

- 1. through 7. No change.
- (i) through (j) No change.
- (3) No change.

Specific Authority 456.004(5), 456.017(2) FS. Law Implemented 456.017(2) FS. History—New 9-7-98, Amended 7-20-03.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jennifer Wenhold
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jennifer Wenhold
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 14, 2007

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: RULE TITLE:
64B10-11.011 Provisional License

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 12, March 21, 2008 issue of the Florida Administrative Weekly.

A Notice of Proposed Rule Development regarding the above-proposed rule was published in the March 21, 2008 issue of the Florida Administrative Weekly, Vol. 34, No. 12, on page 1658. The Rule Number and Rule Title were published incorrectly as 64B10-11.0011 Mandatory HIV/AIDS and Prevention of Medical Errors Education for Initial Licensure and Renewal. The foregoing change does not affect the substance of the Notice.

The person to be contacted regarding the above change is Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3254

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: RULE TITLE:
69O-136.019 Insurance Administrator Annual Report and Licensure Application

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 10, March 9, 2007 issue of the Florida Administrative Weekly has been withdrawn.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: RULE TITLE:
69O-167.004 Required Preinsurance Inspection of Private Passenger Motor Vehicles

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 6, February 8, 2008 issue of the Florida Administrative Weekly.

Subsection (10) is changed by changing reference to subsection “(10)” to “(9)”.

Subsection (13) is changed to replace “FJUA” with “Florida Joint Underwriting Association”.

Subsection (15) is changed by changing the reference to “(16)(a)” to “(15)(a)”.

Subsection (18) is changed by technically correcting forms OIR-B1-506 and

OIR-B1-508. The text of the subsection is changed by revising the effective date of forms OIR-B1-506 to (01/2008) and changing the title of form OIR-B1-508 to “Acknowledgement of Requirement of Preinsurance Inspection.

Subsection (19)(a) is changed to read: The Office’s website located at <https://www.floir.com>, by clicking on search and entering the form number.

The remainder of the reads as previously published.

**Section IV
Emergency Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**Section V
Petitions and Dispositions Regarding Rule Variance or Waiver**

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 March 31, 2008, the South Florida Water Management District (District), received a petition for waiver from the City of Lauderdale Lakes, Application No. 071217-1, for utilization of Works or Lands of the District known as the C-13 Canal, Palm Beach County, for a pedestrian bridge with associated ramps, hardscaping, landscaping, lighting, and fencing, located within the C-13 right of way adjacent to N. W. 35th Avenue; Section 19, Township 49 South, Range 42 East. The Petition seeks relief from subsections 40E-6.011(4) and (6), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground structures 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 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 March 31, 2008, the South Florida Water Management District (District), received a petition for waiver from the City of Lauderdale Lakes, Application No. 071217-2, for utilization of Works or Lands of the District known as the C-13 Canal, Palm Beach County, for a pedestrian greenway consisting of pedestrian pathway, hardscaping, landscaping, lighting and fencing located within the C-13 south right of way from N. W. 52nd Avenue to SR 7-U.S. 441 and from N. W. 33rd Avenue to N. W. 31st Avenue; Section 19 and 24, Township 49 South, Range 41 and 42 East. The Petition seeks relief from subsections 40E-6.011(4) and (6), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground structures 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 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 the 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.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on March 28, 2008, the Department of Business and Professional Regulation, received a petition for waiver of subsection 61A-2.014(6), Florida

Administrative Code. Petitioner TGI Friday's, Inc. requests a waiver of subsection 61A-2.014(6), Florida Administrative Code, which requires all directors or officers of a corporation with an interest in an alcoholic beverage license to file a set of fingerprints at the time of making application for a beverage license or at the time an interest is created after a license has been issued. Petitioner does not qualify as any of the three exceptions also created by Rule 61A-2.014, Florida Administrative Code, but requests the waiver of application of the rule to Petitioner's positions of Assistant Secretary, Assistant Secretary (acting as in-house counsel), Vice President of Operations (with oversight responsibilities relating only to those locations outside of Florida), Vice President of Franchising, Vice President of Strategic Projects, Vice President of International Operations, and Senior Vice President of Marketing and Chief Operations Office, since such positions are not involved in the operation, control or management of any Florida hotel or any alcoholic beverage sales at a Florida location.

A copy of the Petition for Variance or Waiver may be obtained by contacting DeeAnna Owens at (850)414-8125.

NOTICE IS HEREBY GIVEN THAT on March 26, 2008, the the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, RE: The Residences at Whispering Pines Condominium Association, Inc.; Docket No.: 2008010658, has issued an order.

The Division issued an order closing file because the petitioner withdrew its petition for waiver.

A copy of the Order may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

NOTICE IS HEREBY GIVEN THAT on March 26, 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 Piazzetta located in Miami. The above referenced F.A.C. states...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated.....The proposed establishment has one bathroom for patrons and they are requesting a variance to have a seating capacity of twenty-five (25).

