located in Naples. The above referenced F.A.C. states that sewage shall be disposed of in a public sewerage system or other approved sewerage system in accordance with the provisions of Chapter 64E-6 or 62-601 F.A.C. The Petitioner is requesting a variance use alternative methods for sewage disposal.

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 25, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code from Viet Noodle Restaurant located in Clermont. 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 27.

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**

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."

#### **DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN THAT on April 25, 2007, the Board of Physical Therapy Practice has issued an order.

The Order is regarding the Petition for Waiver or Variance, which was filed on February 27, 2007, by Terry Buckley. The Notice of Petition for Waiver or Variance was published in Vol. 33, No. 11, of the March 16, 2007, F.A.W. The Petitioner was

seeking a waiver or variance with regard to the requirement that an applicant who has failed to pass the National Physical Therapy Examination for Physical Therapists by or on the fifth attempt is precluded from licensure as provided under Rule 64B17-3.003, F.A.C., entitled "Licensure by Endorsement." The Board considered the instant Petition at a duly-noticed meeting, held March 16, 2007, in Orlando, Florida.

The Board's Order denied the petition finding that Petitioner had not established that the purpose of the underlying statute, Section 486.051, F.S., would be met by granting a variance or waiver from Rule 64B17-3.003, F.A.C. The Board further finds that Petitioner has not established that applying the requirements of the aforementioned Rule to his circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order may be obtained by contacting: Susan Love, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3755.

NOTICE IS HEREBY GIVEN THAT on April 26, 2007, the Board of Podiatric Medicine, received a petition for Variance or Waiver filed on April 26, 2007 on behalf of Frank L. Levy, a podiatric physician whose Florida license expired. Pursuant to Chapter 28-104, F.A.C., and Section 120.542, F.S., petitioner seeks a waiver of Rule 64B18-11.001, F.A.C., entitled "Application for Licensure," and Rule 64B18-11.002, F.A.C., entitled "Examination for Licensure." Specifically, the Petitioner requests a waiver of Rules 64B18-11.001 and 64B18-11.002, F.A.C., requiring that the PMLexis section apply to his application for re-licensing.

Comments on this petition should be filed with the Board of Podiatric Medicine within 14 days of publication of this notice. A copy of the Petition for Variance or Waiver may be obtained by contacting: Joe Baker, Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3258.

NOTICE IS HEREBY GIVEN THAT on April 9, 2007, the Department of Health received a Petition for Temporary Emergency Variance from subparagraph 64E-16.004(2)(d), (3), Florida Administrative Code, from John D. Fairley on behalf of Sure-Way Systems, Inc. That rule requires reusable sharps containers to be emptied directly into a treatment cart or directly into a treatment unit. The Petitioner requests a Temporary Emergency Variance from the rule to allow the Petitioner to empty reusable sharps containers via a fully automated mechanized tipper directly into 96 gallon UNDOT approved biomedical waste containers for transport offsite to a permitted biomedical waste treatment facility. At the treatment facility, the 96-gallon containers will be emptied via an

automated hands-free tipper directly into a treatment cart and its contents will be treated in accordance with Chapter 64E-16, Florida Administrative Code.

Comments on this Petition should be filed with: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin A02, Tallahassee, Florida 32399, within 5 days of publication of this notice.

A copy of the petition may be obtained from: Gina Vallone-Hood, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin A08, Tallahassee, Florida 32399 or by calling (850)245-4273. A copy of the Petition for Variance or Waiver may be obtained by contacting Gina Vallone at (850)245-4277.

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NOTICE IS HEREBY GIVEN THAT on April 24, 2007, the Department of Health, received a petition for variance from Martha Harrell Chumbler, representing Infiltrator Systems, Inc., pursuant to Section 120.542, Florida Statutes. Specifically, the petitioner seeks a variance from subparagraph 64E-6.009(7)(a)4., Florida Administrative Code, which requires requests for approval of system components and designs to be made after innovative system testing is completed and to include empirical data showing results of innovative system testing in Florida.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin A02, Tallahassee, Florida 32399-1734.

