

(22) List of Books and Their Taxable Status During the Exemption Period. The following is a list of books and their taxable status during the exemption period if they are sold for \$50.00 or less. This is not an inclusive list. T = Taxable, E = Exempt.

- T Audio books
- E Bibles*
- T Books with no publisher
- E Books with a publisher
- E Children’s books (published)
- E Foreign and old books (even without ISBN)
- T Greeting cards
- E Instruction manuals (bound and published)
- T Magazines*
- T Movies
- E Music books
- T Newspapers*
- T Periodicals
- E Textbooks (published)

*Subscriptions to newspapers and magazines that are delivered by mail remain exempt from tax. Bibles are always exempt. This rule shall take effect on August 2, 2007.

Specific Authority 212.17(6), 212.18(2), 213.06(1), (2) FS., Section 1, Chapter 2007-144, L.O.F. Law Implemented 95.091, 212.02(16), 212.05, 212.0596, 212.06, 212.13, 213.35, 215.26(1), 330.27(2), 509.013(4), (9) FS., Chapter 2007-144, L.O.F. History–New 8-2-07.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE ARE SPECIFIED IN THIS RULE.
EFFECTIVE DATE: August 2, 2007

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 the South Florida Water Management District (SFWMD) Governing Board issued an Order Denying Portion and Approving Portion of Application for Right of Way Occupancy Permit, Denying Petition for Waiver, and Granting Issuance of Removal and Restoration Order under Section 120.542, Fla. Stat. (SFWMD 2007-469-DAO-ROW), on July 11, 2007, to Michael Moore and Anna Nicole Wellens. The petition for waiver was received by the SFWMD on September 26, 2006 and amended on March 1, 2007. The Petitioners waived the 90-day review period for their permit application set forth in Rule 40E-0.105, Florida Administrative Code, and also waived the 90-day statutory time requirement for granting or denying a waiver set forth in Section 120.542(8), Fla. Stat., on this Petition for Waiver, so that agency action could be taken simultaneously on their application for ROW Permit and this associated Petition for Waiver. Notice of receipt of the petition requesting the waiver was published in the F.A.W., Vol. 32, No. 41, on October 13, 2006, and Notice of receipt of the Amended petition for waiver was published in the F.A.W., Vol 33, No. 11, on March 16, 2007. No public comment was received. Both the Original and the Amended Petition for Waiver sought relief from subsections 40E-6.011(4) and (6), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground facilities and structures within 40 feet of the top of the canal bank within Works or Lands of the District. Denial of a portion of the requested Right of Way Occupancy Permit and denial of the Waiver of District Criteria is due to the fact that the existing, unauthorized encroachments (shed and landscaping) and the proposed fence enclosure and landscaping within the District’s south right of way of the Hillsboro Canal; S36/T47S/R42E, Broward County, are contrary to the District’s rules and criteria as they constitute permanent and/or semi-permanent above-ground encroachments within the District’s rights of way within forty (40) feet of the top of the canal bank; and therefore, have the potential to interfere with the District’s present or future vehicular access and ability to perform its routine and/or emergency canal maintenance operations. Specifically, these existing and proposed uses are contrary to District subsections

40E-6.011(1), (4), and paragraphs 40E-6.221(2)(a), (j) and subsection (5), Florida Administrative Code. In addition, the Application and Petition are inconsistent with the District's Right of Way Management and Recovery Plan as approved by the Governing Board at their November 9, 2005 meeting. Finally, the Applicants have failed to provide evidence sufficient to demonstrate that the denial of their request for a waiver would create a substantial hardship or violate the principals of fairness as defined in Section 120.542, F.S.

A copy of the Order can be obtained from: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1413, West Palm Beach, FL 33406-4680, (561)682-6320 or by e-mail kruff@sfwmd.gov.

NOTICE IS HEREBY GIVEN THAT the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2007-470-DAO-ROW), on July 11, 2007, to Ernest L. Prather. The petition for waiver was received by the SFWMD on June 8, 2007. Notice of receipt of the petition requesting the waiver was published in the F.A.W., Vol. 33, No. 26, on June 29, 2007. No public comment was received. This Order provides a waiver of the District's criteria for the proposed temporary vehicular use of the L-28 right of way from U.S. 41 to the northerly terminus of L-28 to gain access to the applicant's camp/cabin which is located approximately 3 miles from L-28 in Collier County; within Multiple Sections/T54, 53, 52S/R35E, Miami-Dade County. Specifically, the Order grants a waiver from subsection 40E-6.221(9), Fla. Admin. 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), Fla. Admin. Code, which governs the requirement that, except for 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 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 Ernest L. Prather from suffering a substantial hardship. A copy of the Order can be obtained from Kathie Ruff at the South Florida Water Management District, 3301 Gun Club Road, MSC 1413, West Palm Beach, FL 33406-4680, (561)682-6320 or by e-mail kruff@sfwmd.gov.

