

Specific Authority 409.919 FS. Law Implemented 393.0661, 409.906, 409.908 FS. History—New 6-30-08.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: June 30, 2008

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 COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT on June 11, 2008, the Department of Community Affairs, Division of Housing and Community Development, received a petition for waiver from the Village of Islamorada. The Petition has been assigned the number DCA08-WAI-170. The Petitioner seeks a permanent waiver of that portion of paragraph 9B-43.0051(7)(a), Florida Administrative Code, that states, "A penalty of five points per housing unit, up to a maximum of 50 points, for failure to address the number of housing units scored in the original Housing category application". Petitioner's request for a waiver is based upon the Petitioner only providing sewer service to 56 housing units instead of the 84 units promised in Petitioner's application. Petitioner alleges that it could not complete all the sewer connections because the Department did not allow an extension of the sub-grant agreement. The petition for waiver is being applied for under Section 120.542, F.S.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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 June 10, 2008, the Governing Board of the Suwannee River Water Management District has issued an order.

This Order (2008-0003) denied variance under Section 120.542, F.S., to Stephen Buckles for a Work of the District existing non-permitted residence (ERP06-0661M). The petition for variance was received by SRWMD on January 23, 2008. Notice of the receipt of petition requesting variance was published in the F.A.W., Vol. 34, No. 6, on February 8, 2008. No public comment was received. This Order denies a variance of SRWMDs criteria for paragraph 40B-4.3030(12)(b), F.A.C., to the 75-foot setback requirements and subsection 40B-4.3030(9), F.A.C., to the zero-rise certification requirements within Township 4 South, Range 11 East, Section 36, Lafayette County. SRWMD denied the petition because the petitioner did not demonstrate that the underlying statute will be or has been achieved by other means.

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

NOTICE IS HEREBY GIVEN THAT on June 12, 2008, the Suwannee River Water Management District, received a petition for variance from Florida Department of Environmental Protection, 3540 Thomasville Road, Tallahassee, FL 32309, pursuant to Section 120.542, F.S. Petitioner is seeking a variance from subsection 40B-4.3030(5), F.A.C., as to the requirements for unobstructions to the area below the first floor of elevated buildings. The permit applicant proposes to construct an elevator shaft to be below the lowest horizontal structural member to meet ADA criteria for handicap access in Township 4 South, Range 11 East, Section 21, Lafayette County. Comments on this petition should be filed with Jon Dinges, District Clerk, SRWMD, 9225 CR 49, Live Oak, FL 32060, within 14 days of publication of this notice. This petition has been assigned ERP Number 01-0131M.

A copy of the Petition for Variance or Waiver 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.

NOTICE IS HEREBY GIVEN THAT on June 12, 2008, the South Florida Water Management District has issued an order. South Florida Water Management District (SFWMD) Governing Board issued Order No. SFWMD 2008-265-DAO-ERP Granting Temporary Variance under Section 120.542(2), Florida Statutes (Order), dated June 12, 2008 to Riviera HFAH, LLC (Petitioner) for a project known as the Riviera Marina, located in Lee County, Section 13, Township 44 South, Range 24 East. The Petition for Temporary Variance (Application 080402-21) was received by the SFWMD on April 2, 2008. Notice of Receipt of the Petition requesting the temporary variance was published in the Florida

Administrative Weekly, Vol. 34, Number 17, on April 25, 2008. Specifically, the Order grants a temporary variance from subsection 40E-4.101(2), F.A.C., regarding content of permit applications. Generally, the Order sets forth the basis of the Governing Board decision to grant the temporary variance as follows: 1) the SFWMD has jurisdiction to consider the Petitioner's request; 2) the Petitioner has provided reasonable assurances that the purpose of the underlying statute will be achieved through other means by the Petitioner; and 3) the Order granting a temporary variance from the subject rule is necessary to prevent the Petitioner from suffering substantial hardship and is necessary to allow for principles of fairness as set forth in Section 120.542, Florida Statutes.

