

Specific Authority ~~440.05, 440.05(9), 440.10, 440.185(7), 440.42(2), 440.591, 440.593~~ FS. Law Implemented ~~440.05, 440.103, 440.185(7), (9), 440.38(2), 440.42(2), 440.593~~ FS. History—New 11-20-79, Amended 4-15-81, 1-2-86, Formerly 38F-6.09, Amended 5-28-91, 2-15-94, 2-2-00, 3-5-02, Formerly 38F-6.009, 4L-6.009, Amended

The remainder of the rule reads as previously published.

## 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

### DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Department of Community Affairs received a Petition for Waiver on October 20, 2006, from the City of Frostproof. The petitioner seeks a permanent waiver of paragraph 9B-43.0051(7)(b), Florida Administrative Code, which imposes a non-performance penalty of five (5) points for every low and moderate income household not served by sewer hookup and septic tank abandonment under the City's 2004 Community Development Block Grant subgrant. The petition for waiver is being applied for under Section 120.542, F.S.

A copy of the Petition, which has been assigned the number DCA06-WAI-271, may be obtained by writing: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

### 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 Mariposa Utility Company, LLC's petition for waiver of paragraphs 25-30.033(1)(j), (k), (m), (r), (t), (u), (v), and (w), Florida Administrative Code, filed on March 23, 2006, in Docket No. 060276-WS, was approved by the Commission by Order No. PSC-06-0835-PAA-WS, issued October 9, 2006, and consummated Order No. PSC-06-0923-CO-WS, issued November 3, 2006. The rule addresses information required for setting initial rates in original water and wastewater certificate proceedings. The petitioner requested that the rule be waived temporarily to permit bifurcation of the certification proceeding. 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 August 18, 2006.

A copy of the Order can be obtained from either the: Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770 or the Commission's Homepage at <http://www.floridapsc.com>

### WATER MANAGEMENT DISTRICTS

The St. Johns River Water Management District (SJRWMD) Governing Board hereby gives notice that on September 12, 2006, it issued a Final Order Granting Variance under Section 120.542, F.S. (SJRWMD FOR #2006-74), to Sweni International, Inc. The Petition for Variance was received by SJRWMD on July 7, 2006. Notice of receipt of the petition requesting the variance was published in the F.A.W., Vol. 32, No. 29 on July 21, 2006. No public comment was received. This order provides a temporary variance from subparagraph 40C-41.063(1)(c)1., 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 will accomplish the purpose of Chapter 373, Florida

Statutes to prevent harm to the water resources by facilitating this 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, (386)329-4488.

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NOTICE IS HEREBY GIVEN that on October 27, 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 4-009-63572-25. The permit applicant is proposing to construct 142 single-family and 41 multi-family residential units and related facilities southeast of the C-42 Melbourne-Tillman Water Control District canal system for a surface water management system known as Fairway Crossing/Stonebriar, Phase II, in the City of Palm Bay, 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 32177-2529, within 14 days of publication of this notice. The petition has been assigned F.O.R. Number 2006-100.

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 32177-2529, or by telephone at (386)312-2347.

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NOTICE IS HEREBY GIVEN that on November 9, 2006, the St. Johns River Water Management District, received a petition for variance from DiVosta Homes, LP, pursuant to Section 120.542, Florida Statutes. This Petition seeks a comprehensive 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 a conceptual Environmental Resource Permit (ERP) Application 4-009-96251-6, to cover all remaining phases of DiVosta's

Waterstone's multi-phase planned unit development. The permit applicant is proposing the expansion and completion of the surface water management system for this multi-phase development in the City of Palm Bay, Brevard County, as well as expanding the existing surface water management system, including wet detention ponds that discharge into the Melbourne-Tillman Water Control District canal system. Subparagraph 40C-41.063(1)(c)1., F.A.C., and Section 11.1.3., A.H., prohibits 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 32177-2529, within 14 days of publication of this notice. The petition has been assigned F.O.R. Number 2006-105.

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

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NOTICE IS HEREBY GIVEN that on November 8, 2006, South Florida Water Management District (District) received a petition for waiver from Gilberto Lugo, Application No. 02-0717-1, for utilization of Works or Lands of the District known as the C-10 Canal, Palm Beach County for an existing dock within the east right of way of C-10 at the rear of 2666 Coolidge Street, Section 9, Township 51 South, Range 42 East. The petition seeks relief from paragraph 40E-6.221(2)(j), Florida Administrative Code, which governs the low member elevation of docks 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 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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NOTICE IS HEREBY GIVEN that on November 6, 2006, South Florida Water Management District (District) received a petition for waiver from Donald A. Murphy, Application Number 06-1106-1 for issuance of a Right of Way Occupancy Permit for utilization of Works or Lands of the District known as the L-28, Collier County, to allow utilization of approximately 22 miles of the District's L-28 right of way for permanent access to privately-owned land lying in Section 23,

