

~~(7) To the extent that the U.S. Securities and Exchange Commission promulgates changes to the above-referenced rules of the Investment Advisers Act of 1940, investment advisers in compliance with such rules as amended shall not be subject to enforcement action by the Department for violation of this rule to the extent that the violation results solely from the investment adviser's compliance with the amended rule.~~

(8) All materials incorporated by reference in this rule may be obtained by mail from the Office of Financial Regulation, Bureau of Securities Regulation, 200 E. Gaines Street, Tallahassee, Florida 32399-0374.

Specific Authority 517.03(1), 517.121(1), 517.1215 FS. Law Implemented 517.121(1), 517.1215 FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.14, Amended 10-14-90, 8-1-91, 6-16-92, 1-11-93, 9-9-96, 6-22-98, 1-25-00, 10-30-03, \_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Andrea Moreland, Executive Senior Attorney, Office of Financial Regulation, 200 E. Gaines Street, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9662, andrea.moreland@fldfs.com.

## 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

### **DEPARTMENT OF LAW ENFORCEMENT**

The Department of Law Enforcement, Criminal Justice Standards and Training has taken action at its August 3, 2006, meeting on a petition for waiver received from Collier County Public Schools, on June 6, 2006. Notice of receipt of this petition was published in the F.A.W., Vol. 32, No. 27, July 7, 2006. No public comment was received. Petitioner has petitioned for a waiver of subsection 11B-21.002(3), F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that

the Department waive the requirement that an entity wishing to create an officer training school present the proposal to the proper Regional Training Council. Petitioner has petitioned that the CJSTC make the determination to grant or deny Petitioner's proposal. On August 3, 2006, the Criminal Justice Standards and Training Commission granted a waiver of this rule to Collier County Public Schools, in a final order, OGC File No.: VAR 06-8. This rule waiver was granted because the petitioner demonstrated that a strict application of the rule would result in undue hardship to it or would affect it differently than other similarly situated applicants and because they could successfully fulfilled the requirements of Section 943.14, F.S., by other means.

For a copy of the final order write or call: Grace A. Jaye, Florida Department of Law Enforcement, Box 1489, Tallahassee, FL 32302-1489, (850)410-7687.

The Department of Law Enforcement, Criminal Justice Standards and Training has taken action at its August 3, 2006, meeting on a petition for waiver received from Frederick Bulanda, on May 9, 2006. Notice of receipt of this petition was published in the F.A.W., Vol. 32, No. 22, June 2, 2006. No public comment was received. Petitioner has petitioned for a waiver of subsection 11B-27.0021(1) and 11B-27.0021(2)(a), F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department waive the requirement that a recruit possess a "standard" high school diploma prior to becoming certified. On August 3, 2006, the Criminal Justice Standards and Training Commission granted a waiver of this rule to Frederick Bulanda, in a final order, OGC File No.: VAR 06-5. This rule waiver was granted because the petitioner demonstrated that a strict application of the rule would result in undue hardship to him or would affect him differently than other similarly situated applicants and because he had successfully fulfilled the requirements of Section 943.13(3), F.S., by other means.

For a copy of the final order write or call: Grace A. Jaye, Florida Department of Law Enforcement, Box 1489, Tallahassee, FL 32302-1489, (850)410-7687.

The Department of Law Enforcement, Criminal Justice Standards and Training has taken action at its August 3, 2006, meeting on a petition for waiver received from Monroe County Sheriff's Office, on July 24, 2006. Notice of receipt of this petition was published in the F.A.W., Vol. 32, No. 31, August 4, 2006. No public comment was received. Petitioner has petitioned for a waiver of subsection 11B-27.0021(15), F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department waive the requirement that officers make shots from the fifteen yard line. Petitioner has petitioned that the CJSTC make the determination to grant or deny Petitioner's proposal. On August 3, 2006, the Criminal Justice Standards and Training Commission denied a waiver of

this rule to Monroe County Sheriff's Office, in a final order, OGC File No.: VAR 06-10. This rule waiver was denied because the petitioner could not demonstrate that a strict application of the rule would result in undue hardship to them or would affect them differently than other similarly situated applicants and because they had not successfully fulfilled the requirements of Sections 943.13 or 943.135, F.S., by other means.

