

22, 2006, of the Florida Administrative Weekly. These changes are being made to address concerns expressed at the public hearing.

Rule 69O-186.017 is changed to read:

69O-186.017 Certificate of Mortgage Release.

(1) The actuarially sound premium that may be charged for recording a certificate of mortgage release pursuant to Section 701.041, Florida Statutes, is a reasonable fee for actual work performed during the recording of the certificate of mortgage release, not to exceed twenty-five dollars.

Specific Authority 701.041(9) FS. Law Implemented 701.041(9) FS. History--New_____.

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 TRANSPORTATION

NOTICE IS HEREBY GIVEN that, on January 2, 2007, the Florida Department of Transportation issued an order granting the Petition of Polk County, seeking a variance from the provisions of Rule Chapter 14-94, F.A.C. The Petition was received by the Department on September 27, 2006. The Department published its notice of receipt of the petition in the October 20, 2006, edition of the F.A.W. Rule Chapter 14-94, F.A.C., establishes the statewide minimum level of service standards. The Department's order, issued in DOT Case No. 06-117, granted the petition because the variance serves the purpose of Rule 14-94.003, F.A.C., and the statutes implemented.

A copy of the Department's order may be obtained from: Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, M.S. 58, Tallahassee, Florida 32399-0458. For additional information, contact James C. Myers at (850)414-5393.

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 September 11, 2006, the Florida Public Service Commission has issued an order.

Grove Utilities, Inc.'s petition for waiver of paragraphs 25-30.033(1)(h), (j), (k), (m), (r), (t), (u), (v), and (w), Florida Administrative Code, filed September 11, 2006, in Docket No. 060601-WS, was approved by the Commission at its November 21, 2006 Agenda Conference. Proposed Agency Action (PAA) Order No. PSC-06-1015-PAA-WS, issued December 11, 2006 memorialized the decision, and was consummated and finalized by Consummating Order No. PSC-07-0014-CO-WS, issued on January 3, 2007. The rules address the preliminary setting of rates and charges in an original certificate application. The petition was approved on the basis that the utility had shown that the purpose of the underlying statute would be achieved by other means and application of the rule would create substantial hardship. Notice of the petition was published in the Florida Administrative Weekly on September 29, 2006, with an amendatory notice being published on October 6, 2006.

A copy of the Order can be obtained from either the Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770 or the Commission's website <http://www.psc.state.fl.us>.

NOTICE IS HEREBY GIVEN that on December 29, 2006, the Florida Public Service Commission, received a petition for a rule variance from paragraph 25-30.033(1)(l), Florida Administrative Code, from Silver Lake Utilities, Inc., in Docket No. 060726-WS. That Rule requires an application for original certificate to include a description of the water and wastewater service territory proposed to be served according to the technical legal description requirements of subsection 25-30.030(2), Florida Administrative Code. The petition requests to abbreviate the legal description required by paragraph 25-30.033(1)(l), Florida Administrative Code.

Comments on the petition should be filed with the Commission's Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within 14 days of publication of this notice. A copy of the Petition for Variance or Waiver may be obtained by contacting: Florida Public Service Commission, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 or at <http://www.psc.state.fl.us>. For additional information, please contact Rosanne Gervasi, Office of the General Counsel, at the above address or telephone (850)413-6224.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on December 26, 2006, the St. Johns River Water Management District, received a petition for renewal of variance on December 26, 2006, the Florida Department of Environmental Protection, Recreation and Parks (FDEP). Pursuant to Section 373.414(17), F.S., FDEP is seeking a variance from paragraph 40C-4.302(1)(c), F.A.C., and the associated portions of the Applicant's Handbook: Management and Storage of Surface Waters, including Sections 10.1.1(c), 12.1.1(d) and 12.2.5(c), with respect to Environmental Resource Permit Application 4-061075850-3, for widening and lengthening the existing boat ramps along with the construction of a floating dock at Sebastian Inlet State Park, in Indian River County. Most of the planned construction is proposed to occur directly in a portion of the Indian River, which is categorized as a Class II water classified by the Department of Agricultural and Consumer Services as conditionally restricted for shellfish harvesting.

