

5F-2.001, F.A.C., for the period beginning September 18, 2008, through September 25, 2008. The specific standards affected are below.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Dr. Matthew D. Curran, (850)488-9740

THE FULL TEXT OF THE EMERGENCY RULE IS:

5FER08-1 Volatility Standards for Gasoline.

(1) Volatility Class D-4 fuels as specified in ASTM International designation D4814-07b, shall be allowed for the time period from September 18, 2008 through September 25, 2008.

(2) The Vapor Lock Protection Class requirement as specified in subparagraph 5F-2.001(1)(a)3., F.A.C., for gasoline containing nine (9) through ten (10) percent ethanol by volume shall be allowed a minimum test temperature for a vapor-liquid ratio of twenty (20) of 107° F for the time period from September 18, 2008 through September 25, 2008.

Specific Authority 525.037, 525.14 FS. Law Implemented 525.01, 525.037, 525.14 FS. History—New 9-18-08.

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: September 18, 2008

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

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."

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN THAT on December 10, 2007, the Florida Public Service Commission has issued an order.

Order No. PSC-07-0986-PAA-TL granted a petition for waiver from paragraph 25-4.110(5)(c), Florida Administrative Code. The petition was filed on June 8, 2007, by BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast in Docket No. 070370-TL, and was amended on July 16, 2007. The rule addresses customer billing requirements for incumbent local exchange companies. The order granted the waiver because the purpose of the underlying statute will be met and the utility will suffer substantial hardship if the rule is not temporarily waived.

A copy of the Order may be obtained by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850.

For additional information, please contact: H. F. Mann, Office of the General Counsel, at the above address or telephone (850)413-6098.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN THAT on September 11, 2008, the South Florida Water Management District has issued an order.

Order No. 2008-422-DAO-ROW grants a waiver under Section 120.542, F.S., to the Collier County Board of County Commissioners. The petition for waiver was received by the SFWMD on April 21, 2008. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 34, No. 18, on May 2, 2008. No public comment was received. This Order provides a waiver of the District's criteria for the proposed installation of a pedestrian bridge crossing the Henderson Creek Canal to be located immediately north of the District's Henderson Creek Weir #2 Structure, as part of the previously-authorized multi-use pathway designed to allow pedestrians movement over the canal from the east bank to the west bank and ultimately to be connected to the west side of the C.R. 951 Roadway; Section 2, Township 50 South, Range 26 East, Collier County. Specifically, the Order grants a waiver from paragraph 40E-6.221(2)(j), Florida Administrative Code, and the Basis of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Florida Administrative Code, which governs the minimum low member elevation of pile-supported crossings (pedestrian bridge) within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the District's current ability to perform necessary construction, alteration, operation and routine maintenance activities; and 2)

the Order granting a waiver from the subject rule would prevent the Collier County Board of County Commissioners from suffering a substantial hardship.

A copy of the Order may be obtained by contacting: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320, or by e-mail kruff@sfwmd.gov.

NOTICE IS HEREBY GIVEN THAT on September 11, 2008, the South Florida Water Management District (SFWMD) has issued an order.

Order No. 2008-423-DAO-ROW grants a waiver under Section 120.542, F.S., to Reef Associates, Ltd. The petition for waiver was received by the SFWMD on July 8, 2008. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 34, No. 30, on July 25, 2008. No public comment was received. This Order provides a waiver of the District's criteria to allow 540 linear feet of existing guardrail encroaching 0-2 feet, 38 feet from top of the canal bank and a light pole with electrical box and service encroaching 0.85 feet within the south right of way of the C-1N Canal, beginning 220 feet easterly of S. W. 122nd Avenue at the rear of the Deerwood Center to remain; Section 24, Township 55 South, Range 39 East, Miami-Dade County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6), and 40E-6.221(1) and paragraph (2)(a), Florida Administrative Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Florida Administrative Code, which govern the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the District's current ability to perform necessary construction, alteration, operation and routine maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Reef Associates, Ltd., from suffering a substantial hardship.