For a copy of the final order write or call: Grace A. Jaye, Florida Department of Law Enforcement, Box 1489, Tallahassee, FL 32302-1489, (850)410-7687.

The Department of Law Enforcement, Criminal Justice Standards and Training has taken action at its August 3, 2006, meeting on a petition for waiver received from Washington-Holmes Technical Center, on June 2, 2006. Notice of receipt of this petition was published in the F.A.W., Vol. 32, No. 26, June 30, 2006. No public comment was received. Petitioner has petitioned for a waiver of paragraph 11B-21.005(8)(c), F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department waive the staffing requirements for basic recruit training schools. On August 3, 2006, the Criminal Justice Standards and Training Commission denied a waiver of this rule to Washington-Holmes Technical Center, in a final order, OGC File No.: VAR 06-7. This rule waiver was denied because the petitioner could not demonstrate that a strict application of the rule would result in undue hardship to them or would affect them differently than other similarly situated applicants and because they had not successfully fulfilled the requirements of Section 943.14, F.S., by other means.

For a copy of the final order write or call: Grace A. Jaye, Florida Department of Law Enforcement, Box 1489, Tallahassee, FL 32302-1489, (850)410-7687.

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#### **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."

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#### **WATER MANAGEMENT DISTRICTS**

NOTICE IS HEREBY GIVEN that on August 8, 2006, the Bureau of Elevator Safety received a Petition for Emergency Variance from Rule 2.1.1, ASME A18.1, 2000 edition, as adopted by Chapter 3001.2, Florida Building Code, requiring enclosures and gates be at least 42 inches high. The petition was received from Jeanne Martin of Accessibility Lifts, Inc. on behalf of Flagler County Courthouse (Petition VW 2006-201).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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NOTICE IS HEREBY GIVEN that on August 18, 2006, South Florida Water Management District (District) received a petition for waiver from South Florida Stadium Corporation Application No. 06-0818-1, for utilization of Works or Lands of the District known as the C-9 Canal, requesting temporary use of the south right of way of C-9 between N. W. 27th Avenue and Florida's Turnpike to include the installation of a temporary fence, berm stabilization and overflow parking during the 2006 football season, Orange Bowl and Super Bowl games in 2007. Location: C-9, Miami-Dade County, Section 34, Township 51 South, Range 41 East. The petition seeks relief from subsections 40E-6.011(4), 40E-6.011(6) and paragraph 40E-6.221(2)(j), Fla. Admin. Code, which governs the placement of permanent/semi-permanent above ground structures within 40 feet of the top of the canal bank and generally prohibits parking within Works or Lands of the District.

A copy of the petition may be obtained from: Kathie Ruff, (561)682-6320 or e-mail at [kruff@sfwmd.gov](mailto: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.: Katie Ruff, Office of Counsel.

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#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that on August 17, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from Family Enterprises located in Kissimmee. 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 three Mobile Food Dispensing Vehicles.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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NOTICE IS HEREBY GIVEN that on July 10, 2006, the Bureau of Elevator Safety received a Petition for Variance from ASME A.17.1, Sections 2.1.3.1.2(b)(1), and ASME A17.2, Section 2.29.2, as adopted by Chapter 3001.2, 2004 Florida Building Code which prohibit the locating the elevator motor in the hoistway, require hands-on access to the governor and convenient, direct line-of-sight visual contact with the drive sheave. The petition was received from Steve Powell of KONE Inc., requesting a variance to allow the installation of MonoSpace® elevator systems in the following location: Le Soleil, Indian Shores (Petition VW 2006-189).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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NOTICE IS HEREBY GIVEN that on July 21, 2006, the Bureau of Elevator Safety received a Petition for Variance from ASME A.17.1, Sections 2.1.3.1.2(b)(1), and ASME A17.2, Section 2.29.2, as adopted by Chapter 3001.2, 2004 Florida Building Code which prohibit the locating the elevator motor in the hoistway, require hands-on access to the governor and convenient, direct line-of-sight visual contact with the drive sheave. The petition was received from Steve Powell of KONE Inc., requesting a variance to allow the installation of MonoSpace® elevator systems in the following location: Gasparilla Marina, Placida (Petition VW 2006-191).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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NOTICE IS HEREBY GIVEN that on July 21, 2006, the Bureau of Elevator Safety received a Petition for Variance from ASME A.17.1, Sections 2.1.3.1.2(b)(1), and ASME A17.2, Section 2.29.2, as adopted by Chapter 3001.2, 2004 Florida Building Code which prohibit the locating the elevator motor in the hoistway, require hands-on access to the governor and convenient, direct line-of-sight visual contact with the drive sheave. The petition was received from Steve Powell of KONE Inc., requesting a variance to allow the installation of MonoSpace® elevator systems in the following location: Parrish Port St. Johns, Port St. John (Petition VW 2006-192).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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NOTICE IS HEREBY GIVEN that on July 14, 2006, the Bureau of Elevator Safety received a Petition for Variance from Rules 2.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9, A.S.M.E. 17.1, 2000 edition, as adopted by Chapter 3001.2, 2004 Florida Building Code, which require a machine room, steel ropes and non welded terminations, from leLainya Koutebera of Otis Elevator Company. The Petitioner is requesting a variance to allow the installation of Gen2™ elevator systems in the following location: 400 Beach Drive Condominium, St. Petersburg (Petition 2006-193).

