

shall take effect as long as the Association has bonds or other financial obligations outstanding unless adequate provision has been made for the payment of the bonds or other financial obligations pursuant to the documents authorizing the issuance of the bonds or other financial obligations.

(b) Deactivation by the Financial Services Commission is the only method for termination of the business of the Association. The Association shall not be subject to the appointment of a receiver pursuant to Chapter 631, Florida Statutes, and no employee, Board member, insured, participating insurer or other person is authorized to file for bankruptcy protection of the Association on a voluntary or involuntary basis.

Specific Authority 120.54(4), 627.351(5) FS. Law Implemented 627.351(5) FS. History—New 8-16-06.

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: August 16, 2006

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LEGAL AFFAIRS

The Department of Legal Affairs, Division of Victim Services and Criminal Justice Programs, hereby gives notice that it has received a petition filed on behalf of 7-Eleven, Inc., on August 9, 2006, seeking a waiver or variance from Rule 2A-5.005, F.A.C., with regard to the requirement regarding test photos and remote triggering devices. Comments on this petition should be filed with Division of Victim Services and Criminal Justice Programs, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050, within 14 days of publication of this notice.

For a copy of the petition contact: Rick Nuss, Chief, Bureau of Criminal Justice Programs, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050, (850)414-3351.

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

The St. Johns River Water Management District hereby gives notice that it received a petition for variance on August 8, 2006 from DiVosta Homes, L.P. Pursuant to Section 120.542, Florida Statutes, DiVosta Homes, LP is seeking a variance from subparagraph 40C-41.063(1)(c)1., F.A.C., and Section 11.1.3 of the Applicant's Handbook: Management and Storage of Surface Waters (February 1, 2005) (A.H.), with respect to Environmental Resource Permit (ERP) Application 4-009-96251-7. The permit applicant is proposing to construct a development project, to be known as Waterstone PUD, Phase II, in Brevard County. Subparagraph 40C-41.063(1)(c)1., F.A.C., and Section 11.1.3., A.H., prohibit the construction, operation, and maintenance of a surface water management system in the Upper St. Johns River Hydrologic Basin that results in an increase in the amount of water being diverted from the Basin to coastal receiving waters. These rules are intended to protect the water resources of the State by limiting discharges of fresh water to estuarine waters and curtailing interbasin diversion. Comments on this petition should be filed with Sandy Bertram, District Clerk, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, within 14 days of publication of this notice. The petition has been assigned F.O.R. Number 2006-80. For a copy of the petition or additional information, contact: Veronika Thiebach, Senior Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, (386)329-4488.

The St. Johns River Water Management District (SJRWMD) Governing Board hereby gives notice that on August 8, 2006, it issued a Final Order Granting Variance under Section 120.542, F.S. (SJRWMD FOR# 2006-66), to Garvey Development, LLC (Petitioner). The Petition for Variance was received by SJRWMD on June 1, 2006. Notice of receipt of the petition requesting the variance was published in the F.A.W., Vol. 32, No. 24 on June 16, 2006. No public comment was received. This order provides a temporary variance from subparagraph 40C-41.063(1)(c)1. of the Florida Administrative Code and Section 11.1.3 of the Applicant's Handbook: Management and Storage of Surface Waters (February 1, 2005). These rules provide in pertinent part that a surface water management system may not result in an increase in the amount of water being diverted from the Upper St. Johns River Hydrologic Basin to intercoastal receiving waters. Generally, the Order sets forth the basis of the Governing Board's decision to grant the variance as follows: 1) requiring Petitioner to comply with these rules onsite would create a technological hardship and 2) Petitioner's financial contribution to the C-1 Rediversion Project or an Alternative Rediversion Project will accomplish the purpose of Chapter 373, Florida Statutes to prevent harm to the water resources by facilitating the project's implementation. The C-1 Rediversion Project is a restoration

project designed to allow water that would be diverted from the St. Johns River to coastal receiving waters by the Melbourne Tillman Water Control District canal system to drain once again to the St. Johns River.

A copy of the order may be obtained by contacting: Veronika Thiebach, Senior Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, or telephone (386)329-4488.

The St. Johns River Water Management District (District) hereby gives notice that it received a petition for variance on July 20, 2006, from Laguna Estates, LLC, associated with a dock for a 7.75 acre multi-family residential project, known as Laguna Estates. The project is located in Section 1, Township 26 South, Range 36 East, Brevard County, Florida. The street address is 59 South Highway 1, Rockledge, which is approximately 0.75 miles south of Viera Boulevard. Pursuant to Section 373.414(17), F.S., Laguna Estates, LLC, seeks a variance from paragraph 40C-4.302(1)(c), Florida Administrative Code, and the associated portion of the Applicant's Handbook: Management and Storage of Surface Waters, 12.2.5(c), with respect to Environmental Resource permit 4-009-89906-2. The application initially sought approval of 12 boat slips associated with a dock for Laguna Estates. The application for variance seeks approval to construct a dock structure, including an access pier, two boat slips, and a covered platform in Class II waters in the Indian River conditionally restricted for shellfish harvesting. (Information on the shellfish harvesting status of the Class II waters is obtainable from the Department of Agriculture & Consumer Services.) The variance proposes to meet the requirements for a private, single-family boat dock that is allowed by rule in conditionally restricted Class II waters. The rule, which precludes any docks but qualifying private, single-family boat docks, exists to protect shell fish harvesting areas from perturbation due to multi-slip boat docks associated with multi-family residences and from excessive impacts from private, single-family boat docks.

Comments on the petition should be filed with Robert Nawrocki, District Clerk, St. Johns River Water Management District, 4049 Reid St., Palatka, FL 32177-2529, within 14 days of publication of this notice. The petition has been assigned F.O.R Number 2006-76. For a copy of the petition or additional information, contact Vance Kidder, Assistant General Counsel, St. Johns River Water Management District at the foregoing address or at (386)329-4199.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, F.S. (SFWMD 2006-107-DAO-ROW), on August 9, 2006, to David L. and Mindy J. Cox. The petition for waiver was received by the

SFWMD on June 26, 2006. Notice of receipt of the petition requesting the waiver was published in the F.A.W., Vol. 32, No. 27, on July 7, 2006. No public comment was received. This Order provides a waiver for the proposed dredging, placement of rip-rap and native plantings and to allow an existing dock with slip, palm trees and landscape boulders to remain; and a waiver of the District's criteria for the maximum encroachment of a moored vessel and a proposed treatment swale to remain within the north right of way of C-18E at the rear of 5824 Senegal Drive; S35/T40S/R42E, Palm Beach County. Specifically, the Order grants a waiver from paragraph 40E-6.221(2)(j), F.A.C., 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), F.A.C., which governs the maximum allowable encroachment of vessels moored within District canals and the placement of swales 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 David and Mindy Cox 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

NOTICE IS HEREBY GIVEN that on August 11, 2006, South Florida Water Management District (SFWMD or District) received a petition for waiver from Old Plantation Water Control District, Application No. 06-0705-1, for utilization of Works or Lands of the District known as the C-12 Canal, Broward County for the proposed placement of a culvert to interconnect Old Plantation Water Control District's (OPWCD) canal and the SFWMD C-12 Canal; Section 02, Township 51 South, Range 40 East. The petition seeks relief from subsections 40E-6.011(4) and (6), F.A.C., which governs the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank within Works or Lands of the District.

A copy of the petition may be obtained from: Kathie Ruff, (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 August 6, 2006, South Florida Water Management District (District) received a petition for waiver from Gregory S. Sembler, Senior Vice President of Sembler Retail, II, Inc., General Partner of Sembler Family Partnership #42, Ltd., Application Number 06-0720-1 for issuance of a Right of Way Occupancy Permit for utilization of Works or Lands of the District known as the Henderson Creek Canal, Collier County, to allow waiver of payment of the Application Processing Fee in the amount of \$1,750.00 associated with an existing temporary culvert bridge crossing the Henderson Creek Canal at Rattlesnake Hammock Road in Section 23, Township 50 South, Range 26 East. The petition seeks relief from subsection 40E-6.091(1), F.A.C., which governs the payment of Application Processing Fees associated with Applications for issuance of Right of Way Occupancy Permits.

A copy of the petition may be obtained from Kathie Ruff, (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.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on June 20, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.0101(1) and 61C-4.010(6), Florida Administrative Codes from Fausto Catering. 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 August 8, 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 paragraph 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 the variance and operating procedures are to be present on each 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 July 20, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Roly Poly Sandwiches located in Fort Myers. 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 an additional four (4) seats for a total of fourteen (14) seats which exceeds the seating capacity with only one accessible bathroom facility accessible to customers.

This variance request was approved August 8, 2006 and is contingent upon Petitioner ensuring the public bathroom inside Roly Poly Sandwiches 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 fourteen (14) which includes inside and 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 Sec. 509.261, Florida Statutes.

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 July 3, 2006 Florida Department of Environmental Protection has issued an order.

On July 3, 2006, the Department of Environmental Protection received a letter withdrawing the petition for a variance or waiver from Mary Rosenheim on behalf of the St. Joe

Company, WL-822 AR. The petition requested a variance or waiver of subsection 62B-33.002(5), Florida Administrative Code, which provides the definition of armoring. The petitioner sought a permanent variance or waiver from the above cited Rules, as noticed in the Department's official notice Internet site at <http://tlhora6.dep.state.fl.us/onw/publications/5-varianceJenkins-4-21-06-INT.pdf> "Official Notices". The property is located at 1701 E. County Hwy. 30-A, in Walton County. The petition for variance or waiver has been officially withdrawn. A copy of the withdrawal letter can be obtained by contacting Rosaline Beckham, (850)488-7815, during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, 5050 W. Tennessee St., Tallahassee, Florida 32304 or by e-mail at rosaline.beckham@dep.state.fl.us. Any comments should be filed in writing with the Department, 3900 Commonwealth Blvd., M.S. 300, Tallahassee, Florida 32399, and should be submitted within 30 days of the date of this publication.

A copy of the Order may be obtained by contacting: Rosaline Beckham, (850)488-7815, during normal business hours, 8:00 a.m. to 5:00 p.m. A copy of the withdrawal letter can be obtained by contacting Rosaline Beckham, (850)488-7815, during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays.

NOTICE IS HEREBY GIVEN that on July 31, 2006 Florida Department of Environmental Protection's Solid Waste Section has issued an order.

The Order granted a petition filed by the Town of Palm Beach, Florida, on December 1, 2005, seeking a variance under Section 120.542, Florida Statutes. The Petitioner operates the Skees Road Class III Landfill, located at 1300 Skees Road, West Palm Beach, Palm Beach County, Florida. The Petitioner requested a variance from subsection 62-701.410(1), Florida Administrative Code (F.A.C.), which requires a hydrogeological investigation as part of a landfill permit application, and from subsection 62-701.410(2), F.A.C., which requires a geotechnical investigation as part of a landfill permit application. Notice of receipt of the petition was published on the internet on December 23, 2005. No comments were received.

A copy of the Order may be obtained by contacting: Department of Environmental Protection, Solid Waste Section, 2002 Old St. Augustine Road, Old St. Augustine Road Office Park, Building D, Tallahassee, Florida 32301 or by calling Richard Tedder, Section Administrator, (850)245-8735, or e-mail to richard.tedder@dep.state.fl.us.

NOTICE IS HEREBY GIVEN that on July 31, 2006 Florida Department of Environmental Protection's Solid Waste Section has issued an order.

The Order granted a petition filed by the Town of Palm Beach, Florida, on December 1, 2005, seeking a variance under Section 120.542, Florida Statutes. The Petitioner operates the Okeechobee Boulevard Class III Landfill, located at 5976 Okeechobee Boulevard, West Palm Beach, Palm Beach County, Florida. The Petitioner requested a variance from subsection 62-701.410(1), Florida Administrative Code (F.A.C.), which requires a hydrogeological investigation as part of a landfill permit application, and from subsection 62-701.410(2), F.A.C., which requires a geotechnical investigation as part of a landfill permit application. Notice of receipt of the petition was published on the internet on December 23, 2005. No comments were received.

A copy of the Order may be obtained by contacting: Department of Environmental Protection, Solid Waste Section, 2002 Old St. Augustine Road, Old St. Augustine Road Office Park, Building D, Tallahassee, Florida 32301 or by calling Richard Tedder, Section Administrator, (850)245-8735, or e-mail to richard.tedder@dep.state.fl.us.

NOTICE IS HEREBY GIVEN that on August 2, 2006, the Department of Environmental Protection, Underground Injection Control Program, received a petition for variance received from Collier County Utilities, on March 8, 2006. Notice of receipt of this petition was published on the Department's Internet site on March 24, 2006. No public comment was received. The petition requested a variance from the two-year limit for operational testing of Underground Injection Control wells under paragraph 62-528.450(3)(e), F.A.C. Specifically, the variance requested that operational testing of injection wells IW-1 and IW-2 be allowed to continue beyond the two-year limit until May 22, 2007. Approval of operational testing of injection well IW-1 was granted on May 24, 2004. Approval of operational testing of injection well IW-2 was granted on January 25, 2005. The additional monitoring data collected during this extended time frame, along with the monitoring data previously collected, will be evaluated and used to apply for an operation permit in early October 2006. The additional data will help evaluate water quality changes within both zones of the dual-zone monitor well before continuing on with an operation permitting process. The final order, OGC File No.: 06-0730, granted a variance from the two-year limit of operational testing until May 22, 2007, and contained conditions. The conditions required that: operational testing of these wells must be in accordance with the Department-approved construction permits; and operational testing of the injection wells shall cease on May 22, 2007.

