

(k) The holder of a V-N blue crab limited entry endorsement number shall be subject to the renewal criteria described in paragraph (10)(a).

(l) The holder of a V-N blue crab limited entry endorsement number shall not be eligible to serve either on the blue crab limited entry appeals board described in subsection (11) or the advisory board described in subsection (12).

(m) The holder of a V-N endorsement number shall be subject to the requirements of subsections (13) and (14).

(n) If the holder of a V-N blue crab limited entry endorsement number purchases a V-H endorsement described in subsection (4) or a V-S endorsement described in subsection (5), the non-transferable endorsement shall be forfeited.

~~(7)(6)~~ No change.

~~(8)(7)~~ Effective September 30, 2006, no additional blue crab limited entry endorsements will be issued except to applicants qualifying as specified in subsection (18), and no blue crab limited entry ~~such~~ endorsement will be renewed or replaced except those that were issued pursuant to subsection (4), (5), (6), or (11)(10).

~~(9)(8)~~ No change.

~~(10)(9)~~ Requalification. Beginning with license year 2009/2010, the holder of a blue crab limited entry endorsement number, except those qualifying as specified in subsection (18), must requalify for the endorsement number by documenting landings on such endorsement as specified in paragraph (a) or (b) in at least one of the previous three license years. Each endorsement number will then be valid for three years from the date of requalification, but must still be renewed annually as required by subsection (8). Except for the V-I endorsement specified in subsection (18), aAny blue crab limited entry endorsement number not meeting the requalification criteria as specified in paragraph (a) or (b) will not be renewed.

(a) In order to requalify a V-H or a V-N endorsement number, an applicant for requalification must document landings equal to or exceeding 500 pounds of hard shell blue crabs. Persons wishing to also requalify V-H endorsement numbers on additional saltwater products licenses must document landings equal to or exceeding 7,500 pounds of hard shell blue crabs on each of those licenses.

(b) No change.

(10) through (16) renumbered (11) through (17) No change.

(18) Blue crab incidental take endorsement. Persons possessing a valid stone crab endorsement or can demonstrate landings of blue crabs caught as bycatch by shrimp gears that were used to lawfully harvest shrimp pursuant to Commission trip tickets generated for the Marine Information System under Rule Chapter 68E-5, F.A.C., will qualify for a blue crab incidental take endorsement (V-I). The holder of an V-I number

shall be entitled to harvest and sell blue crab as bycatch, provided the amount does not exceed 200 pounds of blue crabs per vessel per trip.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 5-26-05, Amended \_\_\_\_\_.

## Section IV Emergency Rules

### BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <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

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

### WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on February 23, 2006, South Florida Water Management District (District) received a petition for waiver from Miami-Dade County Water and Sewer Department, Application Number 06-0119-3 for issuance of a Modification to Right of Way Occupancy Permit Number 7453, for utilization of Works or Lands of the District known as the C-6 Canal, Miami-Dade County, to allow the proposed placement of an above-ground meter vault within 40 feet of the top of the canal bank and within the District's 100 foot long designated equipment staging area at the northeast quadrant of 116th Way bridge and N. W. South River Drive in conjunction with the proposed relocation of an existing, previously-authorized sewer main to accommodate the Florida

Department of Transportation's road widening project within the north right of way of C-6, Section 32, Township 52 South, Range 40 East. The petition seeks relief from subsections 40E-6.011(4), (5) (6), and paragraph 40E-6.221(2)(j), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground encroachments within 40 feet of the top of the canal bank and within the District's 100 foot long designated equipment staging areas within Works or Lands of the District.

A copy of the petition may be obtained from Kathie Ruff, (561)682-6320 or e-mail 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.

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#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that on January 3, 2006, the Division of Hotels and Restaurants received a Petition for a Routine Variance for paragraphs 61C-1.004(1)(a), 61C-1.004(1)(d) and subsection 61C-4.010(6), Florida Administrative Codes (F.A.C.s), from Vejigante (Latin Food) located in Orlando. The above referenced F.A.C. state the water supply shall meet the standards provided in Chapters 64E-8, 62-550 and 62-555 F.A.C., that 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. The Petitioner is requesting a variance to not have hard plumbing in their kiosk and use alternative methods for sewage disposal and obtaining potable water.