A copy of the Petitions can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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NOTICE IS HEREBY GIVEN that on August 1, 2006, the Bureau of Elevator Safety received a Petition for Variance from ASME A.17.1, Sections 2.7.3 and 2.7.3.1, as adopted by Chapter 3001.2, 2004 Florida Building Code which require unobstructed access to machine spaces. The petition was received from Steve Jarvis of KONE Inc., requesting a variance to allow access through panels located within tenant space in the following location: Positano On The Gulf, in Long Boat Key (Petition VW 2006-199).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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NOTICE IS HEREBY GIVEN that on August 4, 2006, the Bureau of Elevator Safety received a Petition for Variance from Rules 2.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9, A.S.M.E. 17.1, 2000 edition, as adopted by Chapter 3001.2, 2004 Florida Building Code, which require a machine room, steel ropes and non welded terminations, from David Baskin of Otis Elevator Company. The Petitioner is requesting a variance to allow the installation of Gen2™ elevator systems in the following location: Kleman Plaza, Tallahassee (Petition 2006-200).

A copy of the Petitions can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Bureau of Elevator

Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on August 8, 2006, the Bureau of Elevator Safety received a Petition for Emergency Variance from Rule 2.1.1, ASME A18.1, 2000 edition, as adopted by Chapter 3001.2, Florida Building Code, requiring enclosures and gates be at least 42 inches high. The petition was received from Jeanne Martin of Accessibility Lifts, Inc. on behalf of Flagler County Courthouse (Petition VW 2006-201).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on August 11, 2006, the Bureau of Elevator Safety received a Petition for Variance from ASME A.17.1, Sections 2.1.3.1.2(b)(1), and ASME A17.2, Section 2.29.2, as adopted by Chapter 3001.2, 2004 Florida Building Code which prohibit the locating the elevator motor in the hoistway, require hands-on access to the governor and convenient, direct line-of-sight visual contact with the drive sheave. The petition was received from Steve Powell of KONE Inc., requesting a variance to allow the installation of MonoSpace® elevator systems in the following location: Grand Residences, Panama City (Petition VW 2006-202).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on August 11, 2006, the Bureau of Elevator Safety received a Petition for Variance from ASME A.17.1, Sections 2.1.3.1.2(b)(1), and ASME A17.2, Section 2.29.2, as adopted by Chapter 3001.2, 2004 Florida Building Code which prohibit the locating the elevator motor in the hoistway, require hands-on access to the governor and convenient, direct line-of-sight visual contact with the drive sheave. The petition was received from Steve Powell of KONE Inc., requesting a variance to allow the installation of MonoSpace® elevator systems in the following location: Southern Resorts, Destin (Petition VW 2006-203).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Bureau of Elevator

Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on August 11, 2006, the Bureau of Elevator Safety received a Petition for Variance from ASME A.17.1, Sections 2.1.3.1.2(b)(1), and ASME A17.2, Section 2.29.2, as adopted by Chapter 3001.2, 2004 Florida Building Code which prohibit the locating the elevator motor in the hoistway, require hands-on access to the governor and convenient, direct line-of-sight visual contact with the drive sheave. The petition was received from Steve Powell of KONE Inc., requesting a variance to allow the installation of MonoSpace® elevator systems in the following location: Boeing Building, Fort Walton Beach (Petition VW 2006-204).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on August 11, 2006, the Bureau of Elevator Safety received a Petition for Variance from ASME A.17.1, Sections 2.1.3.1.2(b)(1), and ASME A17.2, Section 2.29.2, as adopted by Chapter 3001.2, 2004 Florida Building Code which prohibit the locating the elevator motor in the hoistway, require hands-on access to the governor and convenient, direct line-of-sight visual contact with the drive sheave. The petition was received from Steve Powell of KONE Inc., requesting a variance to allow the installation of MonoSpace® elevator systems in the following location: Avacos, Santa Rosa Beach (Petition VW 2006-205).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on August 11, 2006, the Bureau of Elevator Safety received a Petition for Variance from ASME A.17.1, Sections 2.1.3.1.2(b)(1), and ASME A17.2, Section 2.29.2, as adopted by Chapter 3001.2, 2004 Florida Building Code which prohibit the locating the elevator motor in the hoistway, require hands-on access to the governor and convenient, direct line-of-sight visual contact with the drive sheave. The petition was received from Steve Powell of KONE Inc., requesting a variance to allow the installation of MonoSpace® elevator systems in the following location: Harbor Lights, Destin (Petition VW 2006-206).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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NOTICE IS HEREBY GIVEN that on August 11, 2006, the Bureau of Elevator Safety received a Petition for Variance from ASME A.17.1, Sections 2.1.3.1.2(b)(1), and ASME A17.2, Section 2.29.2, as adopted by Chapter 3001.2, 2004 Florida Building Code which prohibit the locating the elevator motor in the hoistway, require hands-on access to the governor and convenient, direct line-of-sight visual contact with the drive sheave. The petition was received from Steve Powell of KONE Inc., requesting a variance to allow the installation of MonoSpace® elevator systems in the following location: One Water Place T-1, T-2, T-3, Destin (Petition VW 2006-207).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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NOTICE IS HEREBY GIVEN that on August 11, 2006, the Bureau of Elevator Safety received a Petition for Variance from Rules 2.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9, A.S.M.E. 17.1, 2000 edition, as adopted by Chapter 3001.2, 2004 Florida Building Code, which require a machine room, steel ropes and non welded terminations, from William O. Williams III of Otis Elevator Company. The Petitioner is requesting a variance to allow the installation of Gen2™ elevator systems in the following location: Palm Coast Resort, Palm Coast (Petition 2006-208).

A copy of the Petitions can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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The Construction Industry Licensing Board hereby gives notice that it has issued a Final Order in the Petition for Variance or Waiver of Rule 61G4-15.005, Florida Administrative Code, filed by Steven D. Sizemore. The Petition was published in Vol. 32, No. 16, of April 21, 2006, F.A.W. The Board reviewed the petition at its meeting held May 12, 2006, in Tampa, Florida. The Board's Final Order, filed in this cause on August 17, 2006, finds that the Petitioner's waiver is denied. The Petitioner had not

demonstrated that the purpose of the underlying statute will be or has been achieved by other means or creates a substantial hardship or would violate principles of fairness.

A copy of the Petition and the Board's Final Order may be obtained by contacting: Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750.

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NOTICE IS HEREBY GIVEN that on July 18, 2006, the Board of Professional Engineers has issued an order. The Board of Professional Engineers hereby gives notice that it has issued an Order on the Petition for Variance or Waiver, which was filed on May 2, 2006, by Quazi Bari. The Notice of Petition for Variance/Waiver was published in Vol. 32, No. 20, of the May 19, 2006, F.A.W. The Petitioner sought a Variance/Waiver of Rule 61G15-20.007, Florida Administrative Code, which is entitled "Foreign Degrees". The Variance/Waiver sought was the aspect of this rule requiring a completion of deficiencies in Humanities and Social Sciences before being allowed to take the Principles and Practice examination. The Board of Professional Engineers considered the Petition at its meeting held on June 15, 2006, in Tampa, Florida. The Board's Order, filed on July 18, 2006, denied the Petition for waiver of Rule 61G15-20.007, F.A.C., finding that Petitioner did not establish that he meets the requirements of Rule 61G15-20.007, F.A.C. Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301.

A copy of the Order may be obtained by contacting: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301.

