

20ER08-5 (20-9.006) Late Filing of Returns and Inadequacy of Bond.

Effective July 12, 2008 all All excise taxes levied and imposed on citrus fruit or product shall be paid or the amount thereof guaranteed at the time the fruit is first handled in the primary channel of trade, allowing a deferral for fruit handled prior to November until the November 10 deadline. Payments not made the week following entry into the primary channel of trade become delinquent for payments due after November 10. Payment shall be made in accordance with Rules 20-9.001, 20-9.002, 20-9.003 and 20-9.004, F.A.C.

(1) through (2) No change.

Specific Authority 601.10(1),(7), 601.15(1),(5),(6),(10)(a) FS. Law Implemented 601.15(5),(6),(9), 601.152, 601.154, 601.155(6),(7),(9), 601.27 FS. History—Formerly 105-1.15(6), Revised 1-1-75, Formerly 20-9.06, Amended 12-13-92, 10-17-93, 11-27-01, 7-12-08.

20ER08-6 (20-9.001) Fresh Form.

(1) Filing excise tax returns effective July 12, 2008: All excise tax returns required to be filed by handlers of citrus entering the primary channel of trade in fresh form shall be filed with the Department of Citrus each week with the first cumulative report due by November 10. Returns shall state stating the number of standard shipping boxes of 4/5 bushels, or equivalent, of each variety of citrus fruit handled during the preceding period or week. Excise taxes shall be filed on forms furnished by the Department of Citrus (incorporated by reference in Rule 20-100.004, F.A.C.) and shall be due and payable, or the amount guaranteed as hereinafter provided, when the citrus fruit is first handled in the primary channels of trade allowing a deferral for fruit handled prior to November until the November 10 deadline. Payment of taxes shall be remitted with the excise tax return for a period reported unless other payment schedules are prescribed in Chapter 20-9, F.A.C.

(2) No change.

Specific Authority 601.10(1), 601.15(1),(10)(a) FS. Law Implemented 601.15(5),(6) FS. History—Formerly 105-1.15(1), Revised 1-1-75 §(2), Amended 2-1-81, Formerly 20-9.01, Amended 7-21-92, 11-27-01, 7-12-08.

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: July 12, 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

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 23, 2008, the Suwannee River Water Management District, received a petition for variance from John & Cheryl Tyrone, 3918 S. W. 92nd Terrace, Gainesville, FL 32608, pursuant to Section 120.542, F.S. Petitioner is seeking a variance from paragraph 40B-4.3030(12)(b), F.A.C., to the 75-foot setback requirement. The permit applicant is proposing an addition to an existing structure partially located within the 75-foot setback of the Suwannee River, in Township 10 South, Range 14 East, Section 31, Dixie County. These rules are intended to set forth criteria for development activities within a Work of the District. 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. The petition has been assigned ERP Number 08-0230.

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 July 8, 2008, the St. Johns River Water Management District has issued an order. The St. Johns River Water Management District (District) intends to grant a variance from paragraph 40C-4.302(1)(c), Florida Administrative Code (F.A.C.), and the associated portions of the Applicant's Handbook: Management and Storage of Surface Waters (July 1, 2007), including Sections 10.1.1(c), 12.1.1(d), and 12.2.5(c), to Robert E. W. McMillan of Edgewater Harbor, LLC, for the construction of a fishing pier and a docking structure for the temporary staging of watercraft associated with an upland dry storage facility. The project is located in Sections 13 and 24, Township 18 South, Range 34 East, Volusia County, Florida. Paragraph 40C-4.302(1)(c), F.A.C., and the associated portions of the Applicant's Handbook: Management and Storage of Surface Waters (July 1, 2007), including Sections 10.1.1(c), 12.1.1(d), and 12.2.5(c), are designed to protect Class II or Class III waters which are classified as approved, restricted, conditionally approved or conditionally restricted for shellfish

harvesting and require permit applicants to comply with additional criteria when the proposed work is located in, adjacent to, or in close proximity to such waters. The petitioner seeks a variance pursuant to Section 373.414(17), Florida Statutes (F.S.), in conjunction with Environmental Resource Permit Application 4-009-123000-9, to construct a fishing pier including an access walkway and a terminal platform and a docking structure for the temporary staging of watercraft. The work would occur in the Indian River which in this area is a Class II water. Notice of receipt of the petition for variance was published in the Florida Administrative Weekly on June 6, 2008. The District's Governing Board is scheduled to take final action on the petition for variance and the related permit application at its meeting on July 8, 2008.

A person whose substantial interests are or may be affected by the District's intended action has the right to request an administrative hearing by filing a written petition with the District. Pursuant to Chapter 28-106, F.S. and Rule 40C-1.1007, F.A.C., and Section 403.201, F.S., the petition must be filed (received), either by delivery at the office of the District Clerk at District Headquarters, P. O. Box 1429, Palatka Florida 32178-1429 (4049 Reid St., Palatka, FL 32177) or by e-mail with the District Clerk at Clerk@sjrwmd.com, within fourteen (14) days of this publication date (for those persons to whom the District does not mail or email actual notice). A petition must comply with Sections 120.54(5)(b)4. and 120.569(2)(c), F.S., and Chapter 28-106, F.A.C. The District will not accept a petition sent by facsimile (fax), as explained below. Mediation pursuant to Section 120.573, F.S., is not available.