This variance request was approved February 21, 2006 and is contingent upon Petitioner using two (5) gallon or greater potable water tanks and utilizing wastewater holding tank(s) that is at least 15% larger than the potable water holding tank. Water and wastewater holding tanks are to be emptied as often as needed to prevent a sanitary nuisance. Petitioner must have an approved supply of potable water with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours. If the menu changes or expands in any manner, the Petitioner must notify the Division in writing and this variance request will be re-evaluated. All provisos and plan review deficiencies shall be met prior to licensing. The Petitioner shall follow all applicable Administrative Rules and Federal Food and Drug Administration Food Code references. 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.

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NOTICE IS HEREBY GIVEN that on January 25, 2006, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsections 61C-4.010(1) and 61C-4.010(6), Florida Administrative Codes, from Food to You, Inc. located in North Port. 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.

This variance was approved January 21, 2006 and is contingent upon the Petitioner's use of an open-air steam table that is properly covered and air curtain is operating properly-according to manufacturer's specifications and Section 6-202-15(D)(2), 2001 FDA Food Code, as to expel possible contaminants and vermin. Approval is also contingent upon Petitioner conducting all re-heating for hot holding at approved commissaries to the proper temperature per the 2001 FDA Food Code, Section 3-403.11; and potentially hazardous food is held at proper temperatures according the 2001 FDA Food Code Section 3-501.16.

The Petitioner shall strictly adhere to paragraph 61C-4.016(1)(c), Florida Administrative Code, and report to the commissary at least once daily when operating. All warewashing is to be conducted at the commissary and strict adherence to employee health guidelines as specified in the 2001 FDA Food Code Section 2-201 are to be followed. Copies of variance and operating procedures are to be present on the MFDV at all times of operation and shall be adhered to as approved by the Division. 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.

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NOTICE IS HEREBY GIVEN that on January 27, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance Request for subsection 61C-4.010(7), Florida Administrative Code, from the Comfort Inn Northeast located in Fern Park. 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 the one bathroom facility located in the establishment and have seating for twenty (20).

This variance request was approved February 21, 2006 and is contingent upon Petitioner ensuring the public restroom inside Comfort Inn is functional, has hot and cold running water at all

times, provided with soap and an approved method to dry hands, and kept in a clean and sanitary manner. Seating shall not exceed twenty (20) which includes inside and any 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.

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NOTICE IS HEREBY GIVEN that on January 31, 2006 the 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 Hammer's Catering located in Cocoa. 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.

This variance was approved January 21, 2006 and is contingent upon the Petitioner's use of an open-air steam table that is properly covered and air curtain that is operating properly-according to manufacturer's specifications and Section 6-202-15(D)(2), 2001 FDA Food Code, as to expel possible contaminants and vermin. Approval is also contingent upon Petitioner conducting all re-heating for hot holding at approved commissaries to the proper temperature per the 2001 FDA Food Code, Section 3-403.11; and potentially hazardous food is held at proper temperatures according the 2001 FDA Food Code Section 3-501.16.

The Petitioner shall strictly adhere to paragraph 61C-4.0161(1)(c), Florida Administrative Code, and report to the commissary at least once daily when operating. All warewashing is to be conducted at the commissary and strict adherence to employee health guidelines as specified in the 2001 FDA Food Code Section 2-201 are to be followed.

Copies of variance and operating procedures are to be present on the MFDV at all times of operation and shall be adhered to as approved by the Division. 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.

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NOTICE IS HEREBY GIVEN that on January 31, 2006 the 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 Munch Time Wagon located in Cocoa. 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.