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#### FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN THAT on April 30, 2007, the Florida Housing Finance Corporation, received a petition for Waiver of paragraph 67-21.003(14)(j), Florida Administrative Code and Emergency rule 67ER06-27(14)(j), from Dixie Court II, Ltd. ("Petition"). The Petition is seeking a waiver of the rules to increase the number of residential units from 28 to 32 units, with the four additional units committed to a set-aside at or below 60 of the area median income.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

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## Section VI Notices of Meetings, Workshops and Public Hearings

#### DEPARTMENT OF STATE

The **Friends of Mission San Luis, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, May 21, 2007, 12:00 Noon

PLACE: Mission San Luis, Education Bldg., 2020 W. Mission Road, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion will include endowment campaign and other board business.

If you have questions or would like a copy of the agenda, please feel free to contact Ms. Elyse Cornelison at (850)487-1666.

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#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces a business meeting of the FCCMC Subcommittee on Mosquito Control Research Projects to which all persons are invited.

DATE AND TIME: May 30, 2007, 10:00 a.m. – 2:00 p.m.

PLACE: DACS Doyle Conner Bldg., Division of Plant Industry's Conference Room, 1911 S. W. 34th Street, Gainesville, Florida 32614, (352)372-3505

Questions and Comments may be directed to James Clauson, Chairman, (850)922-7011, ext. 101, clausoj@doacs.state.fl.us or Jeff Blair (850)644-6320, jblair@mail.fsu.edu.

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#### DEPARTMENT OF EDUCATION

The **Florida Schools of Excellence Commission** announces a telephone conference call to which all persons are invited.

DATE AND TIME: May 18, 2007, 8:00 a.m. – 10:00 a.m.

PLACE: 1(888)808-6959, Conference Code: 2450861

GENERAL SUBJECT MATTER TO BE CONSIDERED: This conference call will be a review of the co-sponsor applications submitted to the Florida Schools of Excellence Commission by the Florida Consortium of Public Charter Schools and the City of Hialeah.

A copy of the agenda may be obtained by contacting: Office of Independent Education and Parental Choice, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399, (850)245-0502.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 day before the workshop/meeting by contacting: Office of Independent Education and Parental Choice at 325 West Gaines Street, Suite 522, Tallahassee,

## Section V

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This variance request was approved April 27, 2007, and is contingent upon the Petitioner's use of open-air steam table properly covered and air curtain 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 subsection 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 from an approved source with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours.

Copies of the 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 to 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.

To obtain a copy of the approved variance you may contact David.Fountain@dbpr.state.fl.us.

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NOTICE IS HEREBY GIVEN THAT on March 15, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for paragraph 61C-1.004(1)(d), Florida Administrative Code from the Timbers of Perry located in Perry. The above referenced F.A.C. states that sewage shall be disposed of in a public sewerage system or other approved sewerage system in accordance with the provisions of Chapter 64E-6 or 62-601 F.A.C. Petitioner is requesting a variance to not have hard plumbing in their bar area for their portable hand sink and use alternative methods for sewage disposal.

This variance request was approved April 20, 2007, and is contingent upon Petitioner using a 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 at least twice a day. Petitioner shall have an approved source for potable water with written documentation provided and sanitize the fresh water tank at least once every 24 hours. Handwashing procedures are to be strictly adhered to as specified in the Federal Food and Drug Administration 2001 Food Code Section 2-301.14. 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.

To obtain a copy of the approved variance you may contact David.Fountain@dbpr.state.fl.us.

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NOTICE IS HEREBY GIVEN THAT on April 16, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Bella Napoli located in Ponce De Leon. 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 Petitioner requests to not have any accessible bathroom facility available to the public.

The Division concluded that the Petitioner's request for variance fails to meet the burden of demonstrating that required safety and sanitation safeguards have otherwise been met. The variance request was denied because the Petitioner failed to provide the required information requested by the Division.