A copy of the Order may be obtained by contacting: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320 or by e-mail kruff@sfwmd.gov.

NOTICE IS HEREBY GIVEN THAT on September 11, 2008, the South Florida Water Management District (SFWMD) has issued an order.

Order No. 2008-424-DAO-ROW grants a waiver under Section 120.542, F.S., to Miami-Dade County Public Works Department. The petition for waiver was received by the SFWMD on June 30, 2008. Notice of receipt of the petition

requesting the waiver was published in the Florida Administrative Weekly, Vol. 34, No. 29, on July 18, 2008. No public comment was received. This Order provides a waiver of the District's criteria to allow the placement of approximately 675 linear feet of guardrail beginning at SW 272 (Epmore Drive) running northerly along the top of the canal bank within the westerly right of way of the C-103 Canal; Section 35, Township 56 South, Range 38 East, Miami-Dade County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6), Florida Administrative Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Florida Administrative Code, which govern the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the District's current ability to perform necessary construction, alteration, operation and routine maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Miami-Dade County Public Works Department from suffering a substantial hardship.

A copy of the Order may be obtained by contacting: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320 or by e-mail kruff@sfwmd.gov.

NOTICE IS HEREBY GIVEN THAT on September 11, 2008, the South Florida Water Management District (SFWMD) has issued an order.

Order No. 2008-425-DAO-ROW grants a waiver under Section 120.542, F.S., to Green Dadeland Station, Ltd. The petition for waiver was received by the SFWMD on July 2, 2008. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 34, No. 31, on August 1, 2008. No public comment was received. This Order provides a waiver of the District's criteria for the proposed construction of bulkheading with associated backfilling, dredging, and bicycle/pedestrian paths, pedestrian railing, landscaping, light poles, park benches, and trash receptacles within the north and south rights of way of the C-2, Snapper Creek, Canal between SW 70th Avenue and the Dadeland North Metrorail Station located immediately west of South Dixie Highway; Section 35, Township 54 South, Range 40 East, Miami-Dade County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6), and paragraph 40E-6.221(2)(j), Florida Administrative Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection

40E-6.091(1), Florida Administrative Code, which govern the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank and within the District's 100 foot long designated equipment staging areas located at all bridges and pile supported crossings within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the District's current ability to perform necessary construction, alteration, operation and routine maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Green Dadeland Station, Ltd., from suffering a substantial hardship.

A copy of the Order may be obtained by contacting: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320 or by e-mail kruff@sfwmd.gov.

NOTICE IS HEREBY GIVEN THAT on September 17, 2008, the South Florida Water Management District (District), received a petition for waiver from Robert D. Laskey, regarding Right of Way Occupancy Permit Application No. 08-0714-1, for utilization of Works or Lands of the District known as the LD-4 Canal, Okeechobee County, for the repair of 100 linear feet of existing seawall and to allow three existing mobile homes partially located within the north right of way of the LD-4 Canal to remain; Section 3, Township 38 South, Range 35 East, Okeechobee County. The Petition seeks relief from paragraph 40E-6.221(2)(j), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground facilities within 40-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 e-mail 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 the end of business on the 14th day at: South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn.: Kathie Ruff, Office of Counsel.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on September 16, 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 (F.A.C.), from Ivan's Lunch Truck 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 six of the FDA Food

Code, as adopted by reference in Rule 61C-1.001, F.A.C. Specifically, Petitioner requests to dispense bulk potentially hazardous foods other than frankfurters from an open air Mobile Food Dispensing Vehicle.

