

## Section V

### Petitions and Dispositions Regarding Rule Variance or Waiver

#### DEPARTMENT OF STATE

NOTICE IS HEREBY GIVEN that on March 30, 2006, the Department of State received a Petition for Variance/Waiver of section IX (H) of the Public Library Construction Grant Guidelines, which is incorporated by reference into Rule 1-B2.011, F.A.C., by the City of North Miami. The Petition is seeking a variance from the rule that gives a recipient of a public library construction grant, 540 days from the date of the grant award to place the construction project under contract. There are no exceptions to this requirement unless the grant recipient is involved in litigation.

A copy of this petition can be obtained from: Lisa Ginn, Agency Clerk, Office of the General Counsel, Department of State, 500 South Bronough Street, Tallahassee, FL 32399-0250. The Department of State will accept comments concerning this petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 pm, Eastern Standard Time, on the 14th day after publication of this notice, at the Department of State, Office of the General Counsel, 500 South Bronough Street, Tallahassee, FL 32399-0250.

#### 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 the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2006-042-DAO-ROW), on April 12, 2006, to Miami-Dade Water and Sewer Department. The petition for waiver was received by the SFWMD on January 19, 2006. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 32, No. 10, on March 10, 2006. No public comment was received. This Order provides a waiver for the proposed relocation of a portion of an existing, previously-authorized force main crossing which, as proposed, will include an above-ground meter vault within the southeast right of way of the C-6 Canal at the northeast quadrant of the existing 116th Way Bridge; S32/T52S/R40E, Miami-Dade County. Specifically, the Order grants a waiver from subsections 40E-6.011(4), (5), (6), and

paragraph 40E-6.221(2)(j), Florida Administrative Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Florida Administrative Code, which governs the placement of above-ground permanent and/or semi-permanent facilities within 40 feet of the top of the canal bank and within the District's 100 foot long staging area located at all bridges and pile-supported crossings within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Miami-Dade Water & Sewer Department from suffering a substantial hardship.

A copy of the Order can be obtained from: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320 or by e-mail [kruff@sfwmd.gov](mailto:kruff@sfwmd.gov)

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2006-043-DAO-ROW), on April 12, 2006, to Florida Department of Transportation (FDOT). The petition for waiver was received by the SFWMD on December 5, 2005. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 32, No. 11, on March 17, 2006. No public comment was received. This Order provides a waiver for the proposed installation of four (4) guardrail segments within the south right of way of the C-11 Canal, from I-75 east to Flamingo Road Bridge (approximately 2 miles) in conjunction with the proposed widening of Griffin Road (S.R. 818); S26,27/T50S/R40E, Broward County. Specifically, the Order grants a waiver from subsections 40E-6.011(4), (6), Florida Administrative Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Florida Administrative Code, which governs the placement of above-ground semi-permanent and/or permanent facilities within 40' of the top of the canal bank within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent FDOT from suffering a substantial hardship.

A copy of the Order can be obtained from: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320 or by e-mail [kruff@sfwmd.gov](mailto:kruff@sfwmd.gov)

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NOTICE OF CHANGE – NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Denying Application for Right of Way Occupancy Permit and for Waiver under Section 120.542, Fla. Stat. (SFWMD 2006-031-DAO-ROW), on March 8, 2006, to Steven and Drora Davis. The petition for waiver was received by the SFWMD on September 29, 2005. The Petitioners waived the 90-day review period for their permit application set forth in Rule 40E-0.105, Florida Administrative Code, and also waived the 90-day statutory time requirement for granting or denying a waiver set forth in Section 120.542(8), Fla. Stat., on this Petition for Waiver, so that agency action could be taken simultaneously on their application for ROW Permit and this associated Petition for Waiver. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 31, No. 41, on October 14, 2005. No public comment was received. Original Notice of Disposition regarding denial of Petition for Waiver was published in the Florida Administrative Weekly, Vol. 32, No. 13, on March 31, 2006. The Notice of Disposition has been amended to include the rule number and nature of the rule from which the waiver was sought. The petition for waiver sought relief from subsections 40E-6.011(4), (6), and paragraphs 40E-6.221(2)(a), (j), Florida Administrative Code, which govern the placement of permanent and/or semi-permanent above-ground structures within 40 feet of top of canal bank within Works or Lands of the District. Denial of the requested Right of Way Occupancy Permit and Waiver of District Criteria is due to the fact that the proposed fence encroachment, within the District's southerly right of way of the C-100C Canal; S22/T55S/R40E, Miami-Dade County, constitutes a permanent and/or semi-permanent above ground encroachment within 40 feet of the top of the canal bank and interferes with the District's ability to perform necessary construction, alteration, operation and maintenance activities and is therefore contrary to the District's policy and rules; specifically, subsections 40E-6.011(1), (4), (5), and (6), Florida Administrative Code. In addition, the Application and Petition are inconsistent with the District's Right of Way Management and Recovery Plan as approved by the Governing Board at their November 9, 2005, meeting.