This variance was approved January 21, 2006 and is contingent upon the Petitioner's use of an open-air steam table that is properly covered and air curtain that is operating properly-according to manufacturer's specifications and Section 6-202-15(D)(2), 2001 FDA Food Code, as to expel possible contaminants and vermin. Approval is also contingent upon Petitioner conducting all re-heating for hot holding at approved commissaries to the proper temperature per the 2001 FDA Food Code, Section 3-403.11; and potentially hazardous food is held at proper temperatures according the 2001 FDA Food Code Section 3-501.16.

The Petitioner shall strictly adhere to paragraph 61C-4.0161(1)(c), Florida Administrative Code, and report to the commissary at least once daily when operating. All warewashing is to be conducted at the commissary and strict adherence to employee health guidelines as specified in the 2001 FDA Food Code Section 2-201 are to be followed.

Copies of variance and operating procedures are to be present on the MFDV at all times of operation and shall be adhered to as approved by the Division. 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.

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NOTICE IS HEREBY GIVEN that on February 9, 2006, the Division of Hotels and Restaurants received a Petition for Emergency Variance for paragraph 61C-1.004(1)(d), Florida Administrative Code, from Stefano's Gelato Cafe located in Oviedo. The above referenced F.A.C. state that 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. Petitioner is requesting a variance to not have water plumbed in their kiosk and use alternative methods for sewage disposal.

This variance request was approved February 21, 2006 and is contingent upon Petitioner using a seven (7) gallon or greater potable water tank and utilizing a wastewater holding tank that is at least 15% larger than the potable water holding tank. Water and wastewater holding tanks are to be emptied as often as needed to prevent a sanitary nuisance. Petitioner must have an approved supply of potable water with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours. If the menu changes or expands in any manner, the Petitioner must notify the Division in writing and this variance request will be re-evaluated. All provisos and plan review deficiencies shall be met prior to licensing. The Petitioner shall follow all applicable Administrative Rules and Federal Food and Drug Administration Food Code references. 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.

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NOTICE IS HEREBY GIVEN that on February 9, 2006, 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 Codes (F.A.C.), from Liza's located in Orlando. The above referenced F.A.C.s address 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.

This variance request was approved January 21, 2006 and is contingent upon the Petitioner's use of open-air steam table is properly covered and air curtain is operating properly-according to manufacturer's specifications and Section 6-202-15(D)(2), 2001 FDA Food Code, as to expel possible contaminants and vermin. Approval is also contingent upon Petitioner conducting all re-heating for hot holding at approved commissaries to the proper temperature per the 2001 FDA Food Code, Section 3-403.11; and potentially hazardous food is held at proper temperatures according the 2001 FDA Food Code Section 3-501.16.

The Petitioner shall strictly adhere to paragraph 61C-4.0161(1)(c), Florida Administrative Code, and report to the commissary at least once daily when operating. All warewashing is to be conducted at the commissary and strict adherence to employee health guidelines as specified in the 2001 FDA Food Code Section 2-201 are to be followed.

Copies of variance and operating procedures are to be present on the MFDV at all times of operation and shall be adhered to as approved by the Division. 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.

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NOTICE IS HEREBY GIVEN that on February 15, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code from Fritanga Monimbo El Doral located in Miami. 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...." They are requesting a variance to use one bathroom instead of adding an additional bathroom facility to the proposed establishment.

This variance request was approved February 21, 2006, and is contingent upon Petitioner ensuring the public restroom is functional, has hot and cold running water at all times, provided with soap and an approved method to dry hands, and kept in a clean and sanitary manner. Seating shall not exceed twenty-four seats (24) which includes inside and any 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.

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The Board of Accountancy hereby gives notice that it has received a petition, filed on February 8, 2006, by Jose Ignacio Fernandez, seeking a variance or waiver of paragraph 61H1-28.0052(4)(a), Florida Administrative Code, to allow an extension of the time period during which a candidate for licensure must pass all four sections of the CPA examination in order that he be allowed an additional sitting for the Regulation section.

Comments on this petition should be filed with the Board of Accountancy/MQA, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, within 14 days of publication of this notice.

For a copy of the petition, contact John Johnson, Division Director, Board of Accountancy, at the above address or by telephone at (352)333-2505.

