

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 May 5, 2008, the South Florida Water Management District, received a petition for waiver from Keith A. Reed, Application No. 08-0407-1, for utilization of Works or Lands of the District known as the Golden Gate Main Canal, Collier County, for two (2) existing palm trees and miscellaneous items and plantings located within the northerly right of way of the Golden Gate Main Canal; Section 27, Township 49 South, Range 26 East. The petition seeks relief from subsections 40E-6.011(4) and (5), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground encroachments within forty feet of the top of the canal bank within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kathie Ruff at (561)682-6320 or email at kruff@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Kathie Ruff, Office of Counsel.

NOTICE IS HEREBY GIVEN THAT on April 30, 2008, the South Florida Water Management District (District) has issued an order.

Has received a request for Withdrawal of Petition for Waiver from Adam Smith, regarding Application No. 07-0110-2, for utilization of Works or Lands of the District known as the C-100A Canal; Section 23, Township 55S, Range 40E, Miami-Dade County. This Petition for Waiver was originally filed on January 16, 2007 by Eduardo Valdez, Artemisa Fence, and Notice of receipt of the Petition, requesting a waiver for the proposed installation of a fence to be located 15' from top of bank along the west right of way of C-100A, was published in the Florida Administrative Weekly, Vol. 33, No. 7, on February 16, 2007. This waiver was seeking relief from subsection 40E-6.011(4), F.A.C., which governs the placement

of permanent and/or semi-permanent above-ground encroachments within 40 feet of top of bank within Works or Lands of the District. No public comment was received.

A copy of the Withdrawal Request may be obtained by contacting: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, (561)682-6320 or e-mail kruff@sfwmd.gov.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on April 14, 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 Bruno's Pizza located in Palm Coast. 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 April 21, 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 El Rey de la Papa located in Winter Garden. 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-two (22).

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 23, 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 La Abundancia located in Winter Park. 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-four (24).

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 23, 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 Sip Lounge located in Tampa. 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 forty-four (44).

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 25, 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 Crepemaker of Miami Springs located in Miami 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 (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 28, 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 Wing Nuts located in Cape Coral. 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 seventeen (17).

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 30, 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 Cold Stone Creamery 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 sixteen (16).

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 May 2, 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 Marble Slab Creamery located in Winter Park. 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 fourteen (14).

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 May 2, 2008, the Florida Department of Business and Professional Regulation, 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 Que Rico 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.

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 22, 2008, the Board of Accountancy, received a petition for Daniel Acheampong, seeking a variance or waiver of paragraph 61H1-28.0052(1)(b), Florida Administrative Code, that requires candidates to pass all four test sections of the CPA Examination within a rolling eighteen-month period, which begins on the NASBA grade release date for the first test section(s) passed.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Voloria 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 April 28, 2008, the Florida Department of Environmental Protection, received a petition for a waiver of the provisions of subsection 62-312.080(7), Florida Administrative Code, which restricts the Department when issuing a permit for dredging and filling in Class II or III waters approved for shellfish harvesting. The petition has been assigned OGC File No. 08-0771.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Susan Radford, Florida Department of Environmental Protection, Northwest District Office, 160 Governmental Center, Pensacola, Florida 32501, (850)595-8300, ext. 1133. Any written comments regarding the petition must be submitted to the Department at the above address no later than fourteen days from the date of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on April 23, 2008, the Bureau of Beaches and Coastal Systems, received a petition for a variance or waiver pursuant to Section 120.542, F.S. and Rule 28-104, F.A.C. The petition requests a variance from or waiver of the requirements of subparagraph 62B-33.0051(2)(a)3., F.A.C., which states that armoring shall be sited a sufficient distance inside the property boundaries to prevent destabilizing the beach and dune system on adjacent properties or increasing erosion of such properties during a storm event. Return walls shall be sited as close to the building as practicable while ensuring the building is not damaged and space is allowed for maintenance. The petition was submitted by Michael S. Tammaro, R. A., on behalf of Eastpointe Condominium I & II, Seadunes, and One Singer Island, Condominium Associations, Inc. The properties are located at 5310, 5380 & 5400 N. Ocean Dr., Riviera Beach, Florida.

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. Written comments must be received no later than 14 days from the date of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on April 30, 2008, the Bureau of Beaches and Coastal Systems, received a petition for a variance or waiver pursuant to Section 120.542, F.S. and Rule 28-104, F.A.C. The petition requests a variance from or waiver of the requirements of subsections 62B-33.002(18), (19), F.A.C., which provides the definitions of "eligible structures" and "emergency protection" respectively, and from Rule 62B-33.0051, F.A.C., which states the conditions where armoring may be authorized. The petition was submitted by

Sidney F. Ansbacher, P.A., on behalf of Gervaise J. Stokes. The property is located at 3500 Coastal Hwy., Vilano Beach, Florida.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rosaline Beckham at (850)488-7815 or by e-mail: rosaline.beckham@dep.state.fl.us. Written comments must be received no later than 14 days from the date of publication of this notice.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on April 18, 2008, the Board of Medicine has issued an order.