A copy of the Order may be obtained by contacting: Beth Colavecchio at the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, by (561)682-6905, by e-mail bcolavec@sfwmd.gov or by accessing the SFWMD's website (www.sfwmd.gov) using the Application/Permit Search on the ePermitting page.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on June 11, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on May 1, 2008, for an Emergency Variance for subsections 61C-1.004(1) and 61C-4.010(3), Florida Administrative Code, from Areas USA Inc. located in Miami. The above referenced F.A.C. references Chapters two and five of the 2001 FDA Food Code which deal with employee hygiene and adequate and proper handwashing. They are requesting a variance to not have hot running water at handsinks used by employees.

This variance request was not approved. Granting this variance in its current format would create an undesirable precedent upon which all concession stands could claim a variance. Granting this variance would be inconsistent with the principles of public safety and sanitation articulated in Section 509.032(e)(1), F.S., for public food service establishments enforced by this Division. Based on the foregoing, the Division concludes that the Petitioner's request for variance fails to meet the burden of demonstrating that required safety and sanitation safeguards have otherwise been met.

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

NOTICE IS HEREBY GIVEN THAT on May 1, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsection 61C-1.004(1) and 61C-4.010(3), Florida Administrative Code, from Areas USA Inc. located in Miami. The above referenced F.A.C. references Chapters two and five of the 2001 FDA Food Code which deal

with employee hygiene and adequate and proper handwashing. They are requesting a variance to not have hot running water at handsinks used by employees.

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 June 11, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on May 27, 2008, for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Chef John's Dockside Inn located in Kissimmee. 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 common area and have seating for thirty-five.

This variance was approved and is contingent upon the Petitioner ensuring the centrally located bathrooms have hot and cold 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. Petitioner will have no more than thirty-five (35) seats which include inside and outside seating. 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 May 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 Cuenelli's Rotisserie Chicken located in Riverview. 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-two (42).

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 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 Cuenelli's Rotisserie Chicken located in Riverview. 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-two (42).

This variance request was approved and is contingent upon the Petitioner ensuring the public bathroom is functional, has hot and cold running water at all times, provided with soap and an approved method to dry hands, and kept in a clean and sanitary manner. Seating shall not exceed (42) which includes inside and outside seating. 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 May 29, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Petition for a Routine 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 Dippin Dots located in Tallahassee. 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.

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 29, 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 Fritanga Nica #1 located in Miami. 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 share bathroom facilities with an adjacent establishment and have seating for seven.

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 June 11, 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(6), Florida Administrative Code, from JB's Blue Water Grill located in Coconut Creek. The above referenced F.A.C. states...the physical facilities at public food service establishments shall be subject to the provisions of Chapter 6, Food Code...Specifically, the Petitioner requests to have exposed joists in the ceiling of the bar area.

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 June 11, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on May 21, 2008, for a Routine Variance for subsection 61C-4.010(6), Florida Administrative Code, from Mellow Mushroom located in Delray Beach. The above referenced F.A.C. states...the physical facilities at public food service establishments shall be subject to the provisions of Chapter 6, Food Code...Specifically, the Petitioner requests to have exposed joists in the ceiling of the bar area.

This variance request was approved and is for allowing exposed solid sealed joists and ties in the bar ceiling only. The joists shall be smooth, nonabsorbent, easily cleanable and maintained in good repair. Food preparation is limited to drink preparation only including the scooping of ice; there will be no other food service activities including slicing of fruit, shucking, peeling, warewashing, etc. If the surface of the joists, ties or metal tie downs become weathered and/or cracked rendering them uncleanable, the variance will be rescinded and a properly finished ceiling will be required. 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 June 4, 2008, the Board of Accountancy, received a petition for Suzanne R. Aguilera, 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: 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."

DEPARTMENT OF HEALTH

The Board of Dentistry hereby gives notice of the withdrawal of the Petition Variance or Waiver for Ahmer Qamar. The Notice of Petition for Variance or Waiver was published in Vol. 33, No. 32, of the August 10, 2007, Florida Administrative Weekly. Petitioner has requested the Petitioner for Variance or Waiver be withdrawn.