NOTICE IS HEREBY GIVEN THAT on July 2, 2007, the St. Johns River Water Management District, received a petition for variance from Melbourne 95 New Haven, LLC, 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 4-009-111704-1. The permit applicant is proposing to construct a wet detention surface water management system that would discharge into the Melbourne-Tillman Water Control District canal system, for a surface water management system known as Coastal Commerce Center, 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 2007-52.

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.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on June 18, 2007, 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 El Cubanito located in Orlando. 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 July 9, 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.

NOTICE IS HEREBY GIVEN THAT on June 22, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.0101(1) and 61C-4.010(6), Florida Administrative Code, from Perez's Catering located in Orlando. 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 July 12, 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.

NOTICE IS HEREBY GIVEN THAT on June 28, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Big E's located in Lake City. 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 not have bathroom facilities in their facility, but use centrally located bathroom facilities.

This variance request was approved July 9, 2007, and is contingent upon the Petitioner ensuring the centrally located bathrooms are functional, has 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. Seating shall not exceed thirty-four (34) which includes inside and outside seating. 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. To obtain a copy of the approved variance you may contact David.Fountain@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on June 29, 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 Jimbo's Catering located in Bradenton. 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.

NOTICE IS HEREBY GIVEN THAT on June 29, 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 Jimbo's Catering located in Bradenton. 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 July 12, 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.

NOTICE IS HEREBY GIVEN THAT on July 16, 2007, the Board of Architecture and Interior Design, received a petition for Marshall Erdman & Associates, seeking a variance or waiver of subsection 61G1-12.001(3), Florida Administrative Code, which states that an architectural firm may not offer services to the public under a firm name which contains only the name of an individual not licensed as a professional engineer or registered architect in any state.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, FL 32399-0783. Comments on this petition should be filed with the Board of Architecture and Interior Design within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on June 20, 2007, the Construction Industry Licensing Board, received a petition for Arxx Building Products, seeking a variance or waiver of paragraph 61G4-18.003(5)(m), Florida Administrative Code, which states that the Board shall deny approval of, suspend, or revoke the registration of an course provider for failing to attend at least one continuing education seminar during each provider renewal cycle as required by subsection 61G4-18.014(2), F.A.C.

A copy of the Petition for Variance or Waiver may be obtained by contacting: G. W. Harrell, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0783. Comments on this petition should be filed with the Construction Industry Licensing Board 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."

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on July 12, 2007, the Board of Dentistry, received a petition for seeking a waiver or variance filed by Edwin A. Bayo, Esq, on behalf of Monica Tabbita, D.D.S., of subsections 64B5-7.003(4) and 64B5-2.0146(2), F.A.C., with respect to the following licensure requirements: (1) that experience obtained by an individual pursuant to a permit issued under Rule 64B5-7.003, F.A.C. and Section 466.025, F.S. is not acceptable for the purpose of fulfilling the supplemental education program set forth in Section 466.006(3)(b), F.S., (2) that each applicant for

a Florida dental license successfully completes remediation to the level of a graduation senior and (3) provide transcripts from the sponsoring institution so indicating.

A copy of the Petition for Variance or Waiver may be obtained by contacting Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN THAT on July 18, 2007, the Florida Housing Finance Corporation, received a petition for Waiver of Part II.2.c.(1) of the 2006 Rental Recovery Loan Program Application Instruction and Part II.A.2.a.(2) of the 2006 Universal Cycle Application Instructions, Florida Administrative Code from Clear Harbor, Ltd. (“Petition”). The Petition is seeking a waiver of a change in co-general partnership.

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.

FISH AND WILDLIFE CONSERVATION COMMISSION

NOTICE IS HEREBY GIVEN THAT on July 11, 2007, the Florida Fish and Wildlife Conservation Commission (FWC) has issued an order.

The Florida Fish and Wildlife Conservation Commission (FWC) issued an Order Granting an Emergency Waiver of Rule under Section 120.542, F.S., to CBS Productions – CSI Miami on July 11, 2007. The petition for emergency waiver was received by FWC on July 5, 2007. A Notice of Receipt of the petition for emergency waiver of subparagraph 68C-22.025(1)(a)5., F.A.C., was posted on FWC’s internet website on July 5, 2007, pursuant to the procedures appropriate for emergency waivers in Rules 28-104.004 and 28-104.005, F.A.C. Public comments were received and considered by the Commission. The order provides a temporary waiver from the slow speed vessel restrictions for manatee protection in the area of Biscayne Bay north of Broad Causeway and just north of Bay Harbour Islands in Dade County. The waiver was granted to allow the petitioner to film a high speed boat sequence on July 13 and 14, 2007, to be part of the CSI Miami television series. The order found that the temporary emergency waiver was justified because of adverse economic hardships to the petitioner in the event that the temporary emergency waiver was not granted. The underlying purposes

of the manatee protection rule will be achieved in this case because the film sequence will be conducted in accordance with a Protected Species Watch Plan which will assure manatee safety.

A copy of the Order may be obtained by contacting: Carol Knox, Imperiled Species Management Section, Florida Fish and Wildlife Conservation Commission, 1320 Executive Center Drive, Tallahassee, FL 32301 or by email address carol.knox@myfwc.com.

**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: August 14, 2007, 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.