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NOTICE IS HEREBY GIVEN that on February 7, 2006, the Board of Professional Engineers has issued an order. The Board of Professional Engineers hereby gives notice that it has issued an Order on the Petition for Variance or Waiver, which was filed on September 13, 2005, on behalf of the State of Florida, Department of Transportation (FDOT). The Notice of Petition for Variance/Waiver was published in Vol. 31, No. 41, of the October 14, 2005, F.A.W. The Petitioner sought a Variance/Waiver of the provisions of Rules 61G15-22.011 and 61G15-22.014, Florida Administrative Code. Petitioner withdrew its Petition for Variance/Waiver.

A copy of the Order may be obtained by contacting: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301.

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NOTICE IS HEREBY GIVEN that on September 19, 2005, the Board of Professional Engineers has issued an order. The Board of Professional Engineers hereby gives notice that it has issued an Order on the Petition for Variance or Waiver, which was filed on September 19, 2005, on behalf of D. Gregory Ruck. The Notice of Petition for Variance/Waiver was

published in Vol. 31, No. 41, of the October 14, 2005, F.A.W. The agency filing date for the Petition given in that publishing was September 19, 2005, although the Board now recognizes that there is evidence in the files that the Petition was filed on or about August 29, 2005. The Petitioner sought a Variance/Waiver of Rule 61G15-20.006, Florida Administrative Code, which is entitled "Educational Requirements," to the effect that his engineering degree, although not accredited by the Accreditation Board for Engineering and Technology (ABET), be accepted by the Board for reasons set forth in the petition. The Board of Professional Engineers first considered the Petition at its meeting held on December 8, 2005, in Tallahassee, Florida and issued an order, filed on January 31, 2006, denying the Petition, finding that Petitioner did not meet the requirements of Section 471.015(3)(a), Florida Statutes. Subsequently, Petitioner requested a hearing involving disputed issues of material fact specifically asserting that the Board failed to take action within the time limits set forth in Section 120.542, F.S. The Board, finding that Petitioner established that the action taken by the Board on December 8, 2005 was not timely, the Petition as a result was deemed granted by statute. A Final Order to this effect was issued by the Board and filed on July 18, 2006.

A copy of the Order may be obtained by contacting: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301.

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#### 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."

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NOTICE IS HEREBY GIVEN that on August 3, 2006, the Department of Environmental Protection, Northwest District, received a petition for a variance under Section 120.542, Florida Statutes, from the requirements of subsection 62-610.523(4), F.A.C. The petitioner, Jim Paul, Superintendent, Escambia County School District for Molino K-8 School wastewater treatment plant, seeks relief from the percolation pond drying requirements during the alternate dosing and resting cycles required by subsection 62-610.523(4), F.A.C. The petitioner is requesting the variance to allow the ponds to remain wet as opposed to the percolation pond drying out during the resting cycles and before further application of reclaimed water to comply with the rule. The petition has been assigned File No.: FLA303755-003-DWF/VO. Public comment must be received by the person below no later 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: Jonathan May, Department of Environmental Protection, Domestic Wastewater Section, Northwest District, 160 Governmental Center, Pensacola, Florida 32502, [jonathan.may@dep.state.fl.us](mailto:jonathan.may@dep.state.fl.us), (850)595-8380.

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#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE IS HEREBY GIVEN that on August 16, 2006, the Department of Environmental Protection granted a variance to Mosaic Fertilizer, LLC. The petition requested a reduction in permit fees for its many Class V underground injection control wells. Notice of receipt of this petition was published on July 28, 2006. No public comments were received, and the Department has issued an order.

The Order granted a variance from subparagraph 62-4.050(4)(m)11., and 62-4.050(4)(m)12., F.A.C., and allows reduced fees, the schedule of which is part of the order. Conditions are: the reduced fee schedule would apply only to a multiple well system using wells of the same design for each well. Each well system would be limited to those wells that are to be constructed during a single phase of the project and are to receive water solely from a ground water source (i.e., all wells on the same header or used to dewater the same part of the mine); or alternatively, a well could be considered as all adjacent wells to be constructed during the same phase of the project that propose using a particular well spacing. In this case, there could be from 13 to 20 separate systems based on the drawing submitted; and in addition, for the fee reduction to apply there must be no need for any other relief from permitting, setback, or water quality standards (as measured from piezometers prior to well construction). The water quality standards will be met in the injected water either naturally or with treatment, and ground water must be the only source (no water from mined or tailed areas).