A copy of the Order can be obtained from: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320 or by e-mail [kruff@sfwmd.gov](mailto:kruff@sfwmd.gov)

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## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on March 14, 2006, the Division of Hotels and Restaurants received a Petition for Emergency Variance for paragraph 61C-1.004(2)(a), Florida Administrative Code from Unforgettable Events located in Ormond Beach. The above F.A.C. states that public access to toilet facilities shall not be permitted through food preparation, storage, or warewashing areas. They are requesting a variance to not add an additional bathroom facility for customer access, instead escort patrons to the bathroom.

This variance request was approved April 12, 2006, and is contingent upon Petitioner ensuring public restrooms inside of Patriot Plumbing Service, Inc. have running water at all times, kept in a clean and sanitary manner, and they are available during all hours of operation. Petitioner shall ensure directional signage is installed within the establishment clearly stating the location of the restrooms. 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 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 Codes from Lucy's Catering #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.

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.

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NOTICE IS HEREBY GIVEN that on April 5, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code from Mangos Paradise Grill located in Sandestin. 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 centrally located bathrooms for employees and guests due to building restrictions.

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.

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NOTICE IS HEREBY GIVEN that on April 6, 2006, the Division of Hotels and Restaurants received a second request to Petition for an Emergency Variance for subsections 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from Rafael's Fast Food 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.

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.

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NOTICE IS HEREBY GIVEN that on March 23, 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 The New Sabor, 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. This variance request was denied April 14, 2006. 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.

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NOTICE IS HEREBY GIVEN that on March 14, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from the Church V 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 centrally located bathrooms for employees and guests due to historical building restrictions.

This variance was approved April 13, 2006, and is contingent upon Petitioner notifying guests to the location of the public bathroom facilities by directional signage, the public bathrooms have hot and cold running water at all times, operate in a clean and sanitary manner, provided with soap and an approved method to dry hands. Petitioner will have no more than 200 seats in the establishment, which includes any outside seating. 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 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 Codes 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.

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.

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#### **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."

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

NOTICE IS HEREBY GIVEN that on April 17, 2006, Florida Housing Finance Corporation received a Petition for Waiver of subsections 67-21.002(30), and 67-21.003(14)(b), Florida Administrative Code, from Alabaster Gardens, Ltd. ("Petition"). The Petition is seeking a waiver of the Rules to allow a change in the Developer Entity for Alabaster Gardens, Ltd., (the "Development") from Carlisle Development Group,

LLC (“CDG”) to Alabaster Garden Development, LLC (“CDG” the “Proposed Developer”), a single purpose wholly-owned subsidiary of CDG.

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 18, 2006, Florida Housing Finance Corporation received a Petition for Waiver of Rule 67-48.007, Florida Administrative Code, and Rule 67-21.003(1)(1) from Clermont RRH, Ltd./Sunny Hill Apartments. (“Petition”). The Petition is seeking a waiver of certain compliance monitoring fees imposed by Rule 67-48.007, F.A.C., and the Universal Application Instructions adopted as rules, pursuant to Rule 67-21.003, F.A.C.

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 16, 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.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental