

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."

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 23, 2008, the Bureau of Beaches and Coastal Systems has issued an order.

The Department of Environmental Protection gives notice of its intent to grant a variance under Section 403.201, F.S., from the provisions of paragraph 62-4.244(5)(c), F.A.C., to the City of Sarasota, 1565 First Street, Room 100A, Sarasota, Florida 34236, (File No.0270032-002-EV) to temporarily establish an expanded mixing zone of 300 meters offshore and 1,500 meters downcurrent from the point of sand discharge onto the beach disposal area during the beach nourishment on Lido Key beach, between R 35.5 and R 44.2. The Department's file on this matter is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at: Department of Environmental Protection, Bureau of Beaches and Coastal Systems, 3900 Commonwealth Boulevard, MS 300, Tallahassee, Florida 32399-3000, (850)414-7798.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk): Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Mediation under Section 120.573 of the Florida Statutes is not available.

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

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

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

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

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

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

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

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

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

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

A copy of the Order may be obtained by contacting: Molly Edson at (850)414-7798 or by email at Molly.Edson@dep.state.fl.us or by mail: 3900 Commonwealth Blvd., MS 300, Tallahassee, Florida 32399.

DEPARTMENT OF JUVENILE JUSTICE

NOTICE IS HEREBY GIVEN THAT on December 16, 2008, the Department of Juvenile Justice has issued an order.

The Department of Juvenile Justice has denied the Petition for Variance to paragraph 63E-7.013(3)(b), F.A.C., that was filed by Eckerd Youth Alternatives, Inc. on August 26, 2008. Notice of the Petition was published on September 5, 2008. No comments were received, and the Petition was considered complete on October 7, 2008. The Petition sought a variance to that portion of the rule requiring bed checks every ten minutes during sleeping hours. On behalf of its three wilderness camps, Eckerd requested that the checks be reduced in frequency to every thirty minutes, given the presence of sleeping staff at each campsite. The Department's order, issued in DJJ08-001WV, concluded that Eckerd satisfactorily demonstrated that the rule imposed a substantial hardship, but did not show that the purpose of the underlying statute would be satisfied.

A copy of the Order may be obtained by contacting: Chakita Jenkins, Agency Clerk, 2737 Centerview Dr., Ste. 3200, Tallahassee, Florida 32399-3100.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on December 17, 2008, the Board of Medicine received a petition filed on behalf of Bruce R. Noll, M.D., seeking a waiver or variance from subsection 64B8-2.001(2), F.A.C., with regard to the requirement for the passing score on the FLEX examination to be obtained in one administration of the examination. Comments on this petition should be filed with: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry McPherson, Jr., Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN THAT on December 3, 2008, the Department of Children and Families, received a petition for Waiver of subsection 65C-15.017(3), Florida Administrative Code, from Gulf Coast Community Care and Bill Nunnally, assigned Case No. 08-033W. Subsection 65C-15.017(3), F.A.C., requires staff performing casework services shall have a bachelor's or master degree in social work or a related area of study from an accredited college or university.

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

NOTICE IS HEREBY GIVEN THAT on December 11, 2008, the Department of Children and Families, received a petition for Waiver of subsection 65C-15.017(3), Florida Administrative Code, from Kids Hope United and Barbara Hester, assigned Case No. 08-034W. Subsection 65C-15-.017(3), F.A.C., states agency staff responsible for performing casework services shall have a bachelor's or master's degree in social work or related area of study from an accredited college or university.

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

NOTICE IS HEREBY GIVEN THAT on December 11, 2008, the Department of Children and Families, received a petition for Waiver of subsection 65C-15.017(3), Florida Administrative Code, from Kids Hope United and Cassandra Isaac, assigned Case No. 08-035W. Subsection 65C-15.017(3), F.A.C., states agency staff responsible for performing casework services shall have a bachelor's or master's degree in social work or a related area of study from an accredited college or university.

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

NOTICE IS HEREBY GIVEN THAT on December 12, 2008, the Department of Children and Families, received a petition for Waiver of subsection 65C-15.017(3), Florida Administrative Code, from Kids Hope United and Denise Mogahee, assigned Case No. 08-036W. Subsection 65C-15.017(3), F.A.C., states agency staff responsible for performing casework services shall have a bachelor's or master's degree in social work or a related area of study from an accredited college or university.

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

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN THAT on December 19, 2008, the Florida Housing Finance Corporation, received a petition for Waiver of paragraphs 67-48.009(5)(e) and 67-48.023(1)(c), F.A.C., and Instruction III.A.4 of the Universal Application Instructions, Florida Administrative Code from Ability Mayfair II, LLC ("Petition"). The Petition is seeking a waiver from the prohibition of applying for funding is Land Use Restriction Agreement or Extended Use Agreement has been

recorded on the property. Mayfair further requests a waiver regarding the number of dwelling units in each residential building.

A copy of the Petition can be obtained from: Della Harrell, Corporation 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.

NOTICE IS HEREBY GIVEN THAT on December 19, 2008, the Florida Housing Finance Corporation, received a petition for Waiver subsection 67ER06-34(4), Florida Administrative Code, from Villa Patricia Phase III, LLC, ("Petition"). The Petitioners request a waiver of the rule regarding principal forgiveness of the ELI supplemental loan.

A copy of the Petition can be obtained from: Della Harrell, Corporation 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 STATE

The **Friends of Mission San Luis, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: January 12, 2009, 11:00 a.m.

PLACE: Mission San Luis Archaeology Lab, Tallahassee, FL
GENERAL SUBJECT MATTER TO BE CONSIDERED: The Executive Committee of the Friends of Mission San Luis will be discussing their responsibilities and goals. Subject matter to be discussed will include endowment activity, new visitor center updates and other Friends business.

A copy of the agenda may be obtained by contacting: Jessica Shiver.