A copy of the Order may be obtained by contacting: Judith Richtar, Department of Environmental Protection, Southwest District, 13051 N. Telecom Pkwy., Temple Terrace, FL 33637-0926, (813)632-7600, ext. 419.

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#### DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that on August 18, 2006, the Board of Orthotists and Prosthetists, received a petition for Variance or Waiver, which was filed on August 18, 2006 on behalf of Lewilliam Means. Pursuant to Chapter 28-104, F.A.C., and Section 120.542, F.S., petitioner seeks a waiver of Rule 64B14-4.110, F.A.C., entitled "Requirements for Orthotic Fitter, Orthotic Fitter Assistant and Pedorthic." Specifically, the Petitioner requests a permanent waiver of Rule 64B14-4.110 with respect to the requirement that the education referred to in paragraph (1)(a) be completed prior to earning

the experience required by said Subsection. Petitioner makes this request on the basis and in light of the experience and training he has received which is found detailed in the Petition. A copy of the Petition for Variance or Waiver may be obtained by contacting: Joe Baker, Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3258.

NOTICE IS HEREBY GIVEN that on August 16, 2006, the Board of Podiatric Medicine, received a petition for Variance or Waiver filed on August 16, 2006, on behalf of Hernan Alamilla, D.P.M., a licensed Podiatrist in the State of New York. Pursuant to Chapter 28-104, F.A.C., and Section 120.542, F.S., petitioner seeks a waiver of Rule 64B18-11.001, entitled "Application for Licensure," and Rule 64B18-11.002, F.A.C, entitled "Examination for Licensure." Specifically, the Petitioner requests a waiver of Rules 64B18-11.001, and 64B18-11.002 requiring that he take and pass all of Part One, Two and Three of the Board's approved licensure exam ("NBPME").

Comments on this petition should be filed with the Board of Podiatric Medicine within 14 days of publication of this notice. A copy of the Petition for Variance or Waiver may be obtained by contacting: Joe Baker, Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3258.

NOTICE IS HEREBY GIVEN that on August 16, 2006, the Board of Podiatric Medicine, received a petition for Variance or Waiver filed on August 16, 2006, on behalf of Leon Booker, D.P.M. Pursuant to Chapter 28-104, F.A.C., and Section 120.542, F.S., petitioner seeks a waiver of Rule 64B18-11.002, F.A.C, entitled "Examination for Licensure." Specifically, the Petitioner requests a permanent waiver of Rule 64B18-11.002, F.A.C., with respect to the rule requiring that he take and pass Part Three of the Board's licensure exam.

Comments on this petition should be filed with the Board of Podiatric Medicine within 14 days of publication of this notice. A copy of the Petition for Variance or Waiver may be obtained by contacting: Joe Baker, Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3258.

Notice is hereby given that on August 16, 2006, the Department of Health received a Petition for Variances from subparagraph 64E-13.004(6)(a)(1), Florida Administrative Code, from Christ Lutheran Church and School located at 2911 Del Prado Blvd. S., Cape Coral, Florida. This rule requires schools to have toilet facilities for preschool grades through grade three to be provided with toilet and handwashing facilities located within or adjoining classrooms. The Christ Lutheran Church and School is a private school located in Cape Coral, Florida.

Comments on this petition should be filed with: Sam Power, Agency Clerk, Department of Health, Office of General Counsel, 4052 Bald Cypress Way, BIN A02, Tallahassee, Florida 32399-1703, within 14 days of this notice.

A copy of the Petition may be obtained from: Lucy Schneider, Office of General Counsel, 4052 Bald Cypress Way, BIN A02, Tallahassee, Florida 32399-1703, (850)245-4024.

NOTICE IS HEREBY GIVEN that the Department of Health received Petitions for Waiver of subsection 64E-3.004(2), F.A.C., from the following persons on the below date(s) who desire to obtain a temporary certificate to practice as a Basic X-Ray Machine Operator:

August 16, 2006:

Robertta L. Manger

Brooke D. Higgins

Petitioners request a waiver because the rule indicates that an applicant who has failed the radiologic technology certification examination for a Basic X-Ray Machine Operator may not qualify for a temporary certification to practice under the direct supervision of a licensed practitioner.