If the Governing Board takes action that substantially differs from this notice, a person whose substantial interests are or may be affected has the right to request an administrative hearing by filing a written petition with the District, but this request for administrative hearing shall only address the substantial deviation. Pursuant to Chapter 28-106, F.S. and Rule 40C-1.1007, F.A.C., the petition must be filed (received) at the office of the District Clerk at the mail/street address or email address described above, within fourteen (14) days of the District depositing notice of final District decision in the mail (for those persons to whom the District mails actual notice), within fourteen (14) days of the District emailing the notice of final District decision (for those persons to whom the District emails actual notice), or within fourteen (14) of newspaper publication of the notice of final District decision (for those persons to whom the District does not mail or email actual notice). The petition must comply with Sections 120.54(5)(b)4. and 120.569(2)(c), F.S., and Chapter 28-106, F.A.C. Mediation pursuant to Section 120.573, F.S., is not available.

A person whose substantial interests is or may be affected has the right to a formal administrative hearing pursuant to Sections 120.569 and 120.57(1), F.S., where there is a dispute between the District and the party regarding an issue of

material fact. A petition for formal hearing must also comply with the requirements set forth in Rule 28-106.201, F.A.C. A person whose substantial interests are or may be affected has the right to an informal administrative hearing pursuant to Sections 120.569 and 120.57(2), F.S., where no material facts are in dispute. A petition for an informal hearing must also comply with the requirements set forth in Rule 28-106.301, F.A.C.

A petition for an administrative hearing is deemed filed upon receipt of the complete petition by the District Clerk at the District Headquarters in Palatka, Florida. Petitions received by the District Clerk after 5:00 p.m., or on a Saturday, Sunday, or legal holiday, shall be deemed filed as of 8:00 a.m. on the next regular District business day. The District's acceptance of petitions filed by e-mail is subject to certain conditions set forth in the District's Statement of Agency Organization and Operation (issued pursuant to Rule 28-101.001, F.A.C.), which is available for viewing at www.sjrwmd.com. These conditions include, but are not limited to, the petition being in the form of a PDF file and being capable of being stored and printed by the District. Further, pursuant to the District's Statement of Agency Organization and Operation, attempting to file a petition by facsimile is prohibited and shall not constitute filing.

Pursuant to Section 120.68, F.S., a party to the proceeding before the District who is adversely affected by final District action may seek review of the action in the District Court of Appeal by filing a notice of appeal pursuant to the Florida Rules of Appellate Procedure within 30 days of the rendering of the final District action.

A party to the proceeding before the District who claims that a District order is inconsistent with the provisions and purposes of Chapter 373, F.S., may seek review of the order pursuant to Section 373.114, F.S., by the Florida Land and Water Adjudicatory Commission, by filing a request for review with the Commission and serving a copy on the Department of Environmental Protection and any person named in the order within 20 days of the rendering of the District order. Review by the Florida Land and Water Adjudicatory Commission is not available for final orders resulting from an evidentiary hearing held under Sections 120.569 and 120.57, F.S.

Failure to timely file a petition for administrative hearing under Sections 120.569 and 120.57, F.S., for judicial review under Section 120.68, F.S., or for Commission review under Section 373.114, F.S., shall result in waiver of that right to review. A District action (order) is considered rendered after it is signed on behalf of the District and filed by the District Clerk.

The petition for variance (F.O.R. 2008-18) and permit application files are available for public inspection during normal business hours, 8:00 a.m. through 5:00 p.m., Monday through Friday, except legal holidays, at District Headquarters.

A copy of the Order may be obtained by contacting: Kealey West, Assistant General Counsel, Office of General Counsel, at the address above, or by telephone at (386)312-2317.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on June 16, 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 29, 2008, 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 Codes (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.

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: supply for potable water tank must be from an approved source with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours. Petitioner must store the in-use utensils on a clean, sanitized dry surface and those utensils are to be properly washed, rinsed, and sanitized. Handwashing procedures are to be strictly adhered to as specified in the Federal Food and Drug Administration 2001 Food Code, Section 2-301.14. If during inspections sanitary nuisances are documented this variance request will be re-evaluated. All provisions 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 June 17, 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 29, 2008, 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.

Approval is contingent upon the Petitioner ensuring the bathrooms located inside of California Market 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. Petitioner will have no more than eight seats 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 June 17, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN that on June 11, 2008, 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.

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.

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

he Board of Dentistry hereby gives notice that it has received a petition, filed on June 12, 2008, by Anas Selman, DDS, seeking a waiver or variance of Rule 64B5-2.0146, F.A.C., with respect to the following licensure requirement: that each applicant for a Florida dental license successfully completes supplemental remedial education to the level of a graduating senior.

