

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."

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on April 18, 2006, the Division of Hotels and Restaurants received a Petition for a Routine Variance Request for subsection 61C-4.010(7), Florida Administrative Code, from #1 Wok Chinese Restaurant located in Estero. 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 eighteen (18).

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants 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.

NOTICE IS HEREBY GIVEN that on April 27, 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 Code, from El Potro Catering, Inc. located in Orlando. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

A copy of the Petition can be obtained from: Rhonda Steele, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants 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.

NOTICE IS HEREBY GIVEN that on April 25, 2006, the Division of Hotels and Restaurants received a Petition for Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Casa Maya Restaurant located in St. Augustine. 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 add additional seating for a total of 24 seats (sixteen inside and 8 outside) and not add an additional bathroom facility.

A copy of the Petition can be obtained from: Rhonda Steele, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants 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.

NOTICE IS HEREBY GIVEN that on March 30, 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 Code, from Chely's Catering located in Orlando. The above referenced Florida Administrative Codes 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 requested was denied on April 26, 2006, for the reason that the Petitioner provided an addendum on April 20, 2006, with insufficient information regarding deficiencies in the submitted variance application. The information provided was insufficient and in direct violation of the 2001 FDA Food Code in explaining how food out of temperature would be corrected and how food would be re-heated prior to being offered for public consumption. Granting this variance in its current format would create an undesirable precedent, upon which all MFDV's could claim a variance. Granting this variance would be inconsistent with the principles of public safety and sanitation articulated in Section 509.032(e)(1), F.S., for public food service establishments enforced by this Division.

NOTICE IS HEREBY GIVEN that on April 1, 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 Code, from E & E

Catering, Inc. located in Wimauma. 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 can be obtained from: Rhonda Steele, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants 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.

NOTICE IS HEREBY GIVEN that on April 28, 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 Code, from Taquitos Chihuahua located in Orlando. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

A copy of the Petition can be obtained from: Rhonda Steele, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants 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.

NOTICE IS HEREBY GIVEN that on April 3, 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 Code, from Lucy's Catering #1 located in Orlando. The above referenced Florida Administrative Code 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 April 27, 2006, and is contingent upon 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 Section 3-403.11,

2001 FDA Food Code; and potentially hazardous food is held at proper temperatures according to Section 3-501.16, 2001 FDA Food Code.

The Petitioner shall strictly adhere to subsection 61C-4.0161(2)(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 Section 2-201, 2001 FDA Food Code, are to be followed. Petitioner shall also use a potable water tank and utilize a wastewater holding tank that is at least 15% larger than the potable water holding tank; and sloped to a drain that is 1 inch in inner diameter or greater, equipped with a shut-off valve. Petitioner must receive potable water from an approved source with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours.

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. This variance is not transferable under any conditions. All provisos must be complied prior to final approval and licensing. 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.

NOTICE IS HEREBY GIVEN that on April 3, 2006, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from Palacio Catering Service #1 located in Orlando. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

This variance request was approved April 27, 2006, and is contingent upon 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 Section 3-403.11, 2001 FDA Food Code; and potentially hazardous food is held at proper temperatures according to Section 3-501.16, 2001 FDA Food Code.

The Petitioner shall strictly adhere to subsection 61C-4.0161(2)(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

Section 2-201, 2001 FDA Food Code, are to be followed. Petitioner shall also use a potable water tank and utilize a wastewater holding tank that is at least 15% larger than the potable water holding tank; and sloped to a drain that is 1 inch in inner diameter or greater, equipped with a shut-off valve. Petitioner must receive potable water from an approved source with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours.

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. This variance is not transferable under any conditions. All provisos must be complied prior to final approval and licensing. 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.

The Board of Accountancy hereby gives notice that it has received a petition, filed on April 24, 2006, by Michael Palvisak, seeking a variance or waiver of subsection 61H1-33.001(2), Florida Administrative Code, and the determination that each Florida certified public accountant who received an original Florida certification after December 31, 1978, shall commence his/her reestablishment period on the date indicated on his/her Florida certificate.

