

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF TRANSPORTATION

NOTICE IS HEREBY GIVEN THAT the Florida Department of Transportation received a Petition for Variance from St. Lucie County Transportation Planning Organization on February 29, 2008, seeking a variance from the provisions of Rule 14-73.001, F.A.C. Rule 14-73.001, F.A.C., establishes requirements for the recipients of the Department's transit grant funds. St. Lucie County Transportation Planning Organization proposes the Department grant a variance to the deadline for adoption of the County's Major Transit Development Plan update.

Comments on this proposed variance should be filed with: Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, M.S. 58, Tallahassee, Florida 32399-0458, within 14 days of the publication of this notice. A copy of the Petition for Variance may be obtained from the Clerk of Agency Proceedings. For additional information, contact: Katie S. Buchanan, Assistant General Counsel at (850)414-5265.

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 March 11, 2008, the Suwannee River Water Management District has issued an order.

This Order granted variance under Section 120.542, F.S., to George & Charlotte Young, for a Work of the District residence (ERP07-0235). The petition for variance was received by SRWMD on September 17, 2007. Notice of receipt of the petition requesting variance was published in the F.A.W., Vol. 33, No. 35, on August 31, 2007. No public comment has been received. This Order provides a variance of SRWMD's criteria for paragraph 40B-4.3030(12)(b), F.A.C., to the 75-foot setback requirements within Township 11 South, Range 13 East, Section 11, Dixie County. SRWMD granted the petition because the petitioners have demonstrated that the purpose of the statute underlying the rule will be met and that the principle of fairness would be violated if petitioners were required to comply with this rule.

A copy of the Order may be obtained by contacting: Robin Lamm, Administrative Assistant, Suwannee River Water Management District, 9225 CR 49, Live Oak, FL 32060, (386)362-1001 or 1(800)226-1066 in Florida only.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on February 29, 2008, the Department of Business and Professional Regulation, received a petition for Waiver of Florida Administrative Code Rule 61A-2.014, subsection (6), by Petitioner Hyatt Corporation, Inc. Florida Administrative Code Rule 61A-2.014, subsection (6), requires all directors or officers of a corporation with an interest in an alcoholic beverage license to file a set of fingerprints at the time of making application for a beverage license or at the time an interest is created after a license has been issued. Petitioner does not qualify as any of the three exceptions also created by Florida Administrative Code Rule 61A-2.014, but requests the waiver of application of the rule to Petitioner's positions of Assistant Secretary, since such positions are not involved in the operation, control or management of any Florida hotel or any alcoholic beverage sales at a Florida location.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Deeanna Owens, Administrative Assistant, (850)414-8125

NOTICE IS HEREBY GIVEN THAT on January 28, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for paragraphs 61C-1.004(1)(a), 61C-1.004(1)(d) and subsection 61C-4.010(6), Florida Administrative Code, (F.A.C.) from Haagen Dazs located in Miami. The above referenced F.A.C. state that the water supply shall meet the standards provided in Chapters 64E-8, 62-550 and 62-555 F.A.C.; 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.; and physical facilities at public food service establishments shall be subject to the provisions of Chapter 6 of the Food Code. They are requesting a variance to not have hard plumbing in their kiosk and use alternative methods for sewage disposal and obtaining potable water.

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

NOTICE IS HEREBY GIVEN that on March 4, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code from L'Olivier Bistro located in St. Petersburg. 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 for patrons and they are requesting a variance to have a seating capacity of thirty (30).

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

NOTICE IS HEREBY GIVEN that on March 10, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, Sanitation and Safety Requirements, from Monkey Paws Ice Cream and Coffee House located in Parrish. 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 for patrons and they are requesting a variance to have a seating capacity of twenty-five (25).

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

NOTICE IS HEREBY GIVEN that on March 10, 2008, Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, Sanitation and Safety Requirements, from Mocha Jo's 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 for patrons and they are requesting a variance to have a seating capacity of twenty (20).

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

NOTICE IS HEREBY GIVEN that on March 12, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, Sanitation and Safety Requirements, from Chompers Diner located in Fanning Springs. 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 for patrons and they are requesting a variance to have a seating capacity of twenty-five (25).

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

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 March 12, 2008, the Board of Pharmacy, received a petition from Miriam Lourdes Hernandez, seeking a variance or waiver of Rule 64B16-26.2031, Florida Administrative Code, which requires that no program of work activity will be approved for any applicant until said applicant has been certified by FPGEE Foreign Pharmacy Graduate Examination Commission.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, (850)245-4292. Comments on the petition should be filed with the Board of Pharmacy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on March 12, 2008, the Board of Pharmacy, received a petition from Vipul Patel, seeking a variance or waiver of Rule 64B16-26.2031, Florida Administrative Code, which requires that no program of work activity will be approved for any applicant until said applicant has been certified by FPGEE Foreign Pharmacy Graduate Examination Commission.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, (850)245-4292. Comments on the petition should be filed with the Board of Pharmacy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN that on March 13, 2008, the Board of Pharmacy, received a petition from Valliammai Natarajan, seeking a variance or waiver of Rule 64B16-26.2031, Florida Administrative Code, which requires that no program of work activity will be approved for any applicant until said applicant has been certified by FPGEE Foreign Pharmacy Graduate Examination Commission.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, or telephone (850)245-4292. Comments on the petition should be filed with the Board of Pharmacy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN that on March 12, 2008, the Board of Pharmacy, received a petition from Nabil Khalil, seeking a variance or waiver of Rule 64B16-26.2031, Florida

Administrative Code, which requires that no program of work activity will be approved for any applicant until said applicant has been certified by FPGEE Foreign Pharmacy Graduate Examination Commission.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, or telephone (850)245-4292. Comments on the petition should be filed with the Board of Pharmacy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN that on March 18, 2008, the Board of Pharmacy, received a petition from Katerina Vigoa Zamora, seeking a variance or waiver of Rule 64B16-26.2031, Florida Administrative Code, which requires that no program of work activity will be approved for any applicant until said applicant has been certified by FPGEE Foreign Pharmacy Graduate Examination Commission.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, or telephone (850)245-4292. Comments on the petition should be filed with the Board of Pharmacy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN that on March 5, 2008, the Board of Pharmacy, received a petition from Nengying Fan, seeking a variance or waiver of Rule 64B16-26.2031, Florida Administrative Code, which requires that no program of work activity will be approved for any applicant until said applicant has been certified by FPGEE Foreign Pharmacy Graduate Examination Commission.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, or telephone (850)245-4292. Comments on the petition should be filed with the Board of Pharmacy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN that on March 12, 2008, the Board of Pharmacy, received a petition from Shahida Khanum, seeking a variance or waiver of Rule 64B16-26.2031, Florida Administrative Code, which requires that no program of work activity will be approved for any applicant until said applicant has been certified by FPGEE Foreign Pharmacy Graduate Examination Commission.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee,

Florida 32399-3254, or telephone (850)245-4292. Comments on the petition should be filed with the Board of Pharmacy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN that on March 13, 2008, the Board of Pharmacy, received a petition from Xuejun Fan, seeking a variance or waiver of Rule 64B16-26.2031, Florida Administrative Code, which requires that no program of work activity will be approved for any applicant until said applicant has been certified by FPGEE Foreign Pharmacy Graduate Examination Commission.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, or telephone (850)245-4292. Comments on the petition should be filed with the Board of Pharmacy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN that on March 13, 2008, the Board of Pharmacy, received a petition from John H. Neamatalla, seeking a variance or waiver of Rule 64B16-26.2031, Florida Administrative Code, which requires that no program of work activity will be approved for any applicant until said applicant has been certified by FPGEE Foreign Pharmacy Graduate Examination Commission.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, or telephone (850)245-4292 on the petition should be filed with the Board of Pharmacy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN that on February 15, 2008, the the Department of Health, Bureau of Emergency Medical Services has issued an order.

The original Disposition for Variance, published on January 25, 2008, for the petition of Miles V. Nelson, M.D., has been amended to include Taylor Technical Institute. The Petition from Miles V. Nelson, M.D., was received by the Department on October 1, 2007 and published on October 19, 2007 in the F.A.W. The Petitioner requested variance from paragraph 64E-2.004(3)(c), F.A.C., Medical Direction, which requires Medical Directors of and emergency medical services (EMS) provider or EMS training center to be board certified. The Department has determined that the Petitioner has met the general requirements for variance because the Petitioner has demonstrated that the purpose of the underlying statute has been achieved by other means through the Petitioner's competence in the practice of emergency medicine and the Petitioner and his employers have demonstrated substantial hardship if the Petition is not granted. Wherefore, based on the Findings of Fact and Conclusions of Law, the Petition has been granted and allows Miles V. Nelson, M.D., to continue serving

as the Medical Director for Doctor’s Memorial EMS, AirMedic, and Taylor Technical Institute without the required board certification.

A copy of the Order may be obtained by contacting: Lisa Walker, Government Analyst II, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C-18, Tallahassee, FL 32399, Lisa_Walker2@doh.state.fl.us or (850)245-4440, ext. 2733.

NOTICE IS HEREBY GIVEN that on March 13, 2008, the Department of Health, received a petition for variance from Paul Grybowski, representing GreenLeach Rights Holders. Specifically, the petitioner seeks a variance from subsections 64E-6.014(5) and (5)(c), Florida Administrative Code, which requires drain trenches and absorption beds containing mineral aggregate to use aggregate meeting certain ASTM standards and sizing criteria.

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.

NOTICE IS HEREBY GIVEN that on March 12, 2008, the Department of Health, received a petition for variance from subsection 64E-3.002(1), F.A.C., from the following persons:

- Leon Geroy
- Yanin Finol
- Ileana Moro
- Yanet Jimenez
- Danizabeth Piedra Rodriguez
- Su-yet Silva Chang

The Petitions request a variance from the rule that defines “approved program” due to the date that the program from which they graduated is anticipated to meet the parameters of the rule. Comments on these Petitions should be filed with: Elizabeth B. Hines, Administrator, 4052 Bald Cypress Way, Bin #C85, Tallahassee, FL 32399-3255.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Elizabeth B. Hines, Administrator, 4052 Bald Cypress Way, Bin #C85, Tallahassee, FL 32399-3255.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN that on February 05, 2008, the Dept. of Children and Families, received a petition for Waiver of subsection 65C-14.024(2), F.A.C., Staffing Requirements. The petition was received from Seamark Ranch, assigned Case No. 08-003W. Subsection 65C-14.024(2), F.A.C., states the facility shall have adequate staff coverage at all times to provide the services identified in the agency's statement of purpose.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Office of the Agency Clerk, Dept. of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

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

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
- Financial Services Commission
- Department of Veterans’ Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement
- Department of Revenue
- Department of Education
- Administration Commission

- Florida Land and Water Adjudicatory Commission
- Board of Trustees of the Internal Improvement Trust Fund
- Department of Environmental Protection

DATE AND TIME: April 15, 2008, 9:00 a.m.
PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director’s reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to, matters relating to rulemaking for all activities concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative