

Specific Authority Section 9 of Ch. 2007-321, L.O.F. Law Implemented Sections 1 through 11 of Ch. 2007-321, L.O.F. History–New 7-2-08.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: July 2, 2008

#### **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 COMMUNITY AFFAIRS**

NOTICE IS HEREBY GIVEN THAT on June 30, 2008, the Department of Community Affairs, received a petition for waiver on June 30, 2008, from the Town of Horseshoe Beach. The Petitioner has requested a waiver of that portion of paragraph 9B-43.005(8)(a), Florida Administrative Code, which requires that any procurement which must be publicly noticed allow at least 12 days for receipt of the bids or proposals. When the Petitioner advertised to procure its construction contractor for the CDBG subgrant, it failed to allow 12 full days from the date of publication. It has been assigned the number DCA08-WAI-183.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT on June 27, 2008, the Department of Community Affairs has issued an order.

The Order Denying Petition for Variance was issued in response to a Petition for Variance filed by the City of Cocoa on April 1, 2008. Notice of receipt of the Petition was published in the Florida Administrative Weekly on May 2, 2008. Petitioner sought a variance from Chapter 9J-33, F.A.C., which sets forth a schedule of deadlines for adoption of the Evaluation and Appraisal Report (EAR). The purpose of the

statute that underlies the rule is to ensure timely adoption of the EAR. Petitioner did not demonstrate that the purpose of the underlying statute – timely adoption of the EAR – has been or will be achieved by the City by other means if the variance were granted. Petitioner also did not demonstrate that application of the schedule would create a substantial hardship or would violate principles of fairness.

A copy of the Order may be obtained by contacting: Paula Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida, 32399.

##### **DEPARTMENT OF LAW ENFORCEMENT**

NOTICE IS HEREBY GIVEN THAT on July 2, 2008, the Criminal Justice Standards and Training Commission, received a petition for waiver of subparagraph 11B-20.0014(3)(b)2., F.A.C., from the Florida Highway Patrol. This rule requires that Speed Measurement instructors be certified and that officers taking Speed Measurement instruction become certified prior to operating any visual speed computer device.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302-1489, (850)410-7676.

##### **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 June 25, 2008, the St. Johns River Water Management District, received a petition for variance from Indian River County in relation to Environmental Resource Permit Application 4-061-114751-1 to construct replacement boat ramp improvements and a fishing pier in Indian River 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 replacement boat ramp improvements and a fishing pier. 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 2008-72.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Karen Coffman, Assistant General Counsel, St. Johns River Water Management District at the foregoing address or at (386)329-4288.

NOTICE IS HEREBY GIVEN THAT on June 30, 2008, the South Florida Water Management District (District), received a petition for waiver from Eric Spalding with AT&T Florida, Application No. 08-0519-1, for utilization of Works or Lands of the District known as the C-11 Canal, Broward County, for the placement of AT&T Digital Loop Electronics cabinet next to an existing, permitted AT&T cross-box and manhole, as indicated on application drawings, located on the north right of way of C-11 Canal; Section 26, Township 48 South, Range 41 East. The petition seeks relief from subsections 40E-6.011(4) and (6), Florida Administrative Code, which govern the placement of permanent and/or semi-permanent above-ground encroachments within 40 feet of the top of bank within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kathie Ruff at (561)682-6320 or e-mail at 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: Kathie Ruff, Office of Counsel.

NOTICE IS HEREBY GIVEN THAT on June 30, 2008, the South Florida Water Management District (District), received a petition for waiver from Miami-Dade County Public Works Department, Application No. 08-0616-3, Permit (MOD) Number 3217, for utilization of Works or Lands of the District known as the C-103 Canal to allow the placement of approximately 675 linear feet of guardrail beginning at S. W. 272 Street (Epmore Drive) running northerly along the top of the bank within the westerly right of way of C-103 in Miami-Dade County; Section 35, Township 56 South, Range 38 East. The petition seeks relief from subsections 40E-6.011(4) and (6), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground structures within 40-feet of the top of the canal bank within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kathie Ruff at (561)682-6320 or e-mail at 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: Kathie Ruff, Office of Counsel.

#### AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS HEREBY GIVEN THAT on June 18, 2008, the Agency for Health Care Administration has issued an order.