Comments on these Petitions should be filed with: Elizabeth B. Hines, Executive Director, Certification Unit of EMT/Paramedic and Radiologic Technology, 4052 Bald Cypress Way, Bin C-85, Tallahassee, Florida 32399-3285.

NOTICE IS HEREBY GIVEN THAT ON August 16, 2006, the Department of Health, filed an Order disposing of a Petition for Variance from the requirements of paragraph 64E-18.003(3)(a), F.A.C., addressing minimum educational requirements for certification as an environmental health professional. The Petition was filed by D. Andrew Byrne, Esquire, Attorney for Petitioner, Chris McAllister. The Petition was filed with the Department on May 19, 2006, and noticed in the F.A.W., on June 2, 2006, in Vol. 32, No. 22. The Department timely requested additional information from the Petitioner which was received on May 31, 2006. The Department determined that Petitioner did not put forth any reason showing how the granting of the variance would serve the underlying purposes of the statute nor did Petitioner put forth any facts that would demonstrate a substantial hardship or a violation of the principals of fairness. Therefore, the Petition for a permanent Variance was DENIED.

A copy of the Order may be obtained from: Agency Clerk, Department of Health, 4052 Bald Cypress Way, Bin A02, Tallahassee, Florida 32399-1703, (850)245-4005.

#### **DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

NOTICE IS HEREBY GIVEN that the Department of Children and Family Services has received a Petition for Waiver of subsection 65C-22.002(3), F.A.C. The Petition was received by the Agency Clerk on June 16, 2006, by

Windermere Union Church, assigned Case Nos. 06-003W. Subsection 65C-22-002(3), F.A.C., relating to a minimum of 20 square feet of indoor space for each child.

On August 7, 2006, the Department of Children and Family Services issued a Final Order in Case No. 06-003W, Denying Petition for Waiver or Variance.

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

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#### **FLORIDA HOUSING FINANCE CORPORATION**

NOTICE IS HEREBY GIVEN that on July 28, 2006, the Florida Housing Finance Corporation has issued an order.

The Petition for Waiver of subsection 67-48.028(3), Florida Administrative Code, for McCurdy Center, Ltd., FHFC Case No. 2006-032VW, is hereby GRANTED as follows: extension of the deadline to submit required site control documentation to sixty (60) days from the date of this Order, and amendment of the Carryover Allocation Agreement to reflect this extension.

A copy of the Order may be obtained by contacting: Sherry Green, 227 N. Bronough Street, Suite 5000, Tallahassee, FL 32301, (850)488-4197, sherry.green@floridahousing.org

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NOTICE IS HEREBY GIVEN that on July 28, 2006, the Florida Housing Finance Corporation has issued an order.

The relief requested in the "Amended Petition for Waiver of the Qualified Allocation Plan's requirement for Returning Housing Credit Allocation and for an Immediate Allocation of 2007 Housing Credits" for Pebble Hill Estates Limited Partnership, FHFC Case No. 2006-035VW, is hereby GRANTED, in the form of a variance from the requirements of the 2005 QAP, as follows: Petitioner shall be permitted to immediately return its 2005 Housing Credit allocation, and to immediately receive a binding commitment for an allocation of 2007 Housing Credits in an amount not to exceed its 2005 allocation.

A copy of the Order may be obtained by contacting: Sherry Green, 227 N. Bronough Street, Suite 5000, Tallahassee, FL 32301, (850)488-4197, sherry.green@floridahousing.org

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NOTICE IS HEREBY GIVEN that on July 28, 2006, the Florida Housing Finance Corporation has issued an order.

The Petition for Waiver of subparagraph 67-48.004(4)(1)(a), subsection 67-48.004(14) and 67-48.004(15), Florida Administrative Code, and Part II.A.2.(a)(2) and Part II.B.1. of the Universal Application Instructions, for Oaks at Stone Fountain Limited Partnership, FHFC Case No. 2006-036VW, is hereby GRANTED to the extent necessary to allow Petitioner to a) modify the ownership interest of RLI Beneficial Holdings 2005, LLC by removing Lomas Holding

Corp. (1%), and AHG, Inc. (46.5%), and replacing these entities with Hope Shiverick Lomas, LLC (47.5%); and b) change the structure of the Developer by removing Lomas Holding Corp. (1%), and AHG, Inc. (46.5%), and replacing these entities with Hope Shiverick Lomas, LLC (47.5%). All other relief requested in the Petition, if any, is hereby denied.