Comments on this petition should be filed with: District Clerk, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, within 14 days of publication of this notice. The petition has been assigned F.O.R. Number 2004-99.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kealey West, Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)312-2317.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on December 27, 2006, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Billy's Dockside Pizzeria located in Naples. 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 does not have bathroom facilities for patrons. They are requesting a variance to have a seating capacity of 50 and use centrally located public bathrooms.

This variance request was approved January 4, 2007, and is contingent upon the Petitioner notifying guests to the location of the public bathroom facilities by directional signage, ensuring public bathrooms are functional, has hot and cold running water at all times, provided with soap and an approved method to dry hands, kept in a clean and sanitary manner, and available during all hours of operation. Seating shall not exceed fifty (50) 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.

NOTICE IS HEREBY GIVEN that on December 27, 2006, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Billy's Dockside Pizzeria located in Naples. 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 does not have bathroom facilities for patrons. They are requesting a variance to have a seating capacity of 50 and use centrally located public bathrooms.

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.

NOTICE IS HEREBY GIVEN that on January 5, 2007, the 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, from Chely's Catering of 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 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.

NOTICE IS HEREBY GIVEN that on December 18, 2006, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Palm Island Pizza located in Cape Haze. 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 does not have bathroom facilities for patrons. They are requesting a variance to have a seating capacity of 10 and use public bathrooms located upstairs at a licensed restaurant.

This variance request was approved January 4, 2007 and is contingent upon the Petitioner notifying guests to the location of the public bathroom facilities by directional signage, ensuring public bathrooms are functional, has hot and cold running water at all times, provided with soap and an approved method to dry hands, kept in a clean and sanitary manner, and available during all hours of operation. Seating shall not exceed ten (10) as noted on the submitted application and plans 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.

NOTICE IS HEREBY GIVEN that on December 18, 2006, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Palm Island Pizza located in Cape Haze. 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 does not have bathroom facilities for patrons. They are requesting a variance to have a seating capacity of 10 and use public bathrooms located upstairs at a licensed restaurant.

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.

NOTICE IS HEREBY GIVEN that the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, has issued a Final Order on Petition for Variance and/or Waiver in response to a Petition for a

Variance and/or Waiver from Diebold, Incorporated, Petitioner, in DBPR Case No. 2006053257. The Petition lists sections Section 120.542, Florida Statutes, Chapter 551, Florida Statutes, and Rule 61D-14.006, Florida Administrative Code, as the statutory/administrative provisions upon which a variance and/or waiver is being sought. The Final Order advises that: the department will not waive the requirement for licensure but hereby grants a specific variance to the Petitioner for application and licensure under the circumstances of the instant case with conditions. The Petitioner, upon availing itself of this specific variance, thereby agrees to subject its entire corporate entity to the regulatory requirements and mandates of Chapter 551, Florida Statutes, and applicable rules. This provision of the variance specifically instructs that any disciplinary action taken as to the Petitioner's Regional Solutions Manager's conduct or actions shall be applied to the Petitioner's corporate record of performance within this state as it relates to slot machine gaming licensure.

A copy of the Final Order on Petition for Variance and/or Waiver may be obtained by writing to: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399.

NOTICE IS HEREBY GIVEN that on January 4, 2007, the Barbers' Board has issued an order.