Comments on this petition should be filed with the Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

For a copy of the petition, contact Sue Foster, Executive Director at the above address or telephone (850)245-4474.

NOTICE IS HEREBY GIVEN THAT on June 17, 2008, the Board of Pharmacy, received a petition for Seong Sook Kim, 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 12, 2008, the Department of Health has issued an order.

The order was issued in response to a petition for a variance filed on August 14, 2007, by Daniel Hernandez, representing Infiltrator Systems, Incorporated, regarding the "Quick 4 Equalizer 24 HD Chamber". Petitioner sought a variance from subsection 64E-6.009(7), subparagraphs 64E-6.009(7)(a)3., (7)(a)4., and paragraph 64E-6.009(7)(d), Florida Administrative Code, which requires applicants requesting alternative system component approval to supply empirical data showing results of innovative testing in Florida. Notice of the petition was published in the August 31, 2007, edition of the Florida Administrative Weekly.

The Department found that the Petitioner demonstrated that the underlying intent of the statute could be achieved by alternative means and that strict application of the rules would create a substantial hardship in the Petitioner's particular

circumstance. Therefore, pursuant to the requirements of Section 120.542(2), Florida Statutes, the Department GRANTED WITH STIPULATIONS Petitioner's request for a variance.

A copy of the Order 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.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN THAT on June 13, 2008, the Florida Housing Finance Corporation has issued an order.

NAME OF THE PETITIONER: Friendship Tower, Ltd.

DATE PETITION WAS FILED: May 13, 2008

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: subsection 67ER06-34(4)

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, May 23, 2008, Vol. 34, No. 21

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: June 13, 2008

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

A copy of the Order may be obtained by contacting: Sherry Green, Public Records Clerk, at the above address, telephone (850)488-4197 or e-mail to Sherry.Green@floridahousing.org. The Final Order is posted on Florida Housing's website at www.floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on June 13, 2008, the Florida Housing Finance Corporation has issued an order.

NAME OF THE PETITIONER: Golden Acres Redevelopment Phase II, Ltd.

DATE PETITION WAS FILED: May 13, 2008

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: subsection 67ER06-34(4)

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, May 23, 2008, Vol. 34, No. 21

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: June 13, 2008

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

A copy of the Order may be obtained by contacting: Sherry Green, Public Records Clerk, at the above address, telephone (850)488-4197 or e-mail to Sherry.Green@floridahousing.org. The Final Order is posted on Florida Housing's website at www.floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on June 13, 2008, the Florida Housing Finance Corporation has issued an order.

NAME OF THE PETITIONER: Florida Low Income Housing Associates, Inc.

DATE PETITION WAS FILED: May 6, 2008

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: subsection 9I-35.006(6), Florida Administrative Code

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, May 16, 2008, Vol. 34, No. 20

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: June 13, 2008

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

A copy of the Order may be obtained by contacting: Sherry Green, Public Records Clerk, at the above address, telephone (850)488-4197 or e-mail to Sherry.Green@floridahousing.org. The Final Order is posted on Florida Housing's website at www.floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on June 13, 2008, the Florida Housing Finance Corporation has issued an order.

NAME OF THE PETITIONER: West Bartow Partnership Ltd., LLLP

DATE PETITION WAS FILED: May 13, 2008

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: paragraph 67-48.0075(7)(a)1. and 67-48.004(1)(a), Florida Administrative Code

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, May 23, 2008, Vol. 34, No. 21

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: June 13, 2008

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

A copy of the Order may be obtained by contacting: Sherry Green, Public Records Clerk, at the above address, telephone (850)488-4197 or e-mail to Sherry.Green@floridahousing.org. The Final Order is posted on Florida Housing's website at www.floridahousing.org.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Department of State, Division of Historical Resources, Bureau of Historic Preservation** and the **Florida Folklife Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 23, 2008, 10:00 a.m.

PLACE: Conference Room, St. Clair Whitman House, Cedar Key Museum State Park, 12231 Southwest 166 Ct., Cedar Key, Florida 32625

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a general business meeting of the Florida Folklife Council and receive public input.

A copy of the agenda may be obtained by contacting: Tina Bucuvalas, Florida Folklife Program, Bureau of Historic Preservation, 500 South Bronough Street, Tallahassee, Florida 32399-0250 or calling (850)245-6333.

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 48 hours before the workshop/meeting by contacting the Bureau of Historic Preservation by telephone (850)245-6333 or by Fax at (850)245-6437. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Tina Bucuvalas at (850)245-6333 or email at: tbucuvalas@dos.state.fl.us.

The **Department of State, Division of Cultural Affairs** announces a telephone conference call to which all persons are invited.

DATE AND TIMES: Tuesday July 15, 2008, 9:00 a.m. – 11:00 a.m. at Level 1; 1:00 p.m. – conclusion, Levels 2 and 3

PLACE: *This meeting will be held via conference call. The meeting is a public process that any person may participate. If you would like to participate in the meeting, you may dial into the conference call by following the instructions below.