To obtain a copy of the denied variance you may contact David.Fountain@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on April 16, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsections 61C-4.0101(1) and 61C-4.010(6), Florida Administrative Code, from J & J Lunch Truck located in Palmetto. 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, 2007, and is contingent upon the Petitioner's use of open-air steam table properly covered and air curtain 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 from an approved source with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours.

Copies of the 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 to 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.

To obtain a copy of the approved variance you may contact David.Fountain@dbpr.state.fl.us.

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NOTICE IS HEREBY GIVEN THAT on April 16, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Speedie Doggs located in Ponce De Leon. 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 Petitioner requests to not have any accessible bathroom facility available to the public.

This variance request was approved April 20, 2007, and is contingent upon Petitioner ensuring public bathrooms inside of Curt Miller Oil Company has hot and cold running water at all times, kept in a clean and sanitary manner, and they are available during all hours of operation. Petitioner shall ensure directional signage is installed within/or outside the establishment clearly stating the location of the bathrooms. All plan review deficiencies and provisos must be complied 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.

To obtain a copy of the approved variance you may contact David.Fountain@dbpr.state.fl.us.

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NOTICE IS HEREBY GIVEN that on April 17, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Rosen Shingle Creek located in Orlando. 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 42.

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.

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NOTICE IS HEREBY GIVEN THAT on April 18, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Solórzano Pizza Cafe located in Sarasota. 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 35.

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.

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NOTICE IS HEREBY GIVEN THAT on April 19, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-1.004(1)(d), Florida Administrative Code (F.A.C.) from Heritage Bay Golf and Country Club located in Naples. The above referenced F.A.C. states that sewage shall be disposed of in a public sewerage system or other approved sewerage system in accordance with the provisions of Chapter 64E-6 or 62-601 F.A.C. The Petitioner is requesting a variance use alternative methods for sewage disposal.

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.

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NOTICE IS HEREBY GIVEN THAT on April 25, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code from Viet Noodle Restaurant located in Clermont. 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 27.

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**

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."

#### **DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN THAT on April 25, 2007, the Board of Physical Therapy Practice has issued an order.

The Order is regarding the Petition for Waiver or Variance, which was filed on February 27, 2007, by Terry Buckley. The Notice of Petition for Waiver or Variance was published in Vol. 33, No. 11, of the March 16, 2007, F.A.W. The Petitioner was

seeking a waiver or variance with regard to the requirement that an applicant who has failed to pass the National Physical Therapy Examination for Physical Therapists by or on the fifth attempt is precluded from licensure as provided under Rule 64B17-3.003, F.A.C., entitled "Licensure by Endorsement." The Board considered the instant Petition at a duly-noticed meeting, held March 16, 2007, in Orlando, Florida.

The Board's Order denied the petition finding that Petitioner had not established that the purpose of the underlying statute, Section 486.051, F.S., would be met by granting a variance or waiver from Rule 64B17-3.003, F.A.C. The Board further finds that Petitioner has not established that applying the requirements of the aforementioned Rule to his circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order may be obtained by contacting: Susan Love, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3755.

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NOTICE IS HEREBY GIVEN THAT on April 26, 2007, the Board of Podiatric Medicine, received a petition for Variance or Waiver filed on April 26, 2007 on behalf of Frank L. Levy, a podiatric physician whose Florida license expired. Pursuant to Chapter 28-104, F.A.C., and Section 120.542, F.S., petitioner seeks a waiver of Rule 64B18-11.001, F.A.C., entitled "Application for Licensure," and Rule 64B18-11.002, F.A.C., entitled "Examination for Licensure." Specifically, the Petitioner requests a waiver of Rules 64B18-11.001 and 64B18-11.002, F.A.C., requiring that the PMLexis section apply to his application for re-licensing.

Comments on this petition should be filed with the Board of Podiatric Medicine within 14 days of publication of this notice. A copy of the Petition for Variance or Waiver may be obtained by contacting: Joe Baker, Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3258.