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

NOTICE IS HEREBY GIVEN THAT on April 8, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on March 26, 2008, for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from La Piazzetta located in Miami. The above referenced F.A.C. states...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated....The proposed establishment has one bathroom for patrons and they are requesting a variance to have a seating capacity of twenty-five (25).

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 (25) 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 March 28, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on March 13, 2008, for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Flagler Eleven 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 nineteen.

This variance request was approved and is contingent upon the Petitioner ensuring the bathrooms located inside of Pilar Unisex 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 nineteen 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 March 28, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN that on March 14, 2008, for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Genna Pizza Company located in Melbourne. 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).

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 (16) 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 March 28, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on March 20, 2008, for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from K. J.'s Kitchen located in Atlantic Beach. 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).

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 (20) 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 March 28, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on March 18, 2008, for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Nature's Table 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 bathroom facilities that are located outside of the establishment that are approximately fifty (50) feet away.

This variance request was approved and is contingent upon the Petitioner ensuring the outside public bathrooms are 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 (33) 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 March 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 Pom Pom Teahouse and Sandwiches located in Orlando. The above referenced F.A.C. states...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated.....The proposed establishment has one bathroom for patrons and they are requesting a variance to have a seating capacity of nineteen (19).

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

NOTICE IS HEREBY GIVEN THAT on April 8, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN that on March 28, 2008, for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Pom Pom Teahouse and Sandwiches located in Orlando. The above referenced F.A.C. states...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated.....The proposed establishment has one bathroom for patrons and they are requesting a variance to have a seating capacity of nineteen (19).

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 (19) 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 April 3, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on March 18, 2008, for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from El Taconazo 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 unisex handicap accessible bathroom and one men's bathroom for patrons and they are requesting a variance to have a seating capacity of sixty (60).

This variance request was approved and is contingent upon the Petitioner ensuring public bathrooms are 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. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

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

NOTICE IS HEREBY GIVEN THAT on April 3, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN that on March 25, 2008, for a Routine Variance for subsection 61C-4.010(6), Florida Administrative Code, from Main Street Station located in Daytona 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 for allowing exposed solid sealed joists and ties in the outside 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 April 3, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN that on March 14, 2008, for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Pizza Fusion located in Fort Lauderdale. 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).

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 (14) 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 April 3, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN that on March 25, 2008, for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Twistee Treat of Clermont located in Clermont. 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).

This variance request was approved April 3, 2008, 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 (16) 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 April 3, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN that on March 19, 2008, for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Yanni's Mediterranean Cuisine located in Orlando. 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).

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 (30) 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 April 3, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subsections 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from Ralph Discovery Catering 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 8, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN April 3, 2008, for a Routine Variance for subsections 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from Ralph Discovery Catering 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.

This variance was approved and is contingent upon the Petitioner's use of open-air steam table properly covered and air curtain operating properly according to manufacturer's specifications and Section 6-202-15(D)(2), 2001 FDA Food Code, as to expel possible contaminants and vermin. Approval is also contingent upon Petitioner conducting all re-heating for hot holding at approved commissaries to the proper temperature per Section 3-403.11, 2001 FDA Food Code; and potentially hazardous food is held at proper temperatures according to Section 3-501.16, 2001 FDA Food Code.

The Petitioner shall strictly adhere to paragraph 61C-4.0161(2)(c), Florida Administrative Code, and report to the commissary at least once daily when operating. All warewashing is to be conducted at the commissary and strict adherence to employee health guidelines as specified in the Section 2-201, 2001 FDA Food Code, are to be followed. Petitioner shall also use a potable water tank and utilize a wastewater holding tank that is at least 15% larger than the potable water holding tank; and sloped to a drain that is 1 inch in inner diameter or greater, equipped with a shut-off valve. Petitioner must receive potable water from an approved source with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours.

Copies of the variance and operating procedures are to be present on the MFDV at all times of operation and shall be adhered to as approved by the Division. This variance is not transferable under any conditions. All provisos must be complied prior to final approval and 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.

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 8, 2008, the State of Florida Department of Environmental Protection has issued an order.

The Department of Environmental Protection gives notice of its intent to grant a variance under Section 403.201, F.S., from the provisions of paragraph 62-4.244(5)(c), F.A.C., to the Lee County Board of County Commissioners, P. O. Box 398, Ft. Myers, FL 32902-0398, (File No. 0265943-002-EV) to allow a

temporarily establishment of an expanded mixing zone of 1500 meters downcurrent from the dredge site on the beach side of the bridge of Blind Pass (Lee County), and from the point of sand discharge onto the beach and nearshore disposal area. The Department's file on this matter is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Bureau of Beaches and Coastal Systems, 3900 Commonwealth Blvd., M.S. 300, Tallahassee, FL 32399-3000, (850)488-7708.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Mediation under Section 120.573, F.S., is not available.

Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a modification of the agency action or even a denial of the application. If a sufficient petition for an administrative hearing or request for an extension of time to file a petition is timely filed, this agency action automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Accordingly, the applicant is advised not to commence construction or other activities in accordance with this variance until the deadlines noted below for filing a petition for an administrative hearing, or request for an extension of time has expired.