Granting the Petition for Variance or Waiver, with conditions, finding that Petitioner was in substantial compliance with Section 120.542, F.S., and Chapter 28-104, F.A.C. The Board determined that Petitioner demonstrated that a strict application of subsection 61G3-19.011(17), F.A.C. violated the principles of fairness with regard to Petitioner given her age, her ailing health and the fact that she relies on her dog for safety and security in the barbershop while she is there running her business and that a variance of the rule, only under the following conditions, would serve the purposes of the underlying statute: (a) Petitioner must keep her dog locked in an office in the back of the barbershop where barbering services are not performed and (b) Petitioner must post a sign outside the front of the shop stating that no pets are allowed in the shop with the exception of trained animals to assist the hearing or visually impaired, or the physically disabled.

A copy of the Order may be obtained by contacting: Robyn Barineau, Executive Director, Barbers' Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0790, (850)487-1395.

NOTICE IS HEREBY GIVEN that on September 11, 2006, the Construction Industry Licensing Board has issued an order.

The Board reviewed the petition filed by Craig Fessler, at its meeting held August 11, 2006, in Tampa, Florida. The Board's Final Order, filed in this cause on September 11, 2006, finds

that the Petitioner's waiver is granted. The Petitioner is allowed two years in which to pass all parts of the test as specified in Rule 61G4-16.009, F.A.C.

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

NOTICE IS HEREBY GIVEN that on December 19, 2006, the Board of Accountancy, received a petition for Eugene J. Alphonse, seeking a variance or waiver of paragraph 61H1-33.003(1)(a), Florida Administrative Code, and the requirement that in any given reestablishment period, at least 80 hours of continuing education credits must be earned. Mr. Alphonse is also seeking a variance or waiver of subsection 61H1-31.001(9), Florida Administrative Code, which establishes the deadline for submitting the laws and rules examination for licensure renewal. Finally, Mr. Alphonse is seeking a variance or waiver of subsection 61H1-31.001(10), Florida Administrative Code, which establishes the fee for a late submission of the Continuing Professional Education reporting form.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Acting Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN that on December 19, 2006, the Board of Accountancy, received a petition for Justin Gwin, seeking a variance or waiver of paragraph 61H1-28.0052(1)(b), Florida Administrative Code, and the requirement that the candidate must pass all four sections of the CPA examination within a rolling eighteen-month period, which begins on the date that the first test sections(s) passed is taken.

Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice. A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Acting Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, (352)333-2505.

NOTICE IS HEREBY GIVEN that on December 19, 2006, the Board of Accountancy, received a petition for John M. Hunt, seeking a variance or waiver of paragraph 61H1-28.0052(4)(b), Florida Administrative Code, and the requirement that a conditioned candidate must pass all four sections of the CPA examination during the transition period.

Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice. A copy of the Petition for Variance or Waiver may be obtained by

contacting: Veloria Kelly, Acting Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, (352)333-2505.

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 December 13, 2006, the Department of Environmental Protection, received a petition for a variance, from Coastal Engineering Consultants, Inc., on behalf of the Town of Hillsboro Beach Board of Commissioners, Broward Co. The petition is for a variance from paragraph 62B-41.0075(b), F.A.C. The petition has been assigned File No.: 0269543-002-EV.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Department of Environmental Protection, Bureau of Beaches and Coastal Systems, 3900 Commonwealth Blvd. Mail Station 300, Tallahassee, Florida 32399-3000; Attn.: Lizbeth Childs, (850)413-7787.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that on January 2, 2007, the Board of Dentistry, received a petition for a waiver or variance of subsection 64B5-2.0146(2), F.A.C., with respect to the following licensure requirements: that each applicant for a Florida dental license successfully completes remediation to the level of a graduation senior filed by Edwin A. Bayo, Esq., on behalf of Bilal Shammout, D.D.S.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sue Foster, Executive Director, at 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, (850)245-4474.

NOTICE IS HEREBY GIVEN that on December 21, 2006, the the Board of Dentistry, received a petition for a waiver or variance of subsection 64B5-2.0146(2), F.A.C., with respect to the following licensure requirements: (1) that each applicant for a Florida dental license successfully completes remediation to the level of a graduation senior and (2) provide transcripts from the sponsoring institution so indicating filed by Allan R. Grossman, Esq., on behalf of Eduardo Nicolaievsky.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sue Foster, Executive Director, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, (850)245-4474.

