

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 November 27, 2007, the Suwannee River Water Management District, received a petition for variance from Jerry & Janet Barnes, 24271 Highway 247, O'Brien, FL 32071, pursuant to Section 120.542, F.S. Petitioner is seeking a variance from paragraph 40B-4.3030(12)(b), F.A.C., to the 75-foot setback requirement. The previous property owner constructed a residential addition in Lafayette County, in Township 6 South, Range 14 East, Section 17, which encroaches in the 75-foot setback of the Suwannee River. These rules are intended to set forth criteria for development activities with a Work of the District. Comments on this petition should be filed with: Jon Dinges, District Clerk, SRWMD, 9225 CR 49, Live Oak, FL 32060, within 14 days of publication of this notice. The petition has been assigned ERP Number 07-0542.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Robin Lamm, Administrative Assistant, Suwannee River Water Management District, 9225 CR 49, Live Oak, FL 32060, (386)362-1001 or (800)226-1066 in Florida only.

NOTICE IS HEREBY GIVEN THAT on November 15, 2007, the South Florida Water Management District ("District") has issued an order.

The District Governing Board issued an Order Granting Waiver under Section 120.542, F.S. (SFWMD 2007-806-DAO-ROW), on November 15, 2007, to the Florida Department of Transportation. The petition for waiver was received by the SFWMD on August 28, 2007. Notice of receipt of the petition requesting the waiver was published in the F.A.W., Vol. 33, No. 39, on September 28, 2007. No public comment was received. This Order provides a waiver for the widening of US-1/SR5 over the C-103 Canal under Modification to Right of Way Occupancy Permit Number 2848; Section 33, Township 56 South, Range 39 East, Miami-Dade County. Specifically, the Order grants a waiver of subsections 40E-6.011(4) and (6), and paragraph 40E-6.221(2)(j), F.A.C., which governs the placement of permanent and semi-permanent encroachments within Works

or Lands of the District and governs the minimum low member elevation of pile-supported facilities within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the granting of this waiver will not significantly interfere with the District's current ability to perform necessary construction, alteration, operation and routine maintenance activities property interests and ability to construct, operate and maintain Works and Lands of the District activities; and 2) the Order granting a waiver from the subject rule would prevent the Petitioner from suffering a substantial hardship.

A copy of the Order may be obtained by contacting: Juli Triola, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6268 or by e-mail jtriola@sfwmd.gov.

NOTICE IS HEREBY GIVEN THAT on November 15, 2007, the South Florida Water Management District ("District") has issued an order.

The District Governing Board issued an Order Granting Waiver under Section 120.542, F.S. (SFWMD 2007-807-DAO-ROW), on November 15, 2007, to the Florida Department of Transportation. The petition for waiver was received by the SFWMD on August 28, 2007. Notice of receipt of the petition requesting the waiver was published in the F.A.W., Vol. 33, No. 39, on September 28, 2007. No public comment was received. This Order provides a waiver for the widening of US-1/SR5 over the C-103N Canal under Modification to Right of Way Occupancy Permit Number 3103; Section 33, Township 56 South, Range 39 East, Miami-Dade County. Specifically, the Order grants a waiver of subsections 40E-6.011(4) and (6), and paragraph 40E-6.221(2)(j), F.A.C., which governs the placement of permanent and semi-permanent encroachments within Works or Lands of the District and governs the minimum low member elevation of pile-supported facilities within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the granting of this waiver will not significantly interfere with the District's current ability to perform necessary construction, alteration, operation and routine maintenance activities property interests and ability to construct, operate and maintain Works and Lands of the District activities; and 2) the Order granting a waiver from the subject rule would prevent the Petitioner from suffering a substantial hardship.

A copy of the Order may be obtained by contacting: Juli Triola, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6268 or by e-mail jtriola@sfwmd.gov.

NOTICE IS HEREBY GIVEN THAT on November 15, 2007, the South Florida Water Management District ("District") has issued an order.

The District Governing Board issued an Order Granting Waiver under Section 120.542, F.S. (SFWMD 2007-808-DAO-ROW), on November 15, 2007, to the Collier County Parks and Recreation Department. The petition for waiver was received by the SFWMD on August 15, 2007. Notice of receipt of the petition requesting the waiver was published in the F.A.W., Vol. 33, No. 35, on August 31, 2007. No public comment was received. This Order provides a waiver for the proposed installation of a concrete sidewalk with aluminum pedestrian railing along the south side of the Spanish Oaks Lane bridge crossing the I-75 Canal and within the southwest bridge quadrant at its intersection with Tarpon Bay Boulevard in Collier County under Right of Way Occupancy Permit Number 13189; Section 29, Township 48 South, Range 26 East, Collier County. Specifically, the Order grants a waiver of subsections 40E-6.011(4) and (6), and Rule 40E-6.221, F.A.C., which governs the placement of above-ground permanent and semi-permanent encroachments within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the granting of this waiver will not significantly interfere with the District's current ability to perform necessary construction, alteration, operation and routine maintenance activities property interests and ability to construct, operate and maintain Works and Lands of the District activities; and 2) the Order granting a waiver from the subject rule would prevent the Petitioner from suffering a substantial hardship.

