

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 April 21, 2008, the St. Johns River Water Management District, received a petition for variance from Robert E. W. McMillan of Edgewater Harbor, LLC, in relation to Environmental Resource Permit Application 4-127-23000-9 for a proposed fishing pier and a proposed docking structure for the temporary staging of watercraft associated with an upland dry storage facility in Volusia County. Pursuant to Section 373.414(17), F.S., the petitioner is seeking a variance from paragraph 40C-4.302(1)(c), F.A.C., and Sections 10.1.1(c), 12.1.1(d) and 12.2.5(c) of the Applicant's Handbook: Management and Storage of Surface Waters. These rules are designed to protect Class II or Class III waters which are classified as approved, restricted, conditionally approved or conditionally restricted for shellfish harvesting and require permit applicants to comply with the additional criteria when the proposed work is located in such waters. The petitioner seeks the variance to construct a fishing pier including an access walkway and a terminal platform and a docking structure for the temporary staging of watercraft. The work is proposed to occur directly in the Indian River, which in this area is a Class II water. Comments on this petition should be filed with Robert Nawrocki, 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 File of Record Number 2008-18.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kealey A. West, Assistant General Counsel, St. Johns River Water Management District at the foregoing address or at (386)312-2317.

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS HEREBY GIVEN THAT on May 20, 2008, the Agency for Health Care Administration, received a petition for Emergency Waiver from subsection 59A-4.1295(7), Florida Administrative Code.

The Agency for Health Care Administration (the "Agency") received a petition pursuant to Section 120.542 Florida Statutes, from Petitioner, Florida Institute for Neurologic Rehabilitation. Petitioner operates a nursing home located at 1962 Vandolah Road, Wauchula, FL 33873. The Petition requests an emergency waiver from subsection 59A-4.1295(7), Florida Administrative Code. Subsection 59A-4.1295(7), F.A.C., implements Section 400.23(4), Florida Statutes. This rule requires nursing facilities who admit children age 0-15 years of age to apply additional standards in addition to the other standards set forth in Rule 59A-4.1295, F.A.C., and throughout Chapter 59A-4, F.A.C.

Petitioner is seeking a waiver from the rule for a fixed period of time, concluding on July 28, 2008, so as to allow admission of a child aged fifteen years and nine months, who is suffering from traumatic brain injuries.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Agency for Health Care Administration, 2727 Mahan Dr., Bldg. 3, Mail Stop 3, Tallahassee, Florida 32308. For additional information, please contact: Vikram Mohan, Office of the General Counsel, at the above address, or telephone (850)922-5873.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on May 14, 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 Three Sisters Speakeasy 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 public bathrooms located in a common area and have seating for fifty (50).

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 May 16, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for paragraphs 61C-1.004(1)(a), 61C-1.004(1)(d) and subsection 61C-4.010(6), Florida Administrative Code (F.A.C.), from International Café by Railey located in Orlando. The above referenced F.A.C. state that the water supply shall meet the standards provided in Chapters 64E-8, 62-550 and 62-555, F.A.C., sewage shall be

disposed of in a public sewerage system or other approved sewerage system in accordance with the provisions of Chapter 64E-6 or 62-601 F.A.C.; and physical facilities at public food service establishments shall be subject to the provisions of Chapter 6 of the Food Code. They are requesting a variance to not have hard plumbing in their kiosk and use alternative methods for sewage disposal and obtaining potable water.

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 March 14, 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 On the Go Cafe located in Lake Wales. 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 no seating.

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 May 8, 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 Reggae Cafe located in Fort Myers. 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-six (36).

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 22, 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 St. George Street Eatery located in St. Augustine. 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 public bathrooms located in a common area and have seating.

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 May 19, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsections 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from the Tacos Mi

Poblanita located in Pierson. 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 May 14, 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 Taste of Argentina located in Cape Coral. 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). 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 May 19, 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 Yoasis Frozen Yogurt located in Brandon. 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 public bathrooms located in a common area and have seating for seven.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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DEPARTMENT OF HEALTH

The Board of Hearing Aid Specialists hereby gives notice that it has received a petition, filed on May 23, 2008, by Erica Hammond seeking a waiver or variance of Rule 64B6-8.003, F.A.C., regarding the requirements to take the licensure examination.

Comments on this petition should be filed with the Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

For a copy of the petition, contact: Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

The Board of Opticianry hereby gives notice of the issuance of an Order regarding the Petition for Declaratory Statement for Robin Mohr. The Notice of Petition for Declaratory Statement was published in Vol. 34, No. 10 of the March 7, 2008, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on May 5, 2008. The petition inquired as to the following questions: whether the commercial optical establishment's instruction to non-licensed employees to give customers their glasses or contact lenses when there is no optician on premises is a "transfer" pursuant to Sections 484.002(3), (9), Florida Statutes; and whether or how Section 484.001, Florida Statutes, would apply when clients have been instructed to go to one optical store with product from another store (under the same ownership) to get measurements, then bring the measurements back to have a non-licensed employee finish the transaction and other the product without a licensed optician on the premise.

The Board declines to issue a declaratory statement because the petition was not in substantial compliance with Section 120.565, Florida Statutes. (Order filed May 22, 2008) Specifically, the Petitioner has not demonstrated standing, and the questions and facts pertain to the actions of others rather than to the Petitioner.

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

NOTICE IS HEREBY GIVEN THAT on May 23, 2008, the Board of Optometry, received a petition for Variance or Waiver filed on May 23, 2008 on behalf of Mary Jane Cosgrove, O.D., who is a fully credentialed out-of-state optometrist. The Petitioner seeks a variance of Rule 64B13-4.001, F.A.C. Specifically, the Petitioner wishes to apply for the July 2008 Florida optometric state examination and for reasons stated in the petition, requests that the Board waive or grant a variance of the requirement under Rule 64B13-4.001, F.A.C., entitled "Examination Requirements," which determines that a passing score must be obtained on Parts I, II, and the Treatment and Management of Ocular Disease portions of the NBEO examination within the five years immediately prior to application for the state examination.

This petition will be considered by the Board at its June, 2008 meeting.

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

NOTICE IS HEREBY GIVEN THAT on February 27, 2008, the Department of Health, Bureau of Emergency Medical Services (EMS), has issued an order.

A petition was filed by Peter J. Gianas, M.D., with the Department of Health on December 5, 2007 and published on December 28, 2007 in the Florida Administrative Weekly (F.A.W.) requesting a variance from paragraph 64E-2.004(3)(c), F.A.C., Medical Direction, which requires Medical Directors of an emergency medical services (EMS) provider or EMS training center to be board certified.

The Department of Health, Bureau of EMS, has granted the request for variance. The general basis for this decision was that the Petitioner met the general requirements for variance:

- (a) The Petitioner has demonstrated that the purpose of the underlying statute has been achieved by other means through the Petitioner's competence in the practice of emergency medicine.
- (b) A substantial economic hardship would be placed upon the Petitioner.
- (c) A substantial hardship would be placed upon Alachua Fire, Bradford County EMS, Union County EMS, Clay County Fire Rescue, and Santa Fe Community College.

Wherefore, based on the Findings of Fact and Conclusions of Law, the Petition has been granted and allows Peter J. Gianas, M.D., to continue serving as the Medical Director for Alachua Fire, Bradford County EMS, Union County EMS, Clay County Fire Rescue, and Santa Fe Community College.

A copy of the Order may be obtained by contacting: Lisa Walker, Government Analyst II, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C-18, Tallahassee, FL 32399, Lisa_Walker2@doh.state.fl.us or (850)245-4440, ext. 2733.

NOTICE IS HEREBY GIVEN THAT on May 27, 2008, the Department of Health, received a petition for variance from Daniel Hernandez, representing Infiltrator Systems, Incorporated. Specifically, the petitioner seeks a variance from Chapter 64E-6, Florida Administrative Code, which requires onsite sewage treatment and disposal systems and components to comply with minimum construction standards.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin A02, Tallahassee, Florida 32399-1734.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN THAT on May 28, 2008, the Florida Housing Finance Corporation, received a petition for for Waiver or Variance of Rule 9I-28.007, Florida Administrative Code, from Florida Low Income Housing

Associates, Inc., (“Petition”). The Petition is seeking a waiver or variance of the rule that provides for the forgiveness of deferred interest.

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. The Petition has also been posted on Florida Housing’s website at floridahousing.org. 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.

NOTICE IS HEREBY GIVEN THAT on May 27, 2008, the Florida Housing Finance Corporation, received a petition for Waiver of subsections 67-58.020(6) and 67-58.070(6), Florida Administrative Code, from Housing Finance Authority of St. Johns County, (“Petition”). The Petition is seeking a waiver of subsection 67-58.020(6), F.A.C., to allow for a nine month extension of time and subsection 67-58.070(6), F.A.C., which requests a permanent waiver of the 1% extension fee.

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. The Petition has also been posted on Florida Housing’s website at www.floridahousing.org. 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 LEGAL AFFAIRS

The Florida **Commission on the Status of Women** announces a public meeting to which all persons are invited.

DATE AND TIME: June 7, 2008, 8:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: The 2nd Quarterly Meeting of 2008 of the Florida Commission on the Status of Women.

NOTE: In the absence of quorum, items on this agenda will be discussed as workshop, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

A copy of the agenda may be obtained by contacting: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, Fax (850)921-4131.

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 2 days before the workshop/meeting by contacting: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, Fax (850)921-4131. 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: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, Fax (850)921-4131.

The Florida **Commission on the Status of Women** announces a telephone conference call to which all persons are invited.

DATE AND TIME: June 18, 2008, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Women’s Hall of Fame Committee.

DATE AND TIME: June 19, 2008, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Committee.

DATE AND TIME: June 25, 2008, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Outreach Task Force.

A copy of the agenda may be obtained by contacting: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, Fax (850)921-4131.

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