

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susie Love, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NOS.:	RULE TITLES:
69K-12.004	Cancellation of Retail Sales Agreements and Refunds
69K-12.005	Requirements for Retail Sales Agreements

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 25, June 23, 2006 issue of the Florida Administrative Weekly.

When adopted, subsection (4) of Rule 69K-12.004 will read as follows:

(4) The monument establishment may not cancel the agreement unless the purchaser is in default under the terms of the agreement ~~or pursuant to the provisions of Chapter 497, F.S., and Chapter 69K, F.A.C.~~

When adopted, subsection (4) of Rule 69K-12.005 will read as follows:

(4) The agreement form must comply with all disclosure requirements of Sections 497.152 and 497.553 ~~Parts I and V, Chapter 497, F.S.~~

Section IV Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

Section V

Petitions and Dispositions Regarding Rule Variance or Waiver

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."

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that BellSouth Telecommunications, Inc.'s petition for waiver from subsection 25-4.079(5), Florida Administrative Code, filed June 1, 2006, in Docket No. 060430-TL was approved by the Commission by Order No. PSC-06-0729-PAA-TL, issued August 30, 2006, consummated by Order No. PSC-06-0794-CO-TL, issued September 25, 2006. The rule addresses the provision of specialized Customer Premises Equipment (CPE) for lease or sale to hearing/speech impaired persons. The petition was approved on the basis that the purpose of the underlying statute would be achieved by other means and application of the rule would create substantial hardship. Notice of the petition was published in the F.A.W. on June 16, 2006.

A copy of the Order can be obtained from: Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on September 28, 2006, the St. Johns River Water Management District, received a petition for variance from Town Center Partners, Ltd., pursuant to Section 120.542, Florida Statutes. Petitioner Town Center Partners, Ltd., 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.), for Environmental Resource Permit (ERP) Application 4-009-63572-24. The permit applicant is proposing to construct an additional 51 single-family homes and related facilities southeast of the MTWCD Canal No. 42 for a surface water management system known as Fairway Isles at Bayside Lakes, Phase III Subdivision, 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: Robert Nawrocki, 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 2006-94.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Timothy A. Smith, Senior Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, (386)312-2347.

NOTICE IS HEREBY GIVEN that on September 26, 2006, South Florida Water Management District (District) received a petition for waiver from Donnil Kenney, Application No. 05-0812-3, for utilization of Works or Lands of the District known as the C-17 Canal, Palm Beach County for dredging, sheet pile retaining wall w/rip-rap, marginal dock with 5 finger piers; and existing boat ramp, asphalt parking area, deck w/railing, and landscaping consisting of palms and seagrapes within the south right of way of C-17 at the rear of 318 and 324 Southwind Drive, Section 16, Township 42 South, Range 43 East. The petition seeks relief from subsections 40E-6.011(4) and (6), and paragraph 40E-6.221(2)(j), Fla. Admin. Code, which governs the placement of permanent and/or semi-permanent above-ground structures within 40 feet of the top of canal bank, parking and the construction of marinas 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: 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 October 2, 2006 South Florida Water Management District (District) received a petition for waiver from the Town of Davie Application No. 06-0724-1, for utilization of Works or Lands of the District known as the C-11 Canal, Broward County for proposed turn lane improvements and guardrail within the north right of way of C-11W, Section 26, Township 50 South, Range 40 East. The petition seeks relief from subsection 40E-6.011(4), and (6), Fla. Admin. Code, which prohibits the placement of permanent and semi-permanent above ground facilities within 40 feet of the top of canal bank within Works or Lands of the District.

A copy of the petition may be obtained from Kathie Ruff at (561)682-6320 or e-mail at kruff@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at: 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 September 28, 2006, South Florida Water Management District (District) received a petition for waiver from Town of Jupiter, Application No. 06-0727-1, for utilization of Works or Lands of the District known as the C-18E Canal, Palm Beach County for an existing electrical panel and meter box within the north right of way of C-18E at the northwest quadrant of the Island Way Bridge, Section 3, Township 41 South, Range 42 East. The petition seeks relief from paragraph 40E-6.221(2)(j), Fla. Admin. Code, which governs the placement of encroachments within designated equipment staging areas within Works or Lands of the District.

A copy of the petition may be obtained from Kathie Ruff at (561)682-6320 or e-mail at kruff@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at: 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 September 19, 2006, South Florida Water Management District (District) received a petition for waiver from South Florida Stadium Corporation, Application No. 06-0919-2M, for utilization of Works or Lands of the District known as the C-9 Canal, for the placement of guardrail along the top of the canal bank beginning at the Florida Turnpike westerly approximately 5700' to be used in conjunction with intermittent parking for stadium events, Miami-Dade County, Section 34, Township 51 South, Range 41 East. The petition seeks relief from subsections 40E-6.011(4) and (6), and paragraph 40E-6.221(2)(j), Fla. Admin. Code, which governs the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank and generally prohibits parking 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: 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 September 26, 2006, South Florida Water Management District (District) received a Petition for Waiver from Michael Scott Moore and Anna Nicole Wellens, Application No. 06-0926-1, for utilization of Works or Lands of the District known as the Hillsboro Canal, Broward County for an existing shed on a concrete pad to remain within the right of way at the rear of 129 N. W. 7th Court, Section 36, Township 47 South, Range 42 East. The petition seeks relief from subsections 40E-6.011(4), and (6), Fla. Admin. Code, 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: 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 September 11, 2006, the Division of Hotels and Restaurants received a Petition for Emergency Variance for paragraph 61C-1.004(1)(d), Florida Administrative Code from Dippin Dots Ice Cream in Brandon Town Center (Rio Concession Inc.) located in Tampa. The above referenced F.A.C. states 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 hard plumbing in their kiosk and use alternative methods for sewage disposal.

This variance request was approved September 26, 2006, and is contingent upon Petitioner using an eleven (11) 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 at least twice a day. Petitioner must adhere strictly to the following operating procedures: supply for potable water tank must be from an approved source with written documentation provided; and sanitize the fresh water tank at least once every 24 hours. Petitioner must store the in-use utensils on a clean, sanitized dry surface, and those utensils are to be washed, rinsed, sanitized and air-dried at least once every two hours. Handwashing procedures are to be strictly adhered to as specified in the Federal Food and Drug Administration 2001

Food Code Section 2-301.14. 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. Any violation of the variance is the equivalent of a violation of the Rule and may result in a recession of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 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 September 21, 2006, the Solid Waste Section, received a petition for a variance from certain Department rules regarding the Pinellas County Resource Recovery Facility. The petitioner has requested a temporary variance from paragraph 62-702.579(9)(b), Florida Administrative Code, which requires that ash residue be stored in a container or inside a building. The Petition for Variance is being processed and is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Solid Waste Section, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

A copy of the Petition for Variance or Waiver may be obtained by contacting Richard Tedder, Program Administrator, at the above address.

DEPARTMENT OF HEALTH

The Board of Medicine hereby gives notice that it has received a petition filed on behalf of Enid M. Barrios-Menendez, M.D., on September 19, 2006, seeking a waiver or variance from subsection 64B8-5.001(5), F.A.C., with regard to the passing score on the SPEX. 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

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