NOTICE IS HEREBY GIVEN that on December 11, 2006, the the Board of Dentistry, received a petition for seeking a waiver or variance of subparagraph 64B5-2.013(2)(d)2., F.A.C. An

Amended Petition for Variance or Waiver was filed on December 19, 2006. The Amended Petition seeks a waiver or variance of subparagraph 64B5-2.013(2)(d)2., F.A.C., with respect to the following licensure requirements: that each applicant that fails to achieve a final grade of 3 or better, as a general average, on the clinical or practical portion because of a failing grade on more than one part of the clinical or practical portion, the applicant shall be required to retake the entire clinical or practical portion, filed by Allen R. Grossman, Esq., on behalf of Kanesha I. Scott, D.D.S.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sue Foster, Executive Director, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, (850)245-4474.

NOTICE IS HEREBY GIVEN that on August 10, 2006, the Board of Dentistry has issued an order.

The Board of Dentistry hereby gives notice that it has issued an Order on the Petition for Variance/Waiver, which was filed on August 10, 2006 on behalf of Patricia A. Hornback, D.M.D. The Notice of Petition for Variance/Waiver was published in the F.A.W., Vol. 32, No. 34, August 25, 2006. The Petitioner sought a Variance/Waiver with regard to the provisions requiring appropriate training under Rule 64B5-14.003, F.A.C., entitled, "Training, Education, Certification, and Requirements for Issuance of Permits." Specifically, the Petitioner requested that the 1 year of advanced training required by Rule 64B5-14.003, F.A.C., be waived for the purpose of Petitioner obtaining a general anesthesia permit under this Rule and that Petitioner's six month training completed in 1979, being the norm according to rules then, be accepted now for the purpose of obtaining a general anesthesia permit. The Board of Dentistry considered the Petition at its meeting held on September 15, 2006, in Gainesville, Florida. The Board's Order, filed on October 13, 2006, granted the Petition for waiver of Rule 64B5-14.003, F.A.C., finding that Petitioner does meet the purpose of the underlying statute and has shown that a denial would create a substantial hardship.

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

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 subsections 65E-14.003(2)(a), (4), F.A.C. The Petition was received by the Agency Clerk on December 27, 2006, by Charlotte Behavioral Health Care, Inc., assigned Case Nos. 07-001W. Subsections 65E-14.003(2)(a), (4), F.A.C. require special requirements for client non-specific unit cost performance contracts and a financial audit to be performed by an independent auditor pursuant to OMB Circular A-133 and a

schedule of Bed-Day availability payments which ensures that bed-days paid for by the department on a basis of availability were not also paid for by a third-party contract or funds from a local government or another state agency for services that include bed-day availability or utilization.

A copy of the Petition 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.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that on January 5, 2007, the Florida Housing Finance Corporation, received a petition for Waiver of paragraph 67-48.010(6)(a), Florida Administrative Code, from CEDO Housing Development Corporation ("Petition"). The Petition is seeking a waiver of the requirement which requires financial reporting based on a calendar year.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Friends of the Museums of Florida History, Inc.** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Friday, February 2, 2007, 9:00 a.m. – 12:00 Noon

PLACE: R. A. Gray Building, 500 S. Bronough Street, Room 307, Tallahassee, Florida 32399

DEPARTMENT OF LEGAL AFFAIRS

The **Florida Elections Commission** announces a meeting. Parts of the meeting are confidential.

DATES AND TIMES: Thursday, February 15, 2007, 9:00 a.m. – until the Commission adjourns; Friday, February 16, 2007, 8:30 a.m. – until the Commission adjourns

PLACE: Turnbull Education Center, 555 W. Pensacola Street, Room 244, Tallahassee, Florida 32306-1640