Township 51 South, Range 34 East. The petition seeks relief from paragraph 40E-6.221(2)(j), and 40E-6.221(9), Florida Administrative Code, which governs the utilization of District Works as permanent access to privately-owned property and, the which governs the requirement that, except for both private and public utilities, an applicant must own or lease the land lying adjacent to the District Works 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 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 November 6, 2006, South Florida Water Management District received a Petition for Waiver from James W. Brownell and Bessie L. Landis, Application Number 06-0803-2, for utilization of Works or Lands of the District known as C-6 Canal, Miami-Dade County, for an existing wood rail fence (in future to be change to chain link) located on top of the existing bulkhead and a portion of an existing residence which encroaches within Lands of the District. The petition seeks relief from subsection 40E-6.011(4), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground encroachments (existing bulkhead and portion of an existing residence) within forty feet of the top of the canal bank within Works or Lands of the District.

A copy of the petition may be obtained from Kathy Ruff at (561)682-6230 or email at kruff@sfwmd.gov. The District will accept comments concerning the petition received by 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. Kathy Ruff, Office of Counsel.

#### **AGENCY FOR HEALTH CARE ADMINISTRATION**

Notice is hereby given that on October 19, 2006, the Agency for Health Care Administration (the "Agency") received a petition pursuant to Section 120.542, Florida Statutes, from Petitioner, Rochelle Cutter. Petitioner is an applicant for licensure as a healthcare risk manager. The Petition requests a variance from subsection 59A-10.032(14), Florida Administrative Code. That Rule defines "Health Care Administrator" to include individuals with a degree in "hospital administration, hospital finance, hospital management, public health administration, or other such education which included successful completion of college level courses in the management and administration of a health care facility," but not a degree in "healthcare leadership and management." Proof of attainment of a degree identified in

subsection 59A-10.032(14), Florida Administrative Code, serves under subsection 59A-10.033(2), Florida Administrative Code, as evidence of the competency of a healthcare risk manager applicant. Petitioner is seeking permanent variance from the Rule to allow her to use her degree in healthcare leadership and management as evidence of her competency.

A copy of the Petition can be obtained from and comments provided to: Richard J. Shoop, Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop #3, Tallahassee, Florida 32308. The Agency 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. For additional information, please contact Richard J. Shoop, Agency Clerk, at the above address, or telephone (850)922-5873.

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

NOTICE IS HEREBY GIVEN that on November 3, 2006, Bureau of Elevator Safety received a Petition for Emergency Variance from Chapter 8.11.3.1.3, A.S.M.E. 17.1, 2000 Edition, as adopted by Chapter 3001.2, Florida Building Code, an escape hatch on top of the elevator car. The petition was received from Kenny Elsherbeny of Master Elevator Sales on behalf of Remington Place Apts. located in Altamonte Springs, Florida (Petition VW 2006-286).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Bureau of Elevator Safety 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 November 3, 2006, Bureau of Elevator Safety received a Petition for Emergency Variance from Chapter 3.10.4, A.S.M.E. 17.3, 1996 Edition, as adopted by Chapter 3001.2, Florida Building Code, prohibiting single bottom jacks. The petition was received from Robert B. Kendrick, President, Waterfront Park Corporation, located in St. Petersburg, Florida (Petition VW 2006-287).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Bureau of Elevator Safety 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 November 6, 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 Code from Aruba Catering located in Kissimmee. 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: 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 November 2, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-4.010(7)(e), Florida Administrative Code from El Beacon Bakery Café located in Miami. The above referenced F.A.C. states public food service establishments which seat 10 persons or less shall be required to provide a minimum of one bathroom accessible to the public. The Petitioner is requesting to use the one existing bathroom facility but have seating for thirty (30) people.

This variance request was approved November 8, 2006, and is contingent upon Petitioner ensuring the public bathroom inside of El Beacon Bakery Cafe 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 thirty (30) 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 Section 509.261, Florida Statutes.

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NOTICE IS HEREBY GIVEN that on November 2, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-4.010(7)(e), Florida Administrative Code, from El Beacon Bakery Café located in Miami. The above referenced F.A.C. states public food service establishments which seat 10 persons or less shall be required to provide a minimum of one bathroom accessible to the public. The Petitioner is requesting to use the one existing bathroom facility but have seating for thirty (30) people.