For a copy of the final order write or call: Cathy McCarty, Department of Environmental Protection, Underground Injection Control Section, MS 3530, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8654.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that the Department of Health received Petitions for Waiver of subsection 64E-3.004(2), F.A.C., from the following persons on the below dates who desire to obtain a temporary certificate to practice as a Basic X-Ray Machine Operator:

July 20, 2006:
 Bonnie Parise Lisa Vickery Emil Pottinger
 Cindy Lee Milano Jose A. Cordero

July 25, 2006:
 Elizabeth Parrysh Duva Jodi Marie Kimberl Carol J. King
 Danielle Marie Geraci Mailen Rodriguez

July 26, 2006:
 Carolina Medrano Regina Demartino Wenona Wyche

August 2, 2006:
 Emmie Elizabeth Newcomb Diane Durak Carla Stacey
 Eva I. Perez

August 3, 2006:
 Angelina Rizzo Gail D. Gorman Aaron Wilson

August 8, 2006:
 Debra Joyce Mederos Pedro Luis Lambert
 Petitioners request a waiver because the rule indicates that an applicant who has failed the radiologic technology certification examination for a Basic X-Ray Machine Operator may not qualify for a temporary certification to practice under the direct supervision of a licensed practitioner.

Comments on these Petitions should be filed with: Elizabeth B. Hines, Executive Director, Certification Unit of EMT/Paramedic and Radiologic Technology, 4052 Bald Cypress Way, Bin C-85, Tallahassee, Florida 32399-3285.

NOTICE IS HEREBY GIVEN that the Department of Health received petitions for Waiver of Rule 64E-3.004(2), F.A.C., from the following persons on the below dates who desire to obtain a temporary certificate to practice as a Basic X-Ray Machine Operator:

August 11, 2006:
 Monica Renee' Harrison Sabrina Morales

August 14, 2006
 Jacquelyn Blunier Harold K. Burke, Sr.

Petitioners request a waiver because the rule indicates that an applicant who has failed the radiologic technology certification examination for a Basic X-Ray Machine Operator may not qualify for a temporary certification to practice under the direct supervision of a licensed practitioner.

Comments on these Petitions should be filed with Elizabeth B. Hines, Executive Director, Certification unit of EMT/Paramedic and Radiologic Technology, 4052 Bald Cypress Way, Bin C-85, Tallahassee, Florida 32399-3285.

NOTICE IS HEREBY GIVEN that on August 10, 2006, Board of Dentistry, received a petition for Variance or Waiver filed on August 10, 2006, on behalf of Patricia A. Hornback, D.M.D. Pursuant to Chapter 28-104, F.A.C., and Section 120.542, F.S., petitioner seeks a waiver of subparagraph 64B5-14.003(1)(a)1., F.A.C. Specifically, the Petitioner requests that the 1 year of advanced training required by subparagraph 64B5-14.003(1)(a)1., F.A.C. be waived for the purpose of Petitioner obtaining a general anesthesia permit under this Rule and that Petitioner's six month training completed in 1979, being the norm according to rules then, be accepted now for the purpose of obtaining a general anesthesia permit. This petition is made in light of Petitioner having been authorized to perform general anesthesia prior to the effective date of the Rule at issue and that combined with the fact that Petitioner under prior authorization has personally performed as well as supervised general anesthesia and deep sedation countless times, she is (1) effectively "grandfathered in," (2) the purpose of the underlying statute has been achieved by this means and (3) the application of the Rule at issue would create a substantial hardship on the Petitioner in view of the fact that it would, in effect, terminate Petitioner's practice, dependent as it is on the administration of general anesthesia and deep sedation on a regular basis.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3258.

NOTICE IS HEREBY GIVEN that on June 23, 2006, the Board of Podiatric Medicine, received a petition by Mark E. Spier, D.P.M. seeking a waiver or variance of Rule 64B18-11.001, F.A.C. with respect to the Board's requirement of verification of passing a post 1996 PMLexis Examination for licensure.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Joe Baker, Jr., Executive Director, at the above address or telephone (850)245-4396.