A copy of the Order may be obtained by contacting: Juli Triola, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6268 or by e-mail jtriola@sfwmd.gov.

NOTICE IS HEREBY GIVEN THAT on November 19, 2007, the South Florida Water Management District (District), received a petition for waiver from Olimpia T. Ruiz, amending her previous petition received on November 8, 2007, regarding Application No. 07-1108-1 for issuance of a Right of Way Occupancy Permit for utilization of Works or Lands of the District known as the C-4, Miami-Dade County, to allow a proposed fence enclosure to encroach 8.5' and a portion of an existing air conditioner slab encroaching .5' within the north right of way of C-4 adjacent to 651 S. W. 130th Avenue, lying in Section 2, Township 54 South, Range 39 East. The petition seeks relief from subsections 40E-6.011(4) and (6), F.A.C., which governs the placement of permanent and/or semi-permanent above-ground encroachments within 40 feet of the top of the canal bank.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juli Triola at (561)682-6268 or e-mail at jtriola@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: Juli Triola, Office of Counsel.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on November 5, 2007, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsections 61C-4.0101(1) and 61C-4.010(6), Florida Administrative Codes from Taco Loco Lunchi Mex Corporation located in Plant City. 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 November 6, 2007, 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 the Cuban sandwich X press located in Melbourne. 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.

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 November 7, 2007, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsections 61C-4.010(5) and 61C-1.004(1), Florida Administrative Code, from Garden Café located in Naples. The above referenced F.A.C. refers to Chapters four and five in the 2001 Federal Food and Drug Administration (FDA) Food Code. The Chapters in the 2001 FDA Food Code refer to required cooling, heating, holding, warewashing, and service sink equipment in food service establishments. The Petitioner is requesting to share warewashing facilities and service sink equipment with a licensed food service establishment on the same premises.

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 November 13, 2007, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsections 61C-4.0101(1) and 61C-4.010(6), Florida Administrative Code, from Aimmee Lee Angizer Mobile 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 November 7, 2007, the Construction Industry Licensing Board, received a petition for waiver or variance of Rule 61G4-16.005, F.A.C., from Seth Asher Rabinowitz, with respect to the duration of validity of exam results.

A copy of the Petition for Variance or Waiver may be obtained by contacting: G. W. Harrell, Executive Director, Construction Industry Licensing Board, Northwood Center, 1940 N. Monroe Street, Tallahassee, FL 32399-0750.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on November 8, 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 requirement: that each applicant for a Florida dental license successfully completes supplemental remedial education to the level of a graduating senior, filed by Edwin A. Bayo on behalf of Oscar Arevalo.

A copy of the Petition for Variance or Waiver may be obtained by contacting Sue Foster, Executive Director at (850)245-4474.

NOTICE IS HEREBY GIVEN THAT on November 8, 2007, the Board of Dentistry, received a petition for seeking a waiver or variance of subsection 64B5-2.0146(2), F.A.C., with respect to the following licensure requirement: that each applicant for a Florida dental license successfully completes supplemental remedial education to the level of a graduating senior, by Edwin A. Bayo on behalf of Jennifer Sorroza.

A copy of the Petition for Variance or Waiver may be obtained by contacting Sue Foster, Executive Director at (850)245-4474.

NOTICE IS HEREBY GIVEN THAT on November 6, 2007, the Department of Health, received a petition for variance or waiver from sub-sub-subparagraph 64F-12.015(6)(d), (1), (b) (iii), F.A.C. The petitioner is Organon API, Inc., 2136 South Wolf Road, Des Plaines, IL 60018, Contact Person: Fred Figa, Senior Legal Counsel, Organon USA, Inc., (973)325-4503, Fax: (973)325-4705.

Organon API Inc. requests a variance from sub-sub-subparagraph 64F-12.015(6)(d), (1), (b)(iii), F.A.C. That section provides that a company may be licensed by the state as a non-resident manufacturer of prescription drugs if it is "a private label distributor and the private label distributor's prescription drugs are originally manufactured and labeled for the distributor and have not been repackaged." It is Organon API Inc.'s understanding that the Board of Pharmacy has interpreted this provision as requiring that the private label distributor's name appear on the product labels. Organon API Inc.'s name does not appear on the labels of the products manufactured for it and, therefore, Organon API Inc. requests a variance from this code requirement.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rebecca R. Poston, R.Ph., Executive Director, Board of Pharmacy and Drugs, Devices, and Cosmetics Program, 4052 Bald Cypress Way, Bin C-04, Tallahassee, FL 32399-3254, telephone: (850)245-4292.

Section VI

Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF LEGAL AFFAIRS

The **Department of Legal Affairs**, Council on the Social Status of Black Men and Boys announces a public meeting to which all persons are invited.

DATE AND TIME: December 18, 2007, 2:00 p.m. – 4:00 p.m.
PLACE: Room 216, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council shall make a systematic study of the conditions affecting black men and boys, including, but not limited to, homicide rates, arrest and incarceration rate, poverty, violence, drug abuse, death rates, disparate annual income levels, school performance in all grade levels including postsecondary levels, and health issues. This purpose of this meeting is to review the Council's initial annual report with the Attorney General.

A copy of the agenda may be obtained by contacting: Rick Nuss via telephone at (850)414-3300.