The Final Order is Denying the Petition for Variance from Rule 59A-8.004 and subsection 59A-8.007(1), Florida Administrative Code.

The Order concerned the Petition for Variance, filed on March 25, 2008, by Pediatric Services of America, Inc. The Notice of Petition for Waiver or Variance was published in the Florida Administrative Weekly at pp .2032 of Vol. 34, No. 15, published April 11, 2008.

Petitioner requested a variance of Rule 59A-8.004 and subsection 59A-8.007(1), Florida Administrative Code, entitled "Licensure Procedure" and "Geographic Service Area". Rule 59A-8.004, F.A.C., incorporates by reference the forms required for home health licensure including Application for Change of Ownership, form number AHCA 3110-1012. The application requires the applicant to specify the geographic service area by county in which home health agency expects to provide services. Subsection 59A-8.007(1), F.A.C., states that all home health agencies must apply for a geographic service area on their initial license application. Home health agencies may apply for a geographic service area which encompasses one or more of the counties within the specific AHCA area boundaries, pursuant to Sections 408.032(5) and 400.497(7), F.S., in which the main office is located. The petition sought a variance from these rules. The petitioner requested to serve patients in Lake County, a geographic service area 3 county, from their main office located in geographic service area 7, instead of establishing an office in geographic service area 3.

The Agency denied this request and issued a Final Order on the Petition on June 18, 2008. The basis for the Agency's denial of the petition is the failure of the petitioner to establish that the requirements for a waiver under Section 120.542(2), F.S.; the Petitioner failed to established a substantial hardship or that the underlying purpose of the authorizing statute would be meet or that the Agency's decision would violate the principals of fairness.

A copy of the Order may be obtained by contacting: Mark Hinely, Assistant General Counsel, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #3, Tallahassee, Florida 32308, hinelym@ahca.myflorida.com, (850)922-5873.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN THAT on June 26, 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 Marchello's Pizzeria and Restaurant located in Lutz. 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 seating for seventy.

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 July 2, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for subsection 61C-4.010(7), Florida Administrative Code, from Nestle Toll House Cafe located in Orlando. The above referenced Florida Administrative Code states that each food service establishment must maintain a minimum of one public bathroom for each sex, properly designated....They are requesting a variance to use common area bathroom facilities located approximately 426 feet in distance.

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 July 2, 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 Pizzeria Napoletana located in Miami. 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 eight.

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 June 26, 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(5), Florida Administrative Code, from the Ritz Carlton Hotel located in Amelia Island. The above referenced F.A.C. refers to Chapter four in the 2001 Federal Food and Drug Administration (FDA) Food Code. The Chapter in the 2001 FDA Food Code refers to warewashing requirements in food service establishments. The Petitioner is requesting to share warewashing facilities 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 June 26, 2008, the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, received a petition for waiver from Sheridan Technical Center, Petitioner, in DBPR Case No. 2008037675 (VW 2008-186). The Petition lists Rule 61D-14.022, Florida Administrative Code (F.A.C.), from which it seeks a waiver. The Petitioner operates a technical training facility located at 5400 Sheridan Street, Hollywood, Florida, and seeks a limited waiver to the requirements of Rule 61D-14.022, Florida Administrative Code (F.A.C.). The Petitioner intends to offer training at its Hollywood, Florida, campus located in Broward County, Florida, entitled Gaming Machine Repair Technician regarding slot machine maintenance and repair. In order to obtain donated slot machine equipment to support various phases of this training, the Petitioner requests that the Division grant a limited waiver to the requirements of Rule 61D-14.022, F.A.C. The requested waiver would permit the use of legacy slot machine equipment that was manufactured by WMS Gaming, Inc., of Waukegan, Illinois. The proposed equipment does not meet all requirements of Rule 61D-14.022, F.A.C., and therefore will be used exclusively at the Sheridan Technical Center and only for training purposes. The equipment will not be offered to the public for slot machine gaming of any kind. Any person whose substantial interests may be affected by a waiver on the subject matter of the Petition may file a petition to intervene within 14 days of the publication of this notice.