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The Board of Accountancy hereby gives notice that it has received a petition, filed on February 13, 2006, by David Powers, seeking a variance or waiver of subsection 61H1-27.002(3), Florida Administrative Code, and the requirement that three of the six business law credits required for licensure have been taken at the upper level.

Comments on this petition should be filed with the Board of Accountancy/MQA, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607, within 14 days of publication of this notice.

For a copy of the petition, contact John Johnson, Division Director, Board of Accountancy, at the above address or by telephone at (352)333-2505.

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The Board of Accountancy hereby gives notice that it has received a petition, filed on February 14, 2006, by Timothy Redetzke, seeking a variance or waiver of paragraph 61H1-27.002(2)(a), Florida Administrative Code, and the requirement that, to be eligible for licensure, an applicant has completed 36 semester hours in accounting education above the elementary level.

Comments on this petition should be filed with the Board of Accountancy/MQA, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607, within 14 days of publication of this notice.

For a copy of the petition, contact: John Johnson, Division Director, Board of Accountancy, at the above address or by telephone at (352)333-2505.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF HEALTH**

The Board of Medicine hereby gives notice that it has received a petition filed on behalf of Ronald Sagalowsky, M.D., on February 23, 2006, seeking a waiver or variance from subsection 64B8-5.001(1), F.A.C., with regard to the requirement to take the SPEX in order to become licensed in Florida. Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

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

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

**DEPARTMENT OF STATE**

The **Florida Historical Commission** announces public meetings to which all persons are invited.

DATE AND TIME: Wednesday, March 29, 2006, 2:00 p.m. – 4:30 p.m.

PLACE: 22nd Floor Gallery, The Capitol, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: A joint meeting of the Florida Historical Commission, Florida Arts Council and the Florida Folklife Council.

DATE AND TIME: Thursday, March 30, 2006, 9:00 a.m.

PLACE: R. A. Gray Building, Auditorium (Heritage Hall), 500 South Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agendas may be obtained by writing: Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250 or calling (850)245-6333.

Should any person wish to appeal any decision made with respect to the above referenced meeting, she or he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Section 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance. Please contact the Division of Historical Resources by telephone, (850)245-6360, or by Fax (850)245-6435.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

The **Florida Tobacco Advisory Council** announces a meeting to which all interested persons are invited.

DATE AND TIME: Thursday, March 23, 2006, 4:00 p.m.

PLACE: Farm Bureau Suwannee, 407 Dowling Avenue, S. E., Live Oak, FL 32064, (386)362-1274

GENERAL SUBJECT MATTER TO BE CONSIDERED: For the advisory council to discuss general business, marketing, and research proposals for 2006.

If you need special accommodations due to disability please call: Marshall Wiseheart, (850)488-4366.

The **Department of Agriculture and Consumer Services, Division of Aquaculture** announces a meeting of the Clam Industry Task Force. Guests and other parties interested in participating should meet at the Division of Aquaculture's Conference Room, Tallahassee, Florida.

DATE AND TIME: April 19, 2006, 1:00 p.m. – 2:30 p.m.

PLACE: Division of Aquaculture, 5th Floor, Conference Room, 1203 Governors Square Blvd., Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss issues affecting the Florida Clam Industry.

A copy of the agenda can be obtained by contacting: Rachele Coleman, 1203 Governor's Square Boulevard, Tallahassee, FL 32301, (850)488-4033.

If special accommodations are needed to attend this meeting because of disability, please contact Rachele Coleman as soon as possible.

**DEPARTMENT OF EDUCATION**

The **Board of Education** announces a meeting to which the public is invited.

DATE AND TIMES: March 21, 2006, 8:30 a.m. – 10:30 a.m. Workshop; Meeting will begin at 10:30 a.m.

PLACE: 400 South Monroe Street, The Capitol, Room LL03, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: A workshop will be held from 8:30 a.m. – 10:30 a.m. to review the Strategic Plan of the Department as approved by the State Board of Education including the trends, standards, and targets. The meeting agenda will consist of the approval of minutes of meeting held February 21, 2006, and updates on various