Comments on this petition should be filed with: 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, (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 Optometry hereby gives notice that it has received a Petition for Variance or Waiver filed on April 4, 2006 on behalf of Jeffrey Hilowitz, O.D. Petitioner seeks a variance of Rule 64B13-4.001, F.A.C. Specifically, the Petitioner, a New York State Optometry practitioner who commutes to Florida on weekends to be with his family, now relocated in Florida, requests that the Board waive the requirement applicable to his licensure for the portion under Rule 64B13-4.001, F.A.C., that pertains to taking the practical

examination part of the National Board of Optometry Examination. This request is made in view of Petitioner's description of substantial hardship.

Copies of the petition may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3257.

The Board of Osteopathic Medicine hereby gives notice that it has issued an Order on the Petition for Variance/Waiver, which was filed on February 7, 2006, by Adam Jeffrey Getzels, D.O. The Notice of Petition for Variance/Waiver was published in Vol. 32, No. 7, of the February 17, 2006, Florida Administrative Weekly. The Petitioner sought a Variance/Waiver with regard to the provisions on continuing education required under Rule 64B15-13.001, F.A.C., entitled "Continuing Education for Biennial Renewal." Specifically, the Petitioner requested that on the basis of substantial hardship and principles of fairness the Board waive the requirements for continuing medical education 1-A credits and accept instead the petitioner's 1-B credits to fulfill the continuing medical educational requirements under Rule 64B15-13.001, F.A.C. The Board of Osteopathic Medicine considered the Petition at its meeting held on February 24, 2006, in Ft. Lauderdale, Florida. The Board's Order, filed on April 24, 2006, denied the Petition for waiver of Rule 64B15-13.001, F.A.C., finding that Petitioner does not and would not otherwise meet the purpose of the underlying statute and did not show a substantial hardship.

A copy of the Board's Order may be obtained by contacting: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that on April 28, 2006, Florida Housing Finance Corporation received a Petition for Waiver of subsection 67-21.007(10), Florida Administrative Code, from American Opportunity for Housing – Regents, LLC. ("Petition"). The Petition is seeking a variance of the developer fees limitation to 4% of the cost of the building (excluding land).

A copy of the Petition can be obtained from: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

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 April 6, 2006, Florida Housing Finance Corporation received a Petition for Waiver of subsection 67-48.004(14) and paragraph 67-48.004(1)(a), Florida Administrative Code, and Part II.A.2.a.(1) and Part II.B.1 of the Universal Application Instructions, from Island Horizons Housing, L.P. ("Petition"). The Petition is seeking a waiver of the Rules to allow a change in the Developer Entity for Island Horizons Housing, (the "Development") from National Church Residences to Island Horizons, Inc. (the "Proposed Developer").

A copy of the Petition can be obtained from: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

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 1, 2006, Florida Housing Finance Corporation received a Petition for Waiver of subsection 67-48.004(14) and paragraph 67-48.004(1)(a), Florida Administrative Code, and Part II.A.2.a.(1) and Part II.B.1 of the Universal Application Instructions, from Island Horizons Housing, L.P. ("Petition"). The Petition is seeking a waiver of the Rules to allow a change in the Developer Entity for Island Horizons Housing, (the "Development") from National Church Residences to Island Horizons, Inc. (the "Proposed Developer").

A copy of the Petition can be obtained from: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

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

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
- Financial Services Commission
- Department of Veterans' Affairs

- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement
- Department of Revenue
- Department of Education
- Administration Commission
- Florida Land and Water Adjudicatory Commission
- Board of Trustees of the Internal Improvement Trust Fund
- Department of Environmental Protection

DATE AND TIME: May 31, 2006, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to, matters relating to rulemaking for all activities concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and for all activities relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.