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

NOTICE IS HEREBY GIVEN THAT on June 23, 2008, the Board of Accountancy, received a petition for Vladimir Peric, seeking a variance or waiver of subsection 61H1-27.002(1), Florida Administrative Code, regarding applications for the Uniform CPA Examination made prior to August 2, 1983, and the requirement of 18 semester hours or 27 quarter hours, or the equivalent, in accounting education above the elementary level.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, 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 June 26, 2008, the Board of Accountancy, received a petition for Anabelle Remis, seeking a variance or waiver of subsection 61H1-31.001(9),

Florida Administrative Code, which requires that the CPE reporting form be postmarked by or on July 15. If it is postmarked or completed on-line after July 15 but by December 31, a \$50.00 delinquency fee will be imposed by the Board. No CPE reporting form will be accepted if it is postmarked or completed on-line after December 31.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, 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.

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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."

NOTICE IS HEREBY GIVEN THAT on June 11, 2008, the Bureau of Beaches and Coastal Systems, received a petition for a variance from or waiver of subsection 62B-33.013(3), F.A.C., which provides for one three-year time extension to complete activities permitted by the Department. The petitioner is seeking a permanent variance or waiver from the above cited Rule. The property is located at 2025 Surfside Terrace, Vero Beach, Indian River County.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rosaline Beckham at (850)488-7815 or by e-mail at [rosaline.beckham@dep.state.fl.us](mailto:rosaline.beckham@dep.state.fl.us). The petition is being processed and 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 5050 West Tennessee Street, Bldg. B, Tallahassee, Florida 32304. Any comments should be filed in writing with the Department at 3900 Commonwealth Blvd., M.S. 300, Tallahassee, Florida 32399-3000, and should be submitted within 30 days of the date of this publication.

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#### DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on July 8, 2008, the Board of Clinical Laboratory Personnel, received a petition for Priyanka D. Patel, who seeks a variance from the experience requirement set forth in subsection 64B3-5.004(3), Florida Administrative Code.

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

Notice is hereby given that on June 27, 2008, the Board of Medicine received a petition filed by Ronald A. Light, M.D., seeking a waiver or variance from subsection 64B8-5.001(2), F.A.C., with regard to the required passing score on the USMLE examination. Comments on this petition should be filed with the 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.

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NOTICE IS HEREBY GIVEN THAT on July 2, 2008, the Board of Psychology, received a petition for Jerome H. Poliacoff, Ph.D., seeking a variance or waiver of Rule 64B19-12.0085, F.A.C., which requires a \$400.00 delinquency fee for an active or inactive license that is not renewed on time. A copy of the Petition for Variance or Waiver may be obtained by contacting: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, (850)245-4373 ext. 3480. Comments on this petition should be filed with the Board of Psychology within 14 days of publication of this notice.

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NOTICE IS HEREBY GIVEN THAT on July 2, 2008, the Board of Psychology, received a petition for Barry Shelby Shaw, seeking a variance or waiver of Rule 64B19-12.0085, F.A.C., which requires a \$400.00 delinquency fee for an active or inactive license that is not renewed on time.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, (850)245-4373, ext. 3480. Comments on this petition should be filed with the Board of Psychology within 14 days of publication of this notice.

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NOTICE IS HEREBY GIVEN THAT on June 30, 2008, the Florida Department of Health, Bureau of Emergency Medical Services (EMS) has issued an order.

A petition was filed by Aero Jet International, Inc. ("Aero Jet"), on behalf of George Blanton, D.O., with the Department of Health on March 27, 2008 and published on April 11, 2008 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 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 Aero Jet.

Wherefore, based on the Findings of Fact and Conclusions of Law, the Petition has been granted and allows George Blanton, D.O., to continue serving as the Medical Director for Aero Jet.

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.

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NOTICE IS HEREBY GIVEN THAT on June 11, 2008, the Department of Health, received a petition for Temporary Variance from subparagraph 64E-13.004(6)(a)1., Florida Administrative Code, from Christ Lutheran School, located at 2911 Del Prado Blvd. S., Cape Coral, Florida. This rule requires schools to have toilet and handwashing facilities for preschool grades through grade three located within or adjoining their classrooms. 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 for Variance or Waiver may be obtained by contacting: Robin Eychaner, Bureau of Community Environmental Health, 4052 Bald Cypress Way, BIN A08, Tallahassee, Florida 32399-1710 or by calling (850)245-4277.

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NOTICE IS HEREBY GIVEN THAT on July 2, 2008, the Department of Health has issued an order.

The order was issued in response to a petition for a variance filed on July 24, 2006, by Michael Gauthier, regarding the "Highland Tank Passive Grease Interceptors". Petitioner sought a variance from subsections 64E-6.013(2), (6), (7) and (8), Florida Administrative Code, which requires tanks to be made of fiberglass, concrete or polyethylene; compartments no larger than 1250 gallons; and interconnection by 4-inch diameter hole. Notice of the petition was published in the August 18, 2006, edition of the Florida Administrative Weekly. The Department found that the Petitioner failed to demonstrate that the underlying intent of the statute could be achieved by alternative means and that strict application of the rules would violate principles of fairness in the Petitioner's particular circumstance. Therefore, pursuant to the requirements of Section 120.542(2), Florida Statutes, the Department DENIED Petitioner's request for a variance.

A copy of the Order 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.

NOTICE IS HEREBY GIVEN THAT on June 11, 2008, the Department of Health, received a petition for variance from Roxanne Groover, representing Florida Onsite Wastewater Association. Specifically, the petitioner seeks a variance from subsection 64E-6.021(5), Florida Administrative Code, which requires approval of continuing education courses and course providers will be in accordance with the department policy.

NOTE: This notice repeats a notice published on June 20, 2008, that failed to identify the petitioner.

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.

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NOTICE IS HEREBY GIVEN THAT on July 3, 2008, the Department of Health has issued an order.

The order was issued in response to a petition for a variance filed on October 15, 2007, by Cynthia S. Tunncliff, Esq., representing Ring Industrial Group, LP, regarding the "1003H-GEO and 1203H-GEO". Petitioner sought a variance from subparagraph 64E-6.009(7)(a)4. and paragraph (d), Florida Administrative Code, which requires requests for alternative system component material and design approval to include empirical data showing test results of innovative system testing in Florida and prohibits approval of alternative materials and designs that would result in a reduction of drainfield size. Notice of the petition was published in the October 26, 2007, edition of the Florida Administrative Weekly.

The Department found that the Petitioner demonstrated that the underlying intent of the statute could be achieved by alternative means and that strict application of the rules would create a substantial hardship in the Petitioner's particular circumstance. Therefore, pursuant to the requirements of Section 120.542(2), Florida Statutes, the Department GRANTED WITH STIPULATIONS Petitioner's request for a variance.

A copy of the Order 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.

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

NOTICE IS HEREBY GIVEN THAT on July 2, 2008, the Florida Housing Finance Corporation, received a petition for Waiver of paragraph 67-48.004(1)(a), Rule 67-48.0075 and paragraph 67-21.003(1)(a), Florida Administrative Code, from CEC Timber Trace, LLC, ("Petition"). The Petition is seeking a waiver of the restriction on changing the ownership structure of the applicant and a waiver of principal forgiveness for ELI residential units.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green at (850)488-4197. The Petition has also been posted on Florida Housing's website at [www.floridahousing.org](http://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.

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NOTICE IS HEREBY GIVEN THAT on July 2, 2008, the Florida Housing Finance Corporation, received a petition for Waiver of paragraph 67-48.004(1)(a), Rules 67-48.0075 and paragraph 67-21.003(1)(a), Florida Administrative Code, from CEC Willow Lakes, LLC, ("Petition"). The Petition is seeking a waiver of the restriction on changing the ownership structure of the applicant and a waiver of principal forgiveness for ELI residential units.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green at (850)488-4197. The Petition has also been posted on Florida Housing's website at [www.floridahousing.org](http://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.

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NOTICE IS HEREBY GIVEN THAT on July 2, 2008, the Florida Housing Finance Corporation, received a petition for Waiver of paragraph 67ER06-27(14)(b) and subsection 67ER06-34(4), Florida Administrative Code, from Eclipse West Associates, Ltd., ("Petition"). The Petition is seeking a waiver of the rules to change the identity of its developer from an accrual basis taxpayer to a cash basis taxpayer and modify the automatic forgiveness term of the loan documents.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green at (850)488-4197. The Petition has also been posted on Florida Housing's website at [www.floridahousing.org](http://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.

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NOTICE IS HEREBY GIVEN THAT on July 2, 2008, the Florida Housing Finance Corporation, received a petition for Waiver subparagraph 7-48.0075(7)(a)1., Florida

Administrative Code, from Foxtrail Acres, Ltd., ("Petition"). The Petition is seeking a waiver of the rule which requires the principal of a supplemental loan awarded be forgivable.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green at (850)488-4197. The Petition has also been posted on Florida Housing's website at [www.floridahousing.org](http://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.