A copy of the Order may be obtained by contacting: Sherry Green, 227 N. Bronough Street, Suite 5000, Tallahassee, FL 32301, (850)488-4197, sherry.green@floridahousing.org

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NOTICE IS HEREBY GIVEN that on July 28, 2006, the Florida Housing Finance Corporation has issued an order.

The Petition for Waiver of Rule 67-48.004(4)(1)(a), 67-48.004(14) and (15), Florida Administrative Code, and Part II.A.2.(a)(2) and Part II.B.1. of the Universal Application Instructions, for Royal Palms Senior Apartments Limited Partnership, FHFC Case No. 2006-037VW, is hereby GRANTED to the extent necessary to allow Petitioner to a) modify the ownership interest of RLI Beneficial Holdings 2005, LLC by removing Lomas Holding Corp. (1%), and AHG, Inc. (46.5%), and replacing these entities with Hope Shiverick Lomas, LLC (47.5%); and b) change the structure of the Developer by removing Lomas Holding Corp. (1%), and AHG, Inc. (46.5%), and replacing these entities with Hope Shiverick Lomas, LLC (47.5%).

All other relief requested in the Petition, if any, is hereby denied.

A copy of the Order may be obtained by contacting: Sherry Green, 227 N. Bronough Street, Suite 5000, Tallahassee, FL 32301, (850)488-4197, sherry.green@floridahousing.org

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NOTICE IS HEREBY GIVEN that on July 28, 2006, the Florida Housing Finance Corporation has issued an order.

The Petition for Waiver of subparagraph 67-48.004(4)(1)(a), subsection 67-48.004(14), and 67-48.004(15), Florida Administrative Code, and Part II.A.2.(a)(2) and Part II.B.1. of the Universal Application Instructions, for Pines at Warrington Limited Partnership, FHFC Case No. 2006-038VW, is hereby GRANTED to the extent necessary to allow Petitioner to a) modify the ownership interest of RLI Beneficial Holdings 2005, LLC by removing Lomas Holding Corp. (1%), and AHG, Inc. (46.5%), and replacing these entities with Hope Shiverick Lomas, LLC (47.5%); and b) change the structure of the Developer by removing Lomas Holding Corp. (1%), and AHG, Inc. (46.5%), and replacing these entities with Hope Shiverick Lomas, LLC (47.5%). All other relief requested in the Petition, if any, is hereby denied.

A copy of the Order may be obtained by contacting: Sherry Green, 227 N. Bronough Street, Suite 5000, Tallahassee, FL 32301, (850)488-4197, sherry.green@floridahousing.org

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NOTICE IS HEREBY GIVEN that on July 28, 2006, the Florida Housing Finance Corporation has issued an order.



The Petition for Waiver of subparagraph 67-48.004(4)(1)(a), subsection 67-48.004(14), and 67-48.004(15), Florida Administrative Code, and Part II.B.1. of the Universal Application Instructions, for Oaks at Shannon's Crossing Limited Partnership, FHFC Case No. 2006-039VW, is hereby GRANTED to the extent necessary to allow Petitioner to change the structure of the Developer by removing Lomas Holding Corp. (1%), and AHG, Inc. (46.5%), and replacing these entities with Hope Shiverick Lomas, LLC (47.5%). All other relief requested in the Petition, if any, is hereby denied.

A copy of the Order may be obtained by contacting: Sherry Green, 227 N. Bronough Street, Suite 5000, Tallahassee, FL 32301, (850)488-4197, sherry.green@floridahousing.org

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

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

State Board of Administration  
Financial Services Commission  
Department of Veterans' Affairs  
Department of Highway Safety and Motor Vehicles  
Department of Law Enforcement  
Department of Revenue  
Department of Education  
Administration Commission  
Florida Land and Water Adjudicatory Commission  
Board of Trustees of the Internal Improvement Trust Fund  
Department of Environmental Protection

DATE AND TIME: September 19, 2006, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration

will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to, matters relating to rulemaking for all activities concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and for all activities relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact