

Specific Authority 409.8918, 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.818, 409.919 FS. History—New 10-8-97, Amended 9-28-98, 4-5-99, 11-23-99, 2-15-01, 9-24-01, 4-1-03, _____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NOS.:	RULE TITLES:
68B-24.001	Purpose and Intent
68B-24.002	Definitions
68B-24.006	Gear: Traps, Buoys, Identification Requirements, Prohibited Devices
68B-24.007	Other Prohibitions
68B-24.008	Slipper Lobster; Prohibitions Relating to Eggbearing Slipper Lobster
68B-24.009	Trap Reduction Schedule

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 10, March 7, 2008 issue of the Florida Administrative Weekly.

Proposed amendments to Rules 68B-24.001, 68B-24.002, 68B-24.006, 68B-24.007, and 68B-24.009, and the proposed repeal of Rule 68B-24.008, have each been changed to include a PROPOSED EFFECTIVE DATE of July 1, 2008. No other changes were made to the rule amendments or rule repeal as proposed.

**Section IV
Emergency Rules**

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**

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN THAT on April 9, 2008, the Criminal Justice Standards and Training Commission, received a petition for permanent waiver of subsection 11B-27.00212(14), F.A.C., and CJSTC form 86A, from Michael Christoff. Petitioner wishes to waive that portion of the rule and form that requires officers to shoot from the 15 yard line at a B21E target or equivalent as partial fulfillment of the law enforcement officer firearms qualification standard.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302-1489. Comments on the Petition may also be directed to the above.

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 2, 2008, the South Florida Water Management District (SFWMD), received a petition for Variance (Application 080402-21, Permit 36-05292-P) from Riviera HFAH LLC for a project known as Rivera Marina, located in Lee County, Section 13, Township 44 South, Range 24 East. The petition seeks relief from Section 373.414, F.S., subsection 40E-4.101(2), F.A.C., pertaining to the content of permit applications and the requirement that the permit be issued to the record title holder, holder of a recorded easement, those having the right to exercise the power of eminent domain or having a contract to purchase real property.

A copy of the Petition for Variance or Waiver may be obtained by contacting Beth Colavecchio at (561)682-6905 or e-mail at bcolavec@sfwmd.gov. The SFWMD 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 from the date of publication at: South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33041, Attn: District Clerk. For additional information, contact: Pierre Fortunat, Lower West

Coast Service Center, 2301 McGregor Blvd., Ft. Myers, FL 33901, (239)338-2929, Extension 7713 or e-mail pfortuna@sfwmd.gov.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on April 10, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN that on March 18, 2008, for 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.s), from Sara's Hershey Ice Cream located in St. Petersburg. The above referenced F.A.C.s state the water supply shall meet the standards provided in Chapters 64E-8, 62-550 and 62-555 F.A.C., 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., and physical facilities at public food service establishments shall be subject to the provisions of Chapter 6 of the Food Code. The Petitioner is requesting a variance to not have hard plumbing in their kiosk and use alternative methods for sewage disposal and obtaining potable water.

This variance request was approved and is contingent upon Petitioner using an adequately sized 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 must adhere strictly to the following operating procedures: adhere to the current menu; utilize single-service utensils only for customers; supply for potable water tank must be from an approved source with written documentation provided; sanitize the fresh water and wastewater tanks 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. Water must be provided to the three-compartment sink via a food-grade extendable hose that is extended only during the brief time needed to fill the three compartments. If any sanitary nuisance is documented during inspections, this variance request will be re-evaluated. All provisos shall be complied with prior to final 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.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on April 1, 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 Heavenly Treasures and Angel Tea Room located in Dade City. 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-four (34).

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 April 1, 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 Socris Grill Restaurant located in Miami. 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 April 8, 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, from Galley Catering LLC located in Davie. 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 use public bathrooms located in a hallway twenty feet away and have seating for twenty-five.

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 April 11, 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, from Big Tomato located in Miami. 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 nineteen (19).

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 April 8, 2008, the Board of Accountancy, received a petition for Kenneth R. Walters, seeking a variance from subsection 61H1-33.006(2), Florida Administrative Code, which requires that an applicant for reactivation demonstrate successful completion of the required number of continuing professional education hours.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, (352)333-2505. Comments on this petition should be filed with the Board of Accountancy 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."

NOTICE IS HEREBY GIVEN THAT on March 27, 2008, the Bureau of Beaches and Coastal Systems, received a petition for a variance, pursuant to section 120.542, Florida Statutes, and Rule 28-104, F.A.C., from subsections 62B-33.002(18), (19), F.A.C., which defines "eligible structures" and "emergency protection", and from subparagraph 62B-33.0051(1)(a)1., F.A.C., which provides the conditions where construction of armoring shall be authorized. The petition was received from Keith R. Jackson, regarding WL-999 AR V. The property is located at 122 Sandcliffs Drive, Santa Rosa Beach, in Walton County.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rosaline Beckham at (850)488-7815 or by e-mail at: rosaline.beckham@dep.state.fl.us.

DEPARTMENT OF HEALTH

AMENDED NOTICE OF DISPOSITION – The Board of Hearing Aid Specialists hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver for Rick Stegbauer. The Notice of Petition for Variance or Waiver was published in Vol. 34, No. 8, of the February 22, 2008, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed telephonic public meeting held on March 14, 2008.

The Board's Order, filed on March 28, 2008, denies the Petition for Variance or Waiver of subsection 64B6-8.003(5), Florida Administrative Code, that states in pertinent part, that a trainee take the first available licensure examination upon completion of the training program. The Board finds that the Petitioner has not complied with Section 120.542(2), Florida

Statutes, and that the Petition for Waiver and Variance should be denied on the following grounds: Petitioner failed to demonstrate that full application of subsection 64B6-8.004(5), F.A.C., to his circumstances would violate principles of fairness or create substantial hardship.

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

NOTICE IS HEREBY GIVEN THAT on April 7, 2008, the Board of Pharmacy, received a petition for Tency P. Meleth, 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 April 8, 2008, the Board of Pharmacy, received a petition for Saurin C. Modi, 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 April 8, 2008, the Board of Pharmacy, received a petition for Sandip J. 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 April 8, 2008, the Board of Pharmacy, received a petition for Deepakkumar Shah, 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 April 8, 2008, the Board of Pharmacy, received a petition for Ravichandran Sokkan, 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 April 10, 2008, the the Department of Health, received a petition for variance from subsection 64E-2.002(1), F.A.C., from Anais Cadalzo Abreu. The Petition requests a variance from the rule that defines “approved program” due to the date that the program from which she graduated is anticipated to meet the parameters of the rule. Comments on the Petition 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.

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: May 13, 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 supervision, as provided under the Insurance Code or Chapter 636, F.S., and for all activities relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans’ Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department’s mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S. The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or