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NOTICE IS HEREBY GIVEN THAT on July 2, 2008, the Florida Housing Finance Corporation, received a petition for Waiver paragraph 67-48.004(14)(e), Florida Administrative Code, from Highland Gardens Development, Ltd., ("Petition"). The Petition is seeking a waiver of the rule to allow for a change of its development site.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green at (850)488-4197. The Petition has also been posted on Florida Housing's website at [www.floridahousing.org](http://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.

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NOTICE IS HEREBY GIVEN THAT on July 2, 2008, the Florida Housing Finance Corporation, received a petition for Waiver subparagraph 67-48.0075(7)(a)1., Florida Administrative Code from Hudson Ridge, Ltd., ("Petition"). The Petition is seeking a waiver of the rule which requires the principal of a supplemental loan awarded be forgivable.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green at (850)488-4197. The Petition has also been posted on Florida Housing's website at [www.floridahousing.org](http://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.

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NOTICE IS HEREBY GIVEN THAT on July 2, 2008, the Florida Housing Finance Corporation, received a petition for Waiver subparagraph 7-48.0075(7)(a)1., Florida Administrative Code, from Lamson Avenue Apartments, Ltd.,

("Petition"). The Petition is seeking a waiver of the rule which requires the principal of a supplemental loan awarded be forgivable.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green at (850)488-4197. The Petition has also been posted on Florida Housing's website at [www.floridahousing.org](http://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.

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NOTICE IS HEREBY GIVEN THAT on July 2, 2008, the Florida Housing Finance Corporation, received a petition for Waiver paragraph 67-21.008(1)(b) and subparagraph 7-48.0075(7)(a)1., Florida Administrative Code, from Powers Avenue Apartments, Ltd., ("Petition"). The Petition is seeking a waiver of the rule which requires the principal of a supplemental loan awarded be forgivable and a waiver of certain conditions on mortgage loans issued under the Multi-Family Mortgage Revenue Bond Program.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green at (850)488-4197. The Petition has also been posted on Florida Housing's website at [www.floridahousing.org](http://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.

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NOTICE IS HEREBY GIVEN THAT on July 8, 2008, the Florida Housing Finance Corporation, received a petition for Waiver paragraph 67-48.004(14)(e), Florida Administrative Code, from Sea Grape II, Ltd., ("Petition"). The Petition is seeking a waiver of the rule to allow for a change of its development site.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green at (850)488-4197. The Petition has also been posted on Florida Housing's website at ([www.floridahousing.org](http://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 July 9, 2008, the Florida Housing Finance Corporation, received a petition for Waiver subparagraph 7-48.0075(7)(a)1., Florida Administrative Code from Silver Sands Melbourne, LP., ("Petition"). The Petition is seeking a waiver of the rule which requires the principal of a supplemental loan awarded be forgivable.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green at (850)488-4197. The Petition has also been posted on Florida Housing's website at [www.floridahousing.org](http://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, FL 32399-1329.

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#### DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN THAT on June 26, 2008, the Department of Financial Services, Division of State Fire Marshal, received a petition for Variance from Petitioner, Colin Vairy. The Petition has been assigned the number 95585-08-FM. Petitioner seeks a variance of Rules 69A-37.084 and 69A-37.085, Florida Administrative Code, which set forth the requirements for firefighter supplemental compensation. Because Petitioner holds a degree from a foreign educational institution, Petitioner seeks a variance from the requirement that an "eligible Bachelor's Degree" must be conferred by a post-secondary institution that has received accreditation "from an accrediting agency that is recognized by the U.S. Department of Education."

A copy of the Petition for Variance or Waiver may be obtained by contacting: Regina Keenan, Senior Attorney, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0333, (850)413-4236.

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

#### DEPARTMENT OF STATE

The Executive Committee of the Board of Directors of the **Friends of Mission San Luis** announces a public meeting to which all persons are invited.

DATE AND TIME: August 11, 2008, 11:00 a.m.

PLACE: Mission San Luis, Archaeology Lab, 2021 Mission Road, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business to be discussed will include fundraising activities, upcoming events, and other board business.