Under subsections 28-106.111(3) and 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the

proceeding. Any intervention will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with subsection 28-106.111(2) and paragraphs 62-110.106(3)(a), (4), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first.

Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; and (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this order will not be effective until further order of the Department.

This variance constitutes an order of the Department. The applicant has the right to seek judicial review of the order under Section 120.68, Florida Statutes, by the filing of a notice of appeal under Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399 3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

A copy of the Order may be obtained by contacting: Matthew Mask, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, Florida 32399, (850)414-7731.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on April 2, 2008, the Board of Nursing has issued an order.

The Board of Nursing has issued an Order on the Petition for Variance or Waiver, which was filed on April 2, 2008 on behalf of Christiane Kom. The Notice of Petition for Variance or Waiver was published in Vol. 34, No. 4, of the January 25, 2008, issue of the F.A.W. The Petitioner requested that on the basis of fairness and hardship reasons described in the Petition, the Board waive the clinical component of the educational requirements under Rule 64B9-2.008, F.A.C., entitled "Clinical Training," for Registered Nurse licensure.

The Board of Nursing considered the Petition at its meeting held on February 14, 2008, in Tallahassee, Florida and approved the Petition, finding that the petitioner met the purpose of the underlying statute, and application of Rule 64B9-2.008, F.A.C., to this applicant would violate the principles of fairness.

A copy of the Order may be obtained by contacting: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259.

NOTICE IS HEREBY GIVEN THAT on January 3, 2008, the Board of Nursing has issued an order.

The Board of Nursing has issued an Order on the Petition for Variance or Waiver, which was filed on January 3, 2008 on behalf of Sharon Jo Churchill. The Notice of Petition for Variance or Waiver was published in Vol. 33, No. 4, of the January 25, 2008, issue of the F.A.W. The Petitioner requested that on the basis of fairness and hardship reasons described in the Petition, the Board grant a permanent variance or waiver of

Rule 64B9-2.008, F.A.C., entitled "Clinical Training," so as to allow her to sit for the Florida NCLEX examination and to practice as a Registered Nurse in the State of Florida.

The Board of Nursing considered the Petition at its meeting held on February 14, 2008, in Tallahassee, Florida and approved the Petition, finding that the petitioner met the purpose of the underlying statute, and application of Rule 64B9-2.008, F.A.C. to this applicant would violate the principles of fairness.

A copy of the Order may be obtained by contacting: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259.

NOTICE IS HEREBY GIVEN that on April 3, 2008, the Board of Pharmacy, received a petition for Olusegun Ayuba, seeking a variance or waiver of Rule 64B16-26.2031, Florida Administrative Code, which requires that no program of work activity will be approved for any applicant until said applicant has been certified by FPGEE Foreign Pharmacy Graduate Examination Commission.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, (850)245-4292. Comments on the petition should be filed with the Board of Pharmacy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on April 4, 2008, the Department of Health has issued an order disposing of a Petition for Waiver from the permitting requirements of Rule 64E-15.010, F.A.C., as filed by Cedar Key United Methodist Church. The petition was filed with the Department on February 22, 2008 and noticed in the Florida Administrative Weekly, on March 7, 2008, in Vol. 34, No. 10.

The Department determined that Petitioner was unable to meet the requirements for the Petition for Waiver because the requirement to obtain a permit from the department is established in Sections 513.02 and 120.542(1), F.S., prohibits a state agency from varying statutory requirements. Therefore, the petition for a permanent waiver is DENIED.

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN THAT on March 12, 2008, the Department of Children and Family Services, received a petition for waiver of subsection 65C-15.017(3), F.A.C. The petition was received by Devereux Florida and Lisa Parani, assigned Case No. 08-006W. Subsection 65C-15.017(3),

F.A.C., requires staff performing casework services shall have a bachelor's degree in social work or related area of study from an accredited college or university.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Family Services, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

**Section VI
Notices of Meetings, Workshops and Public Hearings**

DEPARTMENT OF STATE

The **Florida Historical Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, May 17, 2008, 9:00 a.m. – Conclusion

PLACE: Florida Public Archaeology Network Coordinating Center, 207 E. Main Street, Pensacola, Florida 32502

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business meeting of the Florida Historical Commission.

A copy of the agenda may be obtained by contacting: Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250, 1(800)847-7278.

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: Bureau of Historic Preservation, (850)245-6300, Fax (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: Bureau of Historic Preservation at (850)245-6300, Fax (850)245-6437.

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

DATES AND TIMES: April 23, 2008 – May 23, 2008, 9:00 a.m. – 5:00 p.m. or until conclusion of business

- | | |
|-------------------|--------------------------------|
| April 23-24, 2008 | Arts In Education |
| April 25, 2008 | Community Theatre |
| April 28, 2008 | Sponsor/Presenter |
| April 29, 2008 | Folk Arts |
| May 1, 2008 | Multidisciplinary & Literature |