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

NOTICE IS HEREBY GIVEN THAT on August 20, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The variance was approved contingent upon the Petitioner ensuring the bathrooms located within Kingston Delight Restaurant are maintained in a clean and sanitary manner and are provided with hot and cold running water under pressure, soap, approved hand drying devices, 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 be a take-out only with no seats. If the ownership of the Kingston Delight Restaurant changes, an updated signed agreement for use of the restrooms is required immediately. 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: Rhonda.Steele@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on August 28, 2008, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Waiver or Variance, filed on December 27, 2007, by Lawrence R. Freedman. The Notice of Petition for Waiver or Variance was published in Vol. 34, No. 03, of the January 18, 2008, Florida Administrative Weekly. The Petitioner sought a waiver or variance of paragraph 61H1-33.003(1)(b), F.A.C., entitled "Continuing Professional Education" to be allowed to count a Laws and Rules Examination, as being timely completed such that, he would not be penalized. The Board considered the instant Petition at a duly-noticed public meeting, held February 1, 2008, in Gainesville, Florida.

The Board's Order granted the petition finding that Petitioner established that the purpose of the underlying statute, Section 473.312, Florida Statutes, would be met by granting a variance or waiver from paragraph 61H1-33.003(1)(b), F.A.C. The Board further found that Petitioner established that the Board's full application of the aforementioned rules to his circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

NOTICE IS HEREBY GIVEN THAT on August 28, 2008, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Waiver or Variance, filed on March 19, 2008, by Brian Pinnell. The Notice of Petition for Waiver or Variance was published in Vol. 34, No. 14, of the April 4, 2008, Florida Administrative Weekly. Petitioner sought a waiver or variance of subsection 61H1-33.001(1), F.A.C., entitled "Certified Public Accountants Required to Comply with this Chapter" which requires that each licensee on or before December 31, prior to biennial license renewal, complete on-line or mail completed answers to the Florida Laws and Rules examination. The Board considered the instant Petition at a duly-noticed public meeting, held April 30, 2008, in Tampa, Florida.

The Board's Order granted the petition finding that Petitioner established that the purpose of the underlying statute, Section 473.311, F.S., would be met by granting a variance or waiver from subsection 61H1-33.001(1), F.A.C. The Board further found that Petitioner had established that applying the requirements of the aforementioned rules to his circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

NOTICE IS HEREBY GIVEN THAT on August 28, 2008, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Waiver or Variance, filed on March 13, 2008, by Jeffrey Rubin. The Notice of Petition for Waiver or Variance was published in Vol. 34, No. 14, of the April 4, 2008, Florida Administrative Weekly. Petitioner sought a waiver or variance of subsection 61H1-33.001(1), F.A.C., entitled "Certified Public Accountants Required to Comply with this Chapter" which requires that each licensee on or before December 31, prior to biennial license renewal, complete on-line or mail completed answers to the Florida Laws and Rules examination. The Board considered the instant Petition at a duly-noticed public meeting, held April 30, 2008, in Tampa, Florida.

The Board's Order granted the petition finding that Petitioner established that the purpose of the underlying statute, Section 473.311, F.S., would be met by granting a variance or waiver from subsection 61H1-33.001(1), F.A.C. The Board further found that Petitioner had established that applying the requirements of the aforementioned rules to his circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

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 September 12, 2008, the Department of Environmental Protection has issued an order.

Notice of receipt of this petition and a corrected notice of receipt were published in the Florida Administrative Weekly on May 16, 2008, and May 30, 2008. The petition requested a waiver of the provision of subsection 62-312.080(7), F.A.C., that limits the Department when issuing a permit to dredge or fill in Class II or Class III waters approved for shellfish harvesting. No public comment was received. The Department entered a final order (OGC File No. 08-0771) granting the petition for a waiver for construction of an eight slip multi-family dock, because the petitioner demonstrated that the purpose of the underlying statute to protect shellfish waters and public consumption of shellfish would be achieved by other means and that application of the rule would violate principles of fairness.