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

NOTICE IS HEREBY GIVEN THAT on June 17, 2008, the Board of Pharmacy, received a petition for Saikumar Amara, 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 June 9, 2008, the Board of Pharmacy, received a petition for Louai Ibrahim, 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 June 10, 2008, the Board of Psychology, received a petition for Susana Urbina, Ph.D., seeking a variance or waiver of Rule 64B19-12.0085, F.A.C., which requires a \$400.00 delinquency fee for an active or inactive license that is not renewed on time.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255 or telephone (850)245-4373, ext. 3480. Comments on this petition should be filed with the Board of Psychology within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on June 10, 2008, the Department of Health, Bureau of Community Environmental Health, received a petition for Variance of Steven T. Cochran on behalf of Shaw Waste Solutions, L.L.C., which was received by the Department on October 29, 2007, and published on November 16, 2007, in the Florida Administrative Weekly, has been granted. Paragraph 64E-16.004(2)(f), Florida Administrative Code, prescribes a specific placement of microbiological indicators prior to each test run. The Petitioner requests a permanent variance from the rule to allow the Petitioner to vary from the rule requirement for specific placement of biological indicators in the treatment unit as prescribed in paragraph 64E-16.007(2)(f), Florida Administrative Code. The Petitioner proposes to use internal temperature monitoring and an alternative placement of biological indicators to verify the treatment unit provides a satisfactory level of treatment.

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 for Variance or Waiver may be obtained by contacting: Gina Vallone-Hood, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin A08, Tallahassee, Florida 32399, Gina_Vallone@doh.state.fl.us or by calling (850)245-4273.

NOTICE IS HEREBY GIVEN THAT on June 13, 2008, the Department of Health, received a petition for Variance from or Waiver of Agency subsections 64F-12.012(6) and (10), F.A.C., from Invivo Corporation. The petition seeks a variance from or waiver of subsections 64F-12.012(6) and (10), F.A.C., regarding storage and retention of records related to device manufacturing activity. Specifically the Petition seeks a variance or waiver of the requirement for the company to store records on site or at a central location permitted pursuant to Sections 499.01-.081, F.S.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rebecca Poston, R.Ph., Executive Director, Drugs Devices and Cosmetics Program, 4052 Bald Cypress Way, Mail Bin #C-04, Tallahassee, Florida 32399, (850)245-4294.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN THAT on June 10, 2008, the Florida Housing Finance Corporation, received a petition for Waiver of subsection 67-58.020(6), Florida Administrative Code, from Community Housing Trust of Sarasota County, Inc. (Boulevard of the Arts Homeownership Project) ("Petition"). The Petition is seeking a waiver of the extension fee of one (1) percent required by the rule.

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.

NOTICE IS HEREBY GIVEN THAT on June 10, 2008, the Florida Housing Finance Corporation, received a petition for Waiver of subsection 67-58.020(6), Florida Administrative Code, from Community Housing Trust of Sarasota County, Inc. (Hatton Street Homeownership Project) ("Petition"). The Petition is seeking a waiver of the extension fee of one (1) percent required by the rule.

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 AGRICULTURE AND CONSUMER SERVICES

The **Florida Agricultural Horse Park and Agricultural Center Authority** announces a public meeting to which all persons are invited.

DATE AND TIMES: Tuesday, July 8, 2008, 3:00 p.m. and 5:30 p.m.

PLACE: Wachovia Bank, 2001 Southwest 17th Street, Ocala, Florida 34474

GENERAL SUBJECT MATTER TO BE CONSIDERED: The 3:00 p.m. meeting is for the various committees of the authority. The 5:30 p.m. meeting is a full board meeting to discuss general authority business.

A copy of the agenda may be obtained by contacting: Richard Gunnels at (850)488-3022 or gunnelr@doacs.state.fl.us.

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 2 days before the workshop/meeting by contacting: Richard Gunnels at (850)488-3022 or gunnelrs@doacs.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF EDUCATION

The **Florida Education Foundation** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, July 10, 2008, 8:30 a.m. – 2:00 p.m. or upon adjournment

PLACE: Grand Bohemian Hotel – Downtown Orlando, 325 South Orange Avenue, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Foundation issues including, but not limited to: Approval of minutes from April 29, 2008, meeting; Commissioner's report; program updates; financial report; executive director's report; partnership proposals; and general discussion of Foundation.

A copy of the agenda may be obtained by contacting: Tatiana Fernandez, (850)245-9671 (Voice).

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 2 days before the workshop/meeting by contacting the Office of Access and Equity at (850)245-9531 (Voice). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).