The Petition for Waiver and/or Variance was filed by Marianne Donner, on December 14, 2007, seeking a waiver or variance from subsection 64B8-52.003(5), F.A.C., with regard to the provision regarding the limitation on the number of hours of continuing medical education which can be taken as home study. The Notice was published in Vol. 34, No. 1, of the Florida Administrative Weekly, on January 4, 2008. The Board, at its meeting held on February 2, 2008, denied the request for waiver or variance, finding that the Petitioner failed to demonstrate a substantial hardship; that application of the rule would violate the principles of fairness; and that Petitioner has met the purpose of the underlying statute.

A copy of the Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

NOTICE IS HEREBY GIVEN THAT on April 29, 2008, the Board of Medicine received a petition for waiver or variance filed by Kianoush Vahid Rezaei, M.D., from subsections 64B8-4.009(4), (5), and Rule 64B8-4.010, F.A.C., with regard to the requirement for submission of documentation of medical education directly from Petitioner's medical school and the requirement for a copy of the Petitioner's diploma. Comments on this petition should be filed with the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

For a copy of the petition, contact Larry McPherson, Jr., Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

NOTICE IS HEREBY GIVEN THAT on May 5, 2008, the Board of Medicine received a petition filed on behalf of Joseph J. Altieri, M.D., seeking a waiver or variance from Rule 64B8-8.007 and subsection 64B8-8.0011(8), F.A.C., with regard to the rule provision which prohibits physicians on probation from supervising physician assistants. Comments on this petition should be filed with the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry McPherson, Jr., Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

NOTICE IS HEREBY GIVEN THAT on May 2, 2008, the Board of Pharmacy, received a petition for Balaji Lakshminarayanan, seeking a variance or waiver of subsection 64B16-26.2031(1), Florida Administrative Code, which requires that an applicant for licensure be certified by the Foreign Pharmacy Graduate Examination Commission to have passed the Foreign Pharmacy Graduate Equivalency Examination, the Test of English as a Foreign Language, and the Test of Spoken English.

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 30, 2008, the Department of Health, received a petition for subparagraph 64E-13.004(6)(a)1., Florida Administrative Code, from Spirit Christian Academy, Inc., 1154 Havendale Blvd. N.W., Winter Haven, Florida. This rule requires schools to have toilet and handwashing facilities for preschool grades through grade three located within or adjoining their classrooms. Comments on this petition should be filed with: Sam Power, Agency Clerk, Department of Health, Office of General Counsel, 4052 Bald Cypress Way, BIN A02, Tallahassee, Florida 32399-1703, within 14 days of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Robin Eychaner, Bureau of Community Environmental Health, 4052 Bald Cypress Way, BIN A08, Tallahassee, Florida 32399-1710 or by calling (850)245-4277.

NOTICE IS HEREBY GIVEN THAT on May 5, 2008, the Department of Health, Bureau of Emergency Medical Services (EMS) has issued an order.

A petition was filed by Carol Sutton, M.D., with the Department of Health on January 28, 2008 and published on February 8, 2008 in the Florida Administrative Weekly (F.A.W.). requesting a variance from paragraph 64E-2.004(3)(c), F.A.C., Medical Direction, which requires Medical Directors of an emergency medical services (EMS) provider or EMS training center to be board certified.

The Department of Health, Bureau of EMS has granted the request for variance. The general basis for this decision was that the Petitioner met the general requirements for variance:

a) 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.

b) The Petitioner, her employers, and the rural community of Calhoun county 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 Carol Sutton, M.D., to continue serving as the Medical Director for Calhoun Liberty Hospital Association, Inc. Emergency Medical Service.

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.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN THAT on May 6, 2008, the Florida Housing Finance Corporation, received a petition for Waiver/Variance of subsection 9I-35.006(6), Florida Administrative Code, from Florida Low Income Housing Associates, Inc., ("Petition"). The Petition is seeking a waiver/variance of the rule that requires repayment of the deferred interest due under the SAIL Loan.

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. The Petition has also been posted on Florida Housing's website at www.floridahousing.org. 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 **Department of State, State Historical Records Advisory Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 4, 2008, 11:45 a.m. – 1:00 p.m.

PLACE: Holiday Inn, Lakewood Ranch, 6231 Lake Osprey Drive, Sarasota, FL 34240

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the Council of State Archivists FEMA funded project "Essential Records and Emergency Preparedness in the States