A copy of the Order may be obtained by contacting: Susan Radford, Department of Environmental Protection, Northwest District Office, 160 Governmental Center, Pensacola, Florida 32501, (850)595-8300, ext. 1133.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on September 19, 2008, the Board of Optometry, received a petition for Variance or Waiver filed on September 19, 2008 on behalf of Krystina Wreggit, O.D. Petitioner seeks a variance of Rule 64B13-5.001, F.A.C., entitled, "Hours Requirement." Specifically, the Petitioner, now residing in Tennessee, requests that the Board waive the requirement applicable to her licensure for the portion under Rule 64B13-5.001, F.A.C., that pertains to the 1 hour/one time prior to 1st optometric license renewal HIV/AIDS continuing education course. The request involves petitioner's stated need, on the basis of hardship and principles of fairness, to take the aforementioned course by correspondence, online or State of Kentucky live/lecture, HIV/AIDS continuing education course.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3257.

NOTICE IS HEREBY GIVEN THAT on August 29, 2008, the Department of Health, received a petition for Permanent Emergency Variance from paragraphs 64E-16.007(2)(e), and 64E-16.007(4)(j), Florida Administrative Code, from Karen

Albretsen on behalf of M.C.M. Environmental Technologies, Inc., manufacturer of the SteriMed Senior and Junior Alternative Medical Waste Treatment Units. These rules require biomedical waste treatment units to be evaluated for effectiveness with spores of *Bacillus stearothermophilus* at least once each 7 days for permitted treatment facilities, or once each 40 hours of operation for generators who treat their own biomedical waste. The spores shall be placed at the center of the waste load. The Petitioner requests a Permanent Emergency Variance from the rule to allow the Petitioner to evaluate effectiveness by using spores of *Bacillus atrophopheus* placed into a chamber located in the lower tank of the SteriMed unit and/or parametric monitoring. 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 or by calling (850)245-4273.

NOTICE IS HEREBY GIVEN THAT on September 23, 2008, the Department of Health, received a petition for Waiver from the setback requirements of paragraph 64E-15.002(3)(d), F.A.C., as filed by Avalon Landing, LLC. The petition was filed with the Department on July 10, 2008 and noticed in the Florida Administrative Weekly on March 7, 2008, in Vol. 34, No. 10.

The Department determined that Petitioner was able to demonstrate that the underlying statute will be achieved or has been achieved by other means and that application of the rules would create a substantial financial hardship. Therefore, the Petition for a permanent Waiver is GRANTED.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Health, 4052 Bald Cypress Way, Bin A02, Tallahassee, Florida 32399-1703, (850)245-4023.

FISH AND WILDLIFE CONSERVATION COMMISSION

NOTICE IS HEREBY GIVEN THAT on September 17, 2008, the Florida Fish and Wildlife Conservation Commission, received a petition for a temporary variance from subparagraph (1)(a)9. of the Dade County manatee protection rule (Rule 68C-22.025, Florida Administrative Code), which designates the waters in the vicinity of Star Island as a Slow Speed zone. The petition was submitted by SPAD Films, Inc. ("SPAD") and seeks authorization allowing SPAD to operate 2-3 vessels at "high speed" west of Star Island while filming a scene for a movie. SPAD requests a variance for October 20 through

October 30, 2008. Filming is currently scheduled for October 20-24, with the remaining days reserved as back-up in the event of weather delays. The variance would only be used on one day for approximately 6-8 hours with vessels being operated at high speed intermittently during this time. SPAD offers to use "manatee monitors/observers...to assure that no manatees are put at risk by filming activities." Comments regarding the petition will be accepted for no less than 14 days from the date of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Scott Calleson, Florida Fish and Wildlife Conservation Commission, Imperiled Species Management Section (6A), 620 South Meridian Street, Tallahassee, FL 32399-1600.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Division of Historical Resources**, Bureau of Historic Preservation announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, November 6, 2008, 11:30 a.m.

PLACE: Room 409, R. A. Gray Building, 500 S. Bronough St., Tallahassee, FL 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of state historical marker applications.

A copy of the agenda may be obtained by contacting: Catherine Clark at (850)245-6354.

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 5 days before the workshop/meeting by contacting: Catherine Clark at (850)245-6354. 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: Catherine Clark at (850)245-6354.

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