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 October 30, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-4.010(7)(b), Florida Administrative Code from Emma Nell's Cakes and Catering located in Panama City. The above referenced F.A.C. states places serving food or drink on a take-out, carry-out or delivery basis only which provide no seating shall be required to provide a minimum of one bathroom accessible to the public. The Petitioner is requesting to the bathroom facilities inside of St. Andrew's Coffee House for customer use.

This variance request was approved November 8, 2006, and is contingent upon Petitioner ensuring public bathrooms inside St. Andrews Coffee House has 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 bathrooms. All plan review deficiencies and provisos must be complied prior to 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.

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NOTICE IS HEREBY GIVEN that on October 30, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code from La Moon Restaurant located in Miami. The above referenced F.A.C. states public food service establishments which seat 10 persons or less shall be required to provide a minimum of one bathroom accessible to the public. The Petitioner is requesting to use the one existing bathroom facility but have seating for twenty (20) people.

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 November 6, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-4.010(7)(e), Florida Administrative Code from La Moon Restaurant located in Miami. The above referenced F.A.C. states public food service establishments which seat 10 persons or less shall be required to provide a minimum of one bathroom accessible to the public. The Petitioner is requesting to use the one existing bathroom facility but have seating for twenty (20) people.

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 November 8, 2006, the Division of Hotels and Restaurants received a Petition for a Routine Variance for paragraph 61C-4.010(7)(e), Florida Administrative Code from NY Chinese Restaurant of Clermont located in Clermont. The above referenced F.A.C. states public food service establishments which seat 10 persons or less shall be required to provide a minimum of one bathroom accessible to the public. The Petitioner is requesting to use the one existing bathroom facility but have seating for twenty (20) people.

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 November 9, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(1), and 61C-4.010(6), Florida Administrative Code from Orange County Catering #2 of 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 four Mobile Food Dispensing Vehicles.

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 November 3, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-4.010(7)(e), Florida Administrative Code from The Sandwich Mill located in Pace. The above referenced F.A.C. states public food service establishments which seat 10 persons or less shall be required to provide a minimum of one bathroom accessible to the public. The Petitioner is requesting to use the one existing bathroom facility but have seating for twenty-four (24) people. This variance request was approved November 8, 2006, and is contingent upon Petitioner ensuring the public bathroom inside of the Sandwich Mill 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 (24) 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 Section 509.261, Florida Statutes.

NOTICE IS HEREBY GIVEN that on November 3, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-4.010(7)(e), Florida Administrative Code, from The Sandwich Mill located in Pace. The above referenced F.A.C. states public food service establishments which seat 10 persons or less shall be required to provide a minimum of one bathroom accessible to the public. The Petitioner is requesting to use the one existing bathroom facility but have seating for twenty-four (24) people.

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 October 24, 2006, the Board of Professional Engineers, received a petition for Variance or Waiver filed on October 24, 2006 on behalf of the State of Florida, Department of Transportation (FDOT). Pursuant to Chapter 28-104, F.A.C., and Section 120.542, F.S., Petitioner seeks a waiver of the provisions of Rule 61G15-22.011, Florida Administrative Code, which is entitled "Board Approval of Continuing Education Providers." Specifically, and as a consequence of an scrivener's error on the part of FDOT, which resulted in unintentionally failing to place a check mark next to the line designated "BOARD'S LAWS & RULES" in the Board's Application For Continuing Education Provider form, the Petitioner requests a waiver of the "check-off" requirement within the application form and further seeks entry of an order allowing credit to be given to engineers who have taken the Board's laws and rules course provided by FDOT from June 1, 2005, to and including September 21, 2006.

This Petition will be considered by the Board at its December 2006 meeting.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301.

NOTICE IS HEREBY GIVEN that on November 03, 2006, the Board of Accountancy, received a petition for William Ray Barbee, seeking a variance or waiver of subsections 61H1-33.006(1), and (2), Florida Administrative Code, and the

requirement that an inactive or delinquent licensee submit additional hours of continuing education in order to reactivate their licenses.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Acting Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

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NOTICE IS HEREBY GIVEN that on November 7, 2006, the Board of Accountancy, received a petition for Dominic Ciarimboli, Esquire, seeking a variance or waiver of paragraph 61H1-33.003(1)(b), Florida Administrative Code, and the requirement that the licensee submit an additional 8 hours of continuing education if they do not timely meet the initial requirements for continuing professional education within their reestablishment period.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Acting Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

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NOTICE IS HEREBY GIVEN that on September 28, 2006, the Board of Accountancy, received a petition for Marian Jacklich, seeking a variance or waiver of paragraph 61H1-27.002(2)(b) and subsection (3), Florida Administrative Code, and requirements regarding upper division general business courses for licensure as a C.P.A.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Acting Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, or by telephone at (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

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NOTICE IS HEREBY GIVEN that on November 07, 2006, the Board of Accountancy, received a petition for Nelson Sabbagh, CPA, seeking a variance or waiver of paragraphs 61H1-33.003(1)(a) and (b), Florida Administrative Code, to allow for an extension of time of the reestablishment period for submitting continuing education hours.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Acting Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

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## 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."

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## DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that on November 9, 2006, the Board of Acupuncture, received a petition for Maryann McCarthy, seeking a waiver or variance of subsection 64B1-4.001(1), Florida Administrative Code, allowing her to waive the requirement of the rule that the applicant must have completed at least 900 hours of supervised instruction in traditional oriental acupuncture and at least 600 hours of supervised clinical experience and to provide proof in the form of official transcripts from the institution(s) where the applicant completed his/her program.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-0750.

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## FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that on November 14, 2006, the Florida Housing Finance Corporation, received a petition for waiver of the requirement that, in order to receive 1.25 proximity tie-breaker points for an otherwise qualifying grocery store, all 4,500 square feet or more of air conditioned space be available to the public as of the Application Deadline. 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.

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NOTICE IS HEREBY GIVEN that on November 13, 2006, the Florida Housing Finance Corporation, received a petition for Waiver of subsection 67-48.004(14), Florida Administrative Code, from Catholic Charities Housing, Diocese of Venice, Inc. ("Petition"). The Petition is seeking a change in the developer entity which is prohibited by the rule.

A copy of the Petition for Variance or Waiver may be obtained by contacting: 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 November 14, 2006, the Florida Housing Finance Corporation, received a petition for Waiver or Variance of subsections 67-48.004(14), 67-48.009(4), 67-48.012(g) and Part V.A.1 of the Universal Application Instructions Incorporated by Reference into Rule 67-48.002(111), Florida Administrative Code from Creative Choice Homes XXIX, Ltd. ("Petition"). The Petition is seeking a waiver of the requirement for a change in the funding request for the development.

A copy of the Petition for Variance or Waiver may be obtained by contacting: 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

#### DEPARTMENT OF STATE

The Florida **Folklife Apprenticeship Advisory Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, December 12, 2006, 10:00 a.m.  
 PLACE: Conference Call: 1(800)847-7278, R. A. Gray Building, 4th Floor, 500 South Bronough Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business meeting of the Florida Folklife Council.

A copy of the agenda may be obtained by writing to: Division of Historical Resources, Bureau of Historic Preservation, Attn.: Florida Folklife Program, 500 South Bronough Street, Tallahassee, Florida 32399-0250 or by calling 1(800)847-7278.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he/she may need to obtain a verbatim recording of the proceedings in order to provide a record for judicial review. Pursuant to the provisions of the Americans with Disabilities Act, persons with

disabilities who wish to arrange special accommodations should contact Jennifer Blake Patnode at 1(800)847-7278 or by Fax at (850)245-6437.

#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces a public meeting, Chapter 5E-14, Revisions, to which all interested persons are invited.

DATE AND TIME: December 15, 2006, 9:00 a.m.  
 PLACE: Mid-Florida Research and Education Center, 2725 Binion Road, Apopka, FL, (407)884-2034

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss revisions to subsections 5E-14.106(6) and (9), 5E-14.117(11), paragraph 5E-14.142(2)(c) and subsection 5E-14.149(3), F.A.C.

For more information contact Michael J. Page, Chief, Bureau of Entomology and Pest Control, (850)921-4177.

The Florida **Department of Agriculture and Consumer Services** announces a meeting to which all persons are invited.

DATE AND TIME: Thursday, December 7, 2006, 10:00 a.m.  
 PLACE: 777 South Flagler Drive, Suite 300-E, West Palm Beach, FL 33401

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Motor Vehicle Repair Advisory Council will be meeting to discuss consumer-related issues, proposed legislation for the 2007 Florida session addressing issues of interest to consumers, and issues to advise and assist the department.

A copy of the agenda may be obtained by contacting: Mr. James R. Kelly, Director, Division of Consumer Services, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)922-2966.

NOTICE OF RESCHEDULING – The Florida **Department of Agriculture and Consumer Services** announces the meeting of the Florida Tropical Fruit Advisory Council.

DATE AND TIME: Wednesday, November 29, 2006 (Rescheduled from November 9, 2006), 10:00 a.m.  
 PLACE: Miami-Dade Extension Office, 18710 S. W. 288 Street, Homestead, FL 33030

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting. The purpose of this meeting is to conduct the general business of the Florida Tropical Fruit Advisory Council.

For additional information or if you need special accommodations, call Louise King at (305)401-1502.