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NOTICE IS HEREBY GIVEN THAT on April 9, 2007, the Department of Health received a Petition for Temporary Emergency Variance from subparagraph 64E-16.004(2)(d), (3), Florida Administrative Code, from John D. Fairley on behalf of Sure-Way Systems, Inc. That rule requires reusable sharps containers to be emptied directly into a treatment cart or directly into a treatment unit. The Petitioner requests a Temporary Emergency Variance from the rule to allow the Petitioner to empty reusable sharps containers via a fully automated mechanized tipper directly into 96 gallon UNDOT approved biomedical waste containers for transport offsite to a permitted biomedical waste treatment facility. At the treatment facility, the 96-gallon containers will be emptied via an

automated hands-free tipper directly into a treatment cart and its contents will be treated in accordance with Chapter 64E-16, Florida Administrative Code.

Comments on this Petition should be filed with: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin A02, Tallahassee, Florida 32399, within 5 days of publication of this notice.

A copy of the petition may be obtained from: Gina Vallone-Hood, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin A08, Tallahassee, Florida 32399 or by calling (850)245-4273. A copy of the Petition for Variance or Waiver may be obtained by contacting Gina Vallone at (850)245-4277.

NOTICE IS HEREBY GIVEN THAT on April 24, 2007, the Department of Health, received a petition for variance from Martha Harrell Chumbler, representing Infiltrator Systems, Inc., pursuant to Section 120.542, Florida Statutes. Specifically, the petitioner seeks a variance from subparagraph 64E-6.009(7)(a)4., Florida Administrative Code, which requires requests for approval of system components and designs to be made after innovative system testing is completed and to include empirical data showing results of innovative system testing in Florida.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin A02, Tallahassee, Florida 32399-1734.

**FLORIDA HOUSING FINANCE CORPORATION**

NOTICE IS HEREBY GIVEN THAT on April 30, 2007, the Florida Housing Finance Corporation, received a petition for Waiver of paragraph 67-21.003(14)(j), Florida Administrative Code and Emergency rule 67ER06-27(14)(j), from Dixie Court II, Ltd. (“Petition”). The Petition is seeking a waiver of the rules to increase the number of residential units from 28 to 32 units, with the four additional units committed to a set-aside at or below 60 of the area median income.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

**Section VI  
Notices of Meetings, Workshops and Public Hearings**

**DEPARTMENT OF STATE**

The **Friends of Mission San Luis, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, May 21, 2007, 12:00 Noon

PLACE: Mission San Luis, Education Bldg., 2020 W. Mission Road, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion will include endowment campaign and other board business.

If you have questions or would like a copy of the agenda, please feel free to contact Ms. Elyse Cornelison at (850)487-1666.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

The Florida **Department of Agriculture and Consumer Services** announces a business meeting of the FCCMC Subcommittee on Mosquito Control Research Projects to which all persons are invited.

DATE AND TIME: May 30, 2007, 10:00 a.m. – 2:00 p.m.

PLACE: DACS Doyle Conner Bldg., Division of Plant Industry’s Conference Room, 1911 S. W. 34th Street, Gainesville, Florida 32614, (352)372-3505

Questions and Comments may be directed to James Clauson, Chairman, (850)922-7011, ext. 101, clausoj@doacs.state.fl.us or Jeff Blair (850)644-6320, jblair@mailier.fsu.edu.

**DEPARTMENT OF EDUCATION**

The **Florida Schools of Excellence Commission** announces a telephone conference call to which all persons are invited.

DATE AND TIME: May 18, 2007, 8:00 a.m. – 10:00 a.m.

PLACE: 1(888)808-6959, Conference Code: 2450861

GENERAL SUBJECT MATTER TO BE CONSIDERED: This conference call will be a review of the co-sponsor applications submitted to the Florida Schools of Excellence Commission by the Florida Consortium of Public Charter Schools and the City of Hialeah.

A copy of the agenda may be obtained by contacting: Office of Independent Education and Parental Choice, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399, (850)245-0502.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 day before the workshop/meeting by contacting: Office of Independent Education and Parental Choice at 325 West Gaines